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LIBRARY DISTRICT, COUNTY—ESTABLISHED UNDER SECTION 7643-1 ET SEQ., GC—A “POLITICAL SUBDIVISION” AS TERM IS EMPLOYED IN SECTION 6298-91 GC.

SYLLABUS:

A county library district established under the provisions of Section 7643-1 et seq., General Code, is a “political subdivision” as that term is employed in Section 6298-91, General Code.

Columbus, Ohio, August 27, 1953

Hon. C. Watson Hover, Prosecuting Attorney
Hamilton County, Cincinnati, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"We have been requested by the County Library District of Hamilton County, Ohio, to render an opinion as to the applicability of Ohio General Code 6298-91 to automobiles owned and operated by the said Library District.

"Section 6298-91 exempts from the Motor Vehicle Financial Responsibility Act:

" 'any motor vehicle owned by the United States, this state, or any political subdivision of this state or any municipality therein.'

"In the belief that this problem is of concern to many other quasi governmental bodies in the State of Ohio such as library districts, conservancy districts, or sewer districts, we respectfully request an opinion from you."

The precise question here presented is whether a county library district may be classed as a "political subdivision" within the meaning of the exemption provision quoted in your inquiry.

This term is not defined in the motor vehicle safety responsibility act, Section 6298-1 et seq., General Code, and it is somewhat surprising to find that this expression, so commonly employed in numerous other legislative enactments, is nowhere defined either by statute or by judicial decision in this state. Some of the decisions do refer to the expression in general terms as including particular governmental units but nowhere does it appear that general definition has been attempted. Thus in *State v. Powers*, 38 Ohio St., 54, we find the following statement by Judge McElvaine, at page 62:

"On the other hand, school districts are constituted so as to partake rather of the character of counties and townships, which are provided for in the 10th article of the constitution, not as corporations, but as mere *subdivisions of the state for political purposes*, as mere agencies of the state in the administration of public laws. *Hunter v. Mercer County*, 10 Ohio St., 515; *State*

v. Cincinnati, 20 Ohio St. 18. In this article reference is made to 'similar boards' in connection with the commissioners of counties and trustees of townships." (Emphasis added.)

In the absence of a precise judicial statutory definition of the term "political subdivision," it would appear necessary to accord it its usual and ordinary meaning.

The term "subdivision of this state" can obviously refer only to a geographical district of less extent than that of the state as a whole. The term "political" is defined as "pertaining to * * * the conduct of government." Thus it would appear that the term, in its ordinary and usual sense, refers to a territorial district established for the conduct of some function of the state government therein. This notion is strongly supported by the following language in 72 Corpus Juris Secundum, 223 :

"The term is broad and comprehensive and denotes any division of a state made by the proper authorities thereof, acting within their constitutional powers, for the purpose of carrying out those functions of the state which by long usage and inherent necessities of government have always been regarded as public; a division of a parent entity for some governmental purpose. The term may be used in more than one sense, and it may designate a true governmental subdivision such as a county, township, etc., or it may have a broader meaning, denoting any subdivision of the state created for a public purpose although authorized to exercise a portion of the sovereign power of the state only to a limited degree."

The same sort of broad and general meaning was attached to this term in *Commander et al. v. Board of Commissioners*, Supreme Court of La., 1942. 11 Southern Rep., 2nd, 605, the headnotes in which are as follows :

"1. A 'political subdivision of a state' is a subdivision thereof to which has been delegated certain functions of local government.

"2. A levee district having under constitutional and statutory authority broad powers of taxation, appropriation and other governmental functions was a 'political subdivision of the state' within statute enacted pursuant to constitutional authority expressly prohibiting the issuance of any process to restrain the collection of any tax imposed by the state of any political subdivision thereof under authority granted by the legislature or by

the constitution. Act No. 18 of 1894, secs. 7 to 10 and 12 et seq.; Act No. 72 of 1922; Act No. 330 of 1938; Const. 1921, art. 10, sec. 18, art. 16, secs. 1-3, 6." * * *

Again, in *Maribu v. Nohowec, et al.*, 293 New York Supp., 457, paragraph 9 of the headnotes reads:

"Words 'political subdivision,' as used in section of Public Works Law, concerning opening and reading of bids for contracts for public works, are not to be construed in any narrow or technical sense, in view of sweeping character of that section, but are to be construed in light of purpose aimed to be accomplished, and according to ordinary use of the words (Public Works Law, sec. 26-a)."

In the instant case we find the term "political subdivision" employed in a statute which imposes a special duty on the drivers of motor vehicles generally, but which provides in equally general language for an exemption in the case of drivers of publicly owned vehicles. In short, the subject of the statute is such as to make no suggestion that the term is employed in a restrictive sense, and I conclude that it is actually used in the statute in the broad sense described in the language above quoted from 72 *Corpus Juris Secundum*.

Even a cursory reference to the statutes under which library districts are organized and operated is sufficient to make clear that they are utilized for the conduct of a governmental function in the field of education. Moreover the governing board of such district is required, under the provisions of Section 7643-3, General Code, to levy a tax annually on all property of the district for the support of the district's activities. We may readily conclude, therefore, that a county library district is a territorial district "of a parent entity (established) for some governmental purpose."

Accordingly, in specific answer to your inquiry, it is my opinion that a county library district established under the provisions of Section 7643-1, et seq., General Code, is a "political subdivision" as that term is employed in Section 6298-91, General Code.

Respectfully,

C. WILLIAM O'NEILL

Attorney General