

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 771
SENATE BILL 62

AN ACT TO ESTABLISH AND MAINTAIN A DEPOSITORY LIBRARY SYSTEM
FOR PUBLICATIONS OF NORTH CAROLINA STATE GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-50.1 is repealed.

Sec. 2. Chapter 125 of the General Statutes is amended by adding a new Article to read:

"Article 1A.

"State Depository Library System.

"§ 125-11.5. **Purpose.**—The purpose of this Article is to establish a depository system for the distribution of State publications to designated libraries throughout the State in order to facilitate public access to publications issued by State agencies.

"§ 125-11.6. **Definitions.**—As used in this Article:

- (1) 'Depository library' means a library designated to receive and maintain State publications and make them available to the public.
- (2) 'Document' means any printed document including any report, directory, statistical compendium, bibliography, map, regulation, newsletter, pamphlet, brochure, periodical, bulletin, compilation, or register, regardless of whether the printed document is in paper, film, tape, disk, or any other format.
- (3) 'State agency' means every State department, institution, board, and commission.
- (4) 'State publication' means any document prepared by a State agency or private organization, consultant, or research firm, under contract with or under the supervision of a State agency: Provided, however, the term 'State publication' does not include administrative documents used only within the issuing agency, documents produced for instructional purposes that are not intended for sale or publication, appellate division reports and advance sheets distributed by the Administrative Office of the Courts, the S.B.I. Investigative 'Bulletin', documents that will be reproduced in the Senate or House of Representatives Journals, or documents that are confidential pursuant to Article 17 of Chapter 120 of the General Statutes.

"§ 125-11.7. **State Library designated the official depository for all State publications.**—The State Library shall be the official, complete, and permanent depository for all State publications, and shall receive five copies of all State

publications in addition to the copies required for the depository system: Provided, however, the State Library shall receive only five copies of any State publication offered for sale by a State agency at a price at least high enough to recover production costs: Provided, further, the State Library, notwithstanding the definition of 'State publication' contained in this Article, shall have authority to exclude from required deposit in the State Library any items or materials which it finds are not appropriate for deposit.

"§ 125-11.8. State Publications Clearinghouse created.—(a) A State Publications Clearinghouse is created within the Department of Cultural Resources, the Division of State Library.

(b) The Clearinghouse shall:

- (1) Advise State agencies annually of the number of copies of State publications needed for distribution.
- (2) Advise State agencies annually that they are required to submit only five copies of any State publication offered for sale at a price at least high enough to recover production costs.
- (3) Receive from State agencies promptly after publication the number of copies of State publications specified, and distribute these to the depository libraries.
- (4) Prepare on microfiche one or more copies of each State publication that is printed on paper for reference and interlibrary loan purposes.
- (5) Publish a checklist of State publications and distribute the checklist without charge to all requesting North Carolina libraries.
- (6) Forward two copies of all State publications that are printed on paper to the Library of Congress.

"§ 125-11.9. Powers and duties of the State Library.—The State Library:

- (1) Shall carry out the provisions of this act.
- (2) Develop and maintain standards for depository libraries. The standards shall include the ability to receive, process, organize, retain, and make available State publications and the ability to provide reference assistance and interlibrary loan service for depository publications.
- (3) Shall designate depository libraries, taking into account regional distribution and number of persons served, such that State publications will be conveniently accessible to residents in all areas of the State. The State Library may designate at least one library in each congressional district.
- (4) May designate as selective depository libraries those institutions that wish to receive less than the full deposit. Selective depository libraries shall meet the same standards for reference and interlibrary loan service as full depository libraries.
- (5) May enter into depository contracts with public libraries and community, technical, special, college and university libraries that

meet the standards for depository eligibility adopted by the Clearinghouse.

- (6) Shall determine how many copies of State publications each State agency must submit for the State depository system. The State Library may permit a State agency to submit fewer copies of a document if the State Library determines that fewer copies are adequate in light of the cost of the document and the projected public interest in the document.
- (7) Shall adopt rules to administer the depository program. These rules may include the State Library's priorities and resulting schedules for collecting, maintaining, and making available State publications in various formats.

"§ 125-11.10. Duties of State agencies.—(a) State agencies shall send the requested number of copies of each of their publications to the Clearinghouse within 10 days of issuance.

(b) The head of each State agency shall designate a publications officer who shall be responsible for supplying the requested number of copies of each State publication of that agency to the Clearinghouse. Each agency shall notify the Clearinghouse of the identity of its publications officer before October 1, 1987, and within 30 days of any change of publications officer. The publications officer shall supply the Clearinghouse semiannually a complete list of the agency's State publications issued within the previous six months and any other information regarding the publications of the agency requested by the Clearinghouse.

(c) State agencies may request permission from the State Library to submit fewer than the requested number of copies of a document. The request shall include information on the cost of the document and the projected public interest in the document.

"§ 125-11.11. Advisory Committee.—The Secretary of Cultural Resources may appoint an advisory committee of State officials and depository librarians to review and advise on the operation of the depository system.

"§ 125-11.12. Report to the Joint Legislative Commission on Governmental Operations.—The Department of Cultural Resources shall report before September 30 each year to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the Legislative Services Office on the operation of the State depository library system."

Sec. 3. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 12th day of August, 1987.