

1981 S.C. Op. Atty. Gen. 36 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-17, 1981 WL 96544

Office of the Attorney General

State of South Carolina

Opinion No. 81-17

March 2, 1981

\*1 The Honorable Richard W. Riley  
Governor  
Post Office Box 11450  
Columbia, South Carolina 29211

Dear Governor Riley:

You have requested my opinion concerning the validity of an Act ratified on February 24, 1981, providing for the creation of the Marion County Library Commission and making provision for its memberships, duties, funding, space and other related matters.

In my opinion, the Act is unconstitutional in a number of respects, which are set forth below.

It creates a Commission to have exclusive control over a law library in Marion County, to be known as the 'Marion Court Library.' In this respect, it is violative of Article VIII, Section 7, in that it constitutes a law for a specific county. By the provisions of Section 4-9-30(5), a general law vesting county councils with the jurisdiction and authority to establish libraries has been enacted and the bill before you would constitute a special departure therefrom.

It directs the county council to provide housing for the library, and in this respect, it is violative of Article VIII, Section 7.

The bill would also provide for the sum of Two (\$2.00) Dollars to be taken from each fine imposed by magistrates' courts in Marion County for the maintenance of the library which the bill creates. A general law has been enacted regarding the payment of fines into the general funds of the county, Section 22-1-70, and the bill would create a departure therefrom, in violation of the constitutional provision cited. In this respect, the bill is also violative of Article V, Section 23, as construed in [State ex rel. McLeod v. Crowe](#), 272 S.C. 41, 249 S.E.2d 772.

I therefore advise that, in my opinion, the bill is unconstitutional in that it invades the constitutional authority of counties, as well as the constitutional authority of magistrates set forth in [Article V, Section 23, of the Constitution](#).

Very truly yours,

Daniel R. McLeod  
Attorney General

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