

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1681

Short Title: Information Technology Trust Fund.

(Public)

Sponsors: Representatives Reynolds; Davis, Mosley, Shubert, and Tolson.

Referred to: Appropriations.

June 1, 1998

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE INFORMATION TECHNOLOGY TRUST FUND.

The General Assembly of North Carolina enacts:

Section 1. Article 10 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 17. "Information Technology Trust Fund.

"§ 143B-472.50. Information Technology Trust Fund: established.

(a) There is established an Information Technology Trust Fund in the Department of State Treasurer that shall be used to develop and promote strategic technology and electronic commerce initiatives in State government through grants awarded to State agencies pursuant to criteria adopted by the Board of Trustees established pursuant to G.S. 143B-472.52.

(b) The State Treasurer shall hold the Fund separate and apart from all other moneys, funds, and accounts. Investment earnings credited to the assets of the Fund shall become part of the Fund. Any balance remaining in the Fund at the end of any fiscal year shall be carried forward in the Fund for the next succeeding fiscal year. Payments from the Fund shall be made on the warrant of the Chair of the Board of Trustees.

"§ 143B-472.51. Information Technology Trust Fund: eligibility and criteria for grants; reporting.

1 (a) The Board of Trustees shall adopt criteria and requirements for allocating
2 moneys from the Fund as grants and for awarding grants to State agencies as authorized
3 pursuant to this Article.

4 In developing the criteria, the Trustees shall consider the need to develop a statewide
5 information technology strategy and initiatives, including public/private partnerships, for
6 the purpose of serving and responding to the inquiries and requests of the citizens of the
7 State in a more efficient and effective manner. The Board of Trustees shall also
8 encourage State agencies to develop information technology projects, information
9 systems training programs, information systems documentation, and quality assurance
10 policies for those projects and programs. The Trustees may develop guidelines in
11 addition to the grant criteria consistent with and as necessary to implement this Article.

12 (b) The Trustees may adopt rules to implement this Article. Chapter 150B of the
13 General Statutes applies to the adoption of rules by the Trustees.

14 (c) The Chair of the Board of Trustees of the Information Technology Trust Fund
15 shall report to the Joint Legislative Commission on Governmental Operations beginning
16 November 1, 1998, and annually thereafter on implementation of this section. A written
17 copy of the report shall also be sent to the Fiscal Research Division of the General
18 Assembly beginning November 1, 1998, and annually thereafter on implementation of
19 this section. No later than November 1, 1999, and quarterly thereafter, the Chair of the
20 Trustees shall submit to the Joint Legislative Commission on Governmental Operations
21 and the Chairs of the Appropriations Committees of the House of Representatives and the
22 Senate a list of the projects awarded grants from the Fund that quarter. The list shall
23 include for each project a description of the project, the amount of the grant awarded for
24 the project, and the total cost of the project. A written copy of the list and other
25 information regarding the projects shall also be sent to the Fiscal Research Division of
26 the General Assembly.

27 **"§ 143B-472.52. Information Technology Trust Fund: Board of Trustees**
28 **established; membership qualifications; vacancies; meetings and meeting**
29 **facilities.**

30 (a) There is established the Information Technology Trust Fund Board of Trustees.
31 The Information Technology Trust Fund Board of Trustees shall be independent, but for
32 administrative purposes shall be located under the Department of Commerce.

33 (b) The Information Technology Trust Fund Board of Trustees shall be composed
34 of 18 members as follows:

35 (1) The State Treasurer, or the Treasurer's designee, ex officio.

36 (2) The State Auditor, or the Auditor's designee, ex officio.

37 (3) The State Controller, or the Controller's designee, ex officio.

38 (4) The Secretary of the Department of Commerce, or the Secretary's
39 designee, ex officio.

40 (5) The Secretary of State, or the Secretary's designee, ex officio.

41 (6) The Secretary of the Department of Administration, or the Secretary's
42 designee, ex officio.

- 1 (7) The Assistant Secretary of Commerce for Information Technology, or
2 that person's designee, ex officio.
- 3 (8) The Chair of the State Information Processing Services Advisory Board,
4 ex officio.
- 5 (9) The Chair of the Criminal Justice Information Network Governing
6 Board, ex officio.
- 7 (10) The Chair of the Information Resource Management Commission, ex
8 officio.
- 9 (11) Two members appointed by the Governor who are citizens of the State
10 and have a background in and familiarity with information systems or
11 telecommunications.
- 12 (12) Three members appointed by the General Assembly upon the
13 recommendation of the President Pro Tempore of the Senate who are
14 citizens of the State and have a background in and familiarity with
15 information systems or telecommunications.
- 16 (13) Three members appointed by the General Assembly upon the
17 recommendation of the Speaker of the House of Representatives who
18 are citizens of the State and have a background in and familiarity with
19 information systems or telecommunications.

20 Members of the Commission shall not be employed by or serve on the board of
21 directors or other corporate governing body of any information systems, computer
22 hardware, computer software, or telecommunications vendor of goods and services to the
23 State of North Carolina. The appointed members shall represent the three geographic
24 regions of the State and reflect the racial and socioeconomic diversity of the State.
25 Members appointed by the General Assembly shall be appointed in accordance with G.S.
26 120-121.

27 (c) Initial Appointments. – Each appointing officer shall designate two of the
28 officer's initial appointments to serve two-year terms, two to serve four-year terms, and
29 two to serve six-year terms. Thereafter, all appointments shall be for four years, subject
30 to reappointment. All initial appointments shall be made on or before January 1, 1999.
31 The Governor shall appoint one Trustee to serve as Chair of the Board.

32 (d) If a vacancy occurs, other than by the expiration of term, of a member subject
33 to appointment by the General Assembly upon the recommendation of the Speaker of the
34 House of Representatives or the President Pro Tempore of the Senate, the vacancy shall
35 be filled in accordance with G.S. 120-122. All other vacancies shall be filled by the
36 appointing official in the original manner.

37 (e) The Trustees shall meet at least twice each year and may hold special meetings
38 at the call of the Chair or a majority of the members.

39 (f) The Trustees shall receive per diem and necessary travel and subsistence
40 expenses in accordance with the provisions of G.S. 138-5. Per diem, subsistence, and
41 travel expenses of the Trustees shall be paid from the Fund.

42 (g) Meeting Facilities. – The Secretary of the Department of Commerce shall
43 provide meeting facilities for the Board of Trustees as requested by the Chair. All

1 clerical staff, services, equipment, and supplies required by the Board of Trustees shall be
2 provided by the Department of Commerce."

3 Section 2. The Chair of the Board of Trustees of the Information Technology
4 Trust Fund shall report to the Joint Legislative Commission on Governmental Operations
5 and to the Chairs of the House of Representatives and Senate Appropriations Committees
6 by November 1, 1998, on:

7 (1) The criteria and guidelines adopted by the Board pursuant to G.S. 143B-
8 472.51 as enacted by this act.

9 (2) The Board's recommendations regarding means of continued funding
10 for the Information Technology Trust Fund, including the advisability
11 and feasibility of funding the Trust Fund by reversions of State funds
12 appropriated to agencies for technology and information systems.

13 (3) Any legislative proposals to implement the objectives and purposes of
14 Part 17 of Article 10 of Chapter 143B of the General Statutes, as
15 enacted by this act.

16 A written copy of the report shall be sent to the Fiscal Research Division of the General
17 Assembly by November 1, 1998.

18 Section 3. G.S. 120-123 is amended by adding a new subdivision to read:

19 "(23) The Information Technology Trust Fund Board of Trustees as
20 established by G.S. 143B-472.50."

21 Section 4. There is appropriated from the General Fund to the Information
22 Technology Trust Fund established pursuant to this act the sum of ten million dollars
23 (\$10,000,000) for the 1998-99 fiscal year to implement the provisions of this act.

24 Section 5. This act becomes effective July 1, 1998.