

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: All rules proposed for repeal

DEADLINE FOR RECEIPT: Friday, May 9, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form, you must provide the link to the agency website. The publication in the Register indicates that was www.ncdcr.gov Assuming that is correct, please use that link.

It is fine that you combined all of the repealed rules onto one form. However, you should not be showing the repealed language for each Rule accompanying the Form. Further, you can actually combine the Rules that share the same History Notes. See Rule 26 NCAC 02C .0406(b), which states that for Rules in consecutive numerical order with the same effective dates and repealed dates, they can be together. For example:

07 NCAC 04M .0101 STATEMENT OF PURPOSE OF ARCHIVES AND RECORDS SECTION

07 NCAC 04M .0103 ARCHIVES REFERENCE SERVICES

07 NCAC 04M .0102 ARCHIVES SEARCH ROOM HOURS

*History Note: Authority G S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989; May 3, 1986;
Repealed Eff. June 1, 2014.*

Place all page numbers centered on the Page, and not in bold. And only use page numbers if the document for the Rule or set of Rules is two pages or longer. See Rule 26 NCAC 02C .0108(1)(h).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

07 NCAC 04M .0101 - .0103 is repealed as published in 28:11 NCR 1171 - 1178 as follows:

CHAPTER 4 – OFFICE DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4M ARCHIVES AND RECORDS SECTION DIVISION OF ARCHIVE AND RECORDS

SECTION .0100 - ~~NORTH CAROLINA STATE ARCHIVES:~~ ARCHIVES OF NORTH CAROLINA: USE AND SERVICES

07 NCAC 04M .0101 STATEMENT OF PURPOSE OF ARCHIVES AND RECORDS SECTION

~~It is the responsibility of the Archives and Records Section to promote and safeguard the documentary heritage of the state by preserving public records and private papers which have continuing research and reference value to scholars and private citizens; to make these records available to patrons of the Search Room and to answer letters of inquiry; to direct the records management and micrographic programs for state and local agencies and institutions; to assist these programs through educational programs, technical assistance, professional services, and written standards; to operate a central microfilming service and a state records center; to microfilm for security purposes the permanently valuable records in county, state and municipal offices; and to assist in the orderly disposal of records no longer required for administrative or research purposes.~~

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.
Repealed Eff. June 1, 2014.

07 NCAC 04M .0102 ARCHIVES SEARCH ROOM HOURS

~~(a) The North Carolina State Archives Search Room is open from 8:00 a.m. to 5:30 p.m. Tuesday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturday.~~

~~(b) The Search Room is closed on Sundays and Mondays and on all state holidays. If a holiday occurs on either a Friday or a Saturday, the Search Room will be closed both Friday and Saturday. If a holiday is observed on Monday, the Search Room will be closed on the preceding Saturday. The Search Room will be closed for three days during the month of January for inventory.~~

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989; May 3, 1986;
Repealed Eff. June 1, 2014.

07 NCAC 04M .0103 ARCHIVES REFERENCE SERVICES

~~Reference services available to the public are outlined in an Archives Information Circular available at the Search Room desk.~~

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Repealed Eff. June 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: All rules proposed for amendment and adoption

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Forms, you must provide the link to the agency website. The publication in the Register indicates that was www.ncdcr.gov. Assuming that is correct, please use that link.

Rule 26 NCAC 02C .0108 requires 1.5 line spacing. Please use proper line spacing in all amended and adopted rules.

Please note, page numbers must be centered. And they are only required if the Rule is over one page. See Rule 26 NCAC 02C .0108(1)(h).

In the History Note, please put the proposed effective date first. For example, in Rule 04M .0104, the History Note will read:

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0104

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Since you are reformatting this Rule, please move the new language to either the top or the bottom of the struck through Rule to make it easier to see the new language.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0104 is amended as published in 28:11 NCR 1171 - 1178 as follows:
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4 **07 NCAC 04M .0104 ~~ADMISSION TO ARCHIVES STACKS~~**

5 ~~(a) Permission for limited access to the archives stacks area may be obtained by researchers providing that an~~
6 ~~application is submitted stating the records to be consulted, the purpose of the access, and the reason why the~~
7 ~~research cannot be conducted from the Search Room. Permission shall be granted only if necessary for the~~
8 ~~researcher to accomplish his purposes. The stacks storing archival collections are not public spaces.~~

9 ~~(b) An application for limited access may be approved by the Administrator, Archives and Records Section, the~~
10 ~~Assistant State Archivist, or the supervisor of the Reference Unit.~~

11 ~~(c) Permission for extended access to the archives stacks area may be obtained by researchers on the same basis for~~
12 ~~limited access, except that permission shall be obtained from the Administrator, Archives and Records Section, or~~
13 ~~his designated representative only.~~

14
15 *History Note:* *Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;*
16 *Eff. February 1, 1985;*
17 *Amended Eff. April 1, 2001; June 1, 1989; Eff. June 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0105

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Generally speaking, the use of "rule" is preferred over "regulation" and I'd recommend replacing the term "regulation" on lines 4 and 5 with "Rules"

In (a), I am assuming that the public research facilities contain research rooms. Is that correct?

In Item (1), line 8, replace "may" with "shall"

In Item (3), line 14, replace "filling in completely" with "completing"

In Item (4), line 19, please confirm there are multiple research facilities in Raleigh. And that they only have one research room in each facility. If that is not correct, the form of the nouns needs to be changed.

Also on line 19, please state, "in Raleigh shall issue..."

In Item (5), line 25, I take it "loose records" is exactly that – records that are not bound into volumes?

In Item (7), line 35, this is the only time that you use "patrons" in the Rule. Do you mean to state "researchers"?

In Sub-Item (7)(d), line 42, end the sentence after "rooms." Begin the next sentence "Pencils..."

Rewrite Sub-Item (7)(e) to be in a more active voice. Either state "Researchers shall not return..." or at least add "by researchers" after "not be returned" on line 44.

In Sub-Item (7)(g), I thought per Item (5), the researcher could only have one box of loose papers anyway. So, why not begin the sentence, "Only one folder of loose papers..." and then state "from a box of loose papers..." on line 50?

I think that Item (8) on Page 2 is actually two separate Items. The first Item would be the first sentence, and the second Item is the second sentence. While I understand they could go together, they also are independent of each other and should be treated that way.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: April 25, 2014

In current Item (8), line 4, state “his or her”

In Item (10), line 9, state “archival records shall not be...”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

07 NCAC 4M .0105 is amended as published in 28:11 NCR 1171 - 1178 as follows:

07 NCAC 04M .0105 ARCHIVES SEARCH ROOM PUBLIC RESEARCH FACILITIES REGULATIONS

Regulations governing researchers' use of the ~~North Carolina State~~ Division of Archives Search Room and Records public research facilities are as follows:

- (1) Brief cases, attache cases, bags, coats, tote bags, or other bulky clothing, notebooks, envelopes, pad folders, privately owned books, maps, and old manuscripts may not be taken into the ~~Archives Search Room. research rooms.~~ Lockers and coat racks are provided outside the ~~Search Room research rooms~~ for such items.
- (2) ~~Admission to the Search Room~~ Access to the archival collections shall only be by means of an identification card which shall be obtained from the Security Personnel in the Search Room lobby upon presentation of current photo identification, providing accurate name and address.
- (3) Researchers shall request archival records by filling in completely the call slips ~~provided; each slip must bear the identification number issued to the researcher. To receive records the identification card shall be surrendered to a member of the Search Room staff. or records request form provided by each facility.~~ Information required to request records includes researcher's name, date, and citation or records to be requested.
- (4) Research facilities in Raleigh issue patrons identification cards to be used when requesting archival records. To receive records in Raleigh, the identification card shall be surrendered to a member of the research room staff. Upon leaving the research room in Raleigh, the researcher shall surrender his or her identification card to a member of the research room staff.
- ~~(4)(5)~~ A researcher may request more than one box or volume of records ~~at the time; these shall be held at the reference desk until the researcher is ready for them. records.~~ However, a researcher may access only one box of loose records or up to three volumes of records may be issued to the researcher at any one time. When use of the box or volumes or box is completed, the researcher shall return the used records prior to the reference desk in order to obtain obtaining another box or other volumes of records.
- ~~(5)(6)~~ Upon return of the records to the Search Room reference desk, they may be examined, and if the researcher has completed his work, the identification card shall then be returned to him. Upon leaving the Search Room, the researcher shall surrender the identification card to the Security Personnel who may Staff shall examine any materials the researcher brings into or removes from the research Search Room. room.
- ~~(6)(7)~~ Researchers ~~must shall~~ exercise care in handling records, manuscripts, books, or other materials. In particular, ~~the following patrons shall be observed; observe the following:~~
 - (a) Manuscripts may not be marked or otherwise altered or defaced.
 - ~~(e)(b)~~ Pens, highlighters, and other writing instruments that create permanent marks shall not be permitted in research rooms.
 - ~~(b)(c)~~ Pencils or other items are not to No items shall be used as "pointers" when reading original records.
 - ~~(e)(d)~~ Tape and other office supplies, such as correction fluid and gum erasers, ~~are shall not be~~ permitted in the ~~Search Room; research room;~~ pencils ~~are to shall~~ be used with great care to ensure no marks or other damages are made to the materials.
 - ~~(4)(e)~~ Books or other materials ~~may shall~~ not be returned to ~~Search Room~~ research room shelves; these shall be replaced by a ~~Search Room~~ staff member.
 - ~~(e)(f)~~ All manuscripts, volumes and reference books from the ~~Search Room~~ research room shelves ~~are to shall~~ be placed on the tables or reading stands provided in the ~~Search Room; research room;~~ they ~~are shall~~ not ~~to~~ be held in the lap or propped against the edge of a table.
 - ~~(f)(g)~~ Only one box ~~or and one~~ folder of loose papers ~~may from that box shall~~ be opened at one time in order to avoid ~~mixing. mixing~~ of records or folders.
 - ~~(e)(h)~~ Papers ~~are shall~~ not ~~to~~ be rearranged under any circumstances. If a researcher thinks something is out of order, he ~~should~~ or she shall notify a ~~Search Room~~ staff member.
 - ~~(b)(i)~~ Records from the stacks and reference materials from the ~~Search Room~~ research room shall not be permitted in the microfilm reading room.

1 ~~(7)~~(8) Smoking, eating, or drinking is shall not be permitted in the ~~Search Room; food is to be left in the~~
2 ~~outer lobby of the Search Room.~~ research room. A researcher wishing to ~~leave the Search Room~~
3 temporarily leave the research room must turn in all pulled archival records ~~in order to obtain his~~
4 ~~identification card to leave the Search Room~~ and shall verify his registration when ~~reentering the~~
5 Search Room. Eating is not permitted in the lounge near the elevators. Space is provided at the
6 Snack Bar in the basement for this purpose. ~~reentering.~~

7 ~~(8)~~(9) Orders for copies placed in person by a researcher shall not exceed 50 copies per researcher per
8 day. Such orders ~~are~~ shall be paid at the time the copies are made and may not be billed.

9 (10) Equipment deemed by the Archives Conservator to be damaging to archival records may not be
10 used in the research rooms. The Archives Conservator shall make this determination based upon
11 harm caused by excessive light exposure, tearing, or otherwise defacing the document. This shall
12 include the use of equipment that sits on top of or pulls an original item through it to capture the
13 image or provides light levels that damage the document.

14
15 History Note: Authority G.S. 121-4(3); 121-5(d); 132-6.2; 143B-62(2)a;
16 Eff. February 1, 1985;
17 Amended Eff. April 1, 2001; June 1, 1989; June 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0106

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In Item (4), line 13, you removed the original semicolon without showing that removal. Please properly show the removal, using the OAH formatting Rules.

In Item (7), I take it your regulated public knows what "exemplification" is?

Are you relying upon G.S. 132-6.2 as authorization to charge "actual cost" for the copies? Do you also want to rely upon G.S. 121-4(13)?

The Department of Cultural Resources shall have the following powers and duties:

(14) With the approval of the Historical Commission, to charge and collect fees not to exceed cost for photographs, photocopies of documents, microfilm and other microforms and other audio or visual reproductions of public records or other documentary materials, objects, artifacts, and research materials; and for the restoration and preservation of documents and other materials important for archival or historical purposes.

If so, please add this to your History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0106 is amended as published in 28:11 NCR 1171 - 1178 as follows:
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4 **07 NCAC 04M .0106 DUPLICATION SERVICES ~~PHOTOCOPYING:—TRANSCRIPTION:~~**
5 **~~PHOTOGRAPHIC; AND DOCUMENT~~**

6 The following duplication services are available for archival records in the ~~North Carolina State Archives;~~ custody
7 of the Division of Archives and Records:

- 8 (1) photocopies of loose documents;
9 (2) imaging of paper and photographic reproductions of maps, newspapers, mounted documents, and
10 bound volumes; materials;
11 (3) paper prints from microfilm;
12 (4) negative, first-generation or "original" microfilm of records and manuscripts in the custody of the
13 Division, except those under restriction by law or donation agreement;
14 (5) duplicate microfilm of entire rolls of microfilm in the collections of the ~~State Archives; Division;~~
15 ~~typed, certified transcripts of information from Revolutionary Army Accounts in the records of the~~
16 ~~North Carolina Treasurer and Comptroller; from "Register of the North Carolina Continental~~
17 ~~Line"; from John W. Moore's "Roster of North Carolina Troops in the War Between the States";~~
18 ~~and from "Muster Rolls of the Soldiers of the War of 1812: Detached from the Militia of North~~
19 ~~Carolina in 1812 and 1814";~~
20 (7)(6) certified photocopies of public records of state agencies, counties, municipalities or other political
21 subdivisions of North Carolina; and
22 (8)(7) exemplifications prepared ~~in accordance with the requirements of the "Ancient Writings" rule for~~
23 ~~introduction as evidence in a court of law; and law.~~
24 (9) ~~prints from the photographic negatives in the State Archives iconographic collection.~~

25
26 *History Note:* *Authority G.S. 121-4(3); 121-5(d); 132-6.2; 143B-62(2)a;*
27 *Eff. February 1, 1985;*
28 *Amended Eff. April 1, 2001; June 1, 1989; June 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0107

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Is the requirement in Paragraph (a) not already covered by Rule 04M .0105, Item (8)? Or do you feel that is important to make it clear for the Gallery that these things are prohibited?

And in Paragraph (b), I recommend replacing "may" with "shall"

In (c), the language is inconsistent. "12 years of age" versus "over age 18." I suggest saying "under 12 years old (or "of age") shall be accompanied by an adult over 18 years old. (or "of age.")"

In the History Note, isn't G.S. 143B-62(2)d also applicable?

- (2) The Historical Commission shall have the power and duty to establish standards and provide rules and regulations as follows:
 - a. For the acquisition and use of historical materials suitable for acceptance in the North Carolina Office of Archives and History.
 - d. For the use by the public of historic, architectural, archaeological, or cultural properties as provided in Chapter 121 of the General Statutes of North Carolina.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M is adopted as published in 28:11 NCR 1171 - 1178 as follows:
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4 **07 NCAC 04M .0107 OUTER BANKS HISTORY CENTER GALLERY REGULATIONS**

5 (a) Eating, drinking, and smoking are not permitted in the Gallery.

6 (b) Visitors may not touch artifacts, art works, or graphics.

7 (c) Children under 12 years of age must be accompanied by an adult over age 18.

8
9 History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
10 Eff. June 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0202

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Throughout this Rule, state "his or her" See lines 5, 8 and 9.

I think (b) and (c) should be combined to state the application is a brief resume and three letters of recommendation. Also, on line 8, replace "which will demonstrate" with "that demonstrates"

In (d), doesn't (d)(2) eliminate the need for (d)(1)?

On line 15, state "The letters of recommendation"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0202 is amended as published in 28:11 NCR 1171 - 1178 as follows:
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4 **07 NCAC 04M .0202 PROCEDURE FOR LISTING**

5 (a) A person wishing to have his name listed as professional researcher shall make application in writing
6 to: ~~Administrator, Archives and Records Section, Director,~~ Division of Archives and ~~History, Records,~~ 4614 Mail
7 Service Center, Raleigh, North Carolina 27699-4614.

8 (b) The application shall include a brief resume of the applicant's experience which will demonstrate his
9 qualifications and aid in establishing his credentials. No special form is required for the application.

10 (c) The application must be accompanied by three letters of recommendation from persons who have engaged the
11 applicant in the capacity of a paid researcher.

12 (d) Letters of recommendation shall be from persons who are:

- 13 (1) unrelated to the applicant or the applicant's spouse; and
- 14 (2) unacquainted with the applicant except as a researcher.

15 (e) The recommendations shall:

- 16 (1) outline the nature and extent of the research which the applicant undertook for pay; and
- 17 (2) attest the satisfaction of the reference with the services rendered.

18
19 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
20 Eff. February 1, 1985;
21 Amended Eff. April 1, 2001; June 1, 2014.
22

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0203

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On line 5, state "The Director of the Division..."

On line 6 and 7, strike the first "the procedures for listing that satisfies..." As it reads right now, the sentence on lines 6 through 7 states, "If determined that the applicant satisfies the procedures for listing that satisfies the procedures for listing as set forth in Rule..." and that is redundant.

On line 8, where is this list published? How can someone access it?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0203 is amended as published in 28:11 NCR 1171 - 1178 as follows:
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4 **07 NCAC 04M .0203 APPROVAL OF REQUESTS**

5 The ~~Administrator, Director, Division of Archives and Records Section, Records~~, shall review applications
6 submitted for inclusion in the list of professional researchers. If determined that the applicant satisfies the
7 procedures for listing that satisfies the procedures for listing as set forth in Rule .0202 of this Section, then the name
8 of the researcher shall be placed on the list of available researchers as published by the ~~North Carolina State~~
9 ~~Archives~~. State Archives of North Carolina.

10
11 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
12 Eff. February 1, 1985;
13 Amended Eff. April 1, 2001; June 1, 1989; June 1, 2014.
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0204

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On line 9, delete or define "consistent"

Also on line 9, state "complaints from patrons..."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0204 is amended as published in 28:11 NCR 1171 - 1178 as follows:
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4 **07 NCAC 04M .0204 REMOVAL OF NAMES FROM THE LIST**

5 (a) The Director of the Division of Archives and ~~History~~ Records may for good cause remove any person from the
6 list of professional researchers.

7 (b) The term "good cause" as used in this Rule shall mean:

8 (1) misrepresentation of credentials or services to be provided; or

9 (2) consistent complaints on the part of patrons about the work of the researcher.

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11 *History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;*

12 *Eff. February 1, 1985; June 1, 2014.*

13

1 07 NCAC 04M .0205 is repealed as published in 28:11 NCR 1171 - 1178 as follows:

2

3 ~~07 NCAC 04M .0205 — DEFINITION OF GOOD CAUSE~~

4 The words "good cause" as used in this Section shall mean:

- 5 (1) ~~misrepresentation of credentials or services to be provided; or~~
- 6 (2) ~~consistent complaints on the part of patrons about the work of the researcher.~~

7

8 *History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;*

9 *Eff. February 1, 1985;*

10 *Amended Eff. April 1, 2001;*

11 *Repealed Eff. June 1, 2014.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0301

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On line 7, you moved original language when deleting it. Please put the original language back in the original order and strike it.

The original Rule text reads:

subject to the approval of the Director of the Division of Archives and History, the Chief of the Archives and Records Section, or a designated representative.

You have:

subject to the approval of the ~~History, the Chief of the Archives and Records Section,~~ Director of the Division of Archives and or a designated representative.

Further, I take it you mean a designated representative of the Director? Or do you mean Division? I think you should include clarifying language here.

Should Subparagraph (b)(5) read "student academic and financial aid records...?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0301 is amended as published in 28:11 NCR 1171 - 1178 as follows:
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4 **07 NCAC 04M .0301 ACCEPTANCE OF ~~PRIVATE~~ NON-GOVERNMENT PAPERS**

5 (a) Original ~~private papers~~ materials of historical and cultural significance may be accepted for custody in the State
6 Archives of North Carolina ~~State Archives~~ either as a ~~gift or on a loan basis~~, gift, subject to the approval of
7 the ~~History, the Chief of the Archives and Records Section~~, Director of the Division of Archives and Records, or a
8 designated representative. Prior to acceptance, the Division shall provide a contract of gift for the donor(s) to
9 execute. The contract of gift shall be maintained in the Division's permanent files.

10 (b) Materials that may be accepted include:

- 11 (1) private manuscripts;
12 (2) audio visual materials;
13 (3) records of private, professional, or civic organizations;
14 (4) copies of pre-1913 family Bible pages listing genealogical data; and
15 (5) student and academic and financial aid records from defunct post-secondary schools and colleges
16 having a campus in North Carolina.

17
18 *History Note:* Authority G.S. 121-4(1); 121-4(3); 121-5(d); 143B-62(2)a;
19 Eff. February 1, 1985;
20 Amended Eff. June 1, 1989; June 1, 2014.
21

1 07 NCAC 04M .0302 – 0304 is repealed as published in 28:11 NCR 1171 - 1178 as follows:
2

3 **07 NCAC 04M .0302 VALUATION**

4 ~~The North Carolina State Archives shall upon request by the donor, help arrange for the valuation of a gift for tax~~
5 ~~purposes by an independent appraiser, who shall report that valuation to the donor.~~
6

7 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
8 Eff. February 1, 1985;
9 Amended Eff. April 1, 2001;
10 Repealed Eff. June 1, 2014.
11

12
13 **07 NCAC 04M .0303 ORGANIZATIONAL RECORDS**

14 ~~The North Carolina State Archives may accept the records of private, professional, or civic organizations judged to~~
15 ~~be relevant to the history of the state. A contract of gift must accompany records of both defunct and active~~
16 ~~organizations.~~
17

18 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
19 Eff. February 1, 1985;
20 Amended Eff. June 1, 1989;
21 Repealed Eff. June 1, 2014.
22

23
24 **07 NCAC 04M .0304 BIBLE RECORDS**

25 ~~Family bibles are not accepted by the State Archives; however, pages containing pre 1913 information such as~~
26 ~~records of births, deaths, baptisms and marriages of North Carolina families will be photocopied and accessioned by~~
27 ~~the State Archives.~~
28

29 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
30 Eff. February 1, 1985;
31 Amended Eff. April 1, 2001;
32 Repealed Eff. June 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0401

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), line 8, shouldn't it read, "The Director of the Division...?"

In (a), line 9, the Director will determine what? It says the Director shall determine any records when the records meet certain requirements, but it doesn't say what the Director is going to determine. That they are no longer needed? Or that they meet the requirements of (a)(1) through (3)? Is the Director going to "review," rather than "determine"? Or did you mean to keep the language that is proposed for deletion about "destroyed, transferred, etc."?

On line 11, (a)(2), what are the collection policies? Where are those found?

In (b), line 13, what do you mean by "in detail"?

In (b), line 14, please confirm the Director of the Office of Archives and History different from the Director of the Division of Archives and Records.

Add G.S. 121-4(12) to your History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0401 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0401 REVIEW**

5 ~~Whenever, in the opinion of the Administrator of the Archives and Records Section, any accessioned records in the~~
6 ~~North Carolina State Archives should be destroyed, transferred to another institution, returned to the donor, or for~~
7 ~~some other reason de-accessioned, each record series of the subject records shall be inventoried in detail.~~

8 (a) The Director, Division of Archives and Records shall determine any accessioned records in the State Archives
9 of North Carolina when records are:

10 (1) duplicates;

11 (2) not in keeping with the collection policies of the Division; or

12 (3) no longer have permanent historical value.

13 (b) Each record series of the subject records shall be inventoried in detail. The inventory shall be forwarded to the
14 Director of the Office of Archives and History.

15
16 *History Note:* Authority *G.S. 121-4(3); 121-5(d); 143B-62(2)a;*
17 *Eff. February 1, 1985;*
18 *Amended Eff. April 1, 2001; June 1, 2014.*
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0402

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On line 10, to which Director are you referring?

On line 12, I take it "series name" is a known term to your regulated public?

On line 17, delete the "or" after (e)(1).

Add G.S. 121-4(12) to your History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0402 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0402 PREPARATION OF LISTS**

5 ~~Following review by the Director of the Division of Archives and History, a list shall be prepared containing for~~
6 ~~each series of records a description, inclusive dates, and the volume of the subject records. There shall be attached to~~
7 ~~each item description a statement justifying the proposed disposal of the records involved.~~
8

9 If the Director of the Office of Archives and History concurs with the decision to deaccession the identified records
10 series, the Director shall ask the staff of the Division or Archives and Records to prepare a detailed list for each
11 series of records. The detailed list shall include:

- 12 (a) series name;
- 13 (b) description of the records;
- 14 (c) inclusive date and volume of records;
- 15 (d) statement of rationale for decision to deaccession the records; and
- 16 (e) statement of proposed disposition of the records. Disposition methods include:
 - 17 (1) destruction; or
 - 18 (2) transfer to another institution; or
 - 19 (3) return to donor or heirs.

20
21 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a,b;
22 Eff. February 1, 1985; June 1, 2014.
23

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0403

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (b), line 17, will the method of deaccessioning still be "proposed"? Won't the Historical Commission decide the method as well?

Also, please confirm the disposal method is as set forth in Rule .0402.

In (c), line 19, don't you mean the Director "shall" rather than "may"?

Also on line 19, delete or define "complete."

Add G.S. 121-4(12) to your History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0403 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0403 APPROVAL BY HISTORICAL COMMISSION**

5 ~~The description and the statement of justification shall be reviewed by the Director of the Division of Archives and~~
6 ~~History, and shall be sent to each member of the North Carolina Historical Commission at least seven days in~~
7 ~~advance of the meeting in which the proposal will be considered.~~

8 ~~Following approval by the North Carolina Historical Commission, a complete list of the records authorized to be~~
9 ~~destroyed by the Commission shall be entered into the minutes of the Commission.~~

10 ~~The subject records may be destroyed following receipt of notification of the approval for destruction by the North~~
11 ~~Carolina Historical Commission.~~

12
13 (a) The Director of the Office of Archives and History shall send the list as set forth in Rule .0402, the rationale for
14 the decision to deaccession the records, and the proposed disposal of the records to each member of the North
15 Carolina Historical Commission at least seven days before the meeting at which the proposal will be considered.

16 (b) Following approval by the North Carolina Historical Commission, the complete list of records authorized for
17 deaccessioning will be entered into the minutes, along with the proposed disposal method.

18 (c) Upon receipt of the minutes of the Commission granting permission for deaccessioning, the Director of the
19 Division of Archives and Records may proceed as directed by the Commission, retaining complete records of the
20 action within the Division's files.

21
22 *History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a,b;*
23 *Eff. February 1, 1985; June 1, 2014.*
24
25

1 07 NCAC 4M .0501 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0501 TRANSFER OF RECORDS TO STATE RECORDS CENTER**

5 The State Records Center ~~will shall~~ accept for transfer to its ~~physical~~ custody the records of state agencies, county
6 agencies, or municipal agencies, ~~providing~~ provided the records are scheduled to be transferred to the State Records
7 Center on an approved records retention and disposition ~~schedule or an approved records retention and disposition~~
8 standard. schedule. A records retention and disposition schedule is approved when signed by the creating agency
9 and the Department of Cultural Resources.

10
11 *History Note: Authority G.S. 121-4(2); 121-5(d); 132-8.1; 143B-62(2)b;*
12 *Eff. February 1, 1985; June 1, 2014.*
13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0502

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In this Rule, I take it you are relying upon G.S. 132-6(a) to state that since the Department is not the custodian, it cannot grant the access to the records?

§ 132-6. Inspection and examination of records.

(a) Every custodian of public records shall permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. As used herein, "custodian" does not mean an agency that holds the public records of other agencies solely for purposes of storage or safekeeping or solely to provide data processing.

On line 8, delete the "that" at the end of the line.

On line 11, state "shall not be honored until the appropriate official of the agency having legal custody provides written authority for the request."

On line 14, are the research areas the same as the "public research facilities" or "research rooms" used in Rule .0105?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0502 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0502 LEGAL CUSTODY OF RECORDS**

5 (a) Public records transferred sent to and physically stored in the State Records Center in accordance with the
6 provisions of an approved records retention and disposition schedule or standard, schedule, or in accordance with
7 any other agreement between the Department of Cultural Resources and the originating agency or department, are
8 considered to remain in the legal and official custody of the agency that created or received the records and that
9 transferred them to the State Records Center. A request for access to, or inspection of, paper or microfilm these
10 records in the physical custody of the State Records Center by a person other than an authorized employee of the
11 legal custodian will shall not be honored until authority in writing has been granted by an appropriate official of the
12 agency having legal custody.

13 (b) Public records transferred to the Division of Archives and Records for permanent retention may be accessed
14 through the public research areas of the Division.

15
16 *History Note: Authority G.S. 121-4(2); 121-5(d); 132-6; 143B-62(2)b;*
17 *Eff. February 1, 1985;*
18 *Amended Eff. June 1, 1989; June 1, 2014.*
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0503

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), lines 21 and 22, what organizations can make this transfer? Rule .0501 only addresses transfers from agencies. And while the Rule does contain references to both in (b)(3) through (5), it doesn't speak to organizations elsewhere.

In (a), is the "records transfer notice" a form? If so, then where can someone get it?

In (b), line 25, delete "guidelines"

Also in (b), lines 25 and 26, you say the transferring agency must adhere to this, but the first thing in (b)(1) talks about what the Records Center will do. Why not just end the sentence after "media" on line 25? If you do that, end the sentence with either a period or colon.

Note the same suggestion for (c), line 42.

I think (a)(1) and (2) should be combined, with (a)(2) being first. Example:

(a)(1) The State Records Center shall only accept record packed in Records Center boxes. Upon request of the transferring agency, the Division shall send the agency Records Center boxes, paper tape and instructions on packing and labeling the boxes. The agency shall pay the Division for the materials and shipping."

And should the term be "State Records Center boxes"?

I take it (a)(4) addresses when the text is too large to fit the label?

In (a)(5), lines 37 and 38, "ten" needs to be "10" per Rule 26 NCAC 02C .0108(9).

Also in (a)(5), I take it the Records Center is located at Capitol Square? And your regulated public knows that?

On lines 37-38, what do you mean "shipped with arrangement with the Supervisor"? Do you mean to arrange for hand delivery or for pick up? And there is no charge associated with this?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

Delete the blank line on line 41.

Since you are using the citation on line 43, please put G.S. 132-6.1 in your History Note.

In (c)(2), are you saying that you will not take anything that does have a virus? If so, I suggest you add a language to say that.

In (c)(3), I take it your regulated public knows what a “hash algorithm” is?

In (c)(5), how will the State Records Center verify this? With whom? The Division of Archives and Records? This sentence needs to be clarified.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

07 NCAC 4M .0503 is amended as published in 28:11 NCR 1171 - 1178 as follows:

07 NCAC 04M .0503 PROCEDURES FOR TRANSFER OF RECORDS

~~(a) Physical transfer of records to the State Records Center shall be initiated by the agency or organization requesting transfer. A representative of the said agency or organization will submit to the State Records Center supervisor a records transfer notice including agency name, title of records, reference to schedule, volume of records, their inclusive dates, and the name and telephone number of the representative submitting the request.~~

~~(b) Records Center boxes, together with paper tape and instructions on packing and labeling, shall be sent to the agency transferring records upon request, and at the expense of the agency.~~

~~(c) Only records packed in Records Center boxes shall be accepted for storage in the State Records Center.~~

~~(d) The agency or organization initiating the transfer shall arrange records in the boxes and label boxes in accordance with instructions. Boxes which do not comply with instructions shall be returned to the agency or organization for correction.~~

~~(e) Records which cannot be identified clearly and completely by the information on the label of the Records Center box must be accompanied by a typewritten index or box list prepared by the agency or organization of origin.~~

~~(f) Records transferred from within ten miles of Capitol Square, Raleigh, shall be shipped by arrangement with the Supervisor, State Records Center. Records transferred from beyond ten miles of Capitol Square, Raleigh, must be shipped by the agency or organization concerned, and at its expense.~~

(a) An agency or organization shall initiate the transfer of records to the State Records Center. A representative of the agency or organization shall submit to the State Records Center supervisor a records transfer notice including agency name, title of records, reference to schedule, quantity of records, their inclusive dates, and the name and telephone number of the representative submitting the request.

(b) For transfer of paper and other physical media, the following guidelines shall be adhered to by the transferring agency:

- (1) Records Center boxes, together with paper tape and instructions on packing and labeling, shall be sent to the agency transferring records upon request, and at the expense of the agency.
- (2) Only records packed in Records Center boxes shall be accepted for storage in the State Records Center.
- (3) The agency or organization initiating the transfer shall arrange records in the boxes and label boxes in accordance with instructions. Boxes that do not comply with instructions shall be returned to the agency or organization for correction.
- (4) Records that cannot be identified clearly and completely by the information on the label of the Records Center box shall be accompanied by a typewritten index or box list prepared by the agency or organization of origin.
- (5) Records transferred from within ten miles of Capitol Square, Raleigh, shall be shipped by arrangement with the Supervisor, State Records Center. Records transferred from beyond ten miles of Capitol Square, Raleigh, shall be shipped by the agency or organization concerned, and at its expense.

(c) For transfer of electronic public records, the following guidelines shall be adhered to by the transferring agency:

- (1) Transfers of databases shall be accompanied by index information required in G.S. 132-6.1.
- (2) Agencies shall scan records and find them to be free of viruses.
- (3) Agencies shall generate a hash algorithm for each file being transferred. The agency shall include the hash algorithm as part of the transfer.
- (4) Agencies shall include any metadata generated at the time of file creation and any subsequent metadata created during the use of the file in the records transfer.
- (5) Upon receipt of the transfer of electronic records, the State Records Center shall verify that the electronic records transferred were complete and unaltered prior to accepting them for storage by the Division of Archives and Records.

*History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989; June 1, 2014.*

1 07 NCAC 04M .0505 is repealed as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0505 RECORDS CENTER REFERENCE SERVICE**

5 ~~The agency or organization of origin retains legal custody of records transferred to the State Records Center.~~
6 ~~Anyone or any other agency desiring access to, or copies of, records must obtain written authorization from the legal~~
7 ~~custodian or his designated representative. Requests for records or reference service will be made on forms provided~~
8 ~~by the State Records Center. In an emergency, records or reference service may be provided after telephoned request~~
9 ~~and with the approval of the Chief, Archives and Records Section.~~

10
11 *History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;*
12 *Eff. February 1, 1985;*
13 *Amended Eff. June 1, 1989;*
14 *Repealed Eff. June 1, 2014.*
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0507

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

To clarify – the reason you all get personnel records is that they are transferred per the records retention schedules?

On line 5, you may want to add “in the possession of the State Records Center”

On line 7, replace “will” with “shall”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0507 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0507 PERSONNEL RECORDS**

5 Any employee or former employee desiring access to personnel records ~~must~~ shall make the request through the
6 personnel office of the agency ~~which~~ that retains legal custody of the records. Upon receipt of request from the
7 appropriate personnel office, the State Records Center will forward personnel information to that office.
8

9 *History Note:* Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
10 Eff. February 1, 1985;
11 Amended Eff. June 1, 1989; June 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0508

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

I think this Rule would benefit from being broken into three Paragraphs. Each sentence would be its own Paragraph.

At the end of line 6, you may want to add "only" so it reads, "Copies of records that are in only the physical custody..."

On line 9, do you mean "shall" rather than "may"? If not, when won't they be certified by the Department?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0508 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0508 CERTIFICATION BY AGENCY WITH CUSTODY**

5 ~~Only copies of records that are in the legal custody of the~~ The Department of Cultural Resources ~~may~~
6 ~~be shall certified by the Department~~ certify only copies of records that are in its legal custody. Copies of records that
7 are in the physical custody of the State Records Center must be certified by the agency having legal custody, if such
8 certification is requested. ~~In the event that~~ If records of terminated agencies are in the State Records Center and are
9 in the legal custody of the Department of Cultural Resources, copies may be certified by the Department of Cultural
10 Resources.

11
12 *History Note:* Authority *G.S. 121-4(2),(3); 121-5(d); 132-4; 143B-62(2)b,c;*
13 *Eff. February 1, 1985; June 1, 2014.*
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0509

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

What is the purpose of the first sentence?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0509 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0509 DESTRUCTION OF RECORDS IN STATE RECORDS CENTER**

5 The provisions of an approved records retention and disposition schedule ~~will~~ shall apply to the records ~~in the~~
6 ~~physical custody of the State Records Center since the records~~ that remain in the legal custody of the agency
7 concerned. ~~When the approved disposition is destruction, the records will not be destroyed until concurrence in~~
8 ~~writing of the agency with legal custody is received.~~ The records shall not be destroyed until the agency with legal
9 custody concurs in writing.

10
11 *History Note:* Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-8.1 143B-62(2)b;
12 Eff. February 1, 1985; June 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0510

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On line 6, replace "are to be:" with "shall be:"

Add G.S. 121-4(12) to your History Note.

Also in your History Note, delete the extra reference to 143B-62)(2)(b).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0510 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0510 METHODS DEFINITION OF DESTRUCTION**

5 (a) When used in an approved records retention and disposition schedule, the provision that paper records are to be
6 destroyed means that the records are to be:

- 7 (1) burned, unless prohibited by local ordinance;
8 (2) shredded or torn up so as to destroy the record content of the documents or materials concerned;
9 (3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the document
10 or materials concerned; or
11 ~~(4) buried under such conditions that the record nature of the documents or materials shall be~~
12 ~~terminated; or~~
13 ~~(5)(4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials~~
14 ~~concerned will not be resold as documents or records, without pulverizing or shredding the~~
15 ~~documents so that the information contained within cannot be practicably read or reconstructed.~~

16 (b) When used in an approved records retention and disposition schedule, the provision that electronic records are to
17 be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata
18 may not be practicably reconstructed.

19 (c) When used in an approved records retention and disposition schedule, the provision that confidential records of
20 any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner
21 that the information cannot be read or reconstructed under any means.

22
23
24 *History Note: Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-3; 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;*
25 *143B-62(2)b;*
26 *Eff. February 1, 1985;*
27 *Amended Eff. April 1, 2001; June 1, 1989; June 1, 2014.*
28

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0511

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On line 6, is the State Archives the State Records Center or is it its own entity? This Rule doesn't address the State Records Center, correct?

On line 8, replace "providing" with "provided"

In Item (1), line 9, what criteria will the Director use to determine permanent value?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0511 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0511 DESTRUCTION OF CERTAIN RECORDS SCHEDULED FOR ARCHIVES**

5 Records scheduled in an approved records retention and disposition schedule to be transferred to the State ~~for review~~
6 ~~or accepted by the State Records Center for the State Archives~~ Archives, but not yet accessioned by the State
7 Archives may be destroyed in accordance with procedures approved by the Director of the Division of Archives and
8 History providing:

- 9 (1) The records are considered by the Director of the Division of Archives and History not to have
10 permanent ~~value.~~ historical value; or
11 (2) The records are exact duplicates or copies of other records in the records series transferred or
12 accessioned.

13
14 *History Note:* Authority G. S. 121-4(2); 121-5(b),(c),(d); 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;
15 Eff. February 1, 1985;
16 Amended Eff. April 1, 2001; June 1, 1989; June 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Historical Commission

RULE CITATION: 07 NCAC 04M .0512

DEADLINE FOR RECEIPT: Friday, May 9, 2014

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

You do not need the comma after "areas" on line 6.

On line 10, you should begin the sentence "Requests for access..."

Is there a reason you are seeking a July 1, 2014 effective date for this amendment? All of the others seek a June 1, 2014 date. In addition, you published that all would be effective on or after April 1, 2014, so this Rule can be effective June 1, 2014, if that is what the agency wants. If you do, then change the date in the History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2014

1 07 NCAC 4M .0512 is amended as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **07 NCAC 04M .0512 RESTRICTED AREAS IN STATE RECORDS CENTER FACILITIES**

5 Access to the facilities controlled by the State Records Center ~~is~~ shall be limited to persons on official business.
6 Visitors ~~are~~ shall not be permitted in the records storage ~~areas the microfilm areas,~~ areas, or beyond the
7 administrative office without an escort provided by the State Records Center. All visitors ~~are required to~~ shall sign in
8 when entering and ~~to~~ sign out when leaving the ~~State Records Center building.~~ Visitors who are not known to the
9 ~~State Records Center staff will be required to produce identification before being given records requested by~~
10 ~~agencies-facilities.~~ Access by visitors not on official business ~~may~~ shall be denied.
11

12 *History Note: Authority G.S. 121-4(2); 132-6; 143B-62(2)b;*
13 *Eff. February 1, 1985;*
14 *Amended Eff. April 1, 2001; June 1, 1989; July 1, 2014.*

1 07 NCAC 4V .0101 - .0105, .0201 - .0202 is repealed as published in 28:11 NCR 1171 - 1178 as follows:
2
3

4 **CHAPTER 4 – DIVISION OF ARCHIVES AND HISTORY**

5
6 **SUBCHAPTER 4V – OUTER BANKS HISTORY CENTER**

7
8
9 **SECTION .0100 – OUTER BANKS HISTORY CENTER: USE AND SERVICES**

10
11
12 **07 NCAC 04V .0101 STATEMENT OF PURPOSE**

13 ~~The purpose of the Outer Banks History Center is to promote and safeguard the documentary and cultural heritage~~
14 ~~of the state by collecting, preserving, and cataloging published works, manuscripts, audio-visual, and graphic~~
15 ~~materials relevant to the Outer Banks; to make these materials available to the public on a regularly scheduled basis;~~
16 ~~to sponsor research projects in North Carolina coastal history; to provide professional and technical assistance to~~
17 ~~patrons; and to operate a public history gallery.~~

18
19 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;
20 Eff. March 1, 1990;
21 Repealed Eff. June 1, 2014.
22
23

24
25 **07 NCAC 04V .0102 OUTER BANKS HISTORY CENTER SEARCH ROOM HOURS**

26 ~~(a) The Outer Banks History Center Search Room is open to the public from 9:00 a.m. to 5:00 p.m. Monday~~
27 ~~through Friday.~~

28 ~~(b) The Outer Banks History Center Search Room is closed on Saturdays, Sundays, official state holidays, and two~~
29 ~~days in January for inventory.~~

30
31 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;
32 Eff. March 1, 1990;
33 Repealed Eff. June 1, 2014.
34
35

36
37
38 **07 NCAC 04V .0103 OUTER BANKS HISTORY CENTER REFERENCE AND TECHNICAL**
39 **SERVICES**

40 Reference and technical services available to the public are outlined in a brochure available in the lobby of the Outer
41 Banks History Center.

42
43 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;
44 Eff. March 1, 1990;
45 Repealed Eff. June 1, 2014.
46
47

48
49 **07 NCAC 04V .0104 ADMISSION TO OUTER BANKS HISTORY CENTER STACKS**

50 ~~Permission for extended access to the Outer Banks History Center stacks may be obtained from the Curator,~~
51 ~~provided that a letter of application is submitted stating the material to be consulted and the reason why the research~~
52 ~~cannot be conducted from the Search Room. Upon verbal request, stack access not to exceed two hours may be~~

1 ~~granted by the Curator or his designated representative, provided that the person granted this access is accompanied~~
2 ~~by a member of the Outer Banks History Center staff.~~

3
4 *History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;*
5 *Eff. March 1, 1990;*
6 *Repealed Eff. June 1, 2014.*
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9

10 **07 NCAC 04V .0105 OUTER BANKS HISTORY CENTER SEARCH ROOM REGULATIONS**

11 ~~Regulations governing public use of the Outer Banks History Center Search Room are as follows:~~

- 12 (1) ~~Briefcases, coats, privately owned books, papers, and similar materials considered inappropriate~~
13 ~~by the Outer Banks History Center Curator may not be carried into the Search Room. Lockers are~~
14 ~~provided in the lobby for such materials.~~
- 15 (2) ~~Admission to the Search Room shall be granted only after proper identification is provided to the~~
16 ~~attending staff member. Researchers may be registered by either a daily admission slip or by a~~
17 ~~permanent patron identification card. The initial permanent identification card is provided~~
18 ~~free of charge to any requesting patron; a charge of one dollar (\$1.00) is assessed for a~~
19 ~~replacement card.~~
- 20 (3) ~~Researchers will request materials by filling in call slips and surrendering their admission slip or~~
21 ~~patron card to the Search Room staff.~~
- 22 (4) ~~When a researcher has completed use of the materials, a Search Room staff member must be~~
23 ~~notified. The staff member may inspect these materials and any personal property carried into the~~
24 ~~Search Room before returning the researcher's patron card or daily admission slip.~~
- 25 (5) ~~Researchers must exercise care in the use of materials, specifically observing the following:~~
- 26 (a) ~~Materials may not be marked or otherwise altered or defaced.~~
- 27 (b) ~~Pencils are the only writing instruments permitted in the Search Room.~~
- 28 (c) ~~All materials are to be placed flat on tables or on stands; materials may not be held in the~~
29 ~~lap or propped against the edge of a table.~~
- 30 (d) ~~Materials, including those from the Search Room reference case, may not be removed~~
31 ~~from the Search Room area.~~
- 32 (e) ~~To avoid possible mixing of records, only one box or folder of loose material may be~~
33 ~~opened at one time.~~
- 34 (6) ~~Smoking, eating, and drinking are not permitted in the Search Room when any materials from the~~
35 ~~stacks are present.~~
- 36 (7) ~~Use of Outer Banks History Center computers is restricted to scheduled time periods; researchers~~
37 ~~may perform only on-line database searches and produce only terminal display reports; printouts~~
38 ~~and graphic reproductions may be made only by the center staff.~~
- 39 (8) ~~Printouts, graphic reproductions, and photocopies will be made on an "as you wait" basis if the~~
40 ~~equipment and operator are available. Descriptions of these and similar services, the procedures~~
41 ~~for requesting these services, and their current costs, are described in an informational brochure~~
42 ~~available in the Outer Banks History Center Lobby.~~

43
44 *History Note: Authority G.S. 121-4(3); 121-4(14); 121-5(d); 143B-62(2)a.;*
45 *Eff. June 1, 1990;*
46 *Repealed Eff. June 1, 2014.*
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49

50 **SECTION .0200 - PUBLIC HISTORY GALLERY USE**

51
52 **07 NCAC 04V .0201 PUBLIC HISTORY GALLERY HOURS**

53 (a) ~~The Public History Gallery of the Outer Banks History Center is open to the public from 10:00 a.m. to 4:00 p.m.~~
54 ~~Monday through Friday.~~

1 ~~(b) The Public History Gallery is closed on Saturdays, Sundays, official state holidays, and upon occasion, for~~
2 ~~announced meetings, special events, or exhibit preparation.~~

3
4 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;
5 Eff. March 1, 1990;
6 Repealed Eff. June 1, 2014.
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11 **07 NCAC 04V .0202 PUBLIC HISTORY GALLERY REGULATIONS**

- 12 ~~(a) Eating, drinking, and smoking are not permitted in the Gallery.~~
13 ~~(b) Visitors may not touch art works or graphics.~~
14 ~~(c) Children under 12 years of age must be accompanied by an adult.~~

15
16 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;
17 Eff. March 1, 1990;
18 Repealed Eff. June 1, 2014.