

May 18, 2010

H 1855. CLARIFY LEGISLATIVE CONFIDENTIALITY. Filed 5/18/10. *TO CLARIFY LEGISLATIVE CONFIDENTIALITY, AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.*

Amends GS 120-130(c) and (d) to provide that documents submitted to a legislator by another person are confidential and to provide that while legislators' drafting requests or information requests and document submissions are not public records, nonetheless a document that is already a public record is to continue to be treated as a public record even though it is included in a drafting request, information request, or document submission.

Adds new GS 120-131.1(a2) specifying that any request, and any supporting documents, made to any employee or officer of any unit or level of government in the state by a legislative employee is confidential, is not a public record, and is not to be revealed by the governmental employee or officer except in limited ways specified in the statute. All documents prepared by the employee or officer in response are confidential.

Adds new GS 120-131.1(a3) specifying that all confidential documents under GS 120-131.1 are to bear an indication on their face indicating that they are confidential and not public records.

Amends GS 120-132 to (i) provide that information acquired anywhere on the state legislative building grounds is confidential; (ii) provide that information gained at the legislative building that falls under the confidentiality provisions may nonetheless be disclosed if it would be reflected in the public record or was otherwise publicly disseminated; (iii) make clear that the authority of a judge to order disclosure of information that is confidential under these provisions is constrained by the common law of legislative privilege and legislative immunity.

Amends GS 120-135 to provide that a legislative employee hired by, supervised by, or assigned to a legislator is to be treated the same as the legislator for purposes of legislative confidentiality.

Amends GS 120-134 to provide that violations by persons other than a legislative employee, executive branch employee, or judicial branch employee are Class 3 misdemeanors. Effective December 1, 2010.

Makes technical changes.

Intro. by Glazier, Lucas, Stam, McGee.

GS 120