

**University of Arizona James E. Rogers College of Law
College of Law Library**

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

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Purpose: *A legislative history search of a statute or law is usually conducted in order to locate information which helps 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.*

Online sources: *In addition to paper copies, statutes, laws and bills can be found on Westlaw and Lexis, two commercial vendors of Arizona legislative material, and on ALIS, the Arizona Legislature's web site <http://www.azleg.state.az.us/>*

1. Start with the Arizona law or code section to be searched.
Locate the code section in the Arizona Revised Statutes (A.R.S.), 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 "Living 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 "Historical and Statutory Notes" which 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 but not ALIS.
2. Locate the session law in the Arizona Session Laws.
In the volume of Arizona Session Laws 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 for the year of legislation, locate the bill number in the "History 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 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 no substantive information relevant to your search is provided. [Sources for Committee minutes in #6.]
4. Check the Committees Section in the House and Senate Journals.
Checking the "Committees" section of the Journals, as well as a prior year or two, is useful to determine if an Interim, Special or Study Committee issued a report on the topic of legislation. Ex: "Living 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 cataloged in the University of Arizona online library catalog (SABIO).

For Title 13 criminal statutes some legislative history commentary is available in the report of the Criminal Code Commission (1972-1975) which resulted in a substantial revision of the state's penal code in 1977. Consult Hon. Rudolph Gerber's Criminal Law of Arizona (2d ed. 1993)(KFA 2961 G47 1993 Reserve and Ariz. Ref.) for the original Code Commission commentary and later information.

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 final 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 (Capitol) has all bills from statehood.
6. Call or visit the offices of the House Clerk and Secretary of the Senate 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 Secretary of the Senate 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. Minutes of Committee meetings beginning with the 43rd Legislature (1997-98) are posted on ALIS.
7. Locate articles in periodicals and newspapers.
Consult the law review and journal articles cited in the A.R.S. "Commentaries" note for information and possibly further cites to helpful sources. Ex: "Health 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).
8. Search the Arizona case file on Westlaw or Lexis.
Run a search (boolean) 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 is unlikely to turn up information but it is a necessary step for a complete search.

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