

1974 S.C. Op. Atty. Gen. 321 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3890, 1974 WL 22445

Office of the Attorney General

State of South Carolina

Opinion No. 3890

November 18, 1974

*1 The proposed House Rule allowing executive sessions for the House of Representatives is not violative of the “Freedom of Information Act.”

Clerk of the House

House of Representatives

You have requested an opinion as to whether or not proposed House Rule 4.18, providing for executive sessions for the House of Representatives, is violative of the “Freedom of Information Act,” §§ 1–20, et seq., CODE OF LAWS OF SOUTH CAROLINA (1962) (as amended). This Office is of the opinion that proposed Rule 4.18 is not in violation of the “Freedom of Information Act.”

Pursuant to Article 3, section 12 of the Constitution of South Carolina, “[e]ach house shall choose its own officers, determine its own rules of procedure,” [Emphasis added]. Proposed Rule 4.18 regulating executive sessions of the House of Representatives is a rule of procedure within the meaning of Article 3, section 12. Section 1–20.3(e) CODE OF LAWS OF SOUTH CAROLINA (1962) (as amended), provides: “Sessions of the General Assembly may enter into executive sessions authorized by the Constitution of this State and rules adopted pursuant thereto.”

Consequently, any executive session of the House of Representatives held pursuant to proposed Rule 4.18 is specifically exempt from the “Freedom of Information Act.”

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