

07 NCAC 02G .0101 - .0102 are repealed as published in 32:08 NCR 735 as follows:

07 NCAC 02G .0101 SCOPE OF RULES

07 NCAC 02G .0102 ELIGIBILITY FOR STATE LIBRARY SERVICES

History Note: Authority G.S. 125-2; 125-7; 125-8;

Eff. April 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

Repealed Eff. February 1, 2018.

07 NCAC 02H .0103 is amended as published in 32:08 NCR 735-736 as follows:

07 NCAC 02H .0103 ACCESS AND CIRCULATION

~~(a) Access and use of the Library's resource collections varies according to user profile, resource format, and circulation status of materials, as determined by the State Librarian.~~

~~(b) The Library shall provide State employees and the general public online access to digital resources in its collections using search and retrieval technologies that are accessible and usable by all.~~

~~(c) Certain printed materials in the Library's collections are designated non-circulating and shall not be used outside the Library. Non-circulating items include general reference materials, permanent depository copies of State documents, rare books, vertical file materials, periodicals, print newspapers, and the genealogy reference collection.~~

~~(d) State employees may borrow materials from the Library's circulating print, microform, and audiovisual collections for use outside the library. Non-State employees may borrow print, microform, and audiovisual materials from the Library through interlibrary loan at their local libraries, or they can use the material within the State Library.~~

~~(e) If any borrower loses or damages Library material charged in the borrower's name, the borrower is responsible for the cost of replacing the material. Library borrowing privileges shall be withheld until payment is made.~~

(a) Use of Library resource collections shall vary in accordance with resource format and circulation status, as set forth in the rules in this Subchapter.

(b) Printed collection materials shall be designated as circulating or non-circulating. Circulated materials may be used outside of the Library in accordance with the rules set forth in this Subchapter. Select printed materials designated as non-circulating shall not be used outside the Library. Non-circulating items include general reference materials, permanent depository copies of State documents, rare books, vertical file materials, periodicals, print newspapers, and the genealogy reference collection.

(c) If a borrower loses or damages Library materials charged in the borrower's name, the borrower shall be responsible for the cost of replacing the material. Library borrowing privileges shall be withheld in accordance with Rule .0109 of this Subchapter.

History Note: Authority G.S. 125-2; ~~143B-10~~;

Eff. April 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

Amended Eff. February 1, 2018.

07 NCAC 02H .0104-.0105 are repealed as published in 32:08 NCR 736 as follows:

07 NCAC 02H .0104 REPRODUCTION SERVICES

07 NCAC 02H .0105 INFORMATION, REFERENCE AND RESEARCH SERVICES

History Note: Authority G.S. 125-2; 143B-10;

Eff. April 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

Repealed Eff. February 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 02H .0106

DEADLINE FOR RECEIPT: Friday, January 12, 2018

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 (a), line 12, please remove the comma after “such as”

What is the intent of (b)? What assistance is being referred to? Is this the same as “library services” in (a)? If so, please use consistent language.

In (b), line 19, please change “which may” to “that” in “which may include staff availability”

Should lines 20-21 (“The Library and the recipient State agency...”) be a separate Paragraph?

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: December 29, 2017

07 NCAC 02H .0106 is amended as published in 32:08 NCR 736 as follows:

07 NCAC 02H .0106 SERVICES FOR STATE AGENCIES

~~(a) State Library staff shall consult with State agencies requesting assistance with projects, programs, or situations requiring professional library knowledge and expertise. Library staff may consult on issues related to cataloging, classification, metadata, access, digitization, digital information management, and preservation of print and digital resources, based on staff availability and consideration of higher priority work as approved by the State Librarian.~~

~~(b) Cataloging staff shall perform classification, cataloging, and processing of library materials and resources for state government agencies on a priority basis. Before services are provided, the Library and the recipient State agency shall sign a memorandum of understanding that specifies the responsibilities and relationship between the two agencies and any costs required for library systems access and technologies.~~

(a) State agencies may receive library services, such as, cataloging, classification, collection assessment, metadata, digitization, digital information management, reference research, or the preservation of print and digital resources by submitting a request in writing to the State Library, 4640 Mail Service Center, Raleigh, NC 27699. All requests shall include the following:

(1) the name and address of the State agency;

(2) a description of the service(s) needed; and

(3) contact information for the State agency personnel overseeing the project.

(b) The State Librarian shall determine assistance considering factors which may include staff availability, work priorities, and accessibility of equipment and materials. The Library and the recipient State agency shall sign a memorandum of understanding that specifies the responsibilities and relationship between the two agencies for requests made under this Rule.

History Note: Authority G.S. 125-2; ~~143B-10~~;

Eff. April 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

Amended Eff. February 1, 2018.

07 NCAC 02H .0302 is amended as published in 32:08 NCR 736 as follows:

07 NCAC 02H .0302 ELIGIBILITY

Eligibility for the services of the Library for the Blind and Physically Handicapped ~~is~~ shall be determined by the Federal guidelines in 36 C.F.R. ~~701.10~~ 701.6 which is incorporated by reference, including subsequent amendments and editions, and available for free at https://www.ecfr.gov/cgi-bin/text-idx?SID=56ff245ec016601b46b55f2331b4b7ee&mc=true&node=se36.3.701_16&rgn=div8 and is applied to all applicants.

History Note: Authority G.S. 125-2; ~~143B-10;~~

Eff. April 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

Amended Eff. February 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 02H .0303

DEADLINE FOR RECEIPT: Friday, January 12, 2018

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 (a), line 6, I'm not sure that I understand the need for the cross-reference here. Rather than "To obtain services under Rule .0302 of this Section", please consider saying something like "To obtain services for the Library for the Blind and Physically handicapped" as Rule .0302 is not the underlying authority that provides this service.

In (a)(1), please add a comma after "address"

In (a)(8), what if there are no hearing impairments? There isn't an option for "none" in (8)(A) and (B). Is it necessary?

In (a)(9), please remove the colon after "such as" and change the semi-colons to commas after digital player, braille books, and large print book.

In (a)(10), please remove the colon after "such as" and change the semi-colons to commas after headphones, amplifier, breath switch, or remote control.

In (a)(13), please remove the colon after "such as"

In (a)(14), please remove the colon after "such as"

In (b), what is meant by "shall be certified by a competent authority"? Do you mean that it must be signed by a competent authority?

In (b), lines 5-6 seem to be a pretty inclusive list. Are there any cases that will require certification of a competent authority that are not included here? If not, please delete "In cases of blindness, visual impairment, physical handicap, or reading disability from

Amber May
Commission Counsel
Date submitted to agency: December 29, 2017

organic dysfunction.” If there are other situations that this definition of the “competent authority” will not apply, then please define “competent authority” for those situations.

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: December 29, 2017

07 NCAC 02H .0303 is amended as published in 32:08 NCR 736-737 as follows:

07 NCAC 02H .0303 APPLICATION

~~All users must complete an official application form and be certified in accordance with 36 C.F.R. 701.10 as eligible and meeting requirements established by the Library of Congress.~~

(a) To obtain services under Rule .0302 of this Section, users shall submit an application to the Library, 1841 Capital Boulevard, Raleigh, North Carolina 27635. Applications shall be submitted on a form prepared by the Library and include the user's:

(1) name, address and telephone number;

(2) county of residence;

(3) date of birth;

(4) gender;

(5) name, address, and telephone number of a friend or relative;

(6) status as an honorably discharged veteran of the Armed Forces of the United States;

(7) qualifying disability including:

(A) blindness;

(B) visual handicap;

(C) physical handicap;

(D) reading disability; or

(E) deaf and blind;

(8) degree of hearing impairment of either:

(A) moderate – some difficulty understanding speech; or

(B) profound – cannot hear or understand speech;

(9) preferred items such as: books recorded on digital cartridge with digital player; braille books; large print books; or music;

(10) necessity for special attachments such as: headphones; amplifier; breath switch; or remote control;

(11) language preference;

(12) service preference such as:

(A) requested materials only; or

(B) materials requested by the Library based upon selected reading preferences;

(13) reading preferences such as: Fiction, Non-Fiction, Adventure, Aging/Retirement, Animal Stories, Arts, Best Sellers, Biography, Black Literature, Technology/Computers, Classics, Cooking/Homemaking, Current Events, Disabilities, Family Stories, Fantasy, Folklore/Fairy Tales, General Fiction, Health/Medicine, Historical Fiction, History-US, History-World, Humor, Marriage/Family, Mysteries, Nature, North Carolina, Occult/Horror, Plays, Poetry, Politics/Government, Psychology, Religious Inspiration, Religion (scholarly), Romance, Science,

1 Science Fiction, Sea Stories, Short Stories, Sports, Spy Stories, Business, Travel, War Stories, or
2 Western; and

3 (14) reading restrictions such as: strong language, violence, or explicit descriptions of sex.

4 (b) Applications shall be certified by a competent authority and shall include the competent authority's name, address
5 and telephone number, title and occupation, and an original signature. In cases of blindness, visual impairment,
6 physical handicap, or reading disability from organic dysfunction, a competent authority shall be defined as provided
7 in 36 CFR 701.6(b)(2)(i), which is incorporated by reference, including subsequent amendments and editions, and
8 available for free at [https://www.ecfr.gov/cgi-bin/text-idx?SID=56ff245ec016601b46b55f2331b4b7ee&mc=true&](https://www.ecfr.gov/cgi-bin/text-idx?SID=56ff245ec016601b46b55f2331b4b7ee&mc=true&node=se36.3.701_16&gn=di8)
9 node=se36.3.701_16&gn=di8. A competent authority shall not be relatives of the applicant, even if otherwise
10 qualified.

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12 *History Note:* Authority G.S. 125-2; ~~143B-10;~~
13 Eff. April 1, 2011;
14 Amended Eff. February 1, 2018.

1 07 NCAC 02H .0304 is repealed as published in 32:08 NCR 737 as follows:

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3 **07 NCAC 02H .0304 LIBRARY COLLECTIONS**

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5 *History Note: Authority G.S. 125-2; 143B-10;*

6 *Eff. April 1, 2011;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*

8 *2017.*

9 *Repealed Eff. February 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 02H .0305

DEADLINE FOR RECEIPT: Friday, January 12, 2018

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.

Please end (b)(1)(A) and (B) with semi-colons.

In (b)(3), what is an "ineligible person"? Is what constitutes an "eligible person" set forth elsewhere in Rule?

In (c), line 32, by "shall contact the Library..." do you mean "may contact the Library"?

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: December 29, 2017

07 NCAC 02H .0305 is amended as published in 32:08 NCR 737 as follows:

07 NCAC 02H .0305 CIRCULATION

~~(a) The Library shall provide materials and playback equipment according to the Library of Congress lending policies.~~

~~(b) The Library shall furnish deposit collections to libraries, hospitals, rest homes, and other institutions serving eligible visually and physically handicapped persons.~~

~~(c) The following practices by any Library patron shall result in the suspension of Library services:~~

~~(1) repeated failure to return materials within the borrowing period;~~

~~(2) willful and negligent damage to equipment or materials;~~

~~(3) unauthorized use of materials or equipment, such as loan to an ineligible person or modification of equipment; or~~

~~(4) repeated abusive verbal attacks or behavior toward Library staff that is offensive or threatening.~~

(a) The Library shall provide materials and playback equipment to users in accordance with the Library of Congress' NLS Network Library Manual hereby incorporated by reference, including subsequent amendments and additions, and accessible to users free of charge at <http://www.loc.gov/nlsold/nlm/>.

(b) The following violations by any Library user shall result in the suspension of Library services:

(1) failure to return materials within the borrowing period. The borrowing period for materials are as follows:

(A) six weeks for books,

(B) two weeks for magazines, and

(C) three weeks for DVD and VHS tapes;

(2) damage to equipment or materials;

(3) unauthorized use of materials or equipment, such as loaning materials or equipment to an ineligible person or modification of items owned by the Library; or

(4) exhibiting verbal or physical behavior toward Library staff that is abusive, offensive, or threatening, as determined by the Director of the Library for the Blind and Physically Handicapped.

(c) The period of suspension shall not exceed six months as determined by the Director of the Library for the Blind and Physically Handicapped. In setting the period of suspension, the Director shall consider the violation, the extent of harm to the Library's property, and any violations previously committed by the user. The Director shall send a letter of suspension to the user via U.S. Mail. The letter shall specify the violation and the period of suspension. Upon expiration of the suspension period, the user shall contact the Library for resumption of services.

History Note: Authority G.S. 125-2; ~~143B-10;~~

Eff. May 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

07 NCAC 02I .0101 is repealed as published in 32:08 NCR 738 as follows:

07 NCAC 02I .0101 SCOPE OF RULES

History Note: Authority G.S. 125-2; 125-7; 125-8; 143B-10;

Eff. April 1, 2011;

Pursuant to G.S. 1-5B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

Repealed Eff. February 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 02I .0202

DEADLINE FOR RECEIPT: Friday, January 12, 2018

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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.

By State Aid Grants, do you mean grants from the Aid to Public Libraries Fund? Since Rule .0201 of this Section and 125-7 seem to speak to monies exclusively from this fund, I assume that is what is meant, but "State Aid Grants" makes it sound as though there may be some other pot of money.

Are line 4 ("libraries shall qualify... .0201 of this Section" and lines 4-6 ("All grants shall... .0201 of this Section") both necessary? They seem to both be saying that in order to qualify for this grant, you have to meet the requirements of .0201 making at least some of this language superfluous.

On line 9, I assume that "materials, salaries, equipment, and operating costs" fall within the "administration, allocation, and supervision" referenced in G.S. 125-7? If so, this is fine as written, please just confirm.

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: December 29, 2017

07 NCAC 02I .0202 is amended as published in 32:08 NCR 738 as follows:

07 NCAC 02I .0202 STATE AID GRANTS

~~Libraries shall qualify for State Aid Grants by meeting the requirements listed in Rule .0201 of this Section. All grants are shall be contingent upon appropriations budgeted by the General Assembly and subject to the approval of the Secretary of the Department of Natural and Cultural Resources based on the criteria in Rule .0201 of this Section. Assembly. Eligible county, regional, and municipal library systems shall receive grants subject to the approval of the Secretary of the Department of Cultural Resources subject to requirements in Rule .0201 of this Subchapter. Block and per capita income equalization grants~~ State Aid Grants may be used for materials, salaries, equipment, and operating costs.

History Note: Authority G.S. 125-7;

Eff. April 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

Amended Eff. February 1, 2018.

07 NCAC 02I .0302 is amended as published in 32:08 NCR 738 as follows:

07 NCAC 02I .0302 REGIONAL AGREEMENT

(a) An agreement establishing a regional library shall contain:

- (1) the structure of the regional library board of trustees;
- (2) the powers and duties of the regional library board;
- (3) the financial structure of the regional library;
- (4) the terms of property ownership and any conditions of joint ownership including property rights in the event of withdrawal from or dissolution of the regional library;
- (5) provisions for amendment;
- (6) provisions for withdrawal by a member county or dissolution of the regional library; and
- (7) provisions for termination of the regional agreement.

(b) Agreements establishing regional libraries shall comply with G.S. 160A, Article 20.

History Note: Authority G.S. 125-2; ~~143B-10~~;

Eff. April 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;

Amended Eff. February 1, 2018.