

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 757
SENATE BILL 350

AN ACT TO MODIFY LAWS AFFECTING THE OPERATIONS OF THE STATE
LIBRARY AND THE MUSEUM OF HISTORY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-170.2 reads as rewritten:

"§ 143-170.2. Publication procedure manuals.

(a) ~~The Department of Administration, in consultation with at least the State Librarian and the State Auditor, shall establish, distribute,~~ The State Librarian in consultation with the State Auditor shall administer and periodically revise guidelines to be used by all State agencies and community colleges in developing publication procedures manuals for public documents. The initial guidelines developed by the Department of Administration shall be released no later than December 1, 1989 and shall address at least the following elements of publication production for public documents:

- (1) Bibliographic style, substantially in accord with a recognized style manual approved by the State Librarian; provided, however, the Department shall not develop guidelines concerning the design, layout, size or appearance of publications except as otherwise permitted herein;
- (2) Procedures for the notification of the State Library for title changes in serial publications;
- (3) Pricing of documents for resale;
- (4) Use of publication services at State-operated printing facilities;
- (5) Purchase of commercial publication services; and
- (6) The distribution of publications.

The Department of Administration shall submit the initial guidelines to State agencies for review and comment for a period of 60 days; provided, however, that submission to the University of North Carolina General Administration shall satisfy this requirement with respect to universities. The Department, in consultation with at least the State Librarian and the State Auditor, shall consider the comments of the State agencies before adopting final guidelines. The Department of Administration shall adopt and release the final guidelines no later than four months after the release of the initial guidelines.

(b) Upon the adoption and release of final guidelines by the Department of Administration, each State agency and community college shall within four months thereafter adopt a publication procedures manual for public documents consistent with

the guidelines established pursuant to subsection (a) of this section and an administrative review and approval process to ensure appropriate review and approval of its public documents.

(c) Each State agency and community college shall submit to the ~~Department of Administration~~ State Library for review and retention a copy of its publication procedures manual and its administrative review procedure for public documents. Any revisions made by an agency shall also be submitted to the State Library within 30 days of adoption by the agency. ~~documents, and any revisions thereto, within 30 days of adoption. The Department shall retain a copy of each agency's submissions. The publication procedures manual, the administrative review procedure, and any revisions shall be implemented upon adoption.~~

(d) ~~The Department of Administration may revise its final guidelines after July 1, 1990 in the same manner as provided in this section for the adoption of its initial and final guidelines, provided that the period of agency review and comment shall be thirty (30) days.~~

(d1) The State Library may revise the final statewide guidelines, originally issued April 1, 1990, by the Department of Administration, at any time after July 1, 1990, provided that there be distribution of any proposed revisions to all agencies and institutions subject to these provisions, and that there be a 30-day review period for these agencies to comment."

Sec. 2. G.S. 143B-90 reads as rewritten:

"§ 143B-90. State Library Commission – creation, powers and duties.

There is hereby created the State Library Commission of the Department of Cultural Resources. The State Library Commission has the following functions and duties:

- (1) To advise the Secretary of Cultural Resources on matters relating to the operation and services of the State Library;
- (2) ~~To suggest programs to the Secretary to aid in the development of libraries statewide;~~
- (2a) To work for the financial support of statewide and local public library services;
- (3) To advise the Secretary upon any matter the Secretary might refer to it;
- (4) ~~To evaluate and approve the State Plan for Public Library Development;~~
- (4a) To work for the financial support of statewide interlibrary services;
- (5) ~~To evaluate and approve the State Plan for Multitype Library Cooperation;~~
- (5a) To aid and advise the Secretary of Cultural Resources in the development of information services for the promotion of cultural, educational, and economic well-being of the State.
- (6) ~~To evaluate and approve plans for federally funded library programs;~~
- (7) ~~To evaluate and approve State Library policies for the acquisition of library materials; and~~
- (8) ~~To serve as a search committee to seek out, interview, and recommend to the Secretary one of more experienced and professionally trained~~

~~librarians for the position of Director of the Division of State Library when a vacancy occurs, and to assist and cooperate with the Secretary in periodic reviews of the performance of the Director and the Division.~~

(8a) To aid and advise the Secretary of Cultural Resources on the recruitment and appointment of the State Librarian."

Sec. 3. G.S. 143B-91 reads as rewritten:

"§ 143B-91. State Library Commission – members; selection; quorum; compensation.

(a) The State Library Commission shall consist of 11-15 members. All members shall have an interest in the development of library and information services in North Carolina. Six-Eight members shall be appointed by the Governor. Governor and the other five members shall be the following officers of the North Carolina Library Association: President; Chairman of the Public Libraries Section; Chairman of the College and University Section; Chairman of the Junior College Section; and Chairman of the North Carolina Association of School Libraries Section. One member shall be appointed by the Lieutenant Governor. One member shall be appointed by the Speaker of the North Carolina House of Representatives. Three members shall be appointed by the North Carolina Public Library Directors Association. Two members shall be the President and the President-elect of the North Carolina Library Association or two appointees as determined by the North Carolina Library Association's Board of Directors. The State Librarian shall be an ex officio member and act as secretary to the Commission.

~~Members of the State Library Committee appointed by the Governor shall continue as members of the State Library Commission for the remainder of the terms to which appointed. Thereafter all appointments by the Governor shall be for six year terms. All appointments shall be for four-year terms with eight of the commissioners taking office on the first four-year cycle and seven commissioners taking office on the second four-year cycle. Any appointment to fill a vacancy in one of the positions appointed by the Governor-Governor, Lieutenant Governor, or Speaker of the House of Representatives shall be for the remainder of the unexpired term. Officers of the North Carolina Library Association shall serve as members of the Commission for the duration of their terms as officers of the Association. Appointees shall not serve more than two successive four-year terms.~~

The Governor shall choose a chairman-chairperson from among the members of the Commission-gubernatorial appointees. The chairman-chairperson shall serve not more than two successive two-year terms as chairman-chair.

Members of the Commission shall receive per diem and necessary travel and subsistence expenses as provided in G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources.

The Commission shall meet at least twice a year.

(b) There shall be standing committees established to advise the Secretary of Cultural Resources, the Commission, and the State Librarian. These committees shall be: Public Library Development; Interlibrary Cooperation; State Government Information Services; State Library Development; and any other committee deemed appropriate. Each committee shall be composed of a committee chairperson and at least six persons appointed annually by the Secretary of Cultural Resources with the approval of the Commission. At least one of the members of each committee shall be a member of the Commission. Each committee shall report to the Commission at least once a year."

Sec. 4. In order to provide for a transition to the new number of commissioners and assure the necessary rotation of members, the following appointment cycle is established:

(a) All members of the State Library Commission at the time of the enactment of this bill shall remain on the Commission for the remainder of their terms except Commissioners who are members through election as President of the North Carolina Library Association and Chair of the following sections of the North Carolina Library Association: Public Library Section, College and University Section, Junior College Section, and President of the North Carolina Association of School Librarians. The terms of these Commissioners shall expire June 30, 1991.

(b) On July 1, 1991, the Governor shall appoint two persons to full four-year terms and two persons to two-year terms. The Lieutenant Governor shall appoint one person to a full four-year term. The Speaker of the House shall appoint one person to a full four-year term. Two appointees of the North Carolina Public Library Directors Association shall begin a two-year term. One appointee of the North Carolina Public Library Directors Association shall begin a full four-year term. The President and Vice-president of the North Carolina Library Association or two appointees of the North Carolina Library Association shall begin a two-year term.

(c) On July 1, 1993, the Governor shall appoint four persons to full four-year terms. Two appointees of the North Carolina Public Library Directors Association shall begin full four-year terms. The President and Vice-president or two appointees of the North Carolina Library Association shall begin full four-year terms.

Sec. 5. G.S. 121-4 is amended by adding a new subdivision to read:

"(16) To enter into an agreement with a private nonprofit corporation for the management of facilities to provide food and beverages at the North Carolina Museum of History. Any net proceeds received by the private nonprofit corporation shall be devoted to the work of the Department. Any private nonprofit corporation entering into an agreement with the Department with regard to the management of the facilities may enter into further agreements with private persons or corporations concerning the operation of the facilities, providing such agreements are arrived at in a public manner, consistent with rules adopted by the Secretary of Administration pursuant to G.S. 143-53, and allowing for the submission of proposals or bids by all interested parties regardless of nationality, religion, race, gender or age. Subject

to the provisions of Article 3, Chapter 143 of the General Statutes, the Department may enter into an agreement in regard to obtaining or installing equipment, furniture and furnishings for such facilities. The operation of food and beverage service shall be subject to the provisions of Article 3 of Chapter 111 of the General Statutes."

Section 6. G.S. 121-7(b) reads as rewritten:

"(b) Insofar as practicable, the North Carolina Museum of History shall accession and maintain records showing provenance, value, location, and other pertinent information on such furniture, furnishings, decorative items, and other objects as have historical or cultural importance and which are owned by or to be acquired by the State for use in the State ~~Capitol~~-Capitol and the Executive Mansion, and, upon request of the Department of Administration, any other state-owned building. When any such item or object has been entered in the accession records of the Museum of History, the custodian of such item or object shall, upon its removal from the premises upon which it was located or when it is otherwise disposed of, submit to the Museum of History sufficient details concerning its removal or disposition to permit an adequate entry in the accession records to the end that its location or disposition, and authority for such change, shall be showed therein."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives