

NEW JERSEY STATE LIBRARY



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LEGISLATIVE HISTORY

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NEW JERSEY LEGISLATIVE HISTORIES
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What is a legislative history? As used at the New Jersey State Library, the term means a compilation of documents in which are recorded the purpose or intent behind the passage of a particular statute. It should be remembered that there are probably as many "intents" as there are legislators, lobbyists and other individuals involved in the passage of legislation.

While there may be many "intents", the main problem in legislative history research is to find a document in which these intents have been recorded. In contrast to federal legislation for which indepth reports, hearings, debates and other documents are available, the search for legislative history on the state level often results in little information and that information is frequently of marginal usefulness.

In this article, the term legislative histories applies only to a particular chapter law passed in a given year. The purpose behind its passage as gleaned from the documents applies only to that particular chapter law. Later amendments will have documents which may disclose the intent behind each later amendment.

BILL NUMBER

The most important step in compiling a legislative history in New Jersey is to first determine the bill number. Almost all relevant documents are keyed to this number. To find a bill number for a law passed since 1915, the last issue of the Legislative Index for that year has a table that shows the corresponding bill number for each chapter law. The Index will also indicate the sponsor, the committee that considered the bill, the dates of passage and governor's action.

Prior to 1915, the state library has developed a conversion table for chapter laws signed between 1880 and 1915. Before 1880, however, the subject index to the Assembly Minutes and Senate Journal must be searched to determine a bill number.

STATEMENTS

Perhaps the most useful document showing legislative intent is the statement. There are three types of statements. First, the sponsor of a bill will indicate his view as to the purpose behind the bill in a sponsor's statement. This document is appended to the bill as originally introduced. The sponsor's statement is not reprinted on amended versions of the bill. While almost universal today, the existence of a sponsor's statement becomes increasingly rare as a search is made for histories more remote in time.

9-1-80
3-1-80
1985

When a bill is released from committee, a committee statement will often be issued giving the committee's view of the purpose or need for the proposed legislation. Rare in the early 1970's, today each bill released from committee usually has a statement by either or both the Assembly or Senate committee considering it.

When a bill is amended by the full house after being released from committee, a statement expressing the reason for the amendment has appeared in recent years on many bills.

Finally, if the bill has any fiscal impact on either revenues or expenditures, a fiscal note is prepared. Although the fiscal note is usually not directly relevant to the legislative intent, it may contain useful information.

The statements described above may be detailed and express a clear purpose for the legislation or they may be very general and provide little useful information. There is little consistency in the preparation of the statements.

Statements are available from the legislative bill room for the current session, and from the state law library's bound set of bills for prior years.

HEARINGS AND REPORTS

Occasionally public hearings are held on proposed legislation by a committee considering the bill. Public reactions to the bill are received and evaluated by committee members. The hearings may concern specific legislation, or they may concern a general topic, examining the need for changes in the law or evaluating alternative proposals. They may be useful in determining public perception of a bill, especially if an association or individual has been responsible for its introduction.

The hearings, if transcribed, are deposited in the New Jersey State Library and, in addition, are distributed to many New Jersey university and public libraries in the New Jersey library depository network.

Reports investigating the need for legislation are occasionally published by the legislative committees or commissions, study commissions appointed by the governor, or commissions established jointly by the legislature and the governor. Private associations, such as the New Jersey State Bar Association, often issue reports recommending changes in the law. These reports are also found at the state library and often at New Jersey depository libraries.

At the state library, access to these publications is by subject or, since 1970, by a special table which lists reports or hearings dealing with specific bills by bill number.

The minutes of the annual meeting of judges is published in the Judicial Conference Proceedings. These discussions often involve pending legislation. Along with these proceedings are published the annual reports of various committees appointed by the supreme court, which contain recommendations for changes in the law.

WORDING OF THE BILL

An examination of the wording changes that may take place during the course of passage should be made in legislative history research. Concepts and phrases removed or added can have a bearing on the final intent of the adopted bill.

Wording changes may be found in a number of documents. Frequently, when major changes in the statutes are taking place, statutory drafts will be drawn up prior to introduction. For example, in the 1937 revision of the New Jersey Statutes, there were three published drafts. When major changes have resulted in new titles to New Jersey Statutes Annotated such as 2A, 3A, 14A, 40A and others, statutory drafts were prepared. Occasionally these drafts will contain notes from the committee assigned to the revision. These statutory drafts are available at the state library for examination and loan.

After a bill is introduced, the various amendments adopted also are available in the state library's bound set of bills. Amendments to bills in the current session are available at the legislative bill room and also on subscription from the Office of Legislative Services. This subscription will include all bills, statements, amendments and fiscal notes.

Occasionally the sponsor's statement will indicate that the bill is based on a federal statute, the statute of another state or a model act as proposed by a private organization, such as the American Law Institute. These earlier acts can be examined at the state library and most law school libraries.

DEBATES

There are no recorded debates in New Jersey. There are, however, the official journals of each house: Senate Journal and Assembly Minutes. While these journals carry no debates, they include such useful information as governor's messages, the votes cast by legislators on bills and a record of bills passed or released from committee. They are available at the state library and in most large New Jersey law collections.

GOVERNOR'S ACTIONS

The governor is involved in passage of a law in a number of ways. In his annual message or by special message, the governor will propose changes in the law which will result in specific bills. Occasionally, a study commission established by the governor will evaluate an area of law and make recommendations for change.

When the governor vetoes a bill, he will indicate in his message accompanying the veto if he opposed the bill outright or if he will accept the bill if certain changes are made. This conditional veto can be useful in researching a bill if the changes are subsequently adopted by the legislature. Veto messages are published in a separate series since 1947, and are also found in the Minutes and Journal.

If the governor decides to sign a bill, his statement at the time of signing is available at the state library. Usually it is general in nature. Occasionally, however, it may give a more detailed view of the governor's idea of the purpose behind the act. On rare occasions, prior to signing a bill, the governor will hold a public hearing to obtain the views of interested parties.

The counsel to the governor, in evaluating a bill prior to recommending that the governor sign or veto it, will examine a wide range of documents both public and private to determine its value. These governor's counsel's files are available at the state library and may be examined by litigants.

COMPILED LEGISLATIVE HISTORIES

The state law library has long recognized the need for the ready availability of legislative history information. It has, therefore, established an on-going program of compiling legislative histories. A search is made for the existence of any documents which would record the legislative intent and, if found, these documents are listed on a summary sheet. Histories are compiled as new bills are signed and are compiled retrospectively at the request of judges or attorneys for state government. Once compiled, these histories are available for examination or photocopy by anyone.

A sample survey sheet is appended to illustrate the documents searched. Documents that are located will be either attached or will be noted on the sheet to facilitate retrieval in other parts of the library.

UNOFFICIAL SOURCES

When none of the official sources of legislative history exist, unofficial sources may be the only location of information of legislative intent. This is particularly true of older acts prior to the time when statements were issued with any regularity.

The most useful informal source of information may be newspaper accounts of the passage of a bill. Indeed, since no debates are recorded, newspaper accounts may be the only source of the comments by legislators on a bill. Often articles are written at the time of passage and signing by the governor. Newspaper articles on current legislation are clipped at the state library and are organized by topic for easy retrieval. Prior to the late 1960's, when the file began, a search in individual newspapers must be made on the dates when major activity concerning the bill took place.

Other unofficial sources such as books and special studies, may be useful in describing the conditions that existed prior to passage. The search for this type of material is limited only by one's imagination.

In conclusion, it must be emphasized that while there are many possible sources for legislative intent, rarely will many of these sources exist for any particular act. Indeed, in most instances, only a few meaningful documents will exist. However, there are enough occasions when one finds a useful item to explain clear legislative intent, that it is essential that a search be made. The researcher must remember to be diligent and persistent.

LEGISLATIVE HISTORY CHECKLIST

NJSA _____

LAWS _____ CHAPTER _____

Bill No. _____

Sponsor(s) _____

Date Introduced _____

Committee: Assembly _____

Senate _____

Amended during passage Yes No

Date of Passage: Assembly _____

Senate _____

Date of approval _____

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No