



Reg. 4520

The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

June 12, 1995

The Honorable Richard M. Quinn, Jr.
Member, House of Representatives
503 Blatt Building
Columbia, South Carolina 29211

RE: Informal Opinion

Dear Representative Quinn:

As Chairman of the Invitations and Memorial Resolutions Committee of the South Carolina House of Representatives, you have advised that a Concurrent Resolution has today been referred to your committee for appropriate action. This Concurrent Resolution would fix 12:00 noon on Tuesday, October 24, 1995, as the time for electing persons to fill the judicial offices created in the 1995-96 general appropriations act. You have inquired whether your committee may conduct a meeting with less than twenty-four hours' notice having been given.

Notice requirements for meetings of public bodies, including legislative committees, under the Freedom of Information Act are outlined in S.C. Code Ann. 30-4-80 (1976, revised 1991). Subsection (b) specifically provides for meetings of legislative committees:

Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.

It is observed that the meeting of your committee will take place during an extension of the regular session of the General Assembly, as agreed upon by concurrent resolution of

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the legislature prior to sine die adjournment. It would therefore appear that, pursuant to terms of the Freedom of Information Act, your committee must post its meeting information as it would customarily do during a week of the regular session.

While this Office respectfully declines to interpret rules of the respective houses of the General Assembly, due to the doctrine of separation of powers, it would appear that the above interpretation given to the applicable provision of the Freedom of Information Act would be consistent with Rule 4.4 of the House of Representatives. In relevant part, that rule provides:

Committees shall meet regularly to consider pending legislation in the room assigned for their use by the Speaker. Notice of date, time and place of such meetings shall be posted on a bulletin board provided for this purpose in the lobby. Whenever feasible twenty-four hour advance notice shall be given for all committee meetings. ... Failure of notice of any meeting shall not invalidate committee action unless bad faith is shown. ... [Emphasis added.]

The plain language of House Rule 4.4 contemplates that instances may arise necessitating the meeting of a committee in which twenty-four hour advance notice may not be feasible. The feasibility of giving twenty-four advance notice would appear to be a determination to be made in the discretion of the committee chairman, who would take all attendant facts and circumstances into account. Such would be a factual determination beyond the scope of an opinion of this Office.

In conclusion, I am of the opinion that your committee would sufficiently comply with the requirements of the Freedom of Information Act and House Rule 4.4 if the committee were to post notice of its meeting in accordance with §30-4-80 (b) and House Rule 4.4, as it would customarily do during any week of the regular legislative session.

This letter is an informal opinion only. It has been written by a designated Senior Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

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With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Senior Assistant Attorney General