



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 87

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

H87-ARC-10 [v.2]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [YES]
Second Edition

Date 3/17, 2011

Representative Faison

1 moves to amend the bill on page 1, lines 2-37, and page 2, lines 1-13, by deleting the lines and
2 substituting the following:

3
4 "AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE.

5 The General Assembly of North Carolina enacts:

6 "SECTION 1. Chapter 132 is amended by adding a new section to read:

7 "**§ 132-1.13. Access to public records; future exemptions.**

8 (a) Every person has the right to inspect or copy any public record made or received in
9 connection with the official business of any agency, public officer, or official of the State, or
10 persons acting on their behalf, except with respect to records exempted pursuant to subsection
11 (b) of this section. This section specifically includes the legislative and executive branches of
12 government and each agency or department created thereunder; counties, municipalities,
13 governmental subdivisions, units of local government, and special districts; and every office,
14 board, commission, or entity created pursuant to law or this Constitution.

15 (b) The General Assembly, however, may provide by general law passed by a three-
16 fifths vote of the members present and voting of each house for the exemption of records from
17 the requirements of subsection (a) of this section provided that such law shall state with
18 specificity the public necessity justifying the exemption and shall be no broader than necessary
19 to accomplish the stated purpose of the law. The General Assembly shall enact laws governing
20 the enforcement of this section, including the maintenance, control, destruction, disposal, and
21 disposition of records made public by this section, except that each house of the General
22 Assembly may adopt rules governing the enforcement of this section in relation to records of
23 that house. Laws enacted pursuant to this subsection shall contain only exemptions from the
24 requirements of subsection (a) of this section and provisions governing the enforcement of this
25 section and shall relate to one subject. All statutes, rules, case law, and common law in effect
26 on January 1, 2013, that limit public access to records shall remain in force until amended or
27 repealed."

28 SECTION 2. G.S. 143-318.9 reads as rewritten:

29 "**§ 143-318.9. Public policy-policy; future exemptions.**

30 (a) Whereas the public bodies that administer the legislative, policy-making,
31 quasi-judicial, administrative, and advisory functions of North Carolina and its political
32 subdivisions exist solely to conduct the people's business, it is the public policy of North
33 Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.



* H 8 7 - A R C - 1 0 - V - 2 *

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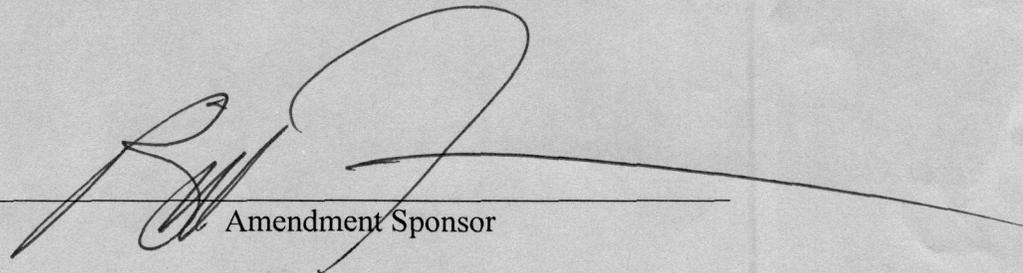
H87-ARC-10 [v.2]

Page 2 of 2

1 (b) All meetings of any public body of the executive branch of State government or of
2 any public body of a county, municipality, governmental subdivision, unit of local government,
3 or special district at which official acts are to be taken or at which public business of such body
4 is to be transacted or discussed shall be open and noticed to the public, and meetings of either
5 house of the General Assembly shall be open and public notice given as provided by law,
6 except with respect to meetings exempted pursuant to this section. The General Assembly,
7 however, may provide by general law passed by a three-fifths vote of the members present and
8 voting of each house for the exemption of meetings from the requirements of this subsection
9 provided that such law shall state with specificity the public necessity justifying the exemption
10 and shall be no broader than necessary to accomplish the stated purpose of the law. The
11 General Assembly shall enact laws governing the enforcement of this subsection, except that
12 each house of the General Assembly may adopt rules governing the enforcement of this section
13 in relation to meetings of that house. Laws enacted pursuant to this subsection shall contain
14 only exemptions from the requirements of this section and provisions governing the
15 enforcement of this section and shall relate to one subject. All statutes, rules, case law, and
16 common law in effect on January 1, 2013, that limit public access to meetings shall remain in
17 force until amended or repealed."

18 **SECTION 3.** This act becomes effective January 1, 2013."
19
20

SIGNED _____



Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____