

Article 7C.

Program Evaluation.

§ 120-36.11. Program Evaluation Division established; definitions.

(a) Division. – The Program Evaluation Division of the Legislative Services Commission is established as a staff agency of the General Assembly. 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 programs or activities of a State agency, or programs or activities of a non-State entity conducted or provided using State funds, are operated and delivered in the most 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.

(c) Definitions. – The following definitions apply in this Article:

- (1) Committee. – The Joint Legislative Program Evaluation Oversight Committee.
- (2) Director. – The Director of the Program Evaluation Division.
- (3) Division. – The Program Evaluation Division.
- (4) Non-State entity. – Defined in G.S. 143C-1-1(d)(18) and receives or expends any State funds.
- (5) State agency. – Defined in G.S. 143C-1-1(d)(24).
- (6) State funds. – Defined in G.S. 143C-1-1(d)(25). (2007-78, s. 3; 2018-101, s. 1.)

§ 120-36.12. Functions of Program Evaluation Division.

The Division has the following functions:

- (1) To evaluate the merits of a program or an activity of a State agency, or a program or an activity of a non-State entity conducted or provided using State funds.
- (2) To develop quantitative indicators to be used in an evaluation of a program or an activity of a State agency, or a program or an activity of a non-State entity conducted or provided using State funds.
- (3) To determine, in consultation with the Fiscal Research Division, the cost of programs or activities of a State agency, or programs or activities of a non-State entity conducted or provided using State funds.
- (4) Repealed by Session Laws 2018-101, s. 1, effective June 26, 2018.
- (5) To make unannounced visits to a State agency or non-State entity when needed to evaluate a program or an activity of the State agency or non-State entity.
- (6) To submit an evaluation report to the Committee, as provided in G.S. 120-36.14.
- (7) To determine the extent to which a State agency or non-State entity has implemented any of the recommendations of the Committee concerning the State agency or non-State entity.
- (8) Repealed by Session Laws 2018-101, s. 1, effective June 26, 2018.

- (9) To make periodic reports of the activities and recommendations of the Division and Committee and of any savings achieved by the implementation of Division or Committee recommendations.
- (10) To receive reports alleging improper activities or matters of public concern listed in G.S. 126-84. The individual making the report may, at the individual's discretion, remain anonymous. Any report received under this subdivision, in whatever form, is confidential, shall not be a "public record" as defined by G.S. 132-1, and becomes available to the public only as provided in G.S. 120-131.
- (11) To administer measurability assessments pursuant to Chapter 143E of the General Statutes. (2007-78, s. 3; 2008-196, s. 2(a); 2018-101, s. 1.)

§ 120-36.13. Biennial work plan for evaluations and measurability assessments.

(a) Plan. – Every odd-numbered year, the Committee, in consultation with the Director, shall adopt a biennial work plan for the Division. The Committee shall consider which programs or activities of a State agency, or programs and activities of a non-State entity conducted or provided using State funds, should be evaluated by the Division and included in the biennial work plan. The Committee shall also consider which proposed or existing State programs should be subject to measurability assessments and included in the biennial work plan. The Committee shall then review and adopt the biennial work plan. The Committee may amend the biennial work plan to add a new evaluation or measurability assessment or remove a planned evaluation or measurability assessment at any time during the biennium. The Division shall adhere to the biennial work plan, unless the Committee changes the biennial work plan to add a new evaluation or measurability assessment or remove a planned evaluation or measurability assessment.

The biennial 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 biennial 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.

(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 shall assist the Committee cochaIRS in developing a proposed biennial work plan based on suggestions for evaluations and measurability assessments submitted by members of the General Assembly to the cochaIRS. (2007-78, s. 3; 2008-196, s. 1(a); 2012-80, s. 2; 2015-264, s. 68.5(a); 2018-101, s. 1.)

§ 120-36.14. Contents of an evaluation report by the Program Evaluation Division.

(a) The Division shall complete an evaluation report for each evaluation required in the biennial work plan. The Division shall submit the report to the Committee for review and consideration. The Director shall notify the Committee cochaIRS when an evaluation report is ready to become available to the public as provided in G.S. 120-131.

(b) An evaluation report prepared by the Division shall, unless otherwise specified by the Committee, include the following:

- (1) The findings of the Division concerning the merits of the program or activity based on whether the program or activity:
 - a. Is conducted efficiently by the State agency or non-State entity.
 - b. Is effective, meeting objectives, and achieving intended results.
 - c. Aligns with the State agency or non-State entity's mission.
 - d. Operates in accordance with law.
 - e. Does not duplicate another program or activity within the State agency, within another State agency, or within another non-State entity.
- (1a) The quantitative indicators, including how the indicators were measured and rated, used to determine whether the program or activity:
 - a. Is conducted efficiently by the State agency or non-State entity.
 - b. Is effective, meeting objectives, and achieving intended results.
- (1b) The cost of the program or activity broken out by activities performed and services provided.
- (2) Specific recommendations for making the program or activity more efficient or effective.
- (2a) Specific recommendations for consolidation or elimination of duplicative programs or activities if duplication occurs within the State agency, within another State agency, or within another non-State entity.
- (3) Repealed by Session Laws 2018-101, s. 1, effective June 26, 2018.
- (4) An estimate of the costs or savings expected from implementing the Division's recommendations concerning the program or activity.

(c) Upon request of the Division or Committee, a State agency or non-State entity shall submit a written response to a recommendation of the Division or Committee and a written explanation of the extent to which the State agency or non-State entity has implemented any of the recommendations of the Committee. (2007-78, s. 3; 2015-264, s. 68.5(b); 2018-101, s. 1.)

§ 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 shall be a Cochair of the Senate Appropriations Committee or a subcommittee of the Senate Appropriations Committee. At least three of the members shall 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 shall be a Cochair of the House Appropriations Committee or a subcommittee of the House Appropriations Committee. At least three of the members shall 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 shall 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 shall assign professional and clerical staff to assist the Committee in its work. (2007-78, s. 3; 2018-101, s. 1.)

§ 120-36.16. Powers and duties of Joint Legislative Program Evaluation Oversight Committee.

The Committee has the following powers and duties:

- (1) Repealed by Session Laws 2018-101, s. 1, effective June 26, 2018.
- (2) To establish and adopt a biennial work plan for the Division that describes the evaluations to be performed by the Division and the measurability assessments to be administered by the Division pursuant to Chapter 143E of the General Statutes. The Committee shall consult with the Director in performing this duty.
- (2a) To receive status updates on the activities of the Division.
- (3) To review evaluation reports submitted by the Division and measurability assessments administered by the Division.
- (3a) To determine if any legislation or other action of the General Assembly is needed to implement the Division's recommendations.
- (4) To consult as necessary with an oversight committee or another committee established in this Chapter about an evaluation report concerning a program or an activity of a State agency, or a program or an activity of a non-State entity, 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 an evaluation report of the Division or any changes needed to implement a recommendation of the Committee. (2007-78, s. 3; 2007-484, s. 31; 2015-264, s. 68.5(c); 2018-101, s. 1.)

§ 120-36.17: Repealed by Session Laws 2018-101, s. 1, effective June 26, 2018.