

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS75132-RU-14 (3/24)

Short Title: Amend Public Enter. Customer Billing Privacy. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING
INFORMATION PRIVACY LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 132-1.1 reads as rewritten:

**"§ 132-1.1. Confidential communications by legal counsel to public board or
agency; State tax information; public enterprise billing information.**

(a) Confidential Communications. – Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

(b) State and Local Tax Information. – Tax information may not be disclosed except as provided in G.S. 105-259. As used in this subsection, "tax information" has the same meaning as in G.S. 105-259. Local tax records that contain information about a taxpayer's income or receipts may not be disclosed except as provided in G.S. 153A-148.1 and G.S. 160A-208.1.

1 (c) Public Enterprise Billing Information. – Billing information compiled and
2 maintained by a city or county or other public entity providing utility services in
3 connection with the ownership or operation of a public enterprise, excluding airports, is
4 not a public record as defined in G.S. 132-1. Nothing contained herein is intended to
5 limit public disclosure by a city or county of billing information:

6 (i)(1) ~~that~~ That the city or county determines will be useful or necessary to
7 assist bond counsel, bond underwriters, underwriters' counsel, rating
8 agencies or investors or potential investors in making informed
9 decisions regarding bonds or other obligations incurred or to be
10 incurred with respect to the public enterprise;

11 (ii)(2) ~~that~~ That is necessary to assist the city, county, State, or public
12 enterprise to maintain the integrity and quality of services it provides;
13 or

14 (iii)(3) ~~that~~ That is necessary to assist law enforcement, public safety, fire
15 protection, rescue, emergency management, or judicial officers in the
16 performance of their duties.

17 As used herein, "billing information" means any record or information, in whatever
18 form, compiled or maintained with respect to individual customers by any owner or
19 operator of a public enterprise, as defined in G.S. 160A-311, excluding subdivision (9),
20 and G.S. 153A-274, excluding subdivision (4), or other public entity providing utility
21 services, excluding airports, relating to services it provides or will provide to the
22 customer."

23 **SECTION 2.** This act is effective when it becomes law.