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Subject: sine die and three pending bills

Question:

Whether the Governor has to return three pending ratified bills within five days.

1. R308, H.4391 Brain Tissue Donor Study Committee
2. R309, H.4765 Habitat for Humanity contributions on income tax return and Deer meat donation tax credit increase
3. R310, H.5140 Public school start date change

Law:

Article IV, Section 21, Clause 3 prescribes two ways in which a bill may become law without the Governor's signature: First, if the Governor does not return the bill with objections in five days, it becomes law automatically, provided the General Assembly still is in session on the fifth day; and Second, when the legislature is not still in session on the fifth day, then if the Governor does not return the bill with objections within the new time period which extends to the second after the General Assembly's next meeting, the bill becomes law automatically. *Williams v. Morris*, 320 SC 196, 464 SE2d 97 (1995)

Analysis:

The specific question becomes whether the General Assembly is in session on the fifth day after receipt of the bills, Thursday, June 23, 2016. Pursuant to the Sine Die Resolution, S.1336, the General Assembly currently stands in recess subject to the call of the Speaker and President Pro Temp and will adjourn *Sine Die* not later than Monday, November 4, 2016.

The Supreme Court has held that when the General Assembly is in recess, it has not adjourned *sine die* and therefore is still in its annual session. *McConnell v. Haley*, 393 SC 136, 711 SE2d 886 (2011). Moreover, Subsection (C)(2) of S. 1336 specifically contemplates that the General Assembly may return from recess for the receipt and consideration of gubernatorial vetoes.

Conclusion:

The Governor must sign, veto, or return without signature the three ratified bills pending before her by the fifth day, midnight, Thursday, June 23rd.