

## **Chapter 125.**

### **Libraries.**

#### Article 1.

#### State Library Agency.

#### **§ 125-1. State library agency.**

The library agency of the State of North Carolina shall be the Department of Natural and Cultural Resources. (1955, c. 505, s. 3; 1973, c. 476, s. 84; 2015-241, s. 14.30(s).)

#### **§ 125-2. Powers and duties of Department of Natural and Cultural Resources.**

The Department of Natural and Cultural Resources shall have the following powers and duties:

- (1) To adopt a seal for use in official business.
- (2) To make to the Governor, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economics Resources, and the Fiscal Research Division a biennial report of its activities and needs, including recommendations for improving its services to the State, by February 15 of each odd-numbered year.
- (3) To accept gifts, devises, and endowments for the purposes which fall within the general legal powers and duties of the Department of Natural and Cultural Resources. Unless otherwise specified by the donor or testator, the Department of Natural and Cultural Resources may either expend both the principal and interest of any gift or devise or may invest such sums in whole or in part, by and with the consent of the State Treasurer, in securities in which sinking funds may be invested under the provisions of G.S. 142-34.
- (4) To purchase and maintain collections of books, periodicals, newspapers, maps, films, audiovisual and other materials; to subscribe to computerized databases; to provide other resources, services and programs; and to serve as an information distribution center for State government and the people of the State as a means for the promotion of knowledge, education, commerce and business in the State. The scope of the library's collections, resources and services should be determined by the Secretary of Natural and Cultural Resources upon consideration of the recommendations of the State Library Commission; and in making these decisions, the Secretary shall take into account the collections, resources and services of other libraries throughout the State and the availability of such collections, resources and services to the general public. All materials owned by the State Library shall be available for free circulation to libraries and to all citizens of the State under rules and regulations fixed by the librarian, except that the librarian may restrict the circulation of books and other materials which, because they are rare or are used intensively in the library for reference purposes or for other good reasons, should be retained in the library at all times. The public schools shall be given equal priority in borrowing all films which are available for circulation.

- (5) To give assistance, advice and counsel to other State agencies maintaining special reference collections as to the best means of establishing and administering such libraries and collections.
- (5a) To provide for the establishment and maintenance of union catalogs.
- (6) To fix reasonable penalties for damage to or failure to return any book, periodical or other material owned by the Department of Natural and Cultural Resources, or for violation of any rule or regulation concerning the use of books, periodicals, and other materials in the custody of the Department of Natural and Cultural Resources.
- (7) Repealed by Session Laws 1987, c. 199, s. 4.
- (8) To give assistance, advice and counsel to all libraries in the State, to all communities which may propose to establish libraries, and to all persons interested in public libraries, as to the best means of establishing and administering such libraries, as to the selection of books, cataloguing, maintenance and other details of library management.
- (9) To provide library services to readers of North Carolina who are unable to use standard print materials by making available to them books and other reading materials in braille, or sound recordings or any other medium accessible to those readers; to enter into contracts and agreements with appropriate libraries and other organizations for the purposes of serving these readers; to enter into contracts with library agencies of other states for providing library service to these readers in those states, provided adequate compensation is paid for such service and such contract is otherwise advantageous to this State.
- (10) To do the following:
  - a. Plan and coordinate cooperative programs between the various types of libraries within the State of North Carolina.
  - b. Coordinate State development with regional and national cooperative library programs.
  - c. Assist nonprofit corporations in the organization and operation of cooperative programs.
  - d. Enter into contracts to coordinate cooperative programs or to promote the access and exchange of library materials under this subdivision. (1955, c. 505, s. 3; 1961, c. 1161; 1973, c. 476, s. 84; 1977, c. 645, s. 1; 1981, c. 918, s. 4; 1983, c. 819; 1987, c. 199; 2011-284, s. 88; 2015-241, s. 14.30(s), (t); 2017-57, ss. 14.1(ff), 14.5; 2021-158, s. 12.)

**§§ 125-3 through 125-4. Repealed by Session Laws 1973, c. 476, s. 84.**

**§ 125-5. Public libraries to report to Department of Natural and Cultural Resources.**

Every public library in the State shall make an annual report to the Department of Natural and Cultural Resources in such form as may be prescribed by the Department. The term "public library" shall, for the purpose of this section, include subscription libraries, college and university libraries, legal association, medical association, Supreme Court, and other special libraries. (1955, c. 505, s. 3; 1973, c. 476, s. 84; 2015-241, s. 14.30(s).)

**§ 125-6. Librarian's seal.**

It shall be the duty of the Secretary of State to furnish the State Librarian with a seal of office. The State Librarian is authorized to certify to the authenticity and genuineness of any document, paper, or extract from any document, paper, or book or other writing which may be on file in the Library. When a certificate is made under his hand and attested by his official seal, it shall be received as prima facie evidence of the correctness of the matter therein contained, and as such shall receive full faith and credit. (1955, c. 505, s. 3.)

**§ 125-7. State policy as to public library service; annual appropriation therefor; administration of funds.**

(a) It is hereby declared the policy of the State to promote the establishment and development of public library service throughout all sections of the State.

(b) For promoting, aiding, and equalizing public library service in North Carolina a sum shall annually be appropriated out of the moneys within the State treasury to be known as the Aid to Public Libraries Fund.

(c) The fund herein provided shall be administered by the Department of Natural and Cultural Resources, which shall frame bylaws, rules and regulations for the allocation and administration of such funds. The funds shall be used to improve, stimulate, increase and equalize public library service to the people of the whole State, shall be used for no other purpose, except as herein provided, and shall be allocated among the legally established municipal, county or regional libraries in the State taking into consideration local needs, area and population to be served, local interest and such other factors as may affect the State program of public library service.

(d) For the necessary expenses of administration, allocation, and supervision, a sum not to exceed seven percent (7%) of the annual appropriation may annually be used by the Department of Natural and Cultural Resources.

(e) The fund appropriated under this section shall be separate and apart from the appropriations of the Department of Natural and Cultural Resources, which appropriation shall not be affected by this section or the appropriation hereunder.

(f) Repealed by Session Laws 1973, c. 476, s. 84. (1955, c. 505, s. 3; 1973, c. 476, s. 84; 1979, c. 578; 2015-241, s. 14.30(s).)

**§ 125-8. Department of Natural and Cultural Resources authorized to accept and administer funds from federal government and other agencies.**

The Department of Natural and Cultural Resources is hereby authorized and empowered to receive, accept and administer any money or moneys appropriated or granted to it, separate and apart from the appropriation by the State for the Department of Natural and Cultural Resources, for providing and equalizing public library service in North Carolina:

- (1) By the federal government and,
- (2) By any other agencies, private and/or otherwise.

The fund herein provided for shall be administered by the Department of Natural and Cultural Resources, which Department shall frame bylaws, rules and regulations for the allocation and administration of this fund. This fund shall be used to increase, improve, stimulate and equalize library service to people of the whole State, and shall be used for no other purpose whatsoever except as hereinafter provided, and shall be allocated among the counties of the State, taking into consideration local needs, area and population to be served, local interests as evidenced by local appropriations, and such other factors as may affect the State program of library service. Any gift or grant from the federal government or other sources shall become a part of said funds, to be used

as part of the State fund, or may be invested as the Department of Natural and Cultural Resources may deem advisable, according to provisions of G.S. 125-5(5), the income to be used for the promotion of libraries as stated in this section. (1955, c. 505, s. 3; 1973, c. 476, s. 84; 2015-241, s. 14.30(s).)

**§ 125-9. Librarian certification.**

The Secretary of Natural and Cultural Resources shall issue librarian certificates to public librarians under such reasonable rules and regulations as the Public Librarian Certification Commission may adopt. A complete record of the transaction of the Department in the issuance of librarian certificates shall be kept at all times in the office of the North Carolina State Library. (1955, c. 505, s. 3; 1973, c. 476, s. 53; 2015-241, s. 14.30(t).)

**§ 125-10. Temporary certificates for public librarians.**

Upon the submission of satisfactory evidence that no qualified librarian is available for appointment as chief librarian, and upon written application by the Department of Natural and Cultural Resources for issuance of a temporary certificate to an unqualified person who is available for the position, a temporary certificate, valid for one year only, may be issued to such persons by the Public Librarian Certification Commission. (1955, c. 505, s. 3; 1973, c. 476, ss. 53, 84; 2015-241, s. 14.30(s).)

**§ 125-11. Failure to return books.**

Any person who shall fail to return any book, periodical, or other material withdrawn by him from the Library shall be guilty of a Class 3 misdemeanor if he shall fail to return the borrowed material within 30 days after receiving a notice from the State Librarian that the material is overdue. The provisions of this section shall not be in effect unless a copy of this section is attached to the overdue notice by the State Librarian. (1955, c. 505, s. 3; 1993, c. 539, s. 929; 1994, Ex. Sess., c. 24, s. 14(c).)

**§§ 125-11.1 through 125-11.4. Reserved for future codification purposes.**