

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 374  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40200-MM-39A

Short Title: Make Legislators' Docs Public Records.

(Public)

Sponsors: Representative Everitt.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE LEGISLATORS' DOCUMENTS PUBLIC RECORDS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 120-130 reads as rewritten:

5 "**§ 120-130. Drafting and information requests to legislative employees.**

6 (a) A drafting request made to a legislative employee from a legislator is confidential.  
7 ~~Neither The legislative employee may not reveal~~ the identity of the legislator making the request  
8 nor, except to the extent necessary to answer the request, reveal the existence of the request ~~may~~  
9 ~~be revealed~~ to any person who is not a legislative employee without the consent of the legislator.

10 (b) An information request made to a legislative employee from a legislator is  
11 confidential. ~~Neither The legislative employee may not reveal~~ the identity of the legislator  
12 making the request nor, except to the extent necessary to answer the request, reveal the existence  
13 of the request ~~may be revealed~~ to any person who is not a legislative employee without the  
14 consent of the legislator. Notwithstanding the preceding sentences of this subsection, the periodic  
15 publication by the Fiscal Research Division of the Legislative Services Office of a list of  
16 information requests is not prohibited, if the identity of the legislator making the request is not  
17 revealed.

18 (c) Any supporting documents submitted or caused to be submitted to a legislative  
19 employee by a legislator in connection with a drafting or information request are confidential.  
20 Except to the extent necessary to answer the request, neither the document nor copies of it, nor  
21 the identity of the person, firm, or association producing it, may be provided to any person who  
22 is not a legislative employee without the consent of the legislator.

23 ~~(d) Drafting or information requests or supporting documents are not "public records" as~~  
24 ~~defined by G.S. 132-1."~~

25 **SECTION 2.** G.S. 120-131 reads as rewritten:

26 "**§ 120-131. Documents produced by legislative employees.**

27 (a) Documents prepared by legislative employees upon the request of legislators are  
28 confidential. Except as provided in subsection (b) of this section, the legislative employee may  
29 not reveal the existence of the document ~~may not be revealed~~ nor may the legislative employee  
30 provide a copy of the document ~~be provided~~ to any person who is not a legislative employee  
31 without the consent of the legislator.

32 (b) A document prepared by a legislative employee upon the request of a legislator  
33 becomes available to the public when the document is a:

34 (1) Bill or resolution and it has been introduced;

35 (2) Proposed amendment or committee substitute for a bill or resolution and it has  
36 been offered at a committee meeting or on the floor of a house;



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- 1 (3) Proposed conference committee report and it has been offered at a joint  
2 meeting of the conference committees; or  
3 (4) Bill, resolution, memorandum, written analysis, letter, or other document  
4 resulting from a drafting or information request and it has been distributed at  
5 a legislative commission or standing committee or subcommittee meeting not  
6 held in executive session, closed session, or on the floor of a house.

7 ~~A document prepared by a legislative employee upon the request of any legislator, that pursuant~~  
8 ~~to this Article does not become available to the public, is not a "public record," as defined by~~  
9 ~~G.S. 132-1.~~

10 ...."

11 **SECTION 3.** G.S. 120-132 reads as rewritten:

12 "**§ 120-132. Testimony by legislative employees.**

13 (a) Except as provided in subsections (b) and (c) of this section, no present or former  
14 legislative employee may disclose any documents or information that the individual, while  
15 employed or retained by the State, may have acquired:

- 16 (1) In a standing, select, or conference committee or subcommittee of either house  
17 of the General Assembly or a legislative ~~commission;~~commission.  
18 (2) On the floor of either house of the General Assembly, in any office of a  
19 legislator, or at any other location of the State legislative buildings and  
20 grounds as defined in ~~G.S. 120-32.1(d);~~G.S. 120-32.1(d).  
21 (3) As a result of communications that are confidential under G.S. 120-130 and  
22 G.S. 120-131.

23 (b) A present or former legislative employee may disclose information or documents  
24 acquired under subsection (a) of this section that would be reflected in the official public record  
25 or ~~was that were~~ otherwise publicly disseminated.

26 (c) Subject to G.S. 120-9, G.S. 120-133, and the common law of legislative privilege and  
27 legislative immunity, the presiding judge may compel disclosure of information or documents  
28 acquired by the legislative employee under subsection (a) of this section if in the judge's opinion,  
29 the disclosure is necessary to a proper administration of justice."  
30

**SECTION 4.** This act is effective when it becomes law.