

1975 WL 29158 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 28, 1975

*1 After causing the Journal of the House of Representatives to be printed and bound in good and substantial manner, the Clerk of the House shall deliver the permanent copies thereof to Legislative Council for distribution to the members of the General Assembly and others entitled to receive them.

TO: Clerk of the House of Representatives

QUESTION INVOLVED:

Pursuant to Sections 1-561 and 1-562, CODE OF LAWS OF SOUTH CAROLINA (1962) (as amended), is the Clerk of the House of Representatives charged with the duty of having the House Journal printed and bound and of delivering these printed and bound volumes to Legislative Council for distribution to members of the General Assembly and others entitled to receive them?

CASES, STATUTES, ETC. INVOLVED:

Sections 1-561, 1-562, CODE OF LAWS OF SOUTH CAROLINA (1962) (as amended); Act No. 306 (1871), 14 STAT. 532.

DISCUSSION:

Sections 1-561 and 1-562, CODE OF LAWS OF SOUTH CAROLINA (1962) (as amended) provide for the complying, printing and binding and distribution of the Journals of the House and Senate. Section 1-561 provides:

A sufficient number of copies of the House and Senate Journals for the use of the members of the General Assembly and for the Legislative Council to make the exchanges with other states shall be printed and bound in a good and substantial manner. The clerk of the Senate and the clerk of the House of Representatives may have this done immediately upon the close of the session or as soon thereafter as practicable.

Where the language of a statute is clear and unambiguous, it is to be given its plain and ordinary meaning. Here, Section 1-561 directs that the House Journal shall be 'printed and bound in a good and substantial manner.' Furthermore, the Clerk of the House of Representatives 'may have this done immediately upon the close of the session or as soon thereafter as practicable.' The use of the term 'may' here simply gives the Clerk some discretion as to when the Journal is to be collated, printed and bound, since Section 1-561 contains the mandate that the Journal shall be printed and bounded.

Section 1-562 provides:

On the completion of the permanent work, the clerks of the Senate and the House of Representatives shall deliver it to the Legislative Council, which shall forward, by mail or otherwise, as he may deem expedient, a copy thereof to each of the members of the General Assembly and to the different states, institutions and officers entitled by law to receive them.

Section 1-562 clearly directs, that after completion of the permanent work, the Clerk of the House ‘shall deliver’ the same to Legislative Council. The phrase ‘permanent work’ can refer to nothing except the printed and bound copies of the House Journal. One of the primary rules of statutory construction is that an Act must read in its entirety rather than on a piecemeal basis. The statutes here questioned were first enacted as Act No. 306 of 1871, a copy of which is attached. Reading the two statutes together, ‘permanent work’ means ‘copies of the House and Senate Journals . . . printed and bound in a good and substantial manner.’

CONCLUSIONS:

*2 Sections 1-561 and 1-562, CODE OF LAWS OF SOUTH CAROLINA (1962) (as amended) authorize the Clerk of the House of Representatives to contract for the printing and binding of the House Journal and to deliver printed and bound copies of the Journal to Legislative Council for distribution to members of the General Assembly and to the different states, institutions and officers entitled by law to receive them.

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