

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL DRS35259-MM-2

Short Title: Confidentiality/GA Information Requests. (Public)

Sponsors: Senator Edwards (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY LEGISLATORS' AND LEGISLATIVE COMMITTEES' ACCESS TO  
3 CERTAIN CONFIDENTIAL INFORMATION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 120-19 reads as rewritten:

6 "§ 120-19. State officers, etc., upon request, to furnish data and information to legislative  
7 committees or commissions.

8 Except as provided in G.S. 105-259, all officers, agents, agencies and departments of the  
9 ~~State~~ State and any political subdivision of the State, are required to give to any committee of  
10 either house of the General Assembly, or any committee or commission whose funds are  
11 appropriated or transferred to the General Assembly or to the Legislative Services Commission  
12 for disbursement, upon request, all information and all data within their possession, or  
13 ascertainable from their records. Except as provided in G.S. 105-259, and notwithstanding any  
14 other provision of law, this requirement applies to all information and data whether it is a public  
15 record or is confidential. This requirement is mandatory and shall include requests made by any  
16 individual member of the General Assembly, one of its standing committees or the chair of a  
17 standing committee, or any other legislative panel duly appointed by the President Pro Tempore  
18 and/or Tempore, the Speaker of the ~~House~~ House, or both, or an agent or employee of such a the  
19 legislative panel."

20 SECTION 2. G.S. 120-19.1 reads as rewritten:

21 "§ 120-19.1. Hearings; examination of witnesses; ~~counsel~~ counsel; confidential information.

22 (a) Committees of either the House or Senate of the General Assembly of North Carolina  
23 may hold separate or joint hearings, issue subpoenas for testimony or documents, call witnesses,  
24 and compel testimony relevant to any bill, resolution or other matter properly before the  
25 committee.

26 (b) Witnesses may be examined under oath.

27 (c) When any person is examined before a committee, any member wishing to ask a  
28 question must address it to the chairman or presiding officer, who repeats the question or directs  
29 the witness to answer the member's question. Staff members or counsel employed by the  
30 committee may propound questions to the chairman for a witness to answer.

31 (d) Objections to the propriety of a question are directed to the committee as a whole.  
32 The committee must determine whether the objection is to be sustained or overruled by majority  
33 vote of the committee.

34 (e) When any witness is examined under oath, the proceedings must be taken and  
35 transcribed verbatim. Upon request, a witness must be furnished a copy of the transcript of his  
36 appearance before the committee.



1 (f) Witnesses may be accompanied by their own counsel for the purpose of advising them  
2 concerning their rights.

3 (g) Notwithstanding any other provision of law, no witness may refuse to testify, refuse  
4 to produce a document, or both, based on a claim that the information, the document, or both is  
5 confidential. The committee may meet in closed session if deemed necessary by the chair to  
6 receive testimony or review documents containing confidential information. Closed session  
7 meetings shall be attended by members of the committee. Legislative employees, as that term is  
8 defined in G.S. 120-129(2), may attend a closed session at the discretion of the chair. The  
9 Legislative Services Officer shall provide a method by which documents and testimony received  
10 by a committee and containing confidential information shall be kept confidential and shall be  
11 accessible only upon request by members of the committee. The chair of the committee may  
12 grant legislative employees access to the records and information at the discretion of the chair.  
13 A member of the committee and a legislative employee who obtains confidential information or  
14 confidential documents pursuant to this subsection shall keep the information and documents  
15 confidential and shall not disclose the information to any other individual."

16 **SECTION 3.** G.S. 120-19.2 reads as rewritten:

17 "**§ 120-19.2. Invitations to witnesses; when hearings and examinations held; subpoenas.**

18 (a) Committees of the General Assembly may invite witnesses to appear and testify  
19 concerning pending legislation or other matters properly before the committee and may require  
20 the attendance of witnesses and the production of documents by subpoena as hereinafter  
21 provided. subpoena, subpoena duces tecum, or both, as provided in subsection (c) of this section.  
22 The committee may submit questions in writing to the witness in advance of ~~his~~ the witness's  
23 appearance. Witnesses may be permitted, in the discretion of the committee, to submit written,  
24 sworn statements in addition to or in lieu of sworn oral testimony before the committee.

25 ...

26 (c) A subpoena for the purpose of obtaining the testimony of a ~~witness~~ witness, a  
27 subpoena duces tecum for the purpose of obtaining documents, or both may be issued by the  
28 chairman of a committee, upon authorization of the Speaker of the House or the Speaker ~~pro~~  
29 ~~tempore~~ Pro Tempore of the House for House committees, and the President of the Senate or the  
30 President ~~pro tempore~~ Pro Tempore of the Senate for Senate committees, and by majority vote  
31 of the committee. A subpoena for the purpose of obtaining the testimony of a ~~witness~~ witness, a  
32 subpoena duces tecum for the purpose of obtaining documents, or both before a joint committee  
33 of the House and Senate may be issued by the joint action of the cochairmen of the joint  
34 committee, upon authorization of one of the above officers from each house and by majority vote  
35 of the joint committee. The ~~subpoena~~ subpoena, subpoena duces tecum, or both shall be signed  
36 by the committee chairman and either the Speaker of the House, the President of the Senate, the  
37 President ~~pro tempore~~ Pro Tempore of the Senate, or the Speaker ~~pro tempore~~ Pro Tempore of  
38 the House and shall be directed to the witness, and state the name of the witness, and a description  
39 of any papers, documents, or records that ~~he~~ the witness is required to ~~bring with him;~~ bring; and  
40 the subpoena shall state the subject matter of the hearing before the committee, the name of the  
41 committee, and the name and address of the committee chairman; and the subpoena shall also  
42 clearly designate the date, time, and place at which the witness's presence is required.

43 ...."

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