

1981 WL 158004 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 7, 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 present and former status of the Orangeburg County Library Commission.

Originally, the Commission was created by a 1940 act which was codified in the 1962 Code of Laws as §§ 42-581 et seq. Under the provisions of that Act, as amended, the Commission consisted of seven members, the majority of which were appointed by the Governor. The former Commission was given control over library property with the power to buy and sell, and was generally charged with the duty of operating the Orangeburg County Library. As such, it appears to have been a political subdivision of the state.

In 1978, §§ 4-9-35 et seq., 1976 Code of Laws, were enacted. The 1978 act, the stated purpose of which was to clarify the status of county public libraries under Home Rule legislation, provided that each county council prior to July 1, 1979, should by ordinance establish within the county a county public library system. The act further provided that 'county library systems created by such ordinances shall be deemed a continuing function of county government . . . ' Within the time stated, Orangeburg County enacted such an ordinance.

The provisions of § 4-9-35 leave no question that the library as now constituted is an integral part of the county. Prior to that, it had been a political subdivision of the state.

Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

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