

Memo

To: Task Force to Study Converting Legislative Documents From Paper to Electronic
From: Legal Division
Date: November 17, 2010
Re: Proposals to Reduce Paper Use

CHRO Testimony objecting to eliminating public hearing transcripts of legislative committees

While there are undoubted benefits to reducing the cost of government, it is important that the Task Force not throw the baby out with the bathwater. Eliminating unnecessary printing expenses has much to recommend it, but the CHRO strongly objects to eliminating transcription of public hearings of legislative committees.

Our primary concern is that we will lose an important tool for determining legislative intent. Even though Connecticut looks to the text of a statute as the main source of legislative intent, we are all aware the plain meaning of a statute is often unclear. When the plain meaning of a statute is unclear, “testimony before legislative committees may be considered in determining the particular problem or issue that the legislature sought to address by the legislation.” (Internal quotation marks omitted.) Jim's Auto Body v. Commissioner of Motor Vehicles, 285 Conn. 794, 812 (2008).

According to the testimony of the State Library, courts have done just this some 677 times. The frequency with which our courts consult legislative hearings is hardly surprising. Bills often become law with little or no debate on the floor of the House or Senate. Much of the work of the General Assembly is done in committee, and to lose a printed record of committee hearings is to lose the best evidence of a statute's meaning. Because even the most carefully crafted law can be ambiguous, loss of so vital a part of a statute's legislative history will place courts in the uncomfortable position of making rather than interpreting law.

Maintaining audio files of committee hearings is an inadequate substitute. Audio files are essentially unusable for research because they are not indexed, cannot be easily searched and can be cited only with great difficulty.

Beyond the benefit of allowing courts to better appreciate the intention of the General Assembly, which promotes more accurate statutory interpretation, the CHRO believes that the transcription of committee testimony promotes open government. Interested members of the public cannot possibly attend every legislative hearing. A written transcript of the hearing that is easily accessible and searchable would allow the public to have unparalleled access to the legislative process.