

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 322
Mar 6, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40194-MC-75A

Short Title: Make General Assembly Records Public. (Public)

Sponsors: Representative Prather.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE ACCESS TO LEGISLATIVE RECORDS, TO REPEAL CHANGES
3 REGARDING THE ARCHIVING OF RECORDS OF THE GENERAL ASSEMBLY, AND
4 TO AMEND CAMPAIGN FINANCE LAWS REGARDING FEDERAL POLITICAL
5 COMMITTEES AND POLITICAL ORGANIZATIONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 27.7 of S.L. 2023-134 is repealed.

8 **SECTION 2.** G.S. 121-5 reads as rewritten:

9 **"§ 121-5. Public records and archives.**

10 (a) State Archival Agency Designated. – The Department of Natural and Cultural
11 Resources shall be the official archival agency of the State of North Carolina with authority as
12 provided throughout this Chapter and Chapter 132 of the General Statutes of North Carolina in
13 relation to the public records of the State, counties, municipalities, and other subdivisions of
14 government.

15 (b) Destruction of Records Regulated. – No person may destroy, sell, loan, or otherwise
16 dispose of any public record without the consent of the Department of Natural and Cultural
17 Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes a public record
18 from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a
19 Class 3 misdemeanor and upon conviction only fined at the discretion of the court.

20 When the custodian of any official State records certifies to the Department of Natural and
21 Cultural Resources that such records have no further use or value for official and administrative
22 purposes and when the Department certifies that such records appear to have no further use or
23 value for research or reference, then such records may be destroyed or otherwise disposed of by
24 the agency having custody of them.

25 When the custodian of any official records of any county, city, municipality, or other
26 subdivision of government certifies to the Department that such records have no further use or
27 value for official business and when the Department certifies that such records appear to have no
28 further use or value for research or reference, then such records may be authorized by the
29 governing body of said county, city, municipality, or other subdivision of government to be
30 destroyed or otherwise disposed of by the agency having custody of them. A record of such
31 certification and authorization shall be entered in the minutes of the governing body granting the
32 authority.

33 The North Carolina Historical Commission is hereby authorized and empowered to make
34 such orders, rules, and regulations as may be necessary and proper to carry into effect the
35 provisions of this section. When any State, county, municipal, or other governmental records
36 shall have been destroyed or otherwise disposed of in accordance with the procedure authorized



1 in this subsection, any liability that the custodian of such records might incur for such destruction
2 or other disposal shall cease and determine.

3 (c) Assistance to Public Officers. – The Department of Natural and Cultural Resources
4 shall have the right to examine into the condition of public records and shall, subject to the
5 availability of staff and funds, give advice and assistance to public officials and agencies in regard
6 to preserving or disposing of the public records in their custody. When requested by the
7 Department of Natural and Cultural Resources, public officials shall assist the Department in the
8 preparation of an inclusive inventory of records in their custody, to which inventory shall be
9 attached a schedule, approved by the head of the governmental unit or agency having custody of
10 the records and the Department of Natural and Cultural Resources, establishing a time period for
11 the retention or disposal of each series of records. So long as such approved schedule remains in
12 effect, destruction or disposal of records in accordance with its provisions shall be deemed to
13 have met the requirements of G.S. 121-5(b).

14 The Department of Natural and Cultural Resources is hereby authorized and directed to
15 conduct a program of inventorying, repairing, and microfilming in the counties for security
16 purposes those official records of the several counties which the Department determines have
17 permanent value, and of providing safe storage for microfilm copies of such records. Subject to
18 the availability of funds, such program shall be extended to the records of permanent value of the
19 cities, municipalities, and other subdivisions of government.

20 (d) Preservation of Permanently Valuable Records. – Public records certified by the
21 Department of Natural and Cultural Resources as being of permanent value shall be preserved in
22 the custody of the agency in which the records are normally kept or of the North Carolina State
23 Archives. Any State, county, municipal, or other public official is hereby authorized and
24 empowered to turn over to the Department of Natural and Cultural Resources any State, county,
25 municipal, or other public records no longer in current official use, and the Department of Natural
26 and Cultural Resources is authorized in its discretion to accept such records, and having done so
27 shall provide for their administration and preservation in the North Carolina State Archives.
28 When such records have been thus surrendered, photocopies, microfilms, typescripts, or other
29 copies of them shall be made and certified under seal of the Department, upon application of any
30 person, which certification shall have the same force and effect as if made by the official or
31 agency by which the records were transferred to the Department of Natural and Cultural
32 Resources; and the Department may charge reasonable fees for these copies. The Department
33 may answer written inquiries for nonresidents of the State and for this service may charge a
34 search and handling fee not to exceed twenty-five dollars (\$25.00). The receipts from this fee
35 shall be used to defray the cost of providing this service.

36 (d1) General Assembly. – ~~Notwithstanding any other provision of this section or order,~~
37 ~~rules, or regulations promulgated or adopted thereunder, the custodian of any General Assembly~~
38 ~~record shall determine, in the custodian's discretion, whether a record is a public record and~~
39 ~~whether to turn over to the Department of Natural and Cultural Resources, or retain, destroy, sell,~~
40 ~~loan, or otherwise dispose of, such records. When requested by the Legislative Services Officer,~~
41 ~~the Department of Natural and Cultural Resources shall assist in the preparation of an inventory~~
42 ~~of the records to which the request applies.~~A custodian of a General Assembly record shall not
43 certify to the Department that records have no further use or value for official business for, and
44 the Department shall not certify that such records appear to have no further use or value for
45 research or reference for, a period equal to the longer of (i) the time when such records, in fact,
46 have no further use or value for official business or (ii) 10 years. If such records are records of a
47 member of the General Assembly, the 10-year period begins at the time the member ceases
48 serving as a member of the General Assembly.

49 (e) Archives and Records Management Fund. – The Archives and Records Management
50 Fund is established as a special revenue fund. The Fund consists of donations, gifts, devises, and
51 the fees credited to it under Chapter 161 of the General Statutes. Revenue in the Fund may be

1 used only to offset the Department's costs in providing essential records management and
2 archival services for public records pursuant to Chapter 121 and Chapter 132 of the General
3 Statutes."

4 **SECTION 3.** Section 5 of S.L. 2024-16 is repealed.

5 **SECTION 4.** Section 3 of this act is effective when it becomes law and applies to
6 contributions made or received on or after that date. The remainder of this act is effective when
7 it becomes law.