



NEW YORK LEGISLATIVE HISTORY RESEARCH GUIDE

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PURPOSE:

This pathfinder is a guide to the resources available at the Barclay Law Library for legal research on legislative history of New York State law. Included are basic sources for research on the legislative intent of New York lawmakers.

OUTLINE:

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II. STEPS FOR COMPILING A LEGISLATIVE HISTORY

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- B. Utilize Statutory Research Aids
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- E. Locate the Relevant Legislative Documents

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LEGISLATIVE HISTORY:

Legislative history is a compilation of documents produced in the course of the legislative process. They are compiled to aid in the interpretation of a statute. Legislative documents are often referenced as a means to determine the legislative intent behind a statute.

To begin to understand how courts in New York interpret legislation consult the following resources:

- *McKinney's Consolidated Laws of New York Annotated* (New York State Code)
 - Book 1 (statutes)
 - **Stack 1; & in Electronic Research Center Floor 3 (by Reference Wall)**
- *New York Jurisprudence 2d* (New York State Encyclopedia)
 - Statutes volume (Vol. 97)
 - **Stack 1; & in Electronic Research Center Floor 3 (by Reference Wall)**

Documentation:

While the process for New York State legislation mirrors the federal process, the extent of available documentation differs. The following lists show which types of materials are and are not available regarding New York State lawmaking.

Available

- Bills – introduced bills and amendments are available for almost all laws
- Introducer's memoranda – an explanation of the purpose of the bill by originator of the bill
- Governor's memoranda – an explanation by the Governor for vetoing any bill
- Bill Jackets – a combination of the legislation passed by both houses, the Introducer's memoranda, and expressions of interest by the Governor's Counsel's Office

Not Available

- Senate and Assembly committee reports
- Conference committee reports to explain compromises reached between the Senate and Assembly
- Any equivalent to the Congressional Record
- Transcripts and debates (if they exist, are available only in Albany: Senate – **(518) 455-2245**; Assembly – **(518) 455-3200**)

STEPS FOR COMPILING A LEGISLATIVE HISTORY:

A. Find the Session Law Citation

To research the legislative history of a New York State law, begin with the session law citation of a statute (the **year** and **chapter number** of the legislation). *McKinney's Consolidated Laws of New York Annotated* (hereinafter *McKinney's*) and *New York Consolidated Laws Service* (hereinafter *CLS*) contain session law citations to the original legislation as well as to subsequent amendments.

For example, the following session law citation was taken from sec. 101-a of the Executive Law as printed in McKinney's:

(Added L. 1971, c. 275; amended L. 1979, c. 696, sec. 3; L. 1981, c. 748 secs. 1, 2; L. 1987, c. 610, sec. 2; L. 1988, c. 483, sec. 4; L. 1992, c. 770 sec. 21.)

This source note indicates that section 101-a was added to the Executive Law by chapter 275 of the Laws of 1971. It was amended the first time by section 3 of chap. 696 of the Laws of 1979. It was amended again by sections 1 and 2 of chap. 748 of the Laws of 1981, and so on.

FORMAT	COVERAGE	LOCATION
Paper Stack 1	current issues	<i>New York Consolidated Laws Service</i> KFN 5030.A45 <i>McKinney's Consolidated Laws of New York Annotated</i> KFN5030.A43; Stack 1 Unclassified
* Westlaw	Current issues	Yes
* Lexis	Current issues	Yes
Internet	current issues	<i>New York State Consolidated Laws Online</i> http://assembly.state.ny.us/leg/
	current issues	<i>Findlaw New York State Consolidated Laws</i> http://www.findlaw.com/11stategov/ny/laws.html

*** Authorized Westlaw and Lexis users please see Reference Librarian or online vendor student reps for database identifier information.**

B. Utilize Statutory Research Aids

The next step is to utilize the research aids provided by the authors of *McKinney's* and *CLS*. **Historical and Statutory Notes** immediately follow the source notes within a section. These notes provide a researcher with an understanding of what was changed and when the legislature made the changes. In addition **Legislative Histories Notes** may follow some sections, which provide citations to legislative documents.

C. Research the Session Law

The third step in performing legislative research is to use the session law citation (**year** and **chapter number** of the legislation) in researching the session laws. If there are no Historical or Legislative History Sections in the *CLS* or *McKinney's*, then within the text of the session law there will likely be a section titled "legislative findings and purpose." To attain a complete review of the legislative actions during a particular session, texts such as the *McKinney's Session Laws of New York* contain not only session laws but also reports and memoranda concerning laws that were passed during that particular session.

FORMAT	COVERAGE	LOCATION
Paper Stack 1	1951 – present 1976 – present	<i>McKinney's Session Laws of New York</i> KFN 5025.M34 <i>New York Consolidated Laws Service: Session Laws</i> KFN 5030. A45
	1777 – 1994	<i>Laws of New York</i> KFN 5025. N48
	1664 - 1775	<i>Colonial Laws of New York</i> KFN 5025. N46

* Westlaw	Current year	Yes
* Lexis	1990 - present	Yes
Internet	current year	<i>New York Chapter Laws Online – Assembly Site</i> http://assembly.state.ny.us/cgi-bin/chaps
	current year	<i>New York Chapter Laws Online – Senate Site</i> http://www.senate.state.ny.us/bills.html

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D. Research the Session Law’s Legislative Activity

The next step in performing legislative research is to gain an overview of the legislative activity that occurred on the law. This information is found in several sources, such as the *New York Legislative Digest* or its predecessors the *New York Legislative Record and Index* and the *New York Legislative Index*. Consult the cross-reference table in the *Legislative Digest* to find the bill number for a corresponding chapter number. Look up the bill number in the Senate or Assembly Introduction Record for the bill’s legislative activity.

FORMAT	COVERAGE	LOCATION
Paper		various titles, see list below
* Westlaw	Current year	Yes
* Lexis	Current year	Yes
Internet	current year	<i>New York Bills Online – Assembly Site</i> http://assembly.state.ny.us/leg/
	current year	<i>New York Bills Online – Senate Site</i> http://www.senate.state.ny.us/bills.html

* **Authorized Westlaw and Lexis users please see Reference Librarian or online vendor student reps for database identifier information.**

- *State of New York Legislative Digest*, **KFN 5721 .A393; Stack 1**
 - Coverage 1985 - present
 - Arranged by bill number with a subject index
 - Includes summary of each bill and legislative background (debates, reports, etc.)
 - Includes text of Governor's approval and veto messages as well as Executive Orders.
- *New York State Legislative Record and Index*, **KFN 5721 .A39; Stack 1**
 - Predecessor to the *State of New York Legislative Digest*
 - Coverage 1912 - 1984

E. Locate the Relevant Legislative Documents

The fifth step in legislative history is to locate the relevant legislative documents cited by the indexes. **Note: The Barclay Law Library does not have all the legislative documents that may be referenced.** To locate additional New York State documents, consult the “Additional Help” section of this pathfinder.

FORMAT	COVERAGE	LOCATION
Paper		various titles, see list below
Microform		various titles, see list below
* Westlaw	Current year – 1987	Yes
*Lexis	1990 – present	Yes
Internet	Varies	<i>New York State Assembly Legislative Information System</i> http://assembly.state.ny.us/leg/ <i>Senate Reports</i> http://www.senate.state.ny.us/report.html

*** Authorized Westlaw and Lexis users please see Reference Librarian or online vendor student reps for database identifier information.**

- *New York Legislative Annual*, **KFN 5720 .A152; Stack 1**
 - Coverage 1946 - present
 - Governor's memoranda on bills approved and vetoed
 - Supporting memoranda from legislators and other interested parties for some bills.
 - Indexed by statute, chapter and subject.
- *New York Assembly and Senate Documents*, **Microform KFN 5005 .N4941**
 - Microfilm
 - Coverage 1890 - 1918
 - Legislative documents, including departmental and committee reports.
- *New York Legislative Documents* **Microform KFN 5005 .N4941**
 - Coverage 1919 - 1975
 - Includes a variety of reports and other documents submitted to the legislature while considering bills.
- *New York State Governor's Bill Jackets* **Microform KFN 5040 .B54**
 - Coverage 1905, 1921 – (there is a 4 year delay in converting jackets to microfilm)
 - Collections of documents solicited by Governor while considering legislation.
 - Includes bill, memoranda, letters and opinions from agencies and citizens

ADDITIONAL HELP

For more help in conducting a legislative history on a New York law, consult the following resources:

A. Internet Sites

- *New York State Library Guide: Legislative History of a New York Law*
 - <http://unix2.nysed.gov/leghist/>
 - Comprehensive guide to legislative documents available at the NYS Library
- *New York State Legislative History Materials*
 - http://www.albanylaw.edu/sub.php?navigation_id=842
 - Albany Law School guide about the NY legislative process and the documents it produces.
- New York State Government Information
 - <http://www.nysl.nysed.gov/citizens.htm>
 - Provides a single point of access to information services provided by New York government agencies, the State Legislature, and the Judiciary.

B. Books

- *New York Legal Research Guide, 2nd Edition* **Reference KFN 5074 .G53**
 - Chapter 5 explains Legislative History
 - Covers Bills, Memoranda, Bill Jackets, Transcripts of Debates and Hearings, etc.
- *New York State Legislative Intent* **KFN 5074 .C37; Stack 1**
- *Legal Research and Law Library Management* **KF 240 .M24; Stack 1**
 - Chapter 6
- *New York State Documents: An Introductory Manual* **Z 1223.5 .N57 B87**

C. Libraries

- Bird Library, Government Documents **3rd Floor**
 - Bird Library collects many New York State documents which are not available in Barclay Law Library
 - Bird's government documents holdings are indexed in SUMMIT
- Legislative Reference Library of the New York State Library
 - **1-800-342-9860**
 - Official depository library for New York State documents

D. Subscription Services

- Legislative Retrieval System
 - **1-800-356-6566**
 - Fee-based online service for legislative history research of New York statutes