

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-78
SENATE BILL 1132**

AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-32(1) reads as rewritten:

"§ 120-32. Commission duties.

The Legislative Services Commission is hereby authorized to:

- (1) Determine the number, titles, classification, functions, compensation, and other conditions of employment of the joint legislative service employees of the General Assembly, including but not limited to the following departments:
 - a. Legislative Services Officer and ~~personnel~~,personnel.
 - b. Electronic document writing ~~system~~,system.
 - c. ~~Proofreaders~~,Proofreaders.
 - d. Legislative ~~printing~~,printing.
 - e. Enrolling clerk and ~~personnel~~,personnel.
 - f. ~~Library~~,Library.
 - g. Research and bill ~~drafting~~,drafting.
 - h. Printed ~~bills~~, bills.
 - i. Disbursing and ~~supply~~,supply.
 - j. Program evaluation.

Temporary employees of the General Assembly are exempt from the provisions of G.S. 135-3(8)c., as to compensation earned in that status."

SECTION 2. G.S. 120-32.01 reads as rewritten:

"§ 120-32.01. Information to be supplied.

(a) Every State department, State agency, or State institution shall furnish the Legislative Services Office and the Research, Fiscal Research, Program Evaluation, and Bill Drafting Divisions any information or records requested by ~~them~~, them and access to any facilities and personnel requested by them. Except when accessibility is prohibited by a federal statute, federal ~~regulation~~, regulation, or State statute, every State department, State agency, or State institution shall give the Legislative Services Office and ~~the Fiscal Research Division~~ these divisions access to any data base or stored information maintained by computer, telecommunications, or other electronic data processing equipment, whether stored on tape, disk, or otherwise, and regardless of the medium for storage or transmission.

(b) Notwithstanding subsection (a) of this section, access to the State Personnel Management Information System by the ~~Research and Bill Drafting~~ Research, Bill Drafting, and Program Evaluation Divisions shall only be through the Fiscal Research Division."

SECTION 3. Chapter 120 of the General Statutes is amended by adding a new article to read:

"Article 7C.
"Program Evaluation.

"§ 120-36.11. Program Evaluation Division established.

(a) Division. – The Program Evaluation Division of the General Assembly is established. The purpose of the Division is to assist the General Assembly in fulfilling its responsibility to oversee government functions by providing an independent, objective source of information to be used in evaluating whether public services are delivered in an effective and efficient manner and in accordance with law.

(b) Director. – The Director of the Program Evaluation Division is appointed by the Legislative Services Commission and serves at the pleasure of the Commission. The Director is responsible for hiring and dismissing employees of the Division and directing the activities of the Division. The Director may not hire or dismiss an employee without the approval of the Legislative Services Officer.

"§ 120-36.12. Duties of Program Evaluation Division.

The Program Evaluation Division of the Legislative Services Commission has the following powers and duties:

- (1) To examine a program or an activity of a State agency and evaluate the merits of the program or activity and the agency's effectiveness in conducting the program or activity.
- (2) To develop quantitative indicators for measuring the activities performed and services provided by a State agency and the extent to which the activities and services are achieving desired results.
- (3) To develop unit cost measures to determine the cost of activities performed and services provided by a State agency.
- (4) To determine if a program or an activity of a State agency complies with the agency's mission, as established by law.
- (5) To make unannounced visits to a State agency when needed to evaluate a program or an activity of the agency.
- (6) To make recommendations to improve the efficiency and effectiveness of a State agency.
- (7) To determine the extent to which a State agency has implemented any of the Division's recommendations concerning the agency.
- (8) To require a State agency to submit a written response to a proposed or final recommendation of the Division and to submit a written explanation of the extent to which the agency has implemented the Division's recommendations.
- (9) To make periodic reports of the activities and recommendations of the Division and of any savings achieved by the implementation of its recommendations.

"§ 120-36.13. Work plan and requests for program evaluation.

(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 plan, unless the Joint Legislative Program Evaluation Oversight Committee changes the plan to add a new evaluation or remove a planned evaluation.

(b) Request. – A request to the Program Evaluation Division for an evaluation of a program or an activity of a State agency must be submitted by a member of the General Assembly. The Director of the Division must review each request in accordance with the following criteria and make a recommendation to the Joint Legislative Program Evaluation Oversight Committee on whether to amend the Division's work plan to include the requested evaluation:

- (1) The work required to conduct the requested evaluation.
- (2) The effect that conducting the requested evaluation will have on the Division's ability to complete its work plan.
- (3) The significance of the requested evaluation compared to the evaluations to be conducted under the work plan.

- (4) Any overlap between the requested evaluation and other evaluations previously conducted by the Division or another agency.

"§ 120-36.14. Content of report of Program Evaluation Division.

A report of an evaluation of a program or an activity of a State agency by the Program Evaluation Division of the General Assembly must include the following:

- (1) The findings of the Division concerning the program or activity.
- (2) Specific recommendations for making the program or activity more efficient or effective.
- (3) Any legislation needed to implement the Division's findings and recommendations concerning the program or activity.
- (4) An estimate of the costs or savings expected from implementing the Division's findings and recommendations concerning the program or activity.

"§ 120-36.15. Joint Legislative Program Evaluation Oversight Committee established.

(a) Membership. – The Joint Legislative Program Evaluation Oversight Committee is established. The Committee consists of 18 members as follows:

- (1) Nine members of the Senate appointed by the President Pro Tempore of the Senate. At least two of the members must be a Cochair of the Senate Appropriations Committee or a subcommittee of the Senate Appropriations Committee. At least three of the members must be members of the minority party.
- (2) Nine members of the House of Representatives appointed by the Speaker of the House of Representatives. At least two of the members must be a Cochair of the House Appropriations Committee or a subcommittee of the House Appropriations Committee. At least three of the members must be members of the minority party.

(b) Terms. – Terms on the Committee are for two years and begin on January 15 of each odd-numbered year. Legislative members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly. Resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee. A member continues to serve until a successor is appointed.

(c) Chairs and Quorum. – The President Pro Tempore of the Senate and the Speaker of the House of Representatives must each designate a cochair of the Committee. The Committee meets upon the call of the cochairs. A quorum of the Committee is nine members. The Committee may not act except by a majority vote at a meeting at which a quorum is present.

(d) Standard Procedure. – In performing its duties, the Committee has the powers of a committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. Funding for the Committee is provided by the Legislative Services Commission from appropriations made to the General Assembly. Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer must assign professional and clerical staff to assist the Committee in its work.

"§ 120-36.15. Duties of Joint Legislative Program Evaluation Oversight Committee.

The Joint Legislative Program Evaluation Oversight Committee has the following powers and duties:

- (1) To receive and review requests for evaluations to be performed by the Program Evaluation Division of the General Assembly.
- (2) To establish an annual work plan for the Program Evaluation Division that describes the evaluations to be performed by the Division. The

Committee must consult with the Director of the Program Evaluation Division in performing this duty.

- (3) To receive reports prepared by the Program Evaluation Division.
- (4) To consult with an oversight committee or another committee established in this Chapter about a report concerning a program or an activity that is within that committee's scope of study.
- (5) To recommend to the General Assembly any changes needed to implement a recommendation that is included in a report of the Program Evaluation Division and is endorsed by the Committee."

SECTION 4. This act is effective when it becomes law. Notwithstanding G.S. 120-36.15, as enacted by Section 3 of this act, the terms of the initial members of the Joint Legislative Program Evaluation Oversight Committee begin on appointment and end on January 15, 2009.

In the General Assembly read three times and ratified this the 5th day of June, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 4:10 p.m. this 14th day of June, 2007