CHAPTER 11

Archives Act and Civil War Sesquicentennial Advisory Board

ARTICLE 1

The Archives Act

Editor's Note

2008 Act No. 247, Section 1 provides as follows:

"Sections 60‑11‑10 through 60‑11‑100 are hereby designated as 'Article 1, The Archives Act'."

**SECTION 60‑11‑10.** Short title.

 This chapter may be cited as the Archives Act.

HISTORY: 1962 Code Section 9‑1; 1954 (48) 1752.

**SECTION 60‑11‑20.** Archives Department redesignated as Department of Archives and History.

 The South Carolina Archives Department shall hereafter be styled as the South Carolina Department of Archives and History.

HISTORY: 1962 Code Section 9‑2; 1954 (48) 1752; 1967 (55) 211.

**SECTION 60‑11‑30.** Objects and purposes of department.

 The objects and purposes of the South Carolina Department of Archives and History shall be:

 (1) The preservation and administration of those public records formerly transferred to the custody of the Historical Commission and those that may be transferred and accepted by the Department in the future;

 (2) The collection, by purchase or otherwise, of the originals, or transcripts, of public records in other states or counties relating to South Carolina;

 (3) The preservation and administration of the private records formerly in the custody of the Historical Commission and those that may be added by deposit, gift, or purchase in the future;

 (4) The editing and publication of documents, treatises, etc., relating to the history of South Carolina;

 (5) The stimulation of research, study, and other activity in the fields of South Carolina history, genealogy, and archaeology;

 (6) The approval of the inscriptions for all historical markers or other monuments erected on State highways or other State property;

 (7) The improvement of standards for the making, care, and administration of public records; and

 (8) The performance of such acts and requirements as may be enjoined by law.

HISTORY: 1962 Code Section 9‑3; 1954 (48) 1752; 1967 (55) 211.

**SECTION 60‑11‑40.** Department under control of Commission of Archives and History; membership and meetings of commission; terms of office of members; vacancies.

 (1) The South Carolina Department of Archives and History is under the control of the South Carolina Commission of Archives and History which consists of five ex officio members and six non‑ex officio members.

 (2) The five ex officio members are the heads of the departments of history of the University of South Carolina, The Citadel, Clemson University, Winthrop University, and the head of the Department of Political Science and History of South Carolina State University, and their successors, or, upon approval of the governing board of the respective institution, their designees.

 (3) Six non‑ex officio members shall be appointed by the Governor as follows: one member upon the recommendation of the South Carolina Historical Society, one member upon the recommendation of the American Legion, Department of South Carolina, one member upon the recommendation of the South Carolina Historical Association, and one member upon the recommendation of the University South Caroliniana Society. Each shall serve for a term of five years. Two members shall be appointed by the Governor with the advice and consent of the Senate for terms of office to run concurrently with the term of the Governor. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

 (4) The South Carolina Commission of Archives and History must hold at least one regular meeting during the year and as many special meetings as may be necessary at the office of the commission. Special meetings may be called by the chairman, or, in his absence, by the vice‑chairman. Six members of the commission constitute a quorum.

 (5) All members of the commission shall be reimbursed for expenses incurred in attending meetings and otherwise performing their duties under the direction of the commission. The members who are not employed by the State shall receive the per diem paid by the State to members of boards and commissions during their attendance at meetings.

HISTORY: 1962 Code Section 9‑4; 1954 (48) 1752; 1967 (55) 211; 1985 Act No. 102, Section 1; 1991 Act No. 118, Section 1; 1999 Act No. 100, Part II, Section 100; 2000 Act No. 351, Section 2.

**SECTION 60‑11‑50.** Powers and duties of commission.

 The South Carolina Commission of Archives and History may:

 (1) Elect its chairman and vice‑chairman, who shall be chosen annually to serve during the fiscal year but who may serve for successive terms;

 (2) Make rules and regulations for its own government and the administration of the Department;

 (3) Elect an executive officer for the Department to be known as the Director;

 (4) Appoint, on the recommendation of the Director, all other members of the staff;

 (5) Adopt a seal for use in official departmental business;

 (6) Control the expenditure in accordance with law of such public funds as may be appropriated to the Department;

 (7) Accept gifts, bequests, and endowments for purposes consistent with the objectives of the Department;

 (8) Make annual reports to the General Assembly of the receipts, disbursements, work, and needs of the Department; and

 (9) Adopt policies designed to fulfill the duties and attain the objectives of the Department as established by law.

HISTORY: 1962 Code Section 9‑5; 1954 (48) 1752; 1967 (55) 211.

**SECTION 60‑11‑60.** Director of department.

 The active management and administration of the South Carolina Department of Archives and History shall be committed to the director, who at the time of his appointment must have the qualifications of special training or experience in archival or historical work. The director shall not do any additional work for pay without the permission of the Commission of Archives and History.

HISTORY: 1962 Code Section 9‑6; 1954 (48) 1752; 1967 (55) 211; 2020 Act No. 171 (H.3351), Section 2, eff September 29, 2020.

Effect of Amendment

2020 Act No. 171, Section 2, rewrote the section.

**SECTION 60‑11‑70.** Private records.

 The Commission of Archives and History shall not solicit private records, but if its services are necessary to safeguard such records it may accept, either as a gift or deposit, collections offered by their legal owners or custodians. All such papers shall be open to inspection and examination for the purpose of research in like manner as are the public records. Neither the State nor the Commission of Archives and History shall be responsible for the loss of private records accepted on deposit.

HISTORY: 1962 Code Section 9‑12; 1954 (48) 1752; 1967 (55) 211.

**SECTION 60‑11‑80.** Commission shall publish information regarding public records; Director shall assist in preservation.

 From time to time the Commission of Archives and History shall assembly and publish information regarding paper, ink, filing, binding, and any other matter that will be useful in improving the standards of making, caring for, and administering public records. Upon the request of any State or county official the Director shall examine the records in his custody and make recommendations regarding their preservation.

HISTORY: 1962 Code Section 9‑14; 1954 (48) 1752; 1967 (55) 211.

**SECTION 60‑11‑90.** State Archives Building.

 The name of the State Archives Building shall be "The South Carolina Archives." It shall be occupied by the Commission of Archives and History and shall be operated by them in fulfilling the duties now assigned, or which may in the future be assigned, by the General Assembly. The Archives Building shall also provide space for the Confederate relics of the State.

HISTORY: 1962 Code Section 9‑13; 1954 (48) 1752; 1957 (50) 131; 1967 (55) 211.

**SECTION 60‑11‑100.** Use of county and municipal funds to procure equipment for microfilming public records.

 The Department of Archives and History may receive and use funds from the county and municipal governments to microfilm public records of permanent value both to the counties and municipalities and the Department, if the counties or municipalities do not have archival quality microfilming capability or do have short term or emergency requirements for archival quality filming which would not justify purchase of such a system. The Department's current filming of county government records which have no security copies may be continued as scheduled. The funds received from the counties and municipalities must be used solely for the filming of county and municipal government records for records management security and research purposes. In order to provide the microfilm services requested by the counties and municipalities, the Department may use the funds to lease or purchase equipment, purchase microfilm and microfilming supplies, employ a microfilming team, and have film processed and inspected to meet required standards of quality. Travel expenses incurred by such program must be reimbursed from such funds at the State‑approved rate.

HISTORY: 1983 Act No. 151 Part II Section 11.

**SECTION 60‑11‑102.** Disposition of certain records; funds; reporting.

 Upon approval by the commission, the agency may remove certain record and nonrecord materials from its collections by gift to another public or nonprofit institution or by sale. This is a supplemental form of disposition beyond that recognized in the Public Records Act for the retention, copying, and destruction of public records, and it pertains only to those accessioned archive materials having a market value and which duplicate existing archival material, fall outside the scope of the archives collection policy, or have no further possible research value. All funds realized through sale must be placed in a special account to be used for improved access to and preservation of the state archives collections. The commission annually shall report to the State Department of Administration regarding these dispositions.

HISTORY: 2020 Act No. 171 (H.3351), Section 1, eff September 29, 2020.

**SECTION 60‑11‑103.** Disposition of proceeds; use of funds.

 The proceeds of facilities rentals, gift shop operations, training sessions, sales of publications, reproduction of documents, repair of documents, research fees, handling charges, and the proceeds of sales of National Register of Historic Places certificates and plaques by the Archives Department must be deposited in a special account in the State Treasury, and may be used by this department to cover the cost of facility operations and maintenance, gift shop inventory, additional training sessions, publications, reproduction expenses, repair expenses, and National Register of Historic Places certificates and plaques, and selected Historic Preservation Grants.

HISTORY: 2020 Act No. 171 (H.3351), Section 1, eff September 29, 2020.

ARTICLE 2

The South Carolina African‑American Heritage Commission

Code Commissioner's Note

At the direction of the Code Commissioner, Sections 60‑11‑110 and 60‑11‑120 were designated as Article 2.

**SECTION 60‑11‑110.** South Carolina African‑American Heritage Commission.

 (A) The South Carolina Commission of Archives and History shall establish the South Carolina African‑American Heritage Commission to assist and enhance the efforts of the department to preserve and promote historic buildings, structures, and sites reflecting the State's African‑American heritage. The commission shall:

 (1) promote public awareness of buildings, sites, and structures associated with South Carolina's African‑American heritage through publications, presentations, and workshops;

 (2) support African‑American heritage education at the elementary, secondary, and college levels;

 (3) build a network of African‑American individuals and groups interested in historic preservation;

 (4) support the recruitment and hiring of African‑American professionals by historical organizations and agencies;

 (5) advise the Commission of Archives and History on matters relating to the identification and preservation of buildings, structures, and sites associated with African‑American history and the programs and services of the department.

 (B) The South Carolina African‑American Heritage Commission shall consist of fifteen members appointed to staggered terms by the South Carolina Commission of Archives and History. The members of the African‑American Heritage Commission shall represent all geographic regions of the State. The South Carolina Commission of Archives and History also may appoint other nonvoting members representing appropriate organizations. The members may not receive per diem, but must be reimbursed for mileage and subsistence from the State Historic Preservation Grant Fund.

 (C) The African‑American Heritage Commission also shall include nonvoting associate members who must be kept informed of its activities and invited to attend meetings. Associate members shall form a network of individuals and groups across the State who are interested in the preservation of properties associated with African‑American history. Associate members are not eligible for per diem, mileage, and subsistence.

 (D) The African‑American Heritage Commission shall meet quarterly and shall plan activities to carry out its duties as enumerated in subsection (A). It shall establish bylaws for appointing members, electing officers, and conducting meetings.

 (E) The South Carolina Department of Archives and History shall serve in a nonvoting advisory role to the African‑American Heritage Commission and shall provide information and staff assistance. The commission must be funded through the State Historic Preservation Grant Fund, South Carolina's annual allocation from the federal Historic Preservation Fund, and any nonstate funds contributed to the commission.

 (F) This resolution does not preclude the African‑American Heritage Commission from receiving a charter as a nonprofit organization at a future date.

HISTORY: 2007 Act No. 47, Section 1.

Code Commissioner's Note

This section was codified at the direction of the Code Commissioner.

**SECTION 60‑11‑120.** Repealed.

HISTORY: Former Section, titled Disposition of certain duplicative archival material; use of funds realized; annual report, had the following history: 2008 Act No. 242, Section 1, eff May 27, 2008. Repealed by 2020 Act No. 171, Section 3, eff September 29, 2020.

ARTICLE 3

The South Carolina Civil War Sesquicentennial Advisory Board

Editor's Note

2008 Act No. 247, Section 3 provides as follows:

"Unless specifically reauthorized by act of the General Assembly, the South Carolina Civil War Sesquicentennial Advisory Board expires on December 31, 2016. Before December 31, 2016, the board shall submit a report of its activity to the Governor, President Pro Tempore of the Senate, and the Speaker of the House."

**SECTION 60‑11‑150.** Board created; membership; terms.

 (A) The South Carolina Civil War Sesquicentennial Advisory Board is hereby created to assist the South Carolina Commission of Archives and History in carrying out its duties and responsibilities as outlined in this article. The advisory board shall consist of twenty‑two members. The members shall elect a chairman from among the board members every four years.

 (B) The Governor, the Speaker of the House of Representatives, and the President of the Senate shall each appoint two members to serve four‑year terms, except initial appointees. These persons shall be residents of South Carolina who are recognized as being learned and interested in the field of history and archaeology of this State and who have demonstrated an interest in preserving the cultural resources of this State. These persons also must have a background in:

 (1) South Carolina history;

 (2) African American history; or

 (3) Civil War history.

 Persons initially appointed by the Governor shall serve two‑year terms, persons initially appointed by the Speaker of the House of Representatives shall serve four‑year terms, and persons initially appointed by the President of the Senate shall serve six‑year terms. Subsequent appointees shall serve four‑year terms.

 (C) The remaining board membership shall consist of the following persons or their designees:

 (1) Director of the South Carolina Department of Parks, Recreation and Tourism;

 (2) Superintendent of the State Department of Education;

 (3) Director of the South Carolina State Museum;

 (4) Director of the South Carolina Confederate Relic Room and Military Museum;

 (5) Director of the South Carolina Department of Archives and History;

 (6) Director of the South Carolina Historical Society;

 (7) Director of the South Caroliniana Library;

 (8) Chairman of the African American Heritage Commission;

 (9) Director of the Avery Research Center;

 (10) President of the Sons of Confederate Veterans;

 (11) President of the United Daughters of the Confederacy;

 (12) Superintendent of the Fort Sumter National Monument;

 (13) Colonel of the South Carolina Battalion;

 (14) Executive Director of Patriots Point;

 (15) Director of the Penn Center, Inc.; and

 (16) Chairman of the War Between the States Heritage Commission.

HISTORY: 2008 Act No. 247, Section 2, eff upon approval (became law without the Governor's signature on June 5, 2008).

Code Commissioner's Note

Pursuant to the direction to the Code Commissioner in 2009 Act No. 23, Part IB, Section 80A.33, "South Carolina Confederate Room and Military Museum" was substituted for "Confederate Relic Room and Museum" in paragraph (C)(4).

Editor's Note

2008 Act No. 247, Section 3 provides as follows:

"Unless specifically reauthorized by act of the General Assembly, the South Carolina Civil War Sesquicentennial Advisory Board expires on December 31, 2016. Before December 31, 2016, the board shall submit a report of its activity to the Governor, President Pro Tempore of the Senate, and the Speaker of the House."

2019 Act No. 1, Section 97, provides as follows:

"SECTION 97. The Code Commissioner is directed to change all references to 'President Pro Tempore', 'President Pro Tempore of the Senate', or 'President of the Senate Pro Tempore' not specifically addressed in this act to 'President of the Senate'."

**SECTION 60‑11‑160.** Purpose.

 The purpose of the South Carolina Civil War Sesquicentennial Advisory Board is to:

 (1) promote a suitable statewide observance of the sesquicentennial of the Civil War;

 (2) cooperate and assist national, state, and local organizations with programs and activities suitable for the sesquicentennial observance;

 (3) assist in ensuring that any observance of the sesquicentennial of the Civil War is inclusive and appropriately recognizes the experiences and points of view of all people affected by the Civil War; and

 (4) provide assistance for the development of programs, projects, and activities on the Civil War that have lasting educational value.

HISTORY: 2008 Act No. 247, Section 2, eff upon approval (became law without the Governor's signature on June 5, 2008).

**SECTION 60‑11‑170.** Duties.

 The South Carolina Civil War Sesquicentennial Advisory Board shall have the following duties:

 (1) plan, develop, and carry out programs and activities appropriate to commemorate the sesquicentennial of the Civil War era and encourage the development of programs that ensure the commemoration results in a positive legacy and have long‑term public benefits;

 (2) encourage interdisciplinary examination of the Civil War;

 (3) facilitate Civil War related activities throughout the State;

 (4) encourage civic, historical, educational, economic, and other organizations across the State to organize and participate in activities to expand the understanding and appreciation of the significance of the Civil War;

 (5) coordinate and facilitate the public distribution of scholarly research, publications, and interpretation of the Civil War; and

 (6) provide technical assistance to local organizations and nonprofit organizations to further the commemoration of the sesquicentennial of the Civil War.

HISTORY: 2008 Act No. 247, Section 2, eff upon approval (became law without the Governor's signature on June 5, 2008).

**SECTION 60‑11‑180.** Eligibility to receive mileage, subsistence, and per diem.

 Members of the board are not eligible to receive mileage, subsistence, and per diem, as otherwise may be provided in law for members of state boards, committees, and commissions.

HISTORY: 2008 Act No. 247, Section 2, eff upon approval (became law without the Governor's signature on June 5, 2008).

ARTICLE 4

South Carolina Civil War Heritage Trails

**SECTION 60‑11‑410.** Agency cooperation; highway markers.

 (A) The South Carolina Civil War Sesquicentennial Advisory Board and the Department of Archives and History may, and are encouraged to, cooperate and coordinate with South Carolina Civil War Heritage Trails in the planning, development, establishment, maintenance, and marketing of Civil War era historic driving trails in South Carolina.

 (B) The Department of Transportation may, and is encouraged to, cooperate and coordinate with South Carolina Civil War Heritage Trails to determine the proper placement of historic interpretive markers and roadway directional signage located in rights‑of‑way adjacent to the state highway system.

 (C) The Department of Parks, Recreation and Tourism, the State Museum, and other appropriate state agencies may, and are encouraged to, cooperate and coordinate with South Carolina Civil War Heritage Trails concerning educational and marketing materials related to the trails.

HISTORY: 2012 Act No. 216, Sections 2 to 4, eff June 7, 2012.

Code Commissioner's Note

This section was codified at the direction of the Code Commissioner.

Editor's Note

2012 Act No. 216, Section 1, provides as follows:

"The General Assembly of South Carolina finds that:

"(1) The State of South Carolina contains countless sites relating to the American Civil War era, including antebellum, military, civilian, African‑American, women, and Reconstruction.

"(2) Many of these historic sites would be greatly enhanced, both educationally for our children, and as tourist attractions, if properly interpreted on site and adequately promoted through the establishment of historic driving trails.

"(3) A comprehensive history of South Carolina's Civil War era can be told through three historic driving trails by dividing the State into three historic regions: the Coastal War, Sherman's March, and the pursuit of Jefferson Davis.

"(4) It is in the interests of the State of South Carolina to work with South Carolina Civil War Heritage Trails to provide comprehensive, historically accurate, and cohesive Civil War era historic driving trails."