

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 715
SENATE BILL 62

AN ACT TO REQUIRE STATE PUBLICATIONS PROCEDURES MANUALS,
ADMINISTRATIVE REVIEW PROCEDURES FOR PUBLICATIONS, AND TO
REQUIRE REPORTS CONCERNING THE USE OF ACID-FREE PAPER IN
STATE PUBLICATIONS AND CONCERNING AGENCY NONCOMPLIANCE.

Whereas, a large number of publications are produced by State agencies, universities, community colleges and licensing boards; and

Whereas, no consistent policy exists concerning the development of State publication procedures by State agencies, universities, community colleges, and licensing boards; and

Whereas, the existence of State publication procedures and administrative review procedures would serve to aid distribution, increase efficiency, and reduce the cost of State publications; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Article 13 of Chapter 143 of the General Statutes is amended by adding the following new sections to read:

"§ 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, 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 for review and retention a copy of its publication procedures manual and its administrative review procedure for public documents, and any revisions thereto, within thirty (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.

"§ 143-170.3. Reports; Audits.

(a) The Department of Administration shall report to the Joint Legislative Commission on Governmental Operations each State agency and community college that fails to timely adopt and submit to the Department the information required by G.S. 143-170.2. The initial report shall be made by January 1, 1991.

(b) Upon the determination of the State Auditor that a State agency or community college has failed to substantially comply with its publications procedure manual or its administrative review and approval process for public documents, the State Auditor shall report the noncompliance to the Joint Legislative Commission on Governmental Operations within 60 days if the General Assembly is not in session, and to the President Pro Tempore of the Senate, the Speaker of the House, and the Senate and House Appropriations Committee Chairmen within 30 days if the General Assembly is in session.

(c) The State Librarian and the University Librarian of the University of North Carolina at Chapel Hill shall identify the types of publications for which the use of acid-free paper is desirable and, with the assistance of the Department of Administration, shall study the availability of acid-free paper and the costs associated with purchasing and using acid-free paper. The State Librarian and the University Librarian of the University of North Carolina at Chapel Hill shall report to the Joint Legislative

Commission on Governmental Operations no later than November 1, 1990 the information required by this subsection.

"§ 143-170.4. Administrative Office of the Courts; publications procedures manual; reports.

Not later than June 1, 1990, the Administrative Office of the Courts, after review of the Department of Administration's state publications procedures guidelines and after consultation with the State Librarian and State Auditor, shall adopt (i) a publications procedures manual for public documents, other than the official reports of the North Carolina Supreme Court and the North Carolina Court of Appeals and official forms published by the Administrative Office of the Courts pursuant to G.S. 7A-343, that addresses the elements of publication production described in G.S. 143-170.2 and (ii) an administrative review and approval process to ensure appropriate review and approval of its public documents. The initial guidelines and the administrative review and approval process shall be reported to the Joint Legislative Commission on Governmental Operations by January 1, 1991, and revisions thereto shall be reported to the Joint Legislative Commission on Governmental Operations within six months of adoption."

Sec. 2. G.S. 143-169.1 reads as rewritten:

"§ 143-169.1. State agency public document mailing lists to be updated.

(a) On or before July 1 of each year, beginning with July 1, 1976, the head of every agency of this State shall certify to the Director of the Budget that the mailing lists for each public document issued by his agency have been carefully reviewed, updated and corrected within the previous 12 months. The above date may be extended by the Director of the Budget for 90 days for good cause shown. The reviewed, updated and corrected mailing lists shall be comprised only of those persons and organizations who, within the previous 12 months, have either requested that they be included in such a mailing list or have renewed a request that they be so included, or are recipients contemplated for receipt of the pertinent public document by express provision of statute or judicial order.

~~(b) For the purposes of this Article, the term 'public document' shall mean any annual, biennial, regular or special report or publication of which at least 200 copies are printed, but shall not include intra-agency communications nor agency correspondence.~~

~~(c) For the purposes of this Article, the term 'agency' shall mean and include, as the context may require, State department, institution, commission, committee, board, division, bureau, officer or official; provided, however, the provisions of this section shall not apply to the General Assembly, the Department of Revenue, the Department of Commerce, or to the Administrative Office of the Courts and the court system."~~

Sec. 3. Article 13 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-169.2. Definitions.

(a) For the purposes of this Article, the term 'public document' shall mean any annual, biennial, regular or special report or publication of which at least 200 copies are printed, but shall not include intra-agency communications nor agency correspondence.

(b) For the purposes of this Article, the term 'agency' shall mean and include, as the context may require, State department, institution, university, commission, committee, board, licensing board, division, bureau, officer or official; provided, however, the provisions of G.S. 143-169.1 shall not apply to the General Assembly, the Department of Revenue, the Department of Commerce, or to the Administrative Office of the Courts and the court system, nor shall the provisions of G.S. 143-170.2 and 143-170.3 apply to the General Assembly or to the Administrative Office of the Courts and the courts system ."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 3rd day of August, 1989.