



# HOUSE BILL 217: Department of Information Technology Changes.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	December 9, 2019
<b>Introduced by:</b>		<b>Prepared by:</b>	Bill Patterson Staff Attorney
<b>Analysis of:</b>	S.L. 2019-200		

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**OVERVIEW:** *S.L. 2019-200 makes various technical changes to laws related to the Department of Information Technology (DIT); amends the laws relating to State agency cybersecurity; amends the laws relating to emergency telephone service and the 911 Board; repeals a requirement that cable service franchisees must provide cable service without charge to certain public buildings; creates the Information Technology Strategy Board to advise the State Chief Information Officer; revises the qualifications and training requirements for telecommunicators employed by municipal police agencies; and authorizes the State Chief Information Officer (CIO) to classify or reclassify DIT positions in accordance with the classification system established by the State Human Resources Commission (SHRC) and to set salaries for DIT employees within the salary ranges for the respective position classification established by the SHRC.*

*The change in requirements applicable to cable service franchisees becomes effective January 1, 2020. The change in qualifications and training requirements for police agency telecommunicators becomes effective July 1, 2021. The remainder of this act became effective August 21, 2019.*

## **BILL ANALYSIS:**

**Section 1** of this act repeals the requirement that the Department of Information Technology (DIT) standardize processes and specifications for convenience contracts to be rebid prior to termination, and authorizes DIT to establish procedures and procure information technology using multiple award contracts.

**Section 2** repeals requirements that DIT:

- Develop standards for employee versus vendor determinations.
- Review personal services contracts to determine whether a contractor's duties are more appropriately performed by a State employee.
- Conduct periodic audits of State agency personal service contracts.

Section 2 also modifies DIT reporting requirements and requires agencies to obtain written approval from DIT, and not also from the Office of State Budget and Management, before establishing or renewing certain information technology personal services contracts.

**Section 3** clarifies that the State Chief Information Officer (CIO) is responsible for ensuring that the Employee Classification Section has necessary access to the Government Data Analytics Center and all other information technology services.

**Section 4** makes a conforming change stating that the North Carolina Geographic Information Coordinating Council is located in DIT for organizational, budgetary, and administrative purposes.

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**Section 5** clarifies that the provisions of G.S. 133-32, gifts and favors regulated, apply to all DIT employees.

**Section 6** clarifies the role of DIT in preventing, responding to, and obtaining information about cybersecurity incidents and significant cybersecurity incidents.

The 911 Board is established within DIT and has various powers and duties such as developing the 911 State Plan, administering the 911 Fund, and distributing revenue in the 911 Fund to Commercial Mobile Radio Service providers and Public Safety Answering Points.

**Section 7** makes various changes to the powers and duties of the 911 Board; amends 911 Fund allocations; amends distributions to CMRS providers and PSAPs; and makes various other changes relating to the 911 Board and the implementation of enhanced and Next Generation 911 system capability and SMS and Text-to-911.

**Section 8** provides that this act does not alter the exclusive responsibility of the Secretary of Revenue to maintain the security of taxpayer information.

Currently, each State agency payroll unit is entitled to not fewer than four payroll deduction slots to be used for payment of insurance premiums for products selected to be offered to employees of the payroll unit. **Section 9** provides that each payroll unit is entitled to the number of payroll deduction slots it needs to be used for payment of such insurance premiums.

Effective January 1, 2020, **Section 10** repeals the requirement that cable system operators franchised by the State must provide cable service to any public building located within 125 feet of the provider's cable system.

**Section 11** creates the Information Technology Strategy Board within DIT. The Board's members comprise:

- The State CIO;
- The State Budget Officer;
- The President of the University of North Carolina;
- The President of the North Carolina Community College System;
- The Secretary of Administration;
- Two citizens having a background and familiarity with business system technology, information systems, or telecommunications appointed by the Governor;
- Two citizens having a background and familiarity with business system technology, information systems, or telecommunications appointed by the General Assembly upon the recommendation of the President Pro Tem;
- Two citizens having a background and familiarity with business system technology, information systems, or telecommunications appointed by the General Assembly upon the recommendation of the Speaker; and
- The State Auditor, who would be a nonvoting member.

Members of the Board appointed by the Governor will serve terms of four years, with the initial term expiring January 1, 2021. Board members appointed by the General Assembly will serve terms of two years, with the initial term expiring January 1, 2021.

The Board will:

- Advise the State CIO on the development, review and update of the State Information Technology Plan.

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- Identify and share industry best practices and new development and identify State Information Technology problems and deficiencies.
- Establish guidelines for reviewing project planning and management, information sharing, and administrative and technical review procedures involving State-owned or State-supported technology and infrastructure.
- Establish advisory groups on specific topics, including establishing, coordinating and prioritizing needs.
- Assist the State CIO in identifying a prioritized list of enterprise initiatives requiring new or additional funding.
- Recommend business system technology projects to the Department and General Assembly.
- Develop a five-year prioritization plan for future business system technology projects.

The Board is required to submit an annual report on the status of recommend projects and the most recent five-year prioritization plan to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division.

Effective July 1, 2021, **Section 12** requires telecommunicators employed by municipal police agencies to meet the same qualifications and training requirements as those employed by sheriffs' offices after March 1, 1998. These include:

- Satisfactory completion of an initial preparatory program of training at a school certified by the North Carolina Sheriffs' Education and Training Commission, unless exempted by the Commission.
- Such other qualifications as the Commission may fix, including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the office.

Currently the staff of DIT is subject to the State Personnel Act which, among other things, governs job classifications and compensation rates. DIT is established under Article 15 of Chapter 143B and is headed by the State CIO.

Under an exemption provided in G.S. 126-5(c11)(3), DIT employees who voluntarily relinquish any claim to longevity pay or career status are exempt from Human Resources Act provisions and policies pertaining to:

- Position classification, G.S. 126-4(1).
- Compensation, G.S. 126-4(2).
- Qualification for position, G.S. 126-4(3).
- Recruitment, G.S. 126-4(4).
- Hours and days of work, vacation, and sick leave, G.S. 126-4(5).
- Promotion and transfer, G.S. 126-4(6).
- Prohibited incentive pay programs, G.S. 126-4(10).
- Salaries, promotion and leave under Article 2 of Chapter 126, other than job posting requirements.

**Section 13** amends G.S. 126-5 to provide that, notwithstanding any contrary provision in the Human Resources Act, the State CIO is authorized to:

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- Classify or reclassify DIT positions according to the classification system established by the State Human Resources Commission (SHRC) as long as the employee meets the minimum requirements of the classification.
- Set salaries for DIT employees within the salary ranges for the respective position classification established by the SHRC.

**EFFECTIVE DATE:** Section 10 of this act relating to cable service franchisees becomes effective January 1, 2020. Section 12 of this act relating to police agency telecommunicators becomes effective on July 1, 2021. The remainder of the act became effective August 21, 2019.