

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2100*

Short Title: Prog. Eval. Div./Technical Amendments. (Public)

Sponsors: Representatives Saunders, Crawford (Primary Sponsors); and Coleman.

Referred to: Ways and Means.

May 14, 2008

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE STATUTES TO
3 CLARIFY LEGISLATIVE CONFIDENTIALITY OF PROGRAM EVALUATION
4 DIVISION DOCUMENTS, AS RECOMMENDED BY THE JOINT
5 LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Article 17 of Chapter 120 of the General Statutes is amended
8 by adding a new section to read:

9 "**§ 120-131.2. Documents prepared by the Program Evaluation Division; requests**
10 **for assistance; reports of improper activities.**

11 (a) A document that is prepared by the Program Evaluation Division pursuant to
12 its work plan under G.S. 120-36.16, including a document transmitted to any State
13 department or agency, becomes available to the public when the document is a report,
14 bill, resolution, memorandum, written analysis, letter, or other document, and the
15 document has been distributed in one of the following ways:

- 16 (1) At a legislative commission, standing committee, or subcommittee
17 meeting not held in executive session or closed session.
18 (2) On the floor of a house.

19 (b) A request made to an employee of a State agency by an employee of the
20 Program Evaluation Division for assistance in the preparation of an evaluation report is
21 confidential. An employee who receives such a request for assistance, or who learns of
22 such a request made to another employee of his or her agency, shall reveal the existence
23 of the request only to other employees of the agency to the extent that it is necessary to
24 respond to the request. All documents prepared by the employee of a State agency in
25 response to the request of the Program Evaluation Division are also confidential and
26 shall be kept confidential in the same manner as the original request.

27 (c) Reports by informants alleging improper activities listed in G.S. 126-84 by a
28 State employee or a State agency may, at the informant's discretion, remain anonymous.

- 1 If the informant chooses that the allegation remain anonymous, the report, in whatever
2 form, shall not be a "public record" as defined by G.S. 132-1.
3 (d) A document prepared pursuant to this section that does not become available
4 to the public is not a "public record" as defined by G.S. 132-1."
5 **SECTION 2.** This act is effective when it becomes law.