

1981 WL 158188 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1981

*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building, Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to the legal status of the Beaufort County Library. It appears that the library was originally created by a 1961 special act. However, in 1978, the General Assembly enacted Act No. 564, which provided that county councils may establish county public libraries, that the assets and property of any county library formally existing should be conveyed to the library as created by county council, and that 'county library systems created by such ordinances shall be deemed a continuing function of county government . . . ' (Act 564, Sec. 2)

It would thus appear that the General Assembly has provided for the former political subdivision libraries to be changed into libraries which are integral parts of the counties in which they exist. Thus, the Beaufort County Library has changed from a political subdivision to an integral part of Beaufort County.

There is one difficulty which probably is not the concern of the Retirement System, but I will mention it anyway. The 1978 Act provides that each county council shall create a county library by ordinance prior to July 1, 1979. The Beaufort County ordinance was passed on August 27, 1979. Since it is unlikely that this issue will ever be raised by anyone, I would suggest that despite this technical flaw, the Retirement System change the status of the library.

Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

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