

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 544

Short Title: Work-Related Web Sites on State Computers. (Public)

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Sponsors: Senator Brock.

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Referred to: State and Local Government.

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March 15, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING THAT THE AUTHORIZED USE OF STATE COMPUTERS  
3 MAY NOT INCLUDE STATE EMPLOYEE ACCESS TO CERTAIN TYPES OF  
4 INTERNET SITES AND OTHERWISE RESTRICTING STATE COMPUTER  
5 USE THAT IS NOT WORK-RELATED.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 143 of the General Statutes is amended by adding a  
8 new Article to read:

9 "Article 79.

10 "Employee Use of State Computers.

11 "**§ 143-740. Definitions.**

12 (a) The following definitions apply in this Article:

- 13 (1) Inappropriate personal use. – Any personal use that could cause  
14 congestion, delay, or disruption of service to a State government  
15 computer system or that could generate more than minimal additional  
16 expense to the State.
- 17 (2) Information infrastructure. – Telecommunications, cable, and  
18 computer networks, including the World Wide Web, Usenet, bulletin  
19 board systems, online systems, and telephone networks.
- 20 (3) Personal use. – Activity that is conducted for purposes other than  
21 accomplishing official business.
- 22 (4) Minimal additional expense. – The expense incurred when the State is  
23 already providing equipment, supplies, or services and the use involves  
24 only a limited amount of electricity or other resources. Wear and tear  
25 from normal use is also a minimal additional expense.
- 26 (5) Nonwork time. – The time when a State employee (i) is not performing  
27 an activity for the benefit of the State or under the control and  
28 direction of the State agency or (ii) would not otherwise be expected to  
29 address official business. Nonwork time includes lunch periods and

1 authorized breaks. Nonwork time includes the time before or after a  
2 workday, weekends, or holidays, but only if the employee's duty  
3 station would normally be available to the employee at those times.

4 (6) Sexually explicit content. – Any of the following:

5 a. Any description of or any image or visual representation  
6 depicting sexual conduct, sexual excitement, or sexual abuse.

7 b. Pornographic or obscene materials.

8 c. A lewd exhibition of nudity.

9 (7) State agency computer system. – Any computer hardware, software, or  
10 peripheral device owned or leased for use by a State agency,  
11 department, or institution.

12 (8) State employee. – Includes all State employees in the executive,  
13 judicial, and legislative branches and the employees of The University  
14 of North Carolina.

15 **§ 143-741. Restrictions on State employee access to information infrastructure.**

16 (a) No State employee may utilize a State agency computer system to access  
17 information infrastructure to do any of the following:

18 (1) Gamble.

19 (2) Engage in unlawful conduct.

20 (3) Pursue private commercial business activities or profit making  
21 ventures.

22 (4) Transmit, access, download, print, or store any information  
23 infrastructure files or services having sexually explicit content.

24 (5) Transmit, access, download, print, or store any information  
25 infrastructure files or services that are not work-related, including  
26 Internet sites and services.

27 (b) The restrictions contained in subsection (a)(4) of this section shall not apply  
28 to:

29 (1) A bona fide State agency-approved research project or other officially  
30 sanctioned undertaking when prior approval is given by the agency  
31 head in writing.

32 (2) A criminal investigation conducted by a State, local, or federal law  
33 enforcement agency.

34 (c) The restrictions contained in subsection (a)(5) of this section shall not apply  
35 when:

36 (1) The head of a State agency, department, or institution has adopted an  
37 acceptable use policy allowing limited personal use of a State agency  
38 computer system during nonwork time where there is minimal  
39 additional expense to the State;

40 (2) The administrator of the State agency's computer system has  
41 determined that access to an Internet site or service that is not  
42 work-related will not result in inappropriate personal use; and

43 (3) The State employee has signed an acceptable use agreement detailing  
44 the extent of the authorized use.

1 **"§ 143-742. Limited personal use.**

2 (a) The head of a State agency, department, or institution may adopt an agency  
3 acceptable use policy, consistent with G.S. 143-741, that allows employees to make  
4 limited personal use of a State agency computer system during nonwork time if the use  
5 involves no more than minimal additional expense and does not interfere with the  
6 employee's productivity or official duties or the productivity or official duties of others.  
7 Managers and supervisors may further restrict limited personal use based on the needs  
8 of the workplace or problems with inappropriate use.

9 (b) Only a State employee who is authorized to access a State agency computer  
10 system in the performance of the employee's job duties may be allowed limited personal  
11 use.

12 (c) A State employee does not have a right to, nor should the employee have an  
13 expectation of, privacy when accessing a State agency computer system.

14 **"§ 143-743. Notice; sanctions.**

15 (a) The head of each State agency, department, and institution shall notify each  
16 State employee in the agency of the provisions of this Article and shall furnish to each  
17 employee a copy of any agency acceptable use policy.

18 (b) Any State employee who violates this Article shall be subject to disciplinary  
19 action up to and including dismissal from employment and may, as otherwise provided  
20 by law, be subject to criminal penalties."

21 **SECTION 2.** This act is effective when it becomes law.