

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 02H .0107

DEADLINE FOR RECEIPT: Friday, August 4, 2017

PLEASE NOTE: 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

In (g), what is meant by “failure to comply with Paragraph (e)”? Paragraph (e) says that “borrowed materials shall be classified,” but does not direct the borrower to do anything. In (e), do you mean “Borrowed materials shall be returned by 5:00 p.m. on the last day of the loan period. Any borrowed materials not returned in accordance with this Paragraph shall be classified as overdue.”?

In (g), by “this Subchapter,” do you mean “Rule .0109 of this Section”? Please clarify.

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

Amber May
Commission Counsel
Date submitted to agency: Monday, July 21, 2017

1 07 NCAC 02H .0107 is adopted as published in 31:21 NCR 2074 for adoption as follows:

2

3 **07 NCAC 02H .0107 BORROWING PRIVILEGES**

4 (a) Library materials and equipment shall be available to all registered borrowers in accordance with the Rules set
5 forth in this Subchapter.

6 (b) Circulated materials may be checked out by registered borrowers for 28 calendar days (“loan period”).

7 (c) Registered borrowers may reserve circulated materials and have them placed on hold. Materials shall be reserved
8 by:

9 (1) visiting the library circulation desk;

10 (2) online at ncgov.nccardinal.org;

11 (3) calling the Government and Heritage Library at 919-807-7450; or

12 (4) submitting an email to slnc.reference@ncdcr.gov.

13 Materials placed on hold shall be held at the library circulation desk for five business days.

14 (d) Registered borrowers may renew loaned materials once per loan period. Renewals shall be made in the same
15 manner as provided in Paragraph (c).

16 (e) Borrowed materials shall be classified as overdue if they are not returned by 5:00 PM on the last day of the loan
17 period. An overdue notice shall be sent to the borrower by email or U.S. Mail for any materials that are not returned
18 or renewed prior to the end of the loan period. Borrowers shall not be fined for overdue books.

19 (f) The status of borrowed items shall be changed to lost for items not returned after 90 calendar days. Borrowers
20 shall be required to comply with Rule .0103 of this Section to replace lost items.

21 (g) Failure to comply with Paragraph (e) of this Rule may result in the restriction or suspension of a borrower’s
22 privileges as set forth in this Subchapter.

23

24 *History Note Authority G.S. 125-2(4); 143B-10.*

25 *Eff. September 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

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RULE CITATION: 07 NCAC 02H .0108

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In (c)(7), please change “parent/guardian” to “parent or guardian

In (d), by “may receive,” do you mean “shall receive” or “may request”?

In (e), please add “of this Rule” after “Paragraph (c).”

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

Amber May
Commission Counsel
Date submitted to agency: Monday, July 21, 2017

1 07 NCAC 02H .0108 is adopted as published in 31:21 NCR 2074 as follows:

2

3 **07 NCAC 02H .0108 REGISTRATION**

4 (a) The Government and Heritage Library shall maintain a collection of materials and equipment that shall be
5 available for use to the public.

6 (b) Borrowing privileges shall only be granted to citizens of the State and State employees who have registered with
7 the Government and Heritage Library.

8 (c) To register for borrowing privileges, each individual shall appear in person and provide the Library with the
9 following information on a form provided by the Library:

10 (1) name;

11 (2) address;

12 (3) telephone number;

13 (4) email address;

14 (5) date of birth;

15 (6) physical driver's license, or state-issued photo identification, if over the age of 16; and

16 (7) signature or signature of parent/guardian, if under the age of 16.

17 (d) The Library shall provide all registered borrowers with a Library card at no cost. The card may be presented in
18 order to check-out materials in the Library's collection. If a borrower cannot present his or her card, the borrower's
19 status may be confirmed by providing the librarian with his or her name and address. If a card is lost or stolen, the
20 borrower may receive a replacement card, at no charge, by providing the librarian with the information contained in
21 Paragraph (c).

22 (e) Borrowers shall notify the Library of any change in their information required by Paragraph (c). Failure to inform
23 the Library of these changes may result the restriction or suspension of borrowing privileges as set forth in 07 NCAC
24 02H .0109 of this Section.

25

26 *History Note: Authority G.S. 125-2(4); 143B-10.*

27 *Eff. September 1, 2017.*

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In (b)(3), what is “proper use” in “prohibited by its proper use”?

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Amber May
Commission Counsel
Date submitted to agency: Monday, July 21, 2017

1 07 NCAC 02H .0109 is adopted as published in 31:21 NCR 2074-2075 as follows:

2

3 **07 NCAC 02H .0109 RESTRICTION AND SUSPENSION OF PRIVILEGES**

4 (a) The Government and Heritage Library may restrict or suspend a patron's access to materials and equipment for
5 violation of any Rule set forth in this Subchapter.

6 (b) A borrower's check-out privileges shall be suspended for the following:

7 (1) failure to return overdue materials within 15 days of the issuance of any overdue notice;

8 (2) damage to any library materials or equipment; or

9 (3) unauthorized use of materials or equipment, including loaning library materials to non-registered
10 borrowers, using materials or equipment in a manner prohibited by its proper use, or removing non-
11 circulating materials or equipment from the Library.

12 (c) The period of suspension shall not exceed one year. In setting the period of suspension, the State Librarian shall
13 consider the Rule violated, the extent of harm to the Library's property, and any previous rule violations by the patron.
14 The State Librarian shall send a letter of suspension to the borrower by email or U.S. Mail.

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16 History Note: Authority G.S. 125-2(4), 143B-10.

17 Eff. September 1, 2017.