

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 263

Short Title: GPAC-Transfer SIPS to Admin. Dept.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Government Performance Audit.

February 19, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE TO TRANSFER THE STATE INFORMATION PROCESSING SYSTEM TO THE DEPARTMENT OF ADMINISTRATION.

The General Assembly of North Carolina enacts:

Section 1. State Information Processing Services, described in Part 28A of Article 9 of Chapter 143B of the General Statutes, is transferred from the Office of the State Controller to the Department of Administration. This transfer shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

Sec. 2. Part 23 of Article 9 of Chapter 143B of the General Statutes reads as rewritten:

"Part 23. Information ~~Technology~~ Resource Management Commission.

"§ 143B-426.21. **Information Resource Management Commission.**

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

- (1) Four members of the Council of State, appointed by the Governor.
- (2) The Secretary of Administration.
- (3) The State Budget Officer.
- (4) Two members of the Governor's cabinet, appointed by the Governor.
- (5) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed

1 by the General Assembly upon the recommendation of the President  
2 Pro Tempore of the Senate in accordance with G.S. 120-121.

3 (6) One citizen of the State of North Carolina with a background in and  
4 familiarity with information systems or telecommunications, appointed  
5 by the General Assembly upon the recommendation of the Speaker of  
6 the House of Representatives in accordance with G.S. 120-121.

7 (7) The Chair of the Governor's Committee on Data Processing and  
8 Information Systems.

9 (8) The Chair of the State Information Processing Services Advisory  
10 Board.

11 Members of the Commission shall not be employed by or serve on the board of  
12 directors or other corporate governing body of any information systems, computer  
13 hardware, computer software, or telecommunications vendor of goods and services to  
14 the State of North Carolina.

15 The two initial cabinet members appointed by the Governor and the two initial  
16 citizen members appointed by the General Assembly shall each serve a term beginning  
17 September 1, 1992, and expiring on June 30, 1995. Thereafter, their successors shall be  
18 appointed for four-year terms, commencing July 1. Members of the Governor's cabinet  
19 shall be disqualified from completing a term of service of the Commission if they are no  
20 longer cabinet members.

21 The appointees by the Governor from the Council of State shall each serve a term  
22 beginning on September 1, 1992, and expiring on June 30, 1993. Thereafter, their  
23 successors shall be appointed for four-year terms, commencing July 1. Members of the  
24 Council of State shall be disqualified from completing a term of service on the  
25 Commission if they are no longer members of the Council of State.

26 Vacancies in the two legislative appointments shall be filled as provided in G.S.  
27 120-122.

28 The Commission chair shall be elected in the first meeting of each calendar year  
29 from among the appointees of the Governor from the Council of State and shall serve a  
30 term of one year. The Secretary of Administration shall be secretary to the  
31 Commission.

32 No member of the Information Resource Management Commission shall vote on an  
33 action affecting solely his or her own State agency.

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

35 (1) To develop, approve, and publish a statewide information technology  
36 strategy covering the current and following biennium that shall be  
37 updated annually and shall be submitted to the General Assembly on  
38 the first day of each regular session.

39 (2) To develop, approve, and sponsor statewide technology initiatives and  
40 to report on those initiatives in the annual update of the statewide  
41 information technology strategy.

42 (3) To review and approve biennially the information technology plans of  
43 the executive agencies, including their plans for the procurement and  
44 use of personal computers and workstations.

- 1 (4) To recommend to the Governor and the Office of State Budget and  
2 Management the relative priorities across executive agency  
3 information technology plans.
- 4 (5) To establish a quality assurance policy for all agency information  
5 technology projects, information systems training programs, and  
6 information systems documentation.
- 7 (6) To establish and enforce a quality review and expenditure review  
8 procedure for major agency information technology projects.
- 9 (7) To review and approve expenditures from appropriations made to the  
10 Office of State Budget and Management for the purpose of creating a  
11 Computer Reserve Fund.
- 12 (8) To develop and promote a policy and procedures for the fair and  
13 competitive procurement of information technology consistent with the  
14 rules of the Department of Administration and consistent with  
15 published industry standards for open systems that provide agencies  
16 with a vendor-neutral operating environment where different  
17 information technology hardware, software, and networks operate  
18 together easily and reliably.

19 (c) Meetings. – The Information Resources Management Commission shall  
20 adopt bylaws containing rules governing its meeting procedures. The Information  
21 Resources Management Commission shall meet at least monthly."

22 Sec. 3. G.S. 143B-426.39(14) is recodified as G.S. 143-341(11) and reads as  
23 rewritten:

24 "(14)(11) Telecommunications for State Agencies. – With respect to State  
25 agencies, to exercise general coordinating authority for all  
26 telecommunications matters relating to the internal management and  
27 operations of these agencies. In discharging that responsibility the  
28 ~~State Controller~~ Secretary of Administration may in cooperation with  
29 affected State agency heads, do such of the following things as he  
30 deems necessary and advisable:

- 31 a. Provide for the establishment, management, and operation,  
32 through either State ownership or commercial leasing, of the  
33 following systems and services as they affect the internal  
34 management and operation of State agencies:
- 35 1. Central telephone systems and telephone networks;
  - 36 2. Teleprocessing systems;
  - 37 3. Teletype and facsimile services;
  - 38 4. Satellite services;
  - 39 5. Closed-circuit TV systems;
  - 40 6. Two-way radio systems;
  - 41 7. Microwave systems;
  - 42 8. Related systems based on telecommunication  
43 technologies.

- 1           b.     With the approval of the Information Technology Council,  
2           coordinate the development of cost-sharing systems for  
3           respective user agencies for their proportionate parts of the cost  
4           of maintenance and operation of the systems and services listed  
5           in item 'a.' of this subdivision.
- 6           c.     Assist in the development of coordinated telecommunications  
7           services or systems within and among all State agencies and  
8           recommend, where appropriate, cooperative utilization of  
9           telecommunication facilities by aggregating users.
- 10          d.     Perform traffic analysis and engineering for all  
11          telecommunications services and systems listed in item 'a.' of  
12          this subdivision.
- 13          e.     Pursuant to G.S. 143-49, establish telecommunications  
14          specifications and designs so as to promote and support  
15          compatibility of the systems within State agencies.
- 16          f.     Pursuant to G.S. 143-49 and G.S. 143-50, coordinate the review  
17          of requests by State agencies for the procurement of  
18          telecommunications systems or services.
- 19          g.     Pursuant to G.S. 143-341 and Chapter 146 of the General  
20          Statutes, coordinate the review of requests by State agencies for  
21          State government property acquisition, disposition, or  
22          construction for telecommunications systems requirements.
- 23          h.     Provide a periodic inventory of telecommunications costs,  
24          facilities, systems, and personnel within State agencies.
- 25          i.     Promote, coordinate, and assist in the design and engineering of  
26          emergency telecommunications systems, including but not  
27          limited to the 911 emergency telephone number program,  
28          Emergency Medical Services, and other emergency  
29          telecommunications services.
- 30          j.     Perform frequency coordination and management for State  
31          agencies and local governments, including all public safety  
32          radio service frequencies, in accordance with the rules and  
33          regulations of the Federal Communications Commission or any  
34          successor federal agency.
- 35          k.     Advise all State agencies on telecommunications management  
36          planning and related matters and provide through the State  
37          Personnel Training Center or the State Information Processing  
38          Services training to users within State agencies in  
39          telecommunications technology and systems.
- 40          l.     Assist and coordinate the development of policies and long-  
41          range plans, consistent with the protection of citizens' rights to  
42          privacy and access to information, for the acquisition and use of  
43          telecommunications systems; and base such policies and plans

1 on current information about State telecommunications  
2 activities in relation to the full range of emerging technologies.

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

6 The provisions of this subdivision shall not apply to the Criminal  
7 Information Division of the Department of Justice or to the Judicial  
8 Information System in the Judicial Department."

9 Sec. 4. G.S. 143B-426.39(15) is recodified as G.S. 143-341(12) and reads as  
10 rewritten:

11 "~~(15)~~ (12) ~~Provide~~ Telecommunications for Local Governmental Units. – To  
12 provide cities, counties, and other local governmental units with  
13 access to a central telecommunications system or service established  
14 under subdivision ~~(14)~~ (11) of this section for State agencies. Access  
15 shall be provided on the same cost basis that applies to State  
16 agencies."

17 Sec. 5. Part 28A of Article 9 of Chapter 143B of the General Statutes reads  
18 as rewritten:

19 **"PART 28A. STATE INFORMATION PROCESSING SERVICES.**

20 **"§ 143B-426.40. State Information Processing Services.**

21 With respect to all executive departments and agencies of State government, except  
22 the Department of Justice and The University of North Carolina, the ~~Office of State~~  
23 ~~Controller~~ Department of Administration shall have the following powers and duties:

- 24 (1) To establish and operate information resource centers and services to  
25 serve two or more departments on a cost-sharing basis, if the  
26 Information Resources Management Commission decides it is  
27 advisable from the standpoint of efficiency and economy to establish  
28 these centers and services;
- 29 (2) With the approval of the Information Resources Management  
30 Commission, to charge each department for which services are  
31 performed its proportionate part of the cost of maintaining and  
32 operating the shared centers and services;
- 33 (3) With the approval of the Information Resources Management  
34 Commission, to require any department served to transfer to the ~~Office~~  
35 ~~of the State Controller~~ Department of Administration ownership,  
36 custody, or control of information processing equipment, supplies, and  
37 positions required by the shared centers and services;
- 38 (4) With the approval of the Information Resources Management  
39 Commission, to adopt reasonable rules for the efficient and  
40 economical management and operation of the shared centers, services,  
41 and the integrated State telecommunications network;
- 42 (5) With the approval of the Information Resources Management  
43 Commission, to adopt plans, policies, procedures, and rules for the  
44 acquisition, management, and use of information technology resources

1 in the departments affected by this subdivision to facilitate more  
2 efficient and economic use of information technology in these  
3 departments; and

4 (6) To develop and promote training programs to efficiently implement,  
5 use, and manage information technology resources.

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

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

33 No data of a confidential nature, as defined in the General Statutes or federal law,  
34 may be entered into or processed through any cost-sharing information resource center  
35 or network established under this subdivision until safeguards for the data's security  
36 satisfactory to the department head and the ~~State Controller~~ Secretary of Administration  
37 have been designed and installed and are fully operational. Nothing in this subsection  
38 may be construed to prescribe what programs to satisfy a department's objectives are to  
39 be undertaken, nor to remove from the control and administration of the departments the  
40 responsibility for program efforts, regardless whether these efforts are specifically  
41 required by statute or are administered under the general program authority and  
42 responsibility of the department. This subdivision does not affect the provisions of G.S.  
43 147-64.6, G.S. 147-64.7, or G.S. ~~143B-426.39(14)~~ 143-341(11). Notwithstanding any  
44 other provision of law, the ~~Office of the State Controller~~ Department of Administration

- 1 shall provide information technology services on a cost-sharing basis to the General
- 2 Assembly and its agencies as requested by the Legislative Services Commission."
- 3           Sec. 6. This act becomes effective July 1, 1993.