

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 239
SENATE BILL 541

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

The General Assembly of North Carolina enacts:

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 G.S. 143-340(14) is repealed.

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 G.S. 143-341(9) is repealed.

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Section 23.1 of Chapter 876 of the 1987 Session Laws as amended by Section 33 of Chapter 1086, Session Laws of 1987, is repealed.

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

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

a. Provide for the establishment, management, and operation, through either State ownership or commercial leasing of the following systems and services as they affect the internal management and operation of State government:

1. Central telephone systems and telephone networks;
2. Teleprocessing systems;
3. Teletype and facsimile services;
4. Satellite services;
5. Closed-circuit TV systems;
6. Two-way radio systems;
7. Microwave systems;
8. Related systems based on telecommunication technologies.

b. Coordinate the development of cost-sharing systems for respective user agencies for their proportionate parts of the cost of maintenance and operation of the systems and services listed

- in item 'a.' of this subdivision, in accordance with the rules and regulations adopted by the Governor and approved by the Council of State, pursuant to G.S. 143-341(8)k.
- c. Assist in the development of coordinated telecommunications services or systems within and among all agencies and departments, and recommend, where appropriate, cooperative utilization of telecommunication facilities by aggregating users.
 - d. Perform traffic analysis and engineering for all telecommunications services and systems listed in item 'a.' of this subdivision.
 - e. Pursuant to G.S. 143-49, establish telecommunications specifications and designs so as to promote and support compatibility of the systems within State government.
 - f. Pursuant to G.S. 143-49 and G.S. 143-50, coordinate the review of requests by State agencies for the procurement of telecommunications systems or services.
 - g. Pursuant to G.S. 143-341 and Chapter 146 of the General Statutes, coordinate the review of requests by State agencies for State government property acquisition, disposition, or construction for telecommunications systems requirements.
 - h. Provide a periodic inventory of telecommunications costs, facilities, systems, and personnel within State government.
 - i. Promote, coordinate, and assist in the design and engineering of emergency telecommunications systems, including but not limited to the 911 emergency telephone number program, Emergency Medical Services, and other emergency telecommunications services.
 - j. Perform frequency coordination and management for State and local governments, including all public safety radio service frequencies, in accordance with the rules and regulations of the Federal Communications Commission or any successor federal agency.
 - k. Advise all State agencies and institutions on telecommunications management planning and related matters and provide through the State Personnel Training Center or the State Information Processing Services training to users within State government in telecommunications technology and systems.
 - l. Assist and coordinate the development of policies and long-range plans, consistent with the protection of citizens' rights to privacy and access to information, for the acquisition and use of telecommunications systems; and base such policies and plans on current information about State telecommunications activities in relation to the full range of emerging technologies.

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

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

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

"Part 28A.

"State Information Processing Services.

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

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

- (1) To establish and operate information resource centers and services to serve two or more departments on a cost-sharing basis, if the Information Technology Commission decides it is advisable from the standpoint of efficiency and economy to establish these centers and services;
- (2) With the approval of the Information Technology Commission, to charge each department for which services are performed its proportionate part of the cost of maintaining and operating the shared centers and services;
- (3) With the approval of the Information Technology Commission, to require any department served to transfer to the Office of the State Controller ownership, custody, or control of information processing equipment, supplies, and positions required by the shared centers and services;
- (4) With the approval of the Information Technology Commission, to adopt reasonable rules for the efficient and economical management and operation of the shared centers, services, and the integrated State telecommunications network;
- (5) With the approval of the Information Technology Commission, to adopt plans, policies, procedures, and rules for the acquisition, management, and use of information technology resources in the departments affected by this subdivision to facilitate more efficient and economic use of information technology in these departments; and
- (6) To develop and promote training programs to efficiently implement, use, and manage information technology resources.

The Department of Revenue is authorized to deviate from this section's requirements that departments or agencies consolidate information processing functions on equipment owned, controlled or under custody of the State Information Processing Services. All deviations from this section's requirements shall be reported in writing within 15 days by the Department of Revenue to the Information Technology Commission and shall be consistent with available funding. The Department of Revenue is authorized to adopt

and shall adopt plans, policies, procedures, requirements and rules for the acquisition, management, and use of information processing equipment, information processing programs, data communications capabilities, and information systems personnel in the Department of Revenue. If the plans, policies, procedures, requirements, rules, or standards adopted by the Department of Revenue deviate from the policies, procedures, or guidelines adopted by the State Information Processing Services or the Information Technology Commission, those deviations shall be allowed and shall be reported in writing within 15 days by the Department of Revenue to the Information Technology Commission. The Department of Revenue and the State Information Processing Services shall develop data communications capabilities between the two computer centers utilizing the North Carolina Integrated Network, subject to a security review by the Secretary of Revenue.

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

No data of a confidential nature, as defined in the General Statutes or federal law, may be entered into or processed through any cost-sharing information resource center or network established under this subdivision until safeguards for the data's security satisfactory to the department head and the State Controller have been designed and installed and are fully operational. Nothing in this section may be construed to prescribe what programs to satisfy a department's objectives are to be undertaken, nor to remove from the control and administration of the departments the responsibility for program efforts, regardless whether these efforts are specifically required by statute or are administered under the general program authority and responsibility of the department. This subdivision does not affect the provisions of G.S. 147-58 or G.S. 143B-426.39(14). Notwithstanding any other provision of law, the Office of the State Controller shall provide information technology services on a cost-sharing basis to the General Assembly and its agencies as requested by the Legislative Services Commission."

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

"Part 23.

"Computer Commission Information Technology Commission.

"§ 143B-426.21. ~~Computer Commission~~ Information Technology Commission.

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

- (1) ~~ex-Ex~~ Ex officio members: the Governor, Lieutenant Governor, Secretary of the Department of Administration, State Budget Officer, State

Auditor, State Treasurer, Secretary of State, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance, State President of the Department of Community Colleges, Chair of the Governor's Committee on Data Processing and Information Systems, Chair of the State Information Processing Services Advisory Board, and the Legislative Services Officer or his designee.

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

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

The Governor shall chair the Commission and the Secretary of Administration shall be secretary to the Commission. The Commission shall meet at the call of the chairman or at the request of a majority of its members. The ~~Department of Administration Office~~ of the State Controller shall provide ~~clerical~~ staff support and other services required by the Commission.

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

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

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

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

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

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

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 6th day of June, 1989.