

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1652\*  
Select Committee on Government and Election Reform Committee Substitute  
Adopted 7/7/08  
House Committee Substitute Favorable 7/14/08

Short Title: Prog. Eval. Div./Technical Amendments.

(Public)

Sponsors:

Referred to:

May 20, 2008

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL  
STATUTES TO CLARIFY LEGISLATIVE CONFIDENTIALITY OF PROGRAM  
EVALUATION DIVISION DOCUMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 120-36.13(a) reads as rewritten:

"(a) Plan. – The Joint Legislative Program Evaluation Oversight Committee, in consultation with the Director of the Program Evaluation Division, must establish an annual work plan for the Division. The Division must adhere to this annual plan, unless the Joint Legislative Program Evaluation Oversight Committee changes the annual plan to add a new evaluation or remove a planned evaluation. Any enacted legislation that directs the Program Evaluation Division to conduct a study or an evaluation is included in the annual work plan by operation of law.

The annual work plan constitutes an information request and a drafting request made by the Committee cochairs to legislative employees under Article 17 of Chapter 120 of the General Statutes. Any document prepared by a legislative employee pursuant to the annual work plan becomes available to the public only as provided in G.S. 120-131. Any document prepared by an agency employee pursuant to a request under G.S. 120-131.1(a1) becomes available to the public only as provided in G.S. 120-131."

**SECTION 1.(b)** G.S. 120-131.1 reads as rewritten:

**"§ 120-131.1. Requests from legislative employees for assistance in the preparation of fiscal notes, notes and evaluation reports.**

(a) A ~~request~~ request, including any accompanying documents, made to an ~~agency~~ employee of a State agency other than the General Assembly by an ~~a~~ legislative employee of the Fiscal Research Division for assistance in the preparation of a fiscal note is confidential. ~~An employee of a State agency other than the General Assembly~~ who receives such a request or who learns of such a request made to another

1 agency employee of his or her agency shall reveal the existence of the request only to  
2 other agency employees of the agency to the extent that it is necessary to respond to the  
3 request, and to the agency employee's supervisor and to the Office of State Budget and  
4 Management. All documents prepared by the agency employee in response to the  
5 request of the Fiscal Research Division are also confidential and shall be kept  
6 confidential in the same manner as the original request, except that documents  
7 submitted to the Fiscal Research Division in response to the request cease to be  
8 confidential under this section when the Fiscal Research Division releases a fiscal note  
9 based on the documents.

10 (a1) A request, and any accompanying documents, made to an agency employee  
11 by a legislative employee of the Program Evaluation Division for assistance in the  
12 preparation of an evaluation report is confidential. The request and any accompanying  
13 documents are not 'public records' as defined by G.S. 132-1. An agency employee who  
14 receives a request under this subsection or who learns of such a request made to another  
15 agency employee of his or her agency may reveal the existence of the request to other  
16 agency employees to the extent that it is necessary to respond to the request and to the  
17 agency employee's supervisor. All documents prepared by the agency employee in  
18 response to the request of a legislative employee of the Program Evaluation Division are  
19 confidential, shall be kept confidential in the same manner as the original request, and  
20 are not 'public records' as defined in G.S. 132-1.

21 (b) As used in this section, ~~"employee"~~ 'agency employee' means an employee or  
22 officer of a ~~State agency~~ every agency of North Carolina government or its  
23 subdivisions, including every public office, public officer or official (State or local,  
24 elected or appointed), institution, board, commission, bureau, council, department,  
25 authority, or other unit of government of the State or of any county, unit, special district,  
26 or other political subdivision of government.

27 (c) Violation of this section may be grounds for disciplinary action."

28 **SECTION 2.(a)** G.S. 120-36.12 is amended by adding a new subdivision to  
29 read:

30 "(10) To receive reports alleging improper activities or matters of public  
31 concern listed in G.S. 126-84. The individual making the report may,  
32 at the individual's discretion, remain anonymous. Any report received  
33 under this subdivision, in whatever form, shall not be a 'public record'  
34 as defined by G.S. 132-1 and becomes available to the public only as  
35 provided in G.S. 120-131."

36 **SECTION 2.(b)** G.S. 126-85(c) reads as rewritten:

37 "(c) The protections of this Article shall include State employees who report any  
38 activity described in G.S.126-84 to the State Auditor as authorized by  
39 ~~G.S. 147-64.6(c)(16).~~G.S. 147-64.6(c)(16) or to the Program Evaluation Division as  
40 authorized by G.S. 120-36.12(10)."

41 **SECTION 3.** Section 1 of this act is effective June 14, 2007. The remainder  
42 of this act is effective when it becomes law, and violations of Section 1 of this act prior  
43 to the date this act becomes law may not be grounds for disciplinary action.