

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1111

Short Title: Online North Carolina.

(Public)

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Sponsors: Senators Reeves; and Ballantine.

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Referred to: Information Technology.

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April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO CREATE "ONLINE NORTH CAROLINA" A STATEWIDE  
INFORMATION NETWORK TO FACILITATE ELECTRONIC GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. The title of Part 16 of Article 10 of Chapter 143B of the General  
Statutes is amended to add a Subpart to read:

**"PART 16. INFORMATION TECHNOLOGY RELATED STATE  
GOVERNMENT FUNCTIONS.**

**"SUBPART 1. INFORMATION RESOURCES AND SERVICES."**

Section 2. Part 16 of Article 10 of Chapter 143B of the General Statutes is  
amended by adding a new Subpart to read:

**"SUBPART 2. ONLINE NORTH CAROLINA.**

**"§ 143B-472.50. Title.**

This Subpart may be cited as the Online North Carolina Act.

**"§ 143B-472.51. Definitions.**

The following definitions apply in this Subpart:

- (1) 'Agency' means any agency, board, or commission of the State or any political subdivision of the State which stores, gathers, or generates public information.

- 1           (2) 'Gateway system' means any centralized electronic information system  
2 by which public information shall be disseminated or collected via the  
3 Internet, dial-in modem, continuous link, or other electronic medium.
- 4           (3) 'Network manager' means the entity or person designated by contractual  
5 obligation to establish, develop, operate, maintain, and expand the  
6 gateway system on behalf of the Information Network of North  
7 Carolina.
- 8           (4) 'Public information' means any information stored, gathered, or  
9 generated in electronic or magnetic form by an agency, its agencies or  
10 instrumentalities, which is included within the information deemed to be  
11 a public record in accordance with Chapter 132 of the General Statutes.
- 12           (5) 'User association' means an association:
- 13           a. Whose membership is identified by regular payment of  
14 association dues and regularly maintained membership lists;
- 15           b. Which is registered with the Secretary of State as a North  
16 Carolina corporation;
- 17           c. Which exists for the purpose of advancing the common  
18 occupation or profession of its membership; and
- 19           d. Which, after the appointment of the initial board of Online North  
20 Carolina, regularly promotes and encourages the subscription of  
21 its members to the gateway system developed by Online North  
22 Carolina.

23 **"§ 143B-472.52. Board.**

- 24           (a) There is created Online North Carolina, a public instrumentality carrying out  
25 an essential government function, which shall be governed by a board to be known as the  
26 Online North Carolina Board, which shall consist of nine members, as follows:
- 27           (1) Three members appointed by the Governor, one of whom shall be the  
28 Chief Information Officer for the State.
- 29           (2) Three members appointed by the President Pro Tempore of the Senate.
- 30           (3) Three members appointed by the Speaker of the House of  
31 Representatives.
- 32           The members of the Board shall be appointed for two-year terms commencing on July  
33 1 of each odd-numbered year. Members of the Board shall continue to serve until their  
34 successors are appointed.
- 35           (b) The Board shall annually elect one member from the Board as chair of the  
36 Board at the first meeting of the Board held on or after July 1 of each year. The Board  
37 may also elect a vice-chair and a secretary.
- 38           (c) Five members of the Board shall constitute a quorum and the affirmative vote  
39 of five members of the Board shall be necessary for any action taken by the Board. No  
40 vacancy in the membership of the Board shall impair the right of a quorum to exercise all  
41 rights and perform all the duties of the Board.
- 42           (d) The Board shall meet at least semiannually.

1 (e) Members of the Board shall not be entitled to compensation, but shall receive  
2 per diem and necessary travel and subsistence expense in accordance with G.S. 138-5.

3 (f) Any vacancy occurring in the membership of the Board shall be filled by the  
4 original appointing authority.

5 **"§ 143B-472.53. Duties.**

6 (a) Online North Carolina shall have the following duties:

7 (1) To develop and implement an electronic gateway system to provide  
8 electronic access to members of the public to public information and to  
9 develop, implement, and promote the use of electronic commerce and  
10 digital signature applications within the State in cooperation with the  
11 Secretary of State;

12 (2) To provide appropriate oversight of the network manager;

13 (3) To establish charges for the services provided by Online of North  
14 Carolina;

15 (4) To explore ways of expanding the amount and kind of public  
16 information provided, increasing the utility and form of the public  
17 information provided, and implement such charges as required to be  
18 consistent with the provisions of this Subpart;

19 (5) To explore ways of improving citizen and business access to public  
20 information, and, where appropriate, implementing such changes;

21 (6) To explore ways of expanding a gateway system and its services to  
22 citizens and businesses by providing add-on services to the public such  
23 as access to other for-profit information databases, electronic mail, and  
24 calendar;

25 (7) To serve in an advisory capacity to the Department of Administration,  
26 the Officer of Budget and Management, the Information Resource  
27 Management Commission, and the State Information Processing  
28 Services Division of the Department of Commerce, and other State  
29 agencies regarding the dissemination to and collection of State data for  
30 the citizens and businesses of North Carolina;

31 (8) To seek advice from the general public, its subscribers, professional  
32 associations, academic groups, and institutions and individuals with  
33 knowledge or interest in computer networking, electronic mail, public  
34 information access, gateway services, add-on services, and electronic  
35 filing of information; and

36 (9) To accept gifts, donations, and grants for the support of a gateway  
37 system in North Carolina.

38 (b) (1) All State agencies shall participate with Online North  
39 Carolina in providing assistance as may be requested for the  
40 achievement of its purpose.

41 (2) Services and information to be provided by any agency shall be  
42 specified pursuant to a contract between Online North Carolina and the  
43 agency.

1           (3) Agencies may contract to recover from Online North Carolina costs  
2           incurred by providing assistance to Online North Carolina in accordance  
3           with this subsection.

4 **"§ 143B-472.54. Network manager.**

5           (a) Online North Carolina shall contract with a network manager and shall use a  
6 competitive bid process after developing, in consultation with the Information Resource  
7 Management Commission and the State Information Processing Services Division,  
8 criteria and specifications for such a network manager and the network manager's duties.

9           (b) Online North Carolina may negotiate and enter into a contract with the network  
10 manager. The contract shall specify the duties and responsibilities of the network  
11 manager, and shall also include any other terms necessary to the agreement.

12          (c) The network manager shall:

13           (1) Direct and supervise the day-to-day operations and expansion of the  
14 gateway system, including the initial phase of operations necessary to  
15 make the gateway system operational;

16           (2) Attend meetings of the Online North Carolina Board;

17           (3) Keep a record of all gateway, network, and related operations of Online  
18 North Carolina, which records shall be the property of Online North  
19 Carolina;

20           (4) Maintain and be a custodian of all financial and operational records,  
21 documents, and papers filed with Online North Carolina;

22           (5) Update and revise on an annual basis the business plan of Online North  
23 Carolina in consultation with and under the direction of the Online  
24 North Carolina Board;

25           (6) Submit to Online North Carolina quarterly financial reports, an annual  
26 audit, an annual report, and any other information requested by the  
27 Board;

28           (7) Other activities or services requested or authorized by Online North  
29 Carolina consistent with this Subpart.

30          (d) The State Information Processing Services Division may provide Online North  
31 Carolina with staff and other assistance under contract."

32           Section 3. This act becomes effective July 1, 1999.