

1978 WL 34994 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 24, 1978

***1 RE: Legislative History as Aid to Statutory Construction Opinion Request**

Mr. Irvin D. Parker
Administrator
Department of Consumer Affairs
Post Office Box 5757
Columbia, South Carolina 29250

Dear Mr. Parker:

You have asked whether transcripts of statements made during a legislative committee meeting which are not incorporated into the committee's report to the Legislature can properly be considered in ascertaining legislative intent. Specifically, the transcripts were made by a private party from a tape recording taken by the committee during its meeting. The transcript was not an official verbatim transcript made by the committee, and none of the remarks contained in the transcript were made a part of the committee's report. In these circumstances, it is the opinion of this office that the transcripts in question cannot properly be used to ascertain legislative intent.

It is generally accepted that resort may be had to committee reports, and any statements contained therein, to resolve ambiguities within a statute. [In re Columbia Railway, Gas and Electric Co.](#), 24 F.2d 828 (D.S.C. 1928), affirmed [Columbia Railway, Gas and Electric Co. v. State of South Carolina](#), 27 F.2d 52 (4th Cir. 1928). Also, [see generally](#), Sands, 2 A [Sutherland Statutory Construction](#) § 48.06 (4th ed. 1973). On the other hand, courts have been reluctant to accept statements made during committee meetings where such statements are not part of the committee's report. [See eg. Mutual Ben. Life Ins. Co. v. Duffy](#), 295 F.881 (D.C.N.J. 1924), affirmed 3 F.2d 1020 (3rd Cir. 1925), affirmed 272 U.S. 613, 47 S.Ct. 205, 71 L.Ed. 439 (1926). Moreover a number of state courts have flatly refused to consider statements made at committee hearings at all. [See, Peck v. Fanion](#), 124 Conn. 549, 1 A.2d 143 (1938); [Charlton Press, Inc., v. Sullivan](#), 153 Conn. 103, 214 A.2d 354 (1965); [Snyder's Drug Stores, Inc. v North Dakota State Board of Pharmacy](#), 219 N.W.2d 140 (1974). It has been suggested that such reticence on the part of state courts is attributable to the fact that most states do not keep official verbatim transcripts of committee proceedings. Sands, 2A [Sutherland Statutory Construction](#) § 48.10 (4th ed. 1973).

Since the transcripts in question are not part of any committee report, nor are they official verbatim transcripts of the committee meeting, it is the opinion of this office that such transcripts cannot properly be considered to ascertain legislative intent.

Very truly yours,

L. Kennedy Boggs
State Attorney

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