

1980 WL 120712 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 13, 1980

*1 The Honorable Rex L. Carter
Speaker of the House
Blatt Building
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker:

By Executive Order No. 80-26, dated June 11, 1980, the Governor has found that there is a disagreement between the two Houses of the General Assembly with respect to the time of adjournment, within the meaning of [Article IV, Section 19, of the South Carolina Constitution](#) which provides in pertinent part:

The Governor may on extraordinary occasions convene the General Assembly in extra session. Should either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the time of the annual session then next ensuing.

Based upon this determination he has adjourned both Houses of the General Assembly until June 16, 1980, at 2 p.m., at which time the regular session shall be resumed.

You have inquired whether Act 146 of 1979, which provides for sine die adjournment of the General Assembly no later than the first Thursday in June of each year, continues to be of force for the present session. The opinion of this Office is that the finding by the Governor and the invoking of the constitutional provision renders the effect of the statute moot for this session of the General Assembly. It has been held, construing similar constitutional provisions in other states, that the Governor's determination that such a disagreement exists is conclusive and not reviewable. 72 Am.Jur.2d States, Section 58; [Re: Legislative Adjournment, 18 R.I. 824, 27 Atl. 824.](#)

The Attorney General has authorized me to state that he concurs in this opinion.

Respectfully,

Frank K. Sloan
Deputy Attorney General

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