

1981 WL 158187 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1981

*1 The Honorable Solomon Blatt
Speaker Emeritus
House of Representatives
Blatt Building
Post Office Box 11867
Columbia, South Carolina 29211

Dear Speaker Blatt:

You have requested the opinion of this Office concerning the effect of the setting of Special Orders for consideration of contested bills and joint resolutions by the House of Representatives. Specifically, on March 5, 1981, Bill H. 2230 was set by Special Order for consideration at 11 a.m. on March 11, 1981. Subsequently, on March 11, 1981, Bill H. 2461 (the State Appropriations Bill) was set for Special Order for Tuesday, March 17, 1981, at 2:30 p.m. H. 2230 has not been disposed of by the House and will continue as the order of business under consideration under House Rule 6.3.13, as the order of business for contested matters, unless the Special Order for the Appropriations Bill adopted on March 11, 1981, is deemed to take precedence over the Special Order for H. 2230.

You have called our attention to the fact that the resolution setting H. 2230 for Special Order does not contain the language 'and remain the order of business until concluded' which was contained in the Special Order for consideration of the Appropriations Bill.

It is the opinion of this Office, after consideration of the practice of the House, prior rulings of the Speaker with reference to Special Orders, and the language of Rule 6.3.13.c that Bill H. 2230 must continue under consideration until disposed of, and the Special Order for consideration of the Appropriations Bill will then be considered 'in the chronological order of original appointment'.

On May 19, 1976, then Acting Speaker Schwartz made the following ruling on a similar point of order.

... Rule 6.3 says any Member may insist upon a Special Order of the Day or other special orders until it be discharged. Now the question of what 'until it be discharged' means has cause me a little concern, but I think that given the word, the only meaning, the normal usage meaning, that it means until it be terminated in some final way, until it be taken off the agenda. . . I think that the word 'discharge' limits to certain areas what may be done once a matter has been set for Special Order. I think that we may, when a matter has been set for Special Order, vote affirmatively on the Bill, we may table the Bill, we may continue the Bill, we may commit the Bill to a committee, we may recommit it to the committee from whence it originally came, because in each of these instances the Bill is then discharged from the consideration of this Body . . .

Similar ruling was made by the Speaker on May 6, 1980. See page 2519 of the House Journal.

We have made research in the House records and find that resolutions and motions to set bills for Special Order under Rule 6.3.13 have generally provided only that the bill in question be set for Special Order. On occasion the language 'and remain the order of business until concluded' has been used; but this imports no special significance because the House has by uniform practice considered all bills under Special Order in the same manner, and the rule does not require or prescribe any particular

form of language for use in the resolution or motion. It is therefore the opinion of this Office that Bill H. 2230 must continue under consideration 'until disposed of', Rule 6.3.13.c.

Sincerely,

*2 Frank K. Sloan
Deputy Attorney General

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