1984 WL 249984 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
September 26, 1984

***1** The Honorable John T. Campbell
Secretary of State
Post Office Box 11350
Columbia, South Carolina 29211

Dear Mr. Secretary:
By your letter of September 18, 1984, you have asked the opinion of this Office as to whether county libraries should be considered special purpose districts, to bring county libraries under Act No. 488 (R586, H.3379) of 1984, requiring registration of a special purpose district with the Secretary of State and with the auditor of the county in which such district is located. We would advise that county libraries are not special purpose districts.

Section 2 of Act No. 488, which will in part add Section 6-11-1610 to the Code of Laws of South Carolina (1976), provides a definition of a special purpose district:
For the purposes of this article, 'special purpose district' means any district created by an act of the General Assembly or pursuant to general law and which provides any local governmental power or function including, but not limited to, fire protection, sewerage treatment, water or natural gas distribution, recreation, and means any rural community water district authorized or created under the provisions of Chapter 13 of Title 6. Special purpose districts do not include any state agency, department, commission, or school district.

This definition is quite broad and encompasses more than has usually been thought of as a special purpose district. To determine whether county libraries fall within the definition, it is necessary to examine the statutes authorizing the creation of county libraries.

Section 4-9-35 et seq. of the Code (1983 Cum. Supp.) mandates that each county, by ordinance, establish a county public library system within each county. Section 1 of Act No. 564 of 1978 in part provides the following clarification on the status of county libraries:
By this act the General Assembly seeks to clarify the status of county public libraries under the 'home rule legislation,' to define the relationship between county government and county library systems, and to insure the continued operation and support of such libraries on a uniform basis.

Section 4-9-35(A) also states in part that "[c]ounty library systems created by such ordinances shall be deemed a continuing function of county government . . .."

The primary goal in construing statutes such as these is to ascertain and give effect to the legislature's intent as far as possible. McGlohon v. Harlan, 254 S.C. 207, 174 S.E.2d 753 (1970). Furthermore, words used in statutes are to be given their ordinary meanings, absent ambiguity. Worthington v. Belcher, 274 S.C. 366, 264 S.E.2d 148 (1980). Applying these rules of statutory construction to the statutes cited above, the county library systems appear to be agencies of county government rather than special purpose districts. Thus, the registration requirements required by Act No. 488 of 1984 would not apply to county libraries. [1]

***2** Please advise if you need additional information or clarification.
Sincerely,

Patricia D. Petway
Assistant Attorney General

Footnotes

1 This characterization of county libraries as county agencies is consistent with Op.Atty.Gen. dated May 23, 1983 (copy enclosed).

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