



Arizona Legislative History: A Step-By-Step Research Guide

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Purpose: A legislative history search of a statute or law is conducted to locate information to help interpret unclear statutory language in order to determine what the legislature really meant. A search also may clarify a reason behind the original legislation or revision. The strategy for conducting a legislative history search is to begin with the statute or law and work backwards, identifying its origin as a bill and tracing its progression through both houses of the state legislature.

Research strategy and sources: The most complete and authoritative search, either online or in paper, utilizes the resources of the Arizona Legislature. The Arizona Legislative Information Service website (ALIS), at <http://www.azleg.gov>, provides bills, laws, minutes of Committee meetings, Fact Sheets, and engrossed bills signed by the Governor from 1997 (43rd Legislature 1st Regular Session) to the most recent session. Legislative materials from 1970 to 1997 are available in paper at the State Legislature. Bills and laws from statehood in 1912 to date are available at the State Library which has territorial laws and codes (1864-1912) as well. The Cracchiolo Law Library has Arizona session laws and codes from territorial times to the latest enactments. Recent bills and laws can be found on Westlaw and Lexis, and selective coverage of Committee minutes and other sources are on Westlaw beginning 2000. For definitions of abbreviations, see <http://www.azleg.gov/CommitteeActions.asp>.

Advantages and disadvantages: The advantages to searching for legislative history using the State Legislature website are: it is the authoritative body; updates are posted daily when the legislature is in session; it is quicker and more convenient to obtain information online, though print copies can be requested from the Senate Resource Center or House Clerk's Office; and there is no cost in accessing the documents. Disadvantages are: attachments to minutes and special reports are not included (can be requested from the House and Senate offices); and minutes pertaining to a particular bill are not collected together as they are on Westlaw.

Legislative History Online Searching: 1997-current

1. Begin with the statute to be searched using *Arizona Revised Statutes Annotated* in print or Westlaw or Lexis. Example: A.R.S. 33-405 on beneficiary deeds. Note the date and chapter number at the end of the statute when the law was enacted. Ex: Amended Laws 2001, Ch. 112. This is the 112th law from the regular 2001 legislative session; if a law is not from a regular session, it will be identified. This may be an original law or amendments that need to be searched. If using print A.R.S., check the pocket part in the volume and any subsequent advance sheets for latest law changes. (Note: "Arizona Revised Statutes" on ALIS provides the law but no session information.)
2. On the Legislature's webpage (www.azleg.gov) if the desired legislative session is other than the current one, use "Change Session" on tool bar to select the correct session.
 - Example: You want something from the 45th Legislature First Regular Session (2001). From "Session Laws" (on left), scroll to the desired Chapter or enter a keyword in the search box.
 - Example: "Chapter 112" or "beneficiary deed." If the law is recent and a "hot topic," a link may be displayed directly on the home page to its legislative history.

- Example: Laws SB 1070 (2010) “Support our Law Enforcement and Safe Neighborhoods Act.”
3. Note the originating bill number for the legislation displayed. Click on the Bill Number (“HB 2280”) or enter the bill number in the search box at the top right (“2280” in “Bill Number Search”). The displayed list has links to information on the bill as it made its way through the House and Senate.
 - “Bill Overview” provides a timeline of activity, the bill’s sponsors, committees that studied the legislation, votes, and date the Governor signed the bill.
 - “Bill Versions” provides introduced and engrossed bills.
 - “Bill Summaries/Fact Sheets” provides information on the purpose, background, and provisions of the bill.
 - A “Fact Sheet” summarizes the activity to that point such as votes, and dates of committees and legislative bodies passing the bill.
 - “Adopted Amendments” provides text of the amended bills.
 4. To access Committee Minutes, go to “Bill Overview” and note the Committees and dates when the bill is received and passed.
 - Example: “House: 1/11/01 JUD (Judiciary) and 1/23/01 DPA (do pass amended). Clicking on the Committee name will give a list of its meetings with links to minutes. Begin with the date after the bill was assigned to the Committee.

Bills are not discussed in numerical order so scroll through the text. Attachments mentioned in the minutes can be requested from the House Clerk or Senate Resource Office (see contact information at end of this guide). The Rules Committee is a procedural step and does not offer substantive information. (Note: many bills die in committees and do not become enacted legislation.)

Additional Important Sources:

5. If it is a criminal statute from Title 13, Hon. Rudolph Gerber provides useful legislative information in his book *Criminal Law of Arizona* (2d ed. 1993, 2000) (KFA 2961 .G47 1993. Arizona Reference)
6. Locate articles in law reviews, periodicals and newspapers. Consult the “Commentaries” notes following the statute in *Arizona Revised Statutes Annotated*, or Westlaw or Lexis for cites to helpful sources. Articles in the *Tucson Citizen*, *Arizona Daily Star*, *Arizona Republic*, *Arizona Business Gazette*, and *Phoenix Gazette* can be accessed in newspaper files of Westlaw and Lexis (coverage varies). Also check the *Arizona Attorney* files on Westlaw/Lexis and online since August/September 1996 at <http://www.myazbar.org/AZAttorney/>.
7. Search Arizona cases on Westlaw or Lexis. Run a search in an Arizona cases database to see if a judge has referred to the law’s legislative history in an opinion. This may or may not turn up additional information, but it is a good idea in order to conduct a thorough search.

Legislative History Searching: 1970-1997

1. Start with the Arizona law or code section to be searched. Example: A.R.S. Sect. 36-3201ff on “Living Wills and Health Care Directives.” The date of the legislative session and chapter number follows the statute. Example: Laws 1992, Ch. 193.

2. Locate the session law in the Arizona Session Laws. In the corresponding volume of *Session Laws of Arizona*, locate the chapter (the law as passed by the legislature). The House bill (H.B.) or Senate bill (S.B.) number indicates where the bill originated.
 - Example: Chapter 193 in the 1992 session laws is H.B. 2247 (House bill).
3. Consult the House and Senate Journals under the bill number in the "Bill History" section. In each *Journal* for the year of legislation, locate the bill number in the "History of House and Senate Bills" sections. Chronologies begin with the date of first reading through the various committees to the date of the Governor's signature. Sponsors of the legislation are given. Note the Committees (except Rules) and dates. If committees made amendments to the original bill these are mentioned. The Journals provide very little substantive information except a sense of the pattern of the bill through its process and votes. [See #6 below to obtain minutes.]
4. Check the Committees Section in the House and Senate Journals. Checking the "Committees" section of the *Journals*, as well as the prior year *Journals*, is useful to determine if an Interim, Special, or Study Committee issued a special report on the topic of legislation.
 - Example: "Living Will, Health Care Power of Attorney and Surrogate Decision Making Study Committee" is found in the Committees section in the 1991 *Journals*. Copies of these reports will be on file with the House Clerk and Senate Resource Office. A few substantial reports are listed in the University of Arizona online catalog and the State Library catalog.

For Title 13 criminal statutes, some legislative history commentary is available in the 1975 report by the Criminal Code Commission that developed a substantial revision of the state's criminal laws, *Arizona Revised Criminal Code* (KFA 2961 A82 1975 Law Reserve; Arizona Collection). Committee Chairman Hon. Rudolph Gerber provides original report information with updated information in his *Criminal Law of Arizona* (2d ed. 1993, 2000) (KFA 2961 G47 1993. Law Arizona Reference).
5. Find a copy of the original bill as introduced. Locate a copy of the original bill to compare language and content between the initial bill and the final enacted legislation. The State Library at the Capitol has bills from 1912, and the House Clerk and Senate Resource Office have bills from 1995. The College of Law Library has a limited number of bills (House 1971-1975: Film 024 and Senate 1969-1978: Film 025). University of Arizona Main Library has bills for the House (KFA 2406 H68) and Senate (KFA 2406 S46) with the latest year in Reference and previous years in stacks; pre-1988 bills are in Special Collections.
6. Call or visit the House Clerk Office and Senate Resource Center for materials. Provide the clerk with the information collected in the search. A search of the bill file will provide the original and amended versions, and the committee files may provide comments about the considered legislation and references to documents from the Special and Study Committees. Minutes of committee meetings have been kept from 1970 (1965 to 1970 is scant) though not as verbatim transcripts. The House Clerk and Senate Resource Center will search print sources and report their findings and cost of copying. Audio tapes of meetings are available from the House from 1992 and the Senate for the past 3 years, but relevant information may be limited. Photocopy of print and microfilm sources is \$.10/page and tapes are available for \$5.00 each. Allow plenty of time for this service, particularly when the legislature is in session in the spring.
7. Locate articles in periodicals and newspapers (see #6 above). Consult law review and other journals for articles cited in print and online sources.
 - Example: "Health Care Directives and Decisions," Chester B. McLaughlin and Robert B. Fleming, 30 *Ariz. Att'y* 13 (Aug./Sept. 1993).
8. Search Arizona cases database on Westlaw or Lexis (see #7 above).

Arizona Legislative History Searches Using Westlaw 2000 to Date

Scope: Legislative history for laws enacted 2000 to date (from 44th Legislature 2nd Regular Session) is available on Westlaw. In addition to Bill Summaries and Bill Status Reports, there are House and Senate Committee Minutes, and Fact Sheets that accompany the engrossed bill sent to the Governor for signature.

Advantages: One advantage to using Westlaw for locating legislative history information is that only relevant portions of Committee minutes pertaining to a particular bill are displayed, as opposed to complete minutes on the legislature's website. Checking "Citing References" for a statute can provide secondary sources quickly, such as law review and journal articles, and links to case law are handy.

Disadvantages: One disadvantage is that important relevant materials may be overlooked by Westlaw editors, and not be included. Attachments of materials and Special Reports are not included (available in print from the House and Senate offices). For thoroughness, conduct a search on the legislature's website, also.

1. Begin with the statute to be searched. Locate the statute in AZ-ST-ANN. Example: A.R.S. 33-405 on beneficiary deeds.
2. Select "Reports and Related Materials" under "Legislative History" (also accessed under "History"). "Reports" for a particular bill appear in reverse chronological order for House and Senate. The "Bill Summary" provides the initial text and identifies the Committee assigned to study the legislation. Other materials include "Committee minutes," date of passage by Rules Committee (no substantive information), the bill as presented to the whole legislative body, and "Fact Sheets." A "Bill Summary," "Bill Status Report," dates of transmission of the legislation and signing by the Governor, Chapter number, and the bill version enacted are usually provided.
3. Check "Citing References" for cases interpreting the statute, and for law review and journal articles discussing the enacted legislation.

Arizona State Government toll-free: 1-800-352-8404

Senate Resource Center (602) 926-3550
House Clerk (602) 926-4221
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Phoenix, AZ 85007-2890

State Library Law and Research Division
(602) 926-3870
1-800-228-4710 (Arizona only)
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