

Regulations on Publications and Mailing Lists

North Carolina General Statutes §§ 143-168 through 143-170.4 establishes State policy for agency publications and public document mailing lists. All State agencies, including the constituent institutions, must generate and distribute their "public documents" according to these policies.

The policies apply to "public documents" as defined in N.C.G.S. § 143-169.2 to mean "any annual, biennial, regular and special report or publication of which at least 200 copies are printed, but shall not include intra-agency communications nor agency correspondence." The Attorney General has ruled that "public documents" are only those documents "printed at State expense," that is, published using State appropriated funds. Therefore, to fall within the requirements of the statute a document must be an annual, biennial, regular or special publication, 200 or more copies of which are printed using State appropriated funds and excluding (a) intra-agency communications (such as this policy) and (b) agency correspondence. Agency correspondence is understood to be any written communication whose address label and content speak to an identifiable person or organization or group of identifiable persons or organizations.

A. Printing Requirements for Public Documents

1. The statute requires that annual and biennial reports be compact, concise, and lucid. [N.C.G.S. § 143-168]
2. The act prohibits the use of multicolor [full color] process printing except for (1) scientific illustrations when the illustrations would be unintelligible if published in black and white and (2) in those instances when approval is given in advance by the Department of Administration. [N.C.G.S. § 143-169]
3. The statute requires that every publication published at State expense be prepared in accordance with the paper recycling and reuse requirements set forth in N.C.G.S. § 130A-309.14(j). Those requirements, to be established in further detail by the Department of Administration, generally promote use in "reports published by State agencies" of recycled and recyclable paper where practicable and printing on both sides of publication sheets. [N.C.G.S. § 143-169(c)]

When a public document is printed on recycled paper, the document must contain a statement or symbol indicating that it was printed on recycled paper. [N.C.G.S. § 143-170.1(a2)]

4. The statute requires that each public document, unless "published for the principal purpose of sale to the public" show on the document near the identification of its issuer, the following statement:

"[Number of copies] copies of this publication were printed at a cost of \$ _____, or \$ _____ per copy."

The statute prohibits the mailing or distribution at public expense of any public document lacking this statement.

"Cost" is defined to include printing costs in the form of labor, materials, and other identifiable design, typesetting and binding costs. [N.C.G.S. § 143-170.1]

The Office of State Budget and Management does not consider personnel manuals, State salary schedules, departmental accounting system manuals and budget manuals to be subject to this section of the act. These, however, would also seem to be intra-agency communications exempt by definition.

5. The act requires State agencies issuing public documents to review, update, and correct the mailing list for each public document at least every 12 months and that the agency certify to the director of the budget (the Governor) on or before July 1 of each year that the mailing list has been updated and corrected. [N.C.G.S. § 143-169.1(a)] Excluded from this requirement are documents that are hand-distributed or State-courier distributed. Also excluded are documents distributed on a one-time basis or distributed multiple times within the 12-month period before the annual certification but where it is not contemplated that the document will be mailed again after the annual certification. Further, mailing lists of alumni of a constituent institution of the University of North Carolina, used or maintained by the constituent institution, are not subject to this requirement.

To update and correct the mailing list, the statute requires that the agency include on the list only those persons or organizations who, within the previous 12 months, have either requested that they be included on the mailing list or have renewed a request that they be included, or are on the mailing list by express provision of statute or judicial order.

B. Compliance

1. Each chancellor is considered the "chief administrator of the agency authorizing the printing" and is, therefore, responsible for compliance with the act.

2. Each chancellor shall be the certifying officer for all mailing lists generated at the institution.

3. In rendering the certification to the director of the budget, the certifying officer should use the following wording:

I certify that all mailing lists of [name of institution] subject to the provisions of N.C.G.S. § 143-169.1, have been carefully reviewed, updated, and corrected within the 12-month period ending June 30, 19___, and were, therefore, in compliance with the requirements of the act as of June 30, 19___.

4. This certification should be sent directly to the director of the budget by July 1 of each year.

5. Each chancellor should provide for the cost accounting of public documents as set forth in A.3., above.

6. When an agency fails to insert in a public document the cost statement and/or the notice or symbol concerning use of recycled paper when required, "the agency's printing budget for the fiscal year following the violation shall be reduced by ten percent (10%)." [N.C.G.S. § 143-170.1(a3)]

[This is an update to Administrative Memorandum #278.]