

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 584**  
**Senate Information Technology Committee Substitute Adopted 6/20/07**  
**Third Edition Engrossed 6/25/07**

Short Title: ITS/Employee Backg. Investigations/IT Board.

(Public)

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Sponsors:

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Referred to:

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March 13, 2007

A BILL TO BE ENTITLED

1 AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE  
2 OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO  
3 BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC  
4 RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY  
5 LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND  
6 MAKING CONFORMING CHANGES, AND TO CHANGE THE MEMBERSHIP  
7 OF THE INFORMATION TECHNOLOGY ADVISORY BOARD.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 147-33.77 is amended by adding a new subsection to  
10 read:

11 "(g) The State Chief Information Officer may require background investigations  
12 of any employee or prospective employee, including a criminal history record check,  
13 which may include a search of the State and National Repositories of Criminal Histories  
14 based on the person's fingerprints. A criminal history record check shall be conducted  
15 by the State Bureau of Investigation upon receiving fingerprints and other information  
16 provided by the employee or prospective employee. If the employee or prospective  
17 employee has been a resident of the State for less than five years, the background report  
18 shall include a review of criminal information from both the State and National  
19 Repositories of Criminal Histories. The criminal background report shall be provided to  
20 the State Chief Information Officer and is not a public record under Chapter 132 of the  
21 General Statutes."

22 **SECTION 2.** G.S. 147-33.113(a)(4) reads as rewritten:

23 "(4) Designating an agency liaison in the information technology area to  
24 coordinate with the State Chief Information Officer. The liaison shall  
25 be subject to a criminal background report from the State Repository  
26 of Criminal Histories, which shall be provided by the State Bureau of  
27 Investigation upon its receiving fingerprints from the liaison. If the  
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1 liaison has been a resident of this State for less than five years, the  
2 background report shall include a review of criminal information from  
3 both the State and National Repositories of Criminal Histories. The  
4 criminal background report shall be provided to the State Chief  
5 Information Officer and the head of the agency. In addition, all  
6 personnel in the Office of State Auditor who are responsible for  
7 information technology security reviews pursuant to  
8 G.S. 147-64.6(c)(18) shall be subject to a criminal background report  
9 from the State Repository of Criminal Histories, which shall be  
10 provided by the State Bureau of Investigation upon receiving  
11 fingerprints from the personnel designated by the State Auditor. For  
12 designated personnel who have been residents of this State for less  
13 than five years, the background report shall include a review of  
14 criminal information from both the State and National Repositories of  
15 Criminal Histories. The criminal background reports shall be provided  
16 to the State Auditor. Criminal histories provided pursuant to this  
17 subdivision are not public records under Chapter 132 of the General  
18 Statutes."

19 **SECTION 3.** Article 4 of Chapter 114 of the General Statutes is amended by  
20 adding a new section to read:

21 **"§ 114-19.20. Criminal record checks for the Office of Information Technology**  
22 **Services.**

23 (a) The Department of Justice may provide to the Office of Information  
24 Technology Services from the State and National Repositories of Criminal Histories the  
25 criminal history of any current or prospective employee, volunteer, or contractor of the  
26 Office of Information Technology Services. The Office of Information Technology  
27 Services shall provide to the Department of Justice, along with the request, the  
28 fingerprints of the current or prospective employee, volunteer, or contractor, a form  
29 signed by the current or prospective employee, volunteer, or contractor consenting to  
30 the criminal record check and use of fingerprints and other identifying information  
31 required by the State and National Repositories, and any additional information required  
32 by the Department of Justice. The fingerprints of the current or prospective employee,  
33 volunteer, or contractor shall be forwarded to the State Bureau of Investigation for a  
34 search of the State's criminal history record file, and the State Bureau of Investigation  
35 shall forward a set of fingerprints to the Federal Bureau of Investigation for a national  
36 criminal history record check. The Office of Information Technology Services shall  
37 keep all information obtained pursuant to this section confidential.

38 (b) The Department of Justice may charge a fee to offset the cost incurred by it to  
39 conduct a criminal record check under this section. The fee shall not exceed the actual  
40 cost of locating, editing, researching, and retrieving the information."

41 **SECTION 4.** G.S. 147-33.72G reads as rewritten:

42 **"§ 147-33.72G. Information Technology Advisory Board.**

43 (a) **Creation; Membership.** – The Information Technology Advisory Board is  
44 established and shall be located within the Office of Information Technology Services

1 for organizational, budgetary, and administrative purposes. The Board shall consist of  
2 ~~12-9~~ members, ~~four-two~~ appointed by the Governor, ~~four-two~~ appointed by the President  
3 Pro Tempore of the Senate, and ~~four-two~~ appointed by the Speaker of the House of  
4 ~~Representatives~~. Representatives, two appointed by the chair, and the State Controller ex  
5 officio. All appointments shall be from among persons knowledgeable in the subject  
6 area and having experience with State government or information technology  
7 deployment within large organizations. Each member shall serve at the pleasure of the  
8 officer who appointed the member. The Governor shall designate a chair from among  
9 the membership.

10 (a1) Of the initial appointments, one person each appointed by the Governor, the  
11 president Pro Tempore of the Senate, the Speaker of the House of Representatives and  
12 the chair shall serve a term of one year beginning October 1, 2007, and one person  
13 appointed by each shall serve a term of two years beginning October 1, 2007. All  
14 succeeding appointments shall be for terms of two years. Members shall not serve for  
15 more than two successive terms.

16 (a2) Vacancies shall be filled by the appointing authority for the unexpired portion  
17 of the term in which they occur.

18 (a3) The members appointed by the Governor shall be heads of State agencies or  
19 managers whose primary responsibilities do not include information technology.

20 (a4) The members appointed by the President Pro Tempore of the Senate and the  
21 Speaker of the House of Representatives shall be persons with experience in the  
22 deployment, use, maintenance, and replacement of information technology. Of the  
23 members appointed by the President Pro Tempore of the Senate, one member shall be  
24 from local government, and one member shall be from the private sector. Of the  
25 members appointed by the Speaker of the House of Representatives, one member shall  
26 be from primary or secondary education, and one member shall be from the private  
27 sector.

28 (a5) The two members appointed by the chair shall be chief information officers  
29 of State agencies or managers whose primary responsibilities include information  
30 technology.

31 (b) Conflicts of Interest. – Members of the Advisory Board shall not serve on the  
32 board of directors or other governing body of, be employed by, or receive any  
33 remuneration of any kind from any information systems, computer hardware, computer  
34 software, or telecommunications vendor of goods and services to the State of North  
35 Carolina.

36 No member of the Advisory Board shall vote on an action affecting solely that  
37 person's State agency.

38 (c) Powers and Duties. – The Board shall:

39 (1) Review and comment on the State Information Technology Plan  
40 developed by the State Chief Information Officer under  
41 G.S. 147-33.72B(b).

42 (2) Review and comment on the information technology plans of the  
43 executive agencies prepared under G.S. 147-33.72B(c).

1           (3) Review and comment on the statewide technology initiatives  
2           developed by the State Chief Information Officer.

3           (4) Advise the State Chief Information Officer on the development of  
4           statewide information technology programs and services.

5           (d) Meetings. – The Information Technology Advisory Board shall adopt bylaws  
6           containing rules governing its meeting procedures. The Board shall meet at least  
7           quarterly. The Office of Information Technology Services shall provide administrative  
8           staff and facilities for Advisory Board meetings. The expenses of the Board shall be  
9           paid from receipts available to the Office of Information Technology Services as  
10          requested by the Board. Advisory Board members shall receive per diem, subsistence,  
11          and travel allowances as follows:

12           (1) Commission members who are officials or employees of the State or of  
13           local government agencies, at the rate established in G.S. 138-6; and

14           (2) All other commission members, at the rate established in G.S. 138-5."

15          **SECTION 5.** The terms of office of the existing members of the Information  
16          Technology Advisory Board expire September 30, 2007.

17          **SECTION 5.1.** If Senate Bill 878, 2007 Regular Session, becomes law, then  
18          Sections 1, 2, and 3 of this act are repealed so that they are not enacted twice.

19          **SECTION 6.** This act is effective when it becomes law, except that Section  
20          4 becomes effective October 1, 2007.