

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1652*

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

Sponsors: Senators Clodfelter and Hartsell.

Referred to: Select Committee on Government and Election Reform.

May 20, 2008

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE STATUTES TO
CLARIFY LEGISLATIVE CONFIDENTIALITY OF PROGRAM EVALUATION
DIVISION DOCUMENTS, AS RECOMMENDED BY THE JOINT
LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

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

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

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

(1) At a legislative commission, standing committee, or subcommittee
meeting not held in executive session or closed session.

(2) On the floor of a house.

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

(c) Reports by informants alleging improper activities listed in G.S. 126-84 by a
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.