

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

Jacquelyn Kasper, Reference and Government Documents Librarian

**Purpose:** *A legislative history search of a statute or law is usually conducted to locate information which helps interpret unclear statutory language in order to determine what the legislature really meant. A search may clarify a reason behind the original legislation or revision, also. 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 guide:** *The basic search process is described first for paper sources which are the most complete for compiling legislative histories in Arizona. In addition, there are online sources that provide limited legislative history information electronically. The Arizona Legislature's website <http://www.azleg.gov> provides minutes of Committee meetings beginning with the 43<sup>rd</sup> Legislature 1<sup>st</sup> Regular Session in 1997, in addition to bills, laws, and other materials. Statutes, laws, and bills can be found on Westlaw and Lexis, two commercial vendors. However, only Westlaw has coverage of Arizona Legislative Committee minutes and other select sources from 2000, the 44<sup>th</sup> Legislature 2d Regular Session.*

1. Start with the Arizona law or code section to be searched.  
Locate the code section in the Arizona Revised Statutes Annotated (A.R.S.) (in Arizona Section; Law Reserve), checking the pocket part at the end of the hardbound volume or the supplementary pamphlet for a new or revised version of a statute. Ex: A.R.S. Sect. 36-3201ff on ALiving Wills and Health Care Directives@ in volume 11B. At the end of the statute note the date and chapter number when the law was enacted. Ex: Laws 1992, Ch. 193. All amendments to the statute will be listed. The AHistorical and Statutory Notes@ that follow can be very useful to your search as well as the citations to articles in law reviews and journals. Note: statute history information is on Westlaw and Lexis.
2. Locate the session law in the Arizona Session Laws.  
In the volume of Arizona Session Laws (in Arizona Section) for the appropriate legislative session and date, locate the chapter number. This is the law as passed by the legislature. The House bill (H.B.) or Senate bill (S.B.) number will be given, indicating where the legislation originated. Ex: Chapter 193 in the 1992 session laws was H.B. 2247.
3. Consult the House and Senate Journals under the bill number.  
In each House and Senate Journal (in Arizona Section) for the year of legislation, locate the bill number in the AHistory of House and Senate Bills@ sections. Chronologies are provided beginning with the date of first reading through the committee assignments to the date of the Governor=s signature. If committees made amendments to the original bill these are noted. The committee work is important in legislative histories so note the Committees (except Rules) and dates. Sponsors of the legislation are given. These names may be important contacts for additional information if the legislation is recent and the legislator is still in office. Do not bother to check page references in the Journals as little or no substantive information relevant to your search is provided. [See #6 below for sources of Committee minutes.]
4. Check the Committees Section in the House and Senate Journals.  
Checking the ACommittees@ section of the Journals, as well for a prior year, is useful to determine if an Interim, Special or Study Committee issued a special report on the topic of legislation. Ex: ALiving Will,

Health Care Power of Attorney and Surrogate Decision Making Study Committee@ was found in the Committees section in the 1991 Journals. Copies of these reports will be in the files of the House Clerk, Secretary of the Senate and the Legislative Council Office. A few are substantial reports and are listed in the University of Arizona online catalog.

For Title 13 criminal statutes, some legislative history commentary is available in the 1975 report of the Criminal Code Commission that fostered a substantial revision of the state=s criminal laws (KFA 2961 A82 1975 in Law Reserve; Arizona Section; Special Collections). Committee Chairman Hon. Rudolph Gerber provides original report information with updated information in his Criminal Law of Arizona (2d ed. 1993) (KFA 2961 G47 1993 in Law Reserve; 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. Westlaw and Lexis have current session bills and ALIS has bills from 1995. The Law Library is a limited source 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 are in Special Collections. The State Library at the Capitol has bills from statehood.
6. Call or visit the offices of the House Clerk 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. For out-of-town inquiries, 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. Photocopy of print and microfilm sources is \$.10/page and tapes are available for \$5.00 each [Caveat: relevant information on the tape may be limited.] Allow plenty of time for this service, particularly when the legislature is in session in the spring. Minutes of Committee meetings beginning with the 43<sup>rd</sup> Legislature in 1997 are conveniently posted on the legislature's website ALIS, and are available on Westlaw beginning with the year 2000 (see accompanying guide).
5. Locate articles in periodicals and newspapers.  
Consult the law review and journal articles cited in A.R.S. ACommentaries@ notes for information and further cites to helpful sources. Ex: AHealth Care Directives and Decisions,@ Chester B. McLaughlin and Robert B. Fleming, 30 Ariz. Att=y 13 (Aug./Sept. 1993). Articles in the Tucson Citizen, Arizona Daily Star, Arizona Republic, Arizona Business Gazette, and Phoenix Gazette can be located in the newspaper files of Westlaw and Lexis (coverage varies).
6. Search the Arizona case file on Westlaw or Lexis.  
Run a Boolean search (terms and connectors) in the Arizona case files of Westlaw or Lexis to see if a judge has referred to the statute=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 and complete search.

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

*State Capitol  
1700 W. Washington  
Phoenix, AZ 85007  
House Clerk (602) 926-4221  
Senate Resource Center (602) 926-3550*

*State Library  
1700 W. Washington (3<sup>rd</sup> Floor)  
Phoenix, AZ 85007  
(602) 542-3701*

*Legislative Council  
1700 W. Washington  
Phoenix, AZ 85007  
(602) 542-4236*

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## Arizona Legislative History Searches (1997 to Date) Using the Arizona State Legislature Website (ALIS)\*

<http://www.azleg.gov>

**Scope:** Legislative history for laws enacted from the 43rd Legislature 1st Regular Session 1997 to date are available on the Arizona State Legislature's website (ALIS). \* Documents include: introduced bill, overview of legislative activity, House and Senate Committee Minutes, Fact Sheets, and the engrossed bill signed by the Governor. For definitions of abbreviations, see <http://www.azleg.gov/CommitteeActions.asp>.

The advantages to searching for legislative history via ALIS are: it is direct from the authoritative body; updates are posted daily when the legislature is in session with Committee minutes posted within a relatively short time; it may be a quicker, more convenient way to obtain information than requesting print copies through the Senate Resource Center or House Clerk's Office; and there is no cost to access materials. Disadvantages are a few but significant: attachments to Committee minutes other than amendments are not included; reports may not be provided; and minutes pertaining to a particular bill are not collected together at one site as on Westlaw.

1. Identify the statute to be searched using Arizona Revised Statutes Annotated in print. Example: A.R.S. 33-405 on beneficiary deeds. Locate the date and chapter number when the law or amendment was enacted at the end of a statute. Ex: Amended Laws 2001, Ch. 112. (Note: "Statutes" on ALIS does not have this information.)
2. On the ALIS homepage, if the appropriate legislative session is other than the current one, select "Change Session" (top tool bar) and change to the appropriate session. Ex. 45<sup>th</sup> Legislature First Regular Session (2001). Select "Session Laws" (left) and scroll to the desired Chapter or enter a keyword in the search box. Ex. "Chapter 112" or "beneficiary deed." This provides the engrossed, final bill inclusive of all changes.
3. On the "Session Laws (Chaptered Bills)" page, note the originating bill number for the legislation displayed. Click on the Bill Number or enter the bill number in the search box at the top right. Ex. "HB. 2280" or "Bill # Search." The displayed list links to information on the bill as it made its way through the House and Senate.

"Bill Overview" provides a timeline of activity, sponsors of the bill, committees that studied the legislation, votes, and date the Governor signed the bill. "Bill Versions" provides text of introduced and engrossed bills. "Bill Summary/Fact Sheets" provides information on the purpose, background, and provisions of the bill. A "Fact Sheet" summarizes the activity to that point (votes and dates of committees and legislative bodies passing the bill). "Adopted Amendments" provides text of the amended bills.

4. To access Committee Minutes, in "Bill Overview" note the Committees assigned to study the legislation and when received by the Committees. Ex. "House: 1/11/01 JUD (Judiciary) and 1/23/01 DPA (do pass amended). Clicking on the Committee will provide a list of its meetings with links to minutes. Begin with the date after the bill was assigned to the Committee. Notes on bills are not in numerical order but as the Committee discussed them. Ignore RULES as is but a procedural step and will not offer any substantive information.

\* ALIS is the "Arizona Legislative Information Service."

## Arizona Legislative History Searches (2000 to Date) Using Westlaw

**Scope:** *Legislative history for laws enacted from the 44<sup>th</sup> Legislature 2<sup>nd</sup> Regular Session, 2000 to date are 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.*

*One advantage to using Westlaw for locating legislative history information compared with the Arizona Legislature website is that only relevant portions of Committee minutes pertaining to a particular bill are displayed as opposed to the entire set of minutes on the legislature's website: Westlaw edits the online posted minutes or tapes. A disadvantage is that attachments of materials consulted by Committee members are not included (only available in print from the House and Senate offices).*

*Checking "Citing References" for a statute can quickly provide useful secondary sources such as journal articles presenting the need for legislation on a particular topic or issue, or an analysis of the provisions of the law enacted. References to case law that interpret the intent of the legislation are important to provide a full picture of a statute's history and significance.*

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" on the left sidebar (also, accessed under "History" following any proposed legislation). "Report" entries 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. [Ex.: House Judiciary].

Other related materials include "Committee minutes" on amended bills, note of passage by Rules Committee (no commentary) and a third-reading format presented to the legislative body as a whole. Comments are edited and summarized by Westlaw editors. Attachments to legislation are *not* included in Westlaw's legislative history.

When the bill is sent to the other legislative body for consideration, a cover "Fact Sheet" summarizes the activity to that point (votes and dates of committees passing the bill, and vote and date of the bill passing the legislative body) as well as providing the text of the bill. The opposite legislative body reports its amendments and passage from committees and Committee of the Whole, and produces a "revised Fact Sheet" attachment for the legislation.

A "Bill Summary" is prepared for the Governor by the originating legislative body giving the history or current status of the law, and outlining the provisions in the new legislation. The last entry, a "Bill Status Report," lists the sponsors of the bill, and chronicles the bills passage from Committee and legislative body with dates and votes. Finally, provided are: the date of transmission of the legislation to the Governor, the date the Governor signed, designated Chapter number, and which bill version was the final one enacted.

3. Check "Citing References" for a list of cases interpreting the statute, and for law review and journal articles discussing the enacted legislation.