

1984 WL 249895 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 22, 1984

*1 The Honorable Dill Blackwell
Member
House of Representatives
335-A Blatt Building
Columbia, South Carolina 29211

Dear Representative Blackwell:

You have requested the advice of this Office as to whether the provisions of [Article III § 18, Constitution of South Carolina](#) (1895 as amended, require the reading of a bill in its entirety on second reading upon the request of any member even if a motion is before the House of Representatives to table or continue the bill. [Article III § 18](#) reads as follows:

No Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three (several) days in each house, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives: Provided, That either branch of the General Assembly may provide by rule for a first and third reading of any Bill or Joint Resolution by its title only.

We have located no authority which considers the question presented here. Although cases from South Carolina and other jurisdictions have addressed [Article III § 18](#) or similar provisions, they appear to be concerned only with bills which have already been passed by legislatures See e.g., State v. Mooror, 152 S.C. 455, 150 S.E. 269 (1929); 73 Am. Jur. 2d Statutes §§ 59 and 67; 82 C.J.S. Statutes § 25, et seq.; Sutherland Statutory Construction, Vol. 1 §§ 10.03, 10.04, 10.05 and 10.06 (4th Ed.).

Therefore, we must use general rules of construction in an effort to interpret this provision.¹ Here, the critical language is as follows: '[n]o bill . . . shall have the force of law until it shall have been read three times . . .'. Although the use of the word 'shall' normally indicates a mandatory construction 7Sutherland Vol. 2A § 57.01 et seq.), the initial question here is whether the provision applies to every bill regardless of whether it becomes law. Here, under ordinary rules of grammar, 'the force of law' is the object which the bills have See: Busching v. Superior Ct. of Ventura Co., 115 Cal. Rptr. 241, 524 P. 2d 369, 374 (1974). The use of the word 'until' along with 'no' indicates that the reading, signature and seal requirements are merely limitations on the bills' attainment of that objective. See, Black's Law Dictionary, 5th Edition. Thus, under this interpretation, the purpose of [Article III § 18](#) is merely to set forth certain prerequisites to a bill's becoming law. This conclusion that the provision is directed to bills that become law (acts) is supported by its title 'formalities of act' and by the signature and seal requirements. See, Sutherland, Vol. 2A §§ 46.05, 47.02 and 47.03. The latter requirements, by their nature, certainly would not apply to bills that do not pass the legislature.

Because [Article III § 18](#) sets out prerequisites for a bill's becoming law, it does not appear to grant any right to demand that every bill be read a particular number of times; however, this question is not entirely free from doubt because [Article III § 18](#) provides no express answer to the question. With reference to a different question concerning this same constitutional provision, our Supreme Court has recognized that ' . . . the legislative construction placed upon doubtful constitutional provisions is entitled to great weight and consideration, and raises a strong presumption that it is correct, and will generally be adopted by the court. Thompson v. Livingston, 116 S.C. 412, 107 S.E. 581 (1921). In particular legislative construction of constitutional provisions dealing with legislative procedure is entitled to great weight. 73 Am. Jur. 2d Statutes § 50 see also § 49. Therefore, while we believe [Article III § 18](#) requires three readings only as a condition to a bill's becoming law, legislative interpretation of this

provision would be entitled to great weight. Accordingly, we express no opinion as to how this issue might be affected by rules of procedure followed by the House. See, 73 Am. Jur. 2d Statutes § 49; Sutherland, Vol. 1 § 7.01.

*2 We hope that this letter provides you with the guidance that you need. If we may be of further assistance, please do not hesitate to contact us.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

Footnotes

- 1 Many of the same principles of statutory construction are applicable to constitutions. 16 Am. Jur. 2d Constitutional Law § 90. Therefore, Sutherland Statutory Construction may be used here.

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