

Anatomy of a Bill

by Howard F. McGinn

In a democratic society the legislative process is rarely orderly. It is, most often, chaotic, convoluted, and confusing, replete with unexpected events. Legislation is usually not the product of one person's efforts. It is the result of the work of many people, people sometimes at odds with each other, sometimes working in coalitions, people always forced to compromise in order to effect the passage of legislation. In 1988 I began the coordination of a process that eventually resulted in the enactment of new legislation affecting the North Carolina State Library Commission during the North Carolina General Assembly's 1991 Session. Senate Bill 350 entitled "An Act to Modify Laws Affecting the Operations of the State Library and the Museum of History" streamlined the duties of the previous commission and reconstituted the membership of that body. (The commission's primary purpose is to advise the Secretary of Cultural Resources on the various duties of the North Carolina Division of State Library, a division of the state's Department of Cultural Resources.)

The following "diary" entries are taken from notes, memoranda, and my memory of the significant steps in the passage of the legislation. The entries are written in a narrative style. Taken as a whole, these steps form a type of "anatomy of a bill." The steps, too, are representative of those unexpected events, compromises, surprises, deals, and problems that are characteristic of all legislative activity.

THE BEGINNING.

November, 1989. Winter Meeting. North Carolina Public Library Director's Association, Asheville, NC.

This was my first meeting with the Director's Association since Secretary

Dorsey (Secretary of Cultural Resources Patric Dorsey) announced that I would succeed Jane Williams as State Librarian in April. The Director's Association is very concerned about the small number of public library directors on the state library commission. This concern is legitimate, since the State Library directly affects many operations of local public libraries and distributes state and federal aid to these libraries. I feel we need to revise the commission legislation. It is over ten years old and is outdated. The information age has long since arrived and the current commission legislation is becoming irrelevant. Despite my apprehension, the meeting went well. I feel I can work with the group. There is a lot of experience and talent in the organization. At the business meeting a motion requesting the department to explore amending the commission legislation was passed. Secretary Dorsey suggested that the officers of the association meet with her, Jane Williams, and me to begin the planning.

THE COMMITTEE.

Spring 1990 - Fall 1990.

A committee was appointed by the Secretary to draw up proposed state library commission legislation that would be introduced during the 1991 session of the General Assembly. Elinor Swaim was asked to chair the special committee. (Elinor was past-chairman of the commission and the vice-chair of the National Commission on Libraries and Information Sciences). Meetings were held at various sites in the state, once a month for nearly eight months, to craft the content of the new legislation. A very strong philosophical change was recommended in the composition of the membership and operations of the commission. The new commission would have

members drawn primarily from the public library and the business communities. The number of gubernatorial appointees would be increased. The Lieutenant Governor and the Speaker of the House would each be given one appointment. Only the president and president-elect of the North Carolina Library Association would represent that organization. Three members would be named by the North Carolina Public Library Director's Association. The new commission's main duties would be to

Legislation is usually not the product of one person's efforts. It is the result of the work of many people

promote the development of the State Library, public library service, and overall library and information service in the state to meet the educational, economic, and cultural needs of the citizens. Much of the daily work of the committee would be conducted by four standing committees and ad-hoc committees created by the Secretary of Cultural Resources. I composed several drafts of the proposed legislation. After much editing and horsetrading, a final version was agreed upon and proposed to the General Assembly. (See Appendix 1) The proposed legislation, if passed, will achieve my goal of creating a commission that reflects the concerns of the public library community yet begins to bring the business community into the process.

GETTING THE BILL PASSED.

Fall 1990.

I spoke with Deputy Secretary of Cultural Resources Robert Booth about the proposed legislation. Because the Department of Cultural Resources is a cabinet level agency, its legislative package needs to be approved by the Governor's Office. I anticipate no difficulty in getting Governor Martin's approval. He has been very supportive of State Library programs. Bob Booth and I discussed which legislator we wanted to ask to sponsor the legislation and steer the project through the General Assembly. We both thought that Senator Betsy Cochrane (R - Davie) would be an excellent choice. She is a strong supporter of her local public library in Mocksville and was instrumental in helping the Davie County Public Library acquire the county funding needed to match the federal LSCA Construction grant it had received for an expansion of the facility. She has also helped public library development in other counties in her district, especially Davidson County.

LEGISLATIVE LANGUAGE.

November 1990.

Governor Martin approved the proposed legislation. I need a lawyer. The legislation language I had used in the draft document can be understood by the layman but needs to be put into the arcane language of the General Assembly. I also need to try to tie the proposed legislation into the existing legislation. Apparently the new bill will amend a general statute, not create a new statute. I sent my laicized legal version of the legislation to Bob Booth this morning for transmittal to the General Assembly's bill drafting service. I hope the intent of the proposal survives. (See Appendices 2 & 3.)

THE GENERAL ASSEMBLY.

January 1991.

The General Assembly returned to town today. Parking now becomes non-existent for visitors for the next eight months. Secretary Dorsey, Bob Booth and I met with Senator Cochrane to ask if she would sponsor the commission bill. After reading the proposal she agreed immediately. She suggested that we make the bill bipartisan to ease its passage through the Assembly. She will ask a Democratic Senator to co-sponsor the bill.

APPENDIX 1

North Carolina Department of Cultural Resources

109 East Jones Street
Raleigh, North Carolina 27601-2807
Telefacsimile: 919-733-8748

James G. Martin, Governor
Patric Dorsey, Secretary

Division of State Library
Howard F. McGinn, State Librarian

143B-90. STATE LIBRARY COMMISSION; CREATION, POWERS AND DUTIES. There is hereby created the State Library Commission of the Department of Cultural Resources. The State Library Commission has the following functions and duties:

- (1) To advise the Secretary of Cultural Resources on matters relating to the operation and services of the State Library.
- (2) To work for the financial support of statewide and local public library services.
- (3) To work for the financial support of statewide interlibrary services.
- (4) To aid and advise the Secretary in the development and distribution of information services for the promotion of cultural, educational and economic well-being.
- (5) To aid and advise the Secretary on the recruitment and appointment of the State Librarian.
- (6) To advise the Secretary upon any matter the Secretary might refer to it.

143B-91. STATE LIBRARY COMMISSION; MEMBERS; SELECTION; QUORUM; COMPENSATION; COMMITTEES; MEETINGS; EXPENSES.

The State Library Commission shall consist of fifteen members. Eight members shall be appointed by the Governor with an interest in library and information services in North Carolina. One member shall be appointed by the Lt. Governor. One member shall be appointed by the Speaker of North Carolina House of Representatives. Three members shall be appointed by the North Carolina Public Library Director's Association. Two members shall be the President and President-elect of the North Carolina Library Association or two appointees as determined by the North Carolina Library Association Board of Directors. The State Librarian shall be an ex-officio member and act as secretary to the Commission.

All appointments shall be for four year terms with eight of the commissioners taking office on one four year cycle and seven commissioners taking office on the second four year cycle.

Any appointments to fill a vacancy in one of the positions appointed by the Governor, Lt. Governor or Speaker of the House shall be for the remainder of the unexpired term. Appointees shall not serve more than two successive four-year terms.

The Governor shall choose a Chairperson from among the gubernatorial appointees. The chairperson shall not serve more than two successive two-year terms as chair.

The Commission shall meet at least twice a year.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources.

There shall be standing committees established to advise the Secretary of Cultural Resources, the Commission, and the State Librarian. These committees shall be: Public Library Development; Interlibrary Cooperation; State Government Information Services; State Library Development; and any other committee deemed appropriate.

Each Committee shall be composed of a Committee Chairperson and at least six persons appointed annually by the Secretary of Cultural Resources with the approval of the Commission. At least one of the Committee members shall be a member of the Commission. Each Committee shall report to the Commission at least once a year.

Members of the Commission and the Committees shall receive per diem and necessary travel and subsistence expenses as provided in G.S. 138-5.

This bill shall be effective July 1, 1991. In order to provide for a transition to the new number of commissioners and assure the necessary rotation of members, the following appointment cycle shall be established:

All members of the Commission at the time of enactment of this bill shall remain on the Commission for the remainder of their terms except Commissioners who are members through election as Chair of the following Sections of the North Carolina Library Association: Public Library Section; College and University Section; Junior College Section; and President of the North Carolina Association of School Libraries. The terms of these Commissioners will expire June 30, 1991.

On July 1, 1991, the Governor shall appoint four persons to full four year terms. The Lt. Governor shall appoint one person to a two year term; The Speaker of the House shall appoint one person to a two year term; two appointees of the North Carolina Public Library Director's Association shall begin a two year term; one appointee of the North Carolina Public Library Director's Association shall begin a full four year term; the President-elect or an appointee of the North Carolina Library Association shall begin a full four year term; the President or an appointee of the North Carolina Association shall begin a two year term.

On July 1, 1993, the Governor shall appoint four persons to full four year terms; the Lt. Governor shall appoint one person to a full four year term; and the Speaker of the House shall appoint one person to a full four year term.

THE GENERAL ASSEMBLY.
March 1991.

The General Assembly's version of the commission bill language was released today and promptly introduced by Senator Cochrane. She had three very influential Democratic co-sponsors of the legislation: Senator Frank Block (D-New Hanover), Senator Richard Condor, (D-Richmond) and Senator Mary Seymour (D-Guilford). My original proposal has been split into two bills by the drafting service in order to amend all appropriate general statutes. The new bills are numbered Senate 353 and Senate 354. They have been referred to the Senate Travel, Tourism and Cultural Resources Committee for hearings. (See Appendices 4 & 5)

THE GENERAL ASSEMBLY.
Senate Travel, Tourism, and Cultural

Resources Committee.
April 1991.

It took several days to get the bills on the committee's calendar, obtain a quorum to conduct business, and obtain approval, but we made it. Senator Cochrane, Secretary Dorsey, Nancy Bates, Director of the Davidson County Public Library, and I testified on behalf of the bills. There was some concern expressed by the committee about the increase in gubernatorial appointees, but the provision granting the General Assembly two appointees for the first time eased concerns. The bills will now be sent to the floor of the Senate for the required three readings and Senate passage.

THE GENERAL ASSEMBLY.
April 1991.
The Senate passed the bills without change.

This legislation seems to be on a fast track. It has been sent to the House of Representatives for House Hearings and passage. I hope we get the new legislation passed in time for the appointments to become effective at the beginning of July.

THE GENERAL ASSEMBLY.
May 1991.

My secretary, Connie Bryant, has been checking with the General Assembly's bill status office and Senator Cochrane every few days to try to learn how the bills are progressing in the House. No action. The fast track is slowing. The state's budget problems are overshadowing all other matters.

THE GENERAL ASSEMBLY.
June 1991.
Still no action in the House. Budget problems are becoming more severe. I am becoming anxious. Senator Cochrane tells me not to worry.

THE GENERAL ASSEMBLY.
July 9, 1991.
Senator Cochrane called and said that the bills may be heard by the House subcommittee tomorrow. She asked if I would attend in case testimony was needed. The General Assembly is anxious to go home. Time is getting short. If the bill is not passed during this session we will not be able to cycle in the new appointment structure until the summer of 1993 (assuming that it is passed in the short session or resubmitted in the next General Assembly).

THE GENERAL ASSEMBLY.
July 9, 1992.
Strange day. When the bill was called for its pro-forma hearing by the House, it had been combined with four other bills affecting the Department of Cultural Resources, renumbered as Senate Bill 350. (See Appendix 6) It will be considered as a committee substitute. It is now a catch-all bill that includes the commission legislation, legislation designating the State Librarian as the overseer of the state's publications style manuals, provisions to permit the Department of Cultural Resources to operate a hamburger stand in the new Museum of History, and a paragraph that requires the Museum of History to maintain the records on artifacts in the Executive Mansion and old State Capitol building. Senator Cochrane and the members who are sponsoring the other legislation

APPENDIX 2

North Carolina Department of Cultural Resources

109 East Jones Street
Raleigh, North Carolina 27611
Telefacsimile: 919-733-5679

James G. Martin, Governor
Patric Dorsey, Secretary

Division of State Library
Howard F. McGinn, State Librarian

November 20, 1990
MEMORANDUM
TO: BOB BOOTH
FROM: HOWARD MCGINN
STATE LIBRARIAN
SUBJECT: DRAFT AMENDMENT TO: G.S. 143B-90

A BILL TO BE ENTITLED AN ACT TO REVISE THE DUTIES OF THE MEMBERS OF THE STATE LIBRARY COMMISSION

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-90 is amended as follows:

- 1) In the first paragraph by rewriting the second sentence to read:
" To work for the financial support of statewide and local public library services."
- 2) In the first paragraph by rewriting the fourth sentence to read:
" To work for the financial support of statewide interlibrary services."
- 3) In the first paragraph by rewriting the fifth sentence to read:
" To aid and advise the Secretary of Cultural Resources in the development of information services for the promotion of cultural, educational, and economic well-being."
- 4) In the first paragraph, the sixth sentence is deleted.
- 5) In the first paragraph, the seventh sentence is deleted.
- 6) In the first paragraph by rewriting the eighth sentence to read:
" To aid and advise the Secretary of Cultural Resources on the recruitment and appointment of the State Librarian."

Section 2. This act shall become effective July 1, 1991.

JUSTIFICATION FOR AMENDMENTS TO G.S. 143B-90 AND G.S. 143B-91

The rapid development of statewide, national, and international electronic services of information and the significant changes in library services, especially Public Library Services, in North Carolina have necessitated changes in the statutes defining the composition and duties of the State Library Commission. As Public Libraries, in particular, expand their services to business and education, as the State Library expands their services to State Government and businesses, as the North Carolina Information Network continues to develop, the role and nature of the membership of the Commission needs to change to meet the needs of an information-based economy and society. The recommended changes to existing legislation will help meet these needs for the future by providing more citizen input into the development of statewide library and information services.

that has been rolled into the commission legislation asked for a postponement of the vote until tomorrow. I asked the Senator what had happened. She said that part of the problem was the rush to adjourn; part was parliamentary procedure. I didn't press the matter.

THE GENERAL ASSEMBLY.

July 10, 1992.

The new all-purpose bill, Senate 350, was reported favorably out of the House Committee today. It will be sent to the floor of the House for a vote tomorrow. There is one small technicality that may destroy the whole effort. Because this is now considered to be a new bill, it has to be sent back to the Senate for concurrence if passed by the House. Adjournment could occur at any time.

THE GENERAL ASSEMBLY.

July 11, 1992.

The House passed the bill. Passage requires three readings on the floors of the House and Senate. The bill has now been sent to the Senate for concurrence.

THE GENERAL ASSEMBLY.

July 16, 1992.

Senate 350 was passed today. We have new commission legislation. The Department also has permission to operate a hamburger stand, designate style manuals, and record the purchase of antiques stored in the mansion. I wrote and called Senator Cochran to offer my congratulations and appreciation for her work. She sounded weary. The General Assembly will probably adjourn tomorrow.

The events that led to the passage of Senate 350 were not unusual. While the process is tedious, it is important to note that private citizens can recommend legislation and aid legislators in the passage of legislation. The democratic process at the state level can be used by non-legislators if the issue requiring study and legislation is of interest to a sufficient number of legislators, is positive, has community support, will solve existing problems or create beneficial new programs, and, especially, if the appropriation of tax dollars is not involved. Legislation need not be "landmark" to be important. Senate 350 did not result in endless debate by the media, did not produce demonstrations outside of the Legislature, did not polarize citizens. Yet, when fully in force, it may revolutionize library service in the state.

APPENDIX 3

North Carolina Department of Cultural Resources

109 East Jones Street
Raleigh, North Carolina 27601-2807
Telefacsimile: 919-733-8748

James G. Martin, Governor
Patric Dorsey, Secretary

Division of State Library
Howard F. McGinn, State Librarian

November 20, 1990

MEMORANDUM

TO: BOB BOOTH

FROM: HOWARD MCGINN

STATE LIBRARIAN

SUBJECT: DRAFT AMENDMENT TO G.S. 143B-91

A BILL TO BE ENTITLED STATE LIBRARY COMMISSION - MEMBERS; APPOINTMENT; QUORUM; COMMITTEES; COMPENSATION.

The General Assembly of North Carolina enacts:

Section 1: G.S. 143B-91 is amended as follows:

1) The first paragraph shall be rewritten to read:

"The State Library Commission shall consist of fifteen members. All members shall have an interest in the development of library and information services in North Carolina. Eight members shall be appointed by the Governor. One member shall be appointed by the Lt. Governor. One member shall be appointed by the Speaker of the North Carolina House of Representatives. Three members shall be appointed by the North Carolina Public Library Directors Association. Two members shall be the President and President-elect of the North Carolina Library Association or two appointees as determined by the North Carolina Library Association's Board of Directors. The State Librarian shall be an ex-officio member and act as secretary to the Commission."

2) The second paragraph shall be rewritten to read:

"All appointments shall be for four year terms with eight of the commissioners taking office on one four year cycle and seven commissioners taking office on the second four year cycle. Any appointment to fill a vacancy in one of the positions appointed by the Governor, Lt. Governor, or Speaker of the House shall be for the remainder of the unexpired term. Appointees shall not serve more than two successive four-year terms."

3) The third paragraph shall be rewritten to read:

"The Governor shall choose a chairperson from among the gubernatorial appointees. The chairperson shall not serve more than two successive two-year terms as chair."

4) There is added a seventh paragraph to read:

"The Commission shall meet at least twice a year."

5) There is added an eighth paragraph to read:

"There shall be standing committees established to advise the Secretary of Cultural Resources, the Commission, and the State Librarian. These committees shall be: Public Library Development; Interlibrary Cooperation; State Government Information Services; State Library Development; and any other committee deemed appropriate. Each committee shall be composed of a committee chairperson and at least six persons appointed annually by the Secretary of Cultural Resources with the approval of the commission. At least one of the committee members shall be a member of the commission. Each committee shall report to the commission at least once a year."

6) There is added a ninth paragraph to read:

"In order to provide for a transition to the new number of commissioners and assure the necessary rotation of members, the following appointment cycle shall be established:

- (1) All members of the State Library Commission at the time of the enactment of this bill shall remain on the Commission for the remainder of their terms except Commissioners who are members through election as President of the North Carolina Library Association and Chair of the following sections of the North Carolina Library Association: Public Library Section, College and University Section, Junior College Section, and President of the North Carolina Association of School Librarians. The terms of these Commissioners shall expire June 30, 1991.
- (2) On July 1, 1991, the Governor shall appoint two persons to full four year terms and two persons to two year terms. The Lt. Governor shall appoint one person one a full four year term. The Speaker of the House shall appoint one person to a full four year term. Two appointees of the North Carolina Public Library Directors Association shall begin a two year term. One appointee of the North Carolina Public Library Directors Association shall begin a full four year term. The President and Vice-President of the North Carolina Library Association or two appointees of the North Carolina Library Association shall begin a two year term.
- (3) On July 1, 1993, the Governor shall appoint four persons to full four year terms. Two appointees of the North Carolina Library Public Library Directors Association shall begin full four year terms. The President and Vice-President or two appointees of the North Carolina Library Association shall begin full four year terms.

Section 2. This act shall become effective July 1, 1991.

APPENDIX 4

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 353

Short Title: Appt. State Library Members.

(Public)

Sponsors: Senators Cochrane, Block, Conder; and Seymour.

Referred to: Travel, Tourism and Cultural Resources.

March 28, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE MEMBERSHIP AND APPOINTMENT OF THE
3 STATE LIBRARY COMMISSION

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 143B-91 reads as rewritten:

6 "§143B-91. State Library Commission--members; selection; quorum; compensation.
7 (a) The State Library Commission shall consist of 15 members. All members
8 shall have an interest in the development of library and information services in North
9 Carolina. Six Eight members shall be appointed by the Governor. Governor and the
10 other five members shall be the following--officers of the North Carolina Library
11 Association: President; Chairman of the Public Libraries Section; Chairman of the
12 College and University Section; Chairman of the Junior College Section; and Chair-
13 man of the North Carolina Association of School Libraries Section. One member shall
14 be appointed by the Lieutenant Governor. One member shall be appointed by the
15 Speaker of the North Carolina House of Representatives. Three members shall be
16 appointed by the North Carolina Public Library Directors Association. Two members
17 shall be the President and the President-elect of the North Carolina Library Associa-
18 tion or two appointees as determined by the North Carolina Library Association's
19 Board of Directors. The State Librarian shall be an ex officio member and act as
20 secretary to the Commission.

21 Members of the State Library Committee appointed by the Governor shall
22 continue as members of the State Library Commission for the remainder of the terms to
23 which appointed. Thereafter all appointments by the Governor shall be for six year
24 terms. All appointments shall be four-year terms with eight of the commissioners

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

1 taking office on the first four-year cycle and seven commissioners taking office on the
2 second four-year cycle. Any appointment to fill a vacancy in one of the positions
3 appointed by the Governor, Lieutenant Governor, or Speaker of the House
4 of Representatives shall be for the remainder of the unexpired term. Officers of the
5 North Carolina Library Association shall serve as members of the Commission for the
6 duration of their terms as officers of the Association. Appointees shall not serve more
7 than two successive four-year terms.

8 The Governor shall choose a chairman chairperson from among the members of
9 the Commission: gubernatorial appointees. The chairman chairperson shall serve not
10 more than two successive two-year terms as chairman: chair.

11 Members of the Commission shall receive per diem and necessary travel and
12 subsistence expenses as provided in G.S. 138-5.

13 A majority of the Commission shall constitute a quorum for the transaction of
14 business.

15 All clerical and other services required by the Commission shall be supplied by
16 the Secretary of Cultural Resources.

17 The Commission shall meet at least twice a year.

18 (b) There shall be standing committees established to advise the Secretary of
19 Cultural Resources, the Commission, and the State Librarian. These committees
20 shall be: Public Library Development; Interlibrary Cooperation; State Govern-
21 ment Information Services; State Library Development; and any other committee
22 deemed appropriate. Each committee shall be composed of a committee chairper-
23 son and at least six persons appointed annually by the Secretary of Cultural
24 Resources with the approval of the Commission. At least one of the members of
25 each committee shall be a member of the Commission. Each committee shall
26 report to the Commission at least once a year."

27 Sec. 2. In order to provide for a transition to the new number of
28 commissioners and assure the necessary rotation of members, the following
29 appointment cycle is established:

30 (a) All members of the State Library Commission at the time of the
31 enactment of this bill shall remain on the Commission for the remainder of their terms
32 except Commissioners who are members through election as President of the North
33 Carolina Library Association and Chair of the following sections of the North
34 Carolina Library Association: Public Library Section, College and University
35 Section, Junior College Section, and President of the North Carolina Association of
36 School Librarians. The terms of these Commissioners shall expire June 30, 1991.

37 (b) On July 1, 1991, the Governor shall appoint two persons to full four-
38 year terms and two persons and to two-year terms. The Lieutenant Governor shall
39 appoint one person to a full four-year term. The Speaker of the House shall appoint
40 one person to a full four-year term. Two appointees of the North Carolina Public
41 Library Directors Association shall begin a two-year term. One appointee of the
42 North Carolina Public Library Directors Association shall begin a full four-year term.
43 The President and Vice-president of the North Carolina Library Association or two
44 appointees of the North Carolina Library Association shall begin a two-year term.

APPENDIX 5.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S 1

SENATE BILL 354

Short Title: Revise State Library Commn. Duties. (Public)

Sponsors: Senators Cochran, Block, Conder; and Seymour.

Referred to: Travel, Tourism, and Cultural Resources.

March 28, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE DUTIES OF THE MEMBERS OF THE STATE
3 LIBRARY COMMISSION.

4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 143B-90 reads as rewritten:
6 "§ 143B-90. State Library Commission —creation, powers and duties.
7 There is hereby created the State Library Commission of the Department of
8 Cultural Resources. The State Library Commission has the following functions and
9 duties:

- 10 (1) To advise the Secretary of Cultural Resources on matters relating
- 11 to the operation and services of the State Library;
- 12 (2) To suggest programs to the Secretary to aid in the development of
- 13 libraries statewide;
- 14 (2a) To work for the financial support of statewide and local public
- 15 library services;
- 16 (3) To advise the Secretary upon any matter the Secretary might refer
- 17 to it;
- 18 (4) To evaluate and approve the State Plan for Public Library
- 19 Development;
- 20 (4a) To work for the financial support of statewide interlibrary services;
- 21 (5) To evaluate and approve the State Plan for Multitype Library
- 22 Cooperation;

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

1 (c) On July 1, 1993, the Governor shall appoint four persons to full four-year
2 terms. Two appointees of the North Carolina Library Public Library Directors
3 Association shall begin full four-year terms. The President and Vice-president or two
4 appointees of the North Carolina Library Association shall begin full four-year terms.
5 Sec. 3. This act becomes effective July 1, 1991.

Senate Bill 353

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

- 1 (5a) To aid and advise the Secretary of Cultural Resources in the
- 2 development of information services for the promotion of cultural,
- 3 educational, and economic well-being of the State.
- 4 (6) To evaluate and approve plans for federally funded library
- 5 programs;
- 6 (7) To evaluate and approve State Library policies for the acquisition
- 7 of library materials; and
- 8 (8) To serve as a search committee to seek out, interview, and
- 9 recommend to the Secretary one of more experienced and
- 10 professionally trained librarians for the position of Director of the
- 11 Division of State Library when a vacancy occurs, and to assist and
- 12 cooperate with the Secretary in periodic reviews of the
- 13 performance of the Director and the Division.
- 14 (8a) To aid and advise the Secretary of Cultural Resources on the
- 15 recruitment and appointment of the State Librarian."
- 16 Sec. 2. This act becomes effective July 1, 1991.

Page 2

Senate Bill 354

APPENDIX 6.

GENERAL ASSEMBLY OF NORTH CAROLINA 1991 SESSION RATIFIED BILL

CHAPTER 757 SENATE BILL 350

AN ACT TO MODIFY LAWS AFFECTING THE OPERATIONS OF THE STATE LIBRARY AND THE MUSEUM OF HISTORY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-170.2 reads as rewritten:

“ §143-170.2. **Publication procedure manuals.**

(a) ~~The Department of Administration, in consultation with at least the State Librarian and the State Auditor, shall establish, distribute, and~~ The State Librarian in consultation with the State Auditor shall administer and periodically revise guidelines to be used by all State agencies and community colleges in developing publication procedures manuals for public documents. The initial guidelines developed by the Department of Administration shall be released no later than December 1, 1989 and shall address at least the following elements of publication production for public documents:

- (1) Bibliographic style, substantially in accord with a recognized style manual approved by the State Librarian; provided, however, the Department shall not develop guidelines concerning the design, layout, size or appearance of publications except as otherwise permitted herein;
- (2) Procedures for the notification of the State Library for title changes in serial publications;
- (3) Pricing of documents for resale;
- (4) Use of publication services at State-operated printing facilities;
- (5) Purchase of commercial publication services; and
- (6) The distribution of publications.

The Department of Administration shall submit the initial guidelines to State agencies for review and comment for a period of 60 days; provided, however, that submission to the University of North Carolina General Administration shall satisfy this requirement with respect to universities. The Department, in consultation with at least the State Librarian and the State Auditor, shall consider the comments of the State agencies before adopting final guidelines. The Department of Administration shall adopt and release the final guidelines no later than four months after the release of the initial guidelines.

(b) Upon the adoption and release of final guidelines by the Department of Administration, each State agency and community college shall within four months thereafter adopt a publication procedures manual for public documents consistent with the guidelines established pursuant to subsection (a) of this section and an administrative review and approval process to ensure appropriate review and approval of its public documents.

(c) Each State agency and community college shall submit to the Department of Administration State Library for review and retention a copy of its publication procedures manual and its administrative review procedure for public documents.

Any revisions made by an agency shall also be submitted to the State Library within 30 days of adoption by the agency, documents, and any revisions thereto, within 30 days of adoption. The Department shall retain a copy of each agency's submissions. The publication procedures manual, the administrative review procedure, and any revisions shall be implemented upon adoption.

(d) The Department of Administration may revise its final guidelines, after July 1, 1990, in the same manner as provided in this section for the adoption of its initial and final guidelines, provided that the period of agency review and comment shall be thirty (30) days.

(d1) The State Library may revise the final statewide guidelines, originally issued April 1, 1990, by the Department of Administration, at any time after July 1, 1990, provided that there be distribution of any proposed revisions to all agencies and institutions subject to these provisions, and that there be a 30-day review period for these agencies to comment.”

Sec. 2. G.S. 143B-90 reads as rewritten:

“§ 143B-90. **State Library Commission — creation, powers and duties.**

There is hereby created the State Library Commission of the Department of Cultural Resources. The State Library Commission has the following functions and duties:

- (1) To advise the Secretary of Cultural Resources on matters relating to the operation and services of the State Library;
- (2) ~~To suggest programs to the Secretary to aid in the development of library services;~~
- (2a) ~~To work for the financial support of statewide and local public library services;~~
- (3) To advise the Secretary upon any matter the Secretary might refer to it;
- (4) ~~To evaluate and approve the State Plan for Public Library Development;~~
- (4a) ~~To work for the financial support of statewide interlibrary services;~~
- (5) ~~To evaluate and approve the State Plan for Multitype Library Cooperation;~~
- (5a) To aid and advise the Secretary of Cultural Resources in the development of information services for the promotion of cultural, educational, and economic well-being of the State.
- (6) ~~To evaluate and approve plans for federally funded library programs;~~
- (7) ~~To evaluate and approve State Library policies for the acquisition of library materials; and~~
- (8) ~~To serve as a search committee to seek out, interview, and recommend to the Secretary one of more experienced and professionally trained librarians for the position of Director of the Division of State Library when a vacancy occurs, and to assist and cooperate with the Secretary in periodic reviews of the performance of the Director and the Division;~~
- (8a) To aid and advise the Secretary of Cultural Resources on the recruitment and appointment of the State Librarian.”

Sec. 3. G.S. 143B-91 reads as rewritten:

“§ 143B-91. **State Library Commission-members; selection; quorum; compensation.**

(a) The State Library Commission shall consist of 11-15 members. All members shall have an interest in the development of library and information services in North Carolina. Six Eight members shall be appointed by the Governor. Governor and the

other five members shall be the following officers of the North Carolina Library Association: President; Chairman of the Public Libraries Section; Chairman of the College and University Section; Chairman of the Junior College Section; and Chairman of the North Carolina Association of School Librarians Section. One member shall be appointed by the Lieutenant Governor. One member shall be appointed by the Speaker of the North Carolina House of Representatives. Three members shall be appointed by the North Carolina Public Library Directors Association. Two members shall be the President and the President-elect of the North Carolina Library Association or two appointees as determined by the North Carolina Library Association's Board of Directors. The State Librarian shall be an ex officio member and act as secretary to the Commission.

Members of the State Library committee appointed by the Governor shall continue as members of the State Library Commission for the remainder of the terms to which appointed. Thereafter all appointments by the Governor shall be for six-year terms. All appointments shall be for four-year terms with eight of the commissioners taking office on the first four-year cycle and seven commissioners taking office on the second four-year cycle. Any appointment to fill a vacancy in one of the positions appointed by the Governor, Lieutenant Governor, or Speaker of the House of Representatives shall be for the remainder of the unexpired term. Officers of the North Carolina Library Association shall serve as members of the Commission for the duration of their terms as officers of the Association. Appointees shall not serve more than two successive four-year terms.

The Governor shall choose a chairman chairperson from among the members of the Commission; gubernatorial appointees. The chairman chairperson shall serve not more than two successive two-year terms as chairman chair.

Members of the Commission shall receive per diem and necessary travel and subsistence expenses as provided in G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources.

The Commission shall meet at least twice a year.

(b) There shall be standing committees established to advise the Secretary of Cultural Resources, the Commission, and the State Librarian. These committees shall be: Public Library Development; Interlibrary Cooperation; State Government Information Services; State Library Development; and any other committee deemed appropriate. Each committee shall be composed of a committee chairperson and at least six persons appointed annually by the Secretary of Cultural Resources with the approval of the Commission. At least one of the members of each committee shall be a member of the Commission. Each committee shall report to the Commission at least once a year."

Sec. 4. In order to provide for a transition to the new number of commissioners and assure the necessary rotation of members, the following appointment cycle is established:

(a) All members of the State Library Commission at the time of the enactment of this bill shall remain on the Commission for the remainder of their terms except Commissioners who are members through election as President of the North Carolina Library Association and Chair of the following sections of the North Carolina Library Association: Public Library Section, College and University Section, Junior College Section, and President of the North Carolina Association of School Librarians. The terms of these Commissioners shall expire June 30, 1991.

(b) On July 1, 1991, the Governor shall appoint two persons to full four-year terms and two persons to two-year terms. The Lieutenant Governor shall appoint one person to a full four-year term. The Speaker of the House shall appoint one person to a full four-year term. Two appointees of the North Carolina Public Library Directors Association shall begin a two-year term. One appointee of the North Carolina Public Library Directors Association shall begin a full four-year term. The President and Vice-president of the North Carolina Library Association or two appointees of the North Carolina Library Association shall begin a two-year term.

(c) On July 1, 1993, the Governor shall appoint four persons to full four-year terms. Two appointees of the North Carolina Public Library Directors Association shall begin full four-year terms. The President and Vice-president or two appointees of the North Carolina Library Association shall begin full four-year terms.

Sec. 5. G.S. 121-4 is amended by adding a new subdivision to read:

"(16) To enter into an agreement with a private nonprofit corporation for the management of facilities to provide food and beverages at the North Carolina Museum of History. Any net proceeds received by the private nonprofit corporation shall be devoted to the work of the Department. Any private nonprofit corporation entering into an agreement with the Department with regard to the management of the facilities may enter into further agreements with private persons or corporations concerning the operation of the facilities, providing such agreements are arrived at in a public manner, consistent with rules adopted by the Secretary of Administration pursuant to G.S. 143-53, and allowing for the submission of proposals or bids by all interested parties regardless of nationality, religion, race, gender or age. Subject to the provision of Article 3, Chapter 143 of the General Statutes, the Department may enter into an agreement in regard to obtaining or installing equipment, furniture and furnishings for such facilities. The operation of food and beverage service shall be subject to the provisions of Article 3 of Chapter 111 of the General Statutes."

Section 6. G.S. 121-7(b) reads as rewritten:

"(b) Insofar as practicable, the North Carolina Museum of History shall accession and maintain records showing provenance, value, location, and other pertinent information on such furniture, furnishings, decorative items, and other objects as have historical or cultural importance and which are owned by or to be acquired by the State for use in the State Capitol, Capitol and the Executive Mansion, and, upon request of the Department of Administration, any other state-owned building. When any such item or object has been entered in the accession records of the Museum of History, the custodian of such item or object shall, upon its removal from the premises upon which it was located or when it is otherwise disposed of, submit to the Museum of History sufficient details concerning its removal or disposition to permit an adequate entry in the accession records to the end that its location or disposition, and authority for such change, shall be showed therein."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives