CHAPTER 1

South Carolina State Library

**SECTION 60‑1‑10.** Establishment of South Carolina State Library; State Library Board; appointment and terms of office of board members; vacancies.

 There is created the South Carolina State Library governed by the State Library Board consisting of seven members, one from each congressional district. The members must be appointed by the Governor for terms of five years and until their successors are appointed and qualify. All vacancies must be filled in the manner of the original appointment for the unexpired term.

 No person is eligible to serve as a member of the board for more than two successive terms, except that a person appointed to fill an unexpired term may be reappointed for two full terms.

HISTORY: 1962 Code Section 42‑200; 1969 (56) 818; 1985 Act No. 178, Section 2; 2012 Act No. 176, Section 16, eff May 25, 2012.

Editor’s Note

2012 Act No. 176, Section 18 and 19, provide as follows:

“SECTION 18. Notwithstanding any other provision of law to the contrary, any person elected or appointed to serve, or serving, as a member of any board or commission to represent a Congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board or commission from the district which loses a resident member as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires.

“SECTION 19. In the event that elections for incumbent university board of trustees’ seats whose terms are expiring this year are not held prior to June 30, 2012, current board members will retain their seats until the General Assembly reconvenes and holds elections.”

Effect of Amendment

The 2012 amendment removed “and one from the State at large”.

CROSS REFERENCES

State library being the official state depository for all state publications, see Sections 60‑2‑10 et seq.

Unauthorized removal or concealment of library property, see Sections 16‑13‑331, 16‑13‑332.

Library References

States 45, 82.

Westlaw Topic No. 360.

C.J.S. States Sections 145 to 146, 157 to 161, 249, 258.

**SECTION 60‑1‑20.** Chairman and vice‑chairman of board; other officers; board meetings; compensation of board members.

 The State Library Board shall elect a chairman and a vice‑chairman from its own members to serve terms of two years. The chairman and vice‑chairman may serve no more than two successive terms but may be re‑elected to office after an interval of one year. The director of the South Carolina State Library, appointed pursuant to the provisions of Section 60‑1‑30, shall serve as secretary of the board. The secretary shall attend board meetings but may not vote on any matter before the board. Other officers and agents as may be required may from time to time be chosen by the board. The board may appoint committees as it considers advisable.

 The board shall meet at a time and place as specified by the chairman. At least one meeting must be held each quarter. Four members constitute a quorum for the transaction of business.

 Board members are allowed the usual mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions.

HISTORY: 1962 Code Section 42‑201; 1952 Code Section 42‑201; 1942 Code Section 5500; 1932 Code Section 5472; 1929 (36) 261; 1935 (39) 220; 1969 (56) 818; 1980 Act No. 317, Section 1; 1985 Act No. 178, Section 2.

CROSS REFERENCES

Exemption of public libraries from taxation, see SC Const, Art X, Section 3.

Sales tax exemption, see Section 12‑36‑2120.

Stealing, damaging, etc., works of literature or objects of art of certain institutions, see Section 16‑13‑330 et seq.

Library References

States 46, 62.

Westlaw Topic No. 360.

C.J.S. States Sections 88 to 89, 101 to 102, 158 to 161, 163 to 165, 195 to 198, 202 to 204.

**SECTION 60‑1‑30.** Director of State Library; qualifications; evaluation and term of office.

 The State Library Board shall appoint the director of the South Carolina State Library to serve as the administrative head of the State Library. The director:

 (a) shall hold a degree from a graduate library school accredited by the American Library Association and must be eligible for a South Carolina professional librarian’s certificate; and

 (b) shall have at least ten years of library experience in increasingly responsible professional positions, including at least four years in library administration with demonstrated success in this area.

 The board shall annually evaluate the performance of the director who shall serve until terminated by the board for good cause.

HISTORY: 1962 Code Section 42‑202; 1952 Code Section 42‑202; 1942 Code Section 5500; 1932 Code Section 5472; 1929 (36) 261; 1935 (39) 220; 1984 Act No. 512, Part II, Section 4; 1985 Act No. 178, Section 2.

CROSS REFERENCES

Director of State Library serving also as Secretary of State Library Board, see Section 60‑1‑20.

Library References

States 46, 47.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 147, 158 to 161, 163 to 165, 195.

**SECTION 60‑1‑40.** Duties and authority of board.

 The State Library Board:

 (a) shall determine policy for providing library and information services to state government, South Carolina libraries, and the citizens of the State;

 (b) shall develop and adopt long range plans for the continued improvement of library services in the State;

 (c) shall prescribe standards of service for South Carolina libraries as may be necessary to carry out the provisions of this chapter;

 (d) shall administer and distribute state and federal funds or grants from public and private sources in accordance with law and board regulations to county, state institutional, and other libraries in the State;

 (e) shall promulgate regulations necessary for carrying out the provisions of this chapter;

 (f) is authorized to enter into contracts with any person or governmental entity to provide, extend, improve, or coordinate library services or to demonstrate appropriate programs of library services;

 (g) is authorized to enter into interstate library compacts on behalf of the State for the purpose of improving library services to the citizens of the State;

 (h) shall recommend legislation to the members of the General Assembly to achieve effective statewide library development;

 (i) shall represent library interests and needs before state and local officials and the legislature in order to obtain the financial support necessary to provide quality library service;

 (j) shall foster public awareness of the conditions of libraries in South Carolina and of methods to improve library services to the citizens of the State.

HISTORY: 1962 Code Section 42‑203; 1952 Code Section 42‑203; 1942 Code Section 550; 1932 Code Section 5472; 1929 (36) 261; 1935 (39) 220; 1967 (55) 1003; 1969 (56) 818; 1985 Act No. 178, Section 2.

Library References

States 68, 73.

Westlaw Topic No. 360.

C.J.S. States Sections 224 to 225, 229, 240 to 249, 252 to 253.

Attorney General’s Opinions

The State library is required to respond to requests by South Carolina Department of Corrections inmates for public information as it would to any other person in South Carolina, but should take reasonable steps to assure that no person obtains the unlisted address of any employee of the Department of Corrections. S.C. Op.Atty.Gen. (March 29, 2011) 2011 WL 1444708.

**SECTION 60‑1‑50.** Duties of director.

 The director of the South Carolina State Library is responsible for the management of the State Library and for the development and coordination of a statewide program of library and information services. The director shall:

 (a) organize, staff, and administer the State Library in accordance with the law and good library practice;

 (b) recommend to the State Library Board policies and regulations necessary for carrying out the provisions of this chapter and execute those adopted by the board;

 (c) prepare a budget for the approval of the board and administer funds made available from any source for improvement of library services, interlibrary cooperation, or resource sharing;

 (d) provide advice and technical assistance to public and other libraries, agencies of the State, political subdivisions, and planning groups concerning library services and operations;

 (e) carry out continuing studies of the information needs of the citizens of the State and recommend services and programs to meet those needs;

 (f) encourage broad professional and community participation in library planning and development;

 (g) encourage and assist the efforts of libraries and local governments to develop mutual and cooperative solutions to library and information service problems;

 (h) encourage every citizen of the State to fully utilize the state’s library resources and maintain the individual’s right of access to those resources.

HISTORY: 1962 Code Section 42‑204; 1952 Code Section 42‑204; 1942 Code Section 5500; 1932 Code Section 5472; 1929 (36) 261; 1935 (39) 220; 1967 (55) 1003; 1969 (56) 818; 1982 Act No. 348, Section 2; 1985 Act No. 178, Section 2.

CROSS REFERENCES

South Carolina State Library regulations, see S.C. Code of Regulations R. 75‑1 et seq.

Library References

States 73.

Westlaw Topic No. 360.

C.J.S. States Sections 229, 240 to 249, 253.

Attorney General’s Opinions

There are no State restrictions on the sale of surplus public library books. Surplus books originally purchased with federal funds may be sold if they are classified as “expendible personal property” under federal regulations. Surplus books purchased with county or individual donations may be sold unless restricted by local ordinance or by the terms of original private gift. 1976‑77 Op. Atty Gen, No 77‑312, p 239.

**SECTION 60‑1‑60.** Duties of State Library in executing library policy.

 The South Carolina State Library is charged with the development and extension of library services throughout the State. The State Library is responsible for executing the library policy for the State and shall:

 (a) provide leadership and guidance for the planning and coordinated development of adequate library service for the people of the State;

 (b) maintain appropriate collections of library materials in any format considered necessary to supplement the collections of other libraries in the State and to meet the research and informational needs of the General Assembly, state officers and agencies, and state government employees;

 (c) increase the proficiency of library personnel through provision of in‑service and continuing education programs for library personnel employed in the State;

 (d) provide for the citizens of the State specialized library services and materials not generally appropriate, economical, or available in other libraries of the State;

 (e) organize a system of depository libraries for state publications to ensure that the publications are readily accessible to the citizens of the State;

 (f) serve as a depository for federal publications and coordinate a state plan for federal documents depository libraries;

 (g) collect, compile, and publish statistics and information concerning the operation of libraries in the State and maintain a clearinghouse of information, data, and materials in the field of library and information science;

 (h) coordinate library services of the State with other educational agencies and services to increase effectiveness and reduce duplication;

 (i) carry out other activities authorized by state or federal law for the development of library and information services.

HISTORY: 1962 Code Section 42‑205; 1952 Code Section 42‑205; 1942 Code Section 5500; 1932 Code Section 5472; 1929 (36) 261; 1935 (39) 220; 1967 (55) 1003; 1985 Act No. 178, Section 2.

Library References

States 73, 82.

Westlaw Topic No. 360.

C.J.S. States Sections 229, 240 to 249, 253, 258.

**SECTION 60‑1‑70.** State Library to provide research services to General Assembly and others.

 The South Carolina State Library shall provide library and library research services to the General Assembly, state officers and agencies, and state government employees.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 73, 82.

Westlaw Topic No. 360.

C.J.S. States Sections 229, 240 to 249, 253, 258.

**SECTION 60‑1‑80.** State Library to provide assistance to public libraries and county governments.

 The South Carolina State Library shall provide advice and assistance to public libraries, library boards, and county governments in matters concerning the establishment, support, operation, improvement, and coordination of library services. The State Library may:

 (a) provide a staff of consultants qualified to give advisory and technical assistance to library directors and library boards;

 (b) administer state aid and other grants‑in‑aid to supplement and improve public library services and promulgate regulations as may be necessary to insure effective and efficient use of grants;

 (c) administer a certification program for public libraries and librarians, establishing regulations and procedures for the implementation of the program;

 (d) carry out statewide programs and services which cannot be effectively or economically provided by local libraries;

 (e) plan and coordinate the provision of library services to groups with special needs, including but not limited to the elderly, the physically handicapped, the unemployed, the poor, the functionally illiterate, and those persons who have cultural, social, or educational disadvantages that prevent them from using library services designed for persons without the disadvantages.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.

Attorney General’s Opinions

The State library is required to respond to requests by South Carolina Department of Corrections inmates for public information as it would to any other person in South Carolina, but should take reasonable steps to assure that no person obtains the unlisted address of any employee of the Department of Corrections. S.C. Op.Atty.Gen. (March 29, 2011) 2011 WL 1444708.

**SECTION 60‑1‑90.** Administration of state and federal grants to public libraries; eligibility for grants.

 Any public library which accepts state and federal grants administered by the South Carolina State Library may not use the grants to replace local funding for the library. In order to qualify for grants, libraries shall meet maintenance of effort requirements set by the State Library Board in accord with state and federal regulations.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82, 122.

Westlaw Topic No. 360.

C.J.S. States Sections 258, 373.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Intoxicating Liquors Section 7, Grants, Denials, Suspensions and Revocation.

**SECTION 60‑1‑100.** Services of libraries open to public; fees for certain services; provision for penalties.

 The services and resources of the South Carolina State Library and any public library receiving state and federal funds administered by the State Library are free for use by all persons living within South Carolina or the county or region served, except each public library board may fix and each public library may collect reasonable fees and service charges as the board considers necessary to offset the costs of special library services. The State Library may charge fees for the cost of on‑line reference services and other nontraditional library services and retain the fees to offset the cost of the services. A board may assess fines, penalties, damages, or replacement costs for the loss of, damage to, or failure to return any library property or material. The use of a library is subject to regulations adopted by the library’s board and the board may extend use of the library to nonresidents upon terms and conditions as it may prescribe.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.

Attorney General’s Opinions

The State library is required to respond to requests by South Carolina Department of Corrections inmates for public information as it would to any other person in South Carolina, but should take reasonable steps to assure that no person obtains the unlisted address of any employee of the Department of Corrections. S.C. Op.Atty.Gen. (March 29, 2011) 2011 WL 1444708.

**SECTION 60‑1‑110.** State Library to assist libraries of state institutions.

 The South Carolina State Library shall render encouragement, advice, and assistance for the establishment, operation, and coordination of libraries of state institutions. The State Library may:

 (a) provide a consultant qualified to give advisory and technical assistance to institutional librarians and administrators;

 (b) administer grants‑in‑aid from federal or other sources to supplement library services in state institutions; and

 (c) establish minimum standards for library service which take into account the type of institution, the number of people served by the institution, the availability of library services to the institutional population, the qualification of personnel for staffing of a library, and the institution’s commitment to annual budgetary support for library services.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.

**SECTION 60‑1‑120.** Library services to be rendered to blind and physically handicapped readers.

 The South Carolina State Library shall provide library service to the blind and physically handicapped readers in cooperation with the United States Library of Congress. The State Library shall provide books and other reading matter in recorded form, in braille, in large type, or any other medium of reading used by the blind and physically handicapped. To this end, the State Library is authorized to contract with the appropriate federal agency or any library for the blind and physically handicapped. Services must be rendered in accordance with applicable federal regulations and consistent with the current standards and guidelines for service for the Library of Congress National Library Service for the Blind and Physically Handicapped.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.

**SECTION 60‑1‑130.** State Library to promote cooperation among governmental bodies and libraries for the sharing of resources.

 The South Carolina State Library shall promote cooperation among governmental bodies, including but not limited to, departments, agencies, institutions, boards, committees, and commissions of the State and political subdivisions of the State, including school districts, and among libraries of all types and shall encourage the sharing of resources among libraries at all service levels. None of the provisions of this chapter may be construed to interfere with the authority of the governing boards of institutions of higher learning or the governing boards of public, school, or special libraries.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.

**SECTION 60‑1‑140.** State Library to establish statewide library network.

 The South Carolina State Library shall plan, develop, and operate a statewide library network to facilitate the sharing of resources and information among South Carolina libraries and to make resources and information more easily accessible to library users anywhere in the State. To this end, the State Library may:

 (a) recommend statewide priorities for interlibrary cooperation and resource sharing;

 (b) develop and publish a state plan for library network activities;

 (c) promulgate policies, regulations, and guidelines consistent with the provisions of this chapter;

 (d) establish and operate a network computer system and telecommunication systems which will expedite interlibrary loan, reference, and referral;

 (e) acquire or create computer programs and data bases and make them available to libraries of the network;

 (f) provide grants for networking activities and establish standards under which libraries may be eligible for the grants;

 (g) encourage public awareness of the need for interlibrary cooperation and resource sharing;

 (h) provide for state participation in and compatibility with regional, national, or international library networks and systems which will increase the quality of library service to the people of this State;

 (i) encourage and assist the efforts of libraries and local governments to develop mutual and cooperative solutions to library service problems;

 (j) establish a network advisory body made up of representatives of the several network constituencies to advise and assist the State Library in network planning and development.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.

**SECTION 60‑1‑150.** Authority of public libraries to participate in statewide library network; authority of director to allow participation.

 The governing body of any library supported by state, county, or municipal governments or by public school districts is authorized to enter into agreements with the South Carolina State Library for the library’s participation in the statewide library network and to enter into cooperative agreements with other libraries for collection development, resource sharing, and library services.

 The director of the State Library, subject to the approval of the State Library Board, has the power to enter into agreements with any library located in the State, including private and federal libraries, to allow participation in the state resource sharing network and for coordination of the state library program with any library.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.

**SECTION 60‑1‑160.** State Library to receive statistical reports from libraries.

 Every public, college, university, technical college, and state institutional library shall make an annual statistical report to the South Carolina State Library in a form as may be prescribed by the State Library. Reports must be made in a timely manner so that statistics may be published in the State Library’s annual report. The State Library may require other reports as may be necessary from libraries receiving state and federal grants or participating in the statewide library network.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.

**SECTION 60‑1‑170.** Authority of director to cooperate with United States Department of Education and other agencies in the administration of funds.

 The director of the South Carolina State Library is authorized to do all things necessary and proper to fully cooperate with the United States Department of Education or any other federal agency in the administering of any funds appropriated for the payment of salaries, books, periodicals, library supplies, or equipment, for the construction of library buildings, for the maintenance of the expense of public library services, for interlibrary cooperation, for library services to state institutions, and for library services to the blind and physically handicapped.

HISTORY: 1985 Act No. 178, Section 2.

Library References

States 82.

Westlaw Topic No. 360.

C.J.S. States Section 258.