



NORTH CAROLINA GENERAL ASSEMBLY
 AMENDMENT
 House Bill 1133

AMENDMENT NO. 3
 (to be filled in by
 Principal Clerk)

H1133-AMC-121 [v.2]

Page 1 of 2

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

Date July 30, 2014

Senator Hartsell

1 moves to amend the bill on page 41, lines 20-21, by inserting between the lines the following
 2 language to read:

3 "SECTION 56.1. G.S. 132-6(d), as enacted by S.L. 2014-18, reads as rewritten:
 4 "(d) Notwithstanding the provisions of subsections (a) and (b) of this section, public
 5 records relating to the proposed expansion or location of specific business or industrial projects
 6 may be withheld so long as their inspection, examination or copying would frustrate the
 7 purpose for which such public records were created; provided, however, that nothing herein
 8 shall be construed to permit the withholding of public records relating to general economic
 9 development policies or activities. Once the State, a local government, or the specific business
 10 has announced a commitment by the business to expand or locate a specific project in this State
 11 or the business has made a final decision not to do so, of which the State or local government
 12 agency involved with the project knows or should know, and that the business will receive a
 13 discretionary incentive for the project pursuant to Chapter 143B of the General Statutes, the
 14 provisions of this subsection allowing public records to be withheld by the agency no longer
 15 apply. ~~If the specific business has requested discretionary incentives for the project pursuant to~~
 16 ~~Chapter 143B of the General Statutes, but decides to not expand or locate the project in this~~
 17 ~~State or does not receive such discretionary incentives, then the only records that are subject to~~
 18 ~~disclosure pursuant to this Chapter are the records submitted to the Department of Commerce~~
 19 ~~by the nonprofit corporation with which the Department contracts pursuant to G.S. 143B-431A.~~
 20 ~~If a business decides to expand or locate a specific project in this State, but the nonprofit~~
 21 ~~corporation with which the Department contracts pursuant to G.S. 143B-431A does not submit~~
 22 ~~any documentation to the Department regarding a request for any discretionary incentives by~~
 23 ~~the State pursuant to Chapter 143B of the General Statutes, and the business does not receive~~
 24 ~~any such discretionary incentives, then any records regarding such project are not subject to~~
 25 ~~disclosure pursuant to this Chapter.~~ Once the provisions of this subsection no longer apply, the
 26 agency shall disclose as soon as practicable, and within 25 business days, public records
 27 requested for the announced project that are not otherwise made confidential by law. An
 28 announcement that a business or industrial project has committed to expand or locate in the
 29 State shall not require disclosure of local government records relating to the project if the
 30 business has not selected a specific location within the State for the project. Once a specific
 31 location for the project has been determined, local government records must be disclosed, upon
 32 request, in accordance with the provisions of this section. For purposes of this section, "local



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Page 2 of 2

1 government records" include records maintained by the State that relate to a local government's
2 efforts to attract the project.

3 Records relating to the proposed expansion or location of specific business or industrial
4 projects that are in the custody of the Department of Commerce or an entity with which the
5 Department contracts pursuant to G.S. 143B-431A shall be treated as follows:

6 (1) Unless controlled by another subdivision of this subsection, the records may
7 be withheld if their inspection, examination, or copying would frustrate the
8 purpose for which the records were created.

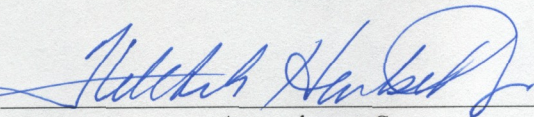
9 (2) If no discretionary incentives pursuant to Chapter 143B of the General
10 Statutes are requested for a project and if the specific business decides to
11 expand or locate the project in the State, then the records relating to the
12 project shall not be disclosed.

13 (3) If the specific business has requested discretionary incentives for a project
14 pursuant to Chapter 143B of the General Statutes and if either the business
15 decides not to expand or locate the project in the State or the project does not
16 receive the discretionary incentives, then the only records relating to the
17 project that may be disclosed are the requests for discretionary incentives
18 pursuant to Chapter 143B of the General Statutes and any information
19 submitted to the Department by the contracted entity.

20 (4) If the specific business receives a discretionary incentive for a project
21 pursuant to Chapter 143B of the General Statutes and the State or the
22 specific business announces a commitment to expand or locate the project in
23 this State, all records requested for the announced project, not otherwise
24 made confidential by law, shall be disclosed as soon as practicable and
25 within 25 days from the date of announcement."";

26
27 and on page 53, line 51, by inserting between "section" and "~~is~~" ^{is for} the following phrase:
28 "between the Department and the Economic Development Partnership of North Carolina".

SIGNED _____



Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____