

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 541  
State Government Committee Substitute Adopted 4/27/89

Short Title: State Information Management.

(Public)

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Sponsors:

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Referred to:

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March 20, 1989

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL THE POWERS AND DUTIES OF THE SECRETARY OF  
2 ADMINISTRATION REGARDING TELECOMMUNICATIONS MATTERS  
3 AND TO REESTABLISH THOSE POWERS AND DUTIES WITHIN THE  
4 OFFICE OF THE STATE CONTROLLER; TO REPEAL SECTION 23.1 OF  
5 CHAPTER 876 OF THE 1987 SESSION LAWS AND TO RENAME AND  
6 REVISE THE MEMBERSHIP OF THE COMPUTER COMMISSION.  
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 143-340(14) is repealed.

10 Sec. 2. G.S. 143-341(9) is repealed.

11 Sec. 3. Section 23.1 of Chapter 876 of the 1987 Session Laws as amended by  
12 Section 33 of Chapter 1086, Session Laws of 1987, is repealed.

13 Sec. 4. G.S. 143B-426.39 is amended by adding a new subdivision to read:

14 "(14) With respect to the principal State offices and Departments as  
15 defined in G.S. 143A-11 and G.S. 143B-6, or a division thereof, to  
16 exercise general coordinating authority for all telecommunications  
17 matters relating to the internal management and operations of State  
18 government. In discharging that responsibility the State Controller  
19 may in cooperation with affected State agency heads, do such of the  
20 following things as he deems necessary and advisable:

21 a. Provide for the establishment, management, and operation,  
22 through either State ownership or commercial leasing of the

1 following systems and services as they affect the internal  
2 management and operation of State government:

3 1. Central telephone systems and telephone networks;

4 2. Teleprocessing systems;

5 3. Teletype and facsimile services;

6 4. Satellite services;

7 5. Closed-circuit TV systems;

8 6. Two-way radio systems;

9 7. Microwave systems;

10 8. Related systems based on telecommunication  
11 technologies.

12 b. Coordinate the development of cost-sharing systems for  
13 respective user agencies for their proportionate parts of the cost  
14 of maintenance and operation of the systems and services listed  
15 in item 'a.' of this subdivision, in accordance with the rules and  
16 regulations adopted by the Governor and approved by the  
17 Council of State, pursuant to G.S. 143-341(8)k.

18 c. Assist in the development of coordinated telecommunications  
19 services or systems within and among all agencies and  
20 departments, and recommend, where appropriate, cooperative  
21 utilization of telecommunication facilities by aggregating users.

22 d. Perform traffic analysis and engineering for all  
23 telecommunications services and systems listed in item 'a.' of  
24 this subdivision.

25 e. Pursuant to G.S. 143-49, establish telecommunications  
26 specifications and designs so as to promote and support  
27 compatibility of the systems within State government.

28 f. Pursuant to G.S. 143-49 and G.S. 143-50, coordinate the review  
29 of requests by State agencies for the procurement of  
30 telecommunications systems or services.

31 g. Pursuant to G.S. 143-341 and Chapter 146 of the General  
32 Statutes, coordinate the review of requests by State agencies for  
33 State government property acquisition, disposition, or  
34 construction for telecommunications systems requirements.

35 h. Provide a periodic inventory of telecommunications costs,  
36 facilities, systems, and personnel within State government.

37 i. Promote, coordinate, and assist in the design and engineering of  
38 emergency telecommunications systems, including but not  
39 limited to the 911 emergency telephone number program,  
40 Emergency Medical Services, and other emergency  
41 telecommunications services.

42 j. Perform frequency coordination and management for State and  
43 local governments, including all public safety radio service  
44 frequencies, in accordance with the rules and regulations of the

1 Federal Communications Commission or any successor federal  
 2 agency.

3 k. Advise all State agencies and institutions on  
 4 telecommunications management planning and related matters  
 5 and provide through the State Personnel Training Center or the  
 6 State Information Processing Services training to users within  
 7 State government in telecommunications technology and  
 8 systems.

9 l. Assist and coordinate the development of policies and long-  
 10 range plans, consistent with the protection of citizens' rights to  
 11 privacy and access to information, for the acquisition and use of  
 12 telecommunications systems; and base such policies and plans  
 13 on current information about State telecommunications  
 14 activities in relation to the full range of emerging technologies.

15 m. Work cooperatively with the North Carolina Agency for Public  
 16 Telecommunications in furthering the purpose of this  
 17 subdivision.

18 The provisions of this subdivision shall not apply to the Police  
 19 Information Network (P.I.N.) of the Department of Justice or to the  
 20 Judicial Information System in the Judicial Department."

21 Sec. 5. Article 9 of Chapter 143B of the General Statutes is amended by  
 22 adding a new Part 28A to read as follows:

23 **"PART 28A.**

24 **"STATE INFORMATION PROCESSING SERVICES.**

25 **"§ 143B-426.40. State Information Processing Services.**

26 With respect to all executive departments and agencies of State government, except  
 27 the Department of Justice and The University of North Carolina:

28 (1) To establish and operate information resource centers and services to  
 29 serve two or more departments on a cost-sharing basis, if the  
 30 Information Technology Commission decides it is advisable from the  
 31 standpoint of efficiency and economy to establish these centers and  
 32 services;

33 (2) With the approval of the Information Technology Commission, to  
 34 charge each department for which services are performed its  
 35 proportionate part of the cost of maintaining and operating the shared  
 36 centers and services;

37 (3) With the approval of the Information Technology Commission, to  
 38 require any department served to transfer to the Office of the State  
 39 Controller ownership, custody, or control of information processing  
 40 equipment, supplies, and positions required by the shared centers and  
 41 services;

42 (4) With the approval of the Information Technology Commission, to  
 43 adopt reasonable rules for the efficient and economical management

- 1                   and operation of the shared centers, services, and the integrated State  
2                   telecommunications network;  
3           (5)       With the approval of the Information Technology Commission, to  
4                   adopt plans, policies, procedures, and rules for the acquisition,  
5                   management, and use of information technology resources in the  
6                   departments affected by this subdivision to facilitate more efficient and  
7                   economic use of information technology in these departments; and  
8           (6)       To develop and promote training programs to efficiently implement,  
9                   use, and manage information technology resources.

10           The Department of Revenue is authorized to deviate from this section's requirements  
11           that departments or agencies consolidate information processing functions on equipment  
12           owned, controlled or under custody of the State Information Processing Services. All  
13           deviations from this section's requirements shall be reported in writing within 15 days  
14           by the Department of Revenue to the Information Technology Commission and shall be  
15           consistent with available funding. The Department of Revenue is authorized to adopt  
16           and shall adopt plans, policies, procedures, requirements and rules for the acquisition,  
17           management, and use of information processing equipment, information processing  
18           programs, data communications capabilities, and information systems personnel in the  
19           Department of Revenue. If the plans, policies, procedures, requirements, rules, or  
20           standards adopted by the Department of Revenue deviate from the policies, procedures,  
21           or guidelines adopted by the State Information Processing Services or the Information  
22           Technology Commission, those deviations shall be allowed and shall be reported in  
23           writing within 15 days by the Department of Revenue to the Information Technology  
24           Commission. The Department of Revenue and the State Information Processing  
25           Services shall develop data communications capabilities between the two computer  
26           centers utilizing the North Carolina Integrated Network, subject to a security review by  
27           the Secretary of Revenue.

28           The Department of Revenue shall prepare a plan to allow for substantial recovery  
29           and operation of major, critical computer applications. The plan shall include the names  
30           of the computer programs, databases, and data communications capabilities, identify the  
31           maximum amount of outage that can occur prior to the initiation of the plan and  
32           resumption of operation. The plan shall be consistent with commonly accepted  
33           practices for disaster recovery in the information processing industry. The plan shall be  
34           tested as soon as practical, but not later than six months, after the establishment of the  
35           Department of Revenue information processing capability.

36           No data of a confidential nature, as defined in the General Statutes or federal law,  
37           may be entered into or processed through any cost-sharing information resource center  
38           or network established under this subdivision until safeguards for the data's security  
39           satisfactory to the department head and the State Controller have been designed and  
40           installed and are fully operational. Nothing in this section may be construed to  
41           prescribe what programs to satisfy a department's objectives are to be undertaken, nor to  
42           remove from the control and administration of the departments the responsibility for  
43           program efforts, regardless whether these efforts are specifically required by statute or  
44           are administered under the general program authority and responsibility of the

1 department. This subdivision does not affect the provisions of G.S. 147-58 or G.S.  
 2 143B-426.39(14). Notwithstanding any other provision of law, the Office of the State  
 3 Controller shall provide information technology services on a cost-sharing basis to the  
 4 General Assembly and its agencies as requested by the Legislative Services  
 5 Commission."

6 Sec. 6. Part 23 of Article 9 of Chapter 143B of the General Statutes reads as  
 7 rewritten:

8 **"PART 23.**

9 **"COMPUTER COMMISSION INFORMATION TECHNOLOGY COMMISSION.**

10 **"§ 143B-426.21. Computer Commission Information Technology Commission.**

11 (a) Creation; Membership. – ~~The Computer Commission~~ Information Technology  
 12 Commission is created in the Department of Administration ~~Office of the State Controller.~~  
 13 The Commission consists of the following members:

14 (1) ~~ex-Ex~~ Ex officio members: the Governor, Lieutenant Governor, Secretary  
 15 of the Department of Administration, State Budget Officer, State  
 16 Auditor, State Treasurer, Secretary of State, Superintendent of Public  
 17 Instruction, Commissioner of Agriculture, Commissioner of Labor,  
 18 Commissioner of Insurance, State President of the Department of  
 19 Community Colleges, Chair of the Governor's Committee on Data  
 20 Processing and Information Systems, Chair of the State Information  
 21 Processing Services Advisory Board, and the Legislative Services  
 22 Officer or his designee.

23 (2) Other members: one citizen of the State of North Carolina with a  
 24 background in and familiarity with information systems or  
 25 telecommunications appointed by the General Assembly upon the  
 26 recommendation of the President Pro Tempore of the Senate in  
 27 accordance with G.S. 120-121, and one citizen of the State of North  
 28 Carolina with a background in and familiarity with information  
 29 systems or telecommunications appointed by the General Assembly  
 30 upon the recommendation of the Speaker of the House of  
 31 Representatives in accordance with G.S. 120-121. The two initial  
 32 members appointed by the General Assembly shall each serve a term  
 33 beginning on the 60th day following ratification of this act and  
 34 expiring on June 30, 1993. Thereafter, their successors shall be  
 35 appointed for four-year terms, commencing July 1. Vacancies in the  
 36 two legislative appointments shall be filled as provided in G.S. 120-  
 37 122.

38 Members of the Commission shall not be employed by nor serve on the board of  
 39 directors or other corporate governing body of any information systems, computer  
 40 hardware, computer software, or telecommunications vendor of goods and services to  
 41 the State of North Carolina.

42 The Governor shall chair the Commission and the Secretary of Administration shall  
 43 be secretary to the Commission. The Commission shall meet at the call of the chairman  
 44 or at the request of a majority of its members. ~~The Department of Administration~~ Office of

1 the State Controller shall provide ~~clerical~~ staff support and other services required by the  
2 Commission.

3 (b) Powers and Duties. – The Commission has the following powers and duties:

- 4 (1) To approve or disapprove proposals by the ~~Department of~~  
5 ~~Administration~~ State Information Processing Services under ~~G.S. 143-~~  
6 ~~341(9)~~ G.S. 143B-426.40;
- 7 (2) To obtain information relevant to the decisions required of the  
8 Commission under ~~G.S. 143-341(9)~~ G.S. 143B-426.40 from the affected  
9 departments; and
- 10 (3) To develop a comprehensive ~~five-year plan, covering the current and~~  
11 ~~following biennium,~~ for the acquisition and use of information  
12 processing technology resources in the affected departments, which  
13 shall be updated annually and shall be submitted to the General  
14 Assembly on the first day of each regular session."

15 Sec. 7. G.S. 120-123 is amended by adding a new subdivision to read:

16 "(56) The Information Technology Commission, as established by G.S.  
17 143B-426.21."

18 Sec. 8. Section 36(b) of Chapter 1086, Session Laws of 1987, reads as  
19 rewritten:

20 "(b) The ~~State Computer Information Technology~~ Commission and the agency,  
21 institution, or organization it designates as the manager for the supercomputer project  
22 shall present a written report on the progress of the supercomputer project to each  
23 regular monthly meeting of the Joint Legislative Commission on Governmental  
24 Operations through the years 1988, 1989, and 1990. The written reports shall be  
25 delivered to the Director of General Assembly Fiscal Research Division not less than 48  
26 hours prior to the beginning of the Commission's full meeting. The written reports shall  
27 contain at least the following information: the major tasks accomplished since the last  
28 report; the major tasks expected for the project over the two calendar years after the date  
29 of the report; the projected budgets and expenditures of the project over the next two  
30 calendar years after the date of the report; the major applications and uses on the  
31 supercomputer in the time since the last report; and the major projected applications and  
32 uses on the supercomputer in the next several months that will follow the report. The  
33 report shall constitute a full management and status report on the supercomputer project.  
34 If so requested by the Cochairmen of the Joint Legislative Commission on  
35 Governmental Operations, the Chairman of the ~~State Computer Information Technology~~  
36 Commission, or his designee, shall present the report verbally to the meeting of the Joint  
37 Legislative Commission on Governmental Operations."

38 Sec. 9. This act is effective upon ratification.