LEGISLATIVE HISTORY & CODE RESEARCH TIPS

Presented by:
Christine Demetros
Assistant Director for Student Learning
Syracuse University College of Law Library
cmdemetr@law.syr.edu
Hypothetical
You have started your summer position and your first assignment is to investigate the following scenario:
Jaime is a parent who works full-time for Foodies, a large privately owned supermarket. When COVID started to spread, Foodies, which employs over 500 employees, told employees that as essential workers they were expected to work their regular shifts. Jaime worked his shifts until his child's school closed due to state orders. Jaime was left with no childcare or school to send his daughter, and nobody at home available to watch her. Jaime has been told that FMLA does not apply in this situation, but heard that there may be a new COVID related law that will cover him.
1) Does he fall under the provisions of FMLA?
2) Is there a recent law that will assist him in his situation?
FULL-TEXT SEARCHING ON WESTLAW
FIELD SEARCHING

Preliminary = title, subtitle and chapter
Caption=section number and heading
Statutory Text=text of the law, not the case notes
Family and Medical Leave

Eligibility: 29 USCA § 2611
Exemptions: 29 USCA § 2614

District Courts: 29 USCA § 261

Generally: 29 USCA § 2601 et seq.
Actions and Proceedings, 29 USCA § 2602
Application of Law, 29 USCA § 2603
Architect of the Capitol: 2 USCA § 168
Armed Forces, 29 USCA § 2612 et seq.
Attorneys, Fees: 29 USCA § 2617
Boards and Commissions, Leave Compensation: 29 USCA § 1923
Certificates and Certification, 29 USCA § 2614, 29 USCA § 2613
Civil Service: 5 USCA § 6381 et seq.
Coercion and Duress, Civil Service: 5 USCA § 6385
Compensation and Salaries: 29 USCA § 2614
Congress, Officers and Employees, 2 USCA § 1312
Damages, 29 USCA § 2617
After the text of the statute, you can find some brief historical information. This information is particularly useful if you are researching the legislative history of a statute.
WHAT IS LEGISLATIVE HISTORY?

A collection of documents produced by a legislature during the consideration of a proposed law.
PROBLEMS WITH LEGISLATIVE HISTORY

- “legislative history is itself often murky, ambiguous, and contradictory”
- “Judicial investigation of legislative history has a tendency to become, to borrow Judge Leventhal’s memorable phrase, an exercise in ‘looking over a crowd and picking out your friends.’”
- “judicial reliance on legislative materials like committee reports, which are not themselves subject to the requirements of Article I, may give unrepresentative committee members—or, worse yet, unelected staffers and lobbyists—both the power and the incentive to attempt strategic manipulations of legislative history to secure results they were unable to achieve through the statutory text.”

Proposed (Pending) Legislation
- Introduced in House or Senate – FEDERAL
- Introduced in Assembly or Senate – NY STATE
- Considered by both houses
- Bill may be amended

Assigned a Unique Number
- e.g., A.244 (2010) or S.400 (2013) – NY STATE
- Number will change if it is reintroduced in a new session
- Numbering starts anew with each legislative session
LOOKING FOR BILLS?

- **Federal Bills**
  - ProQuest Congressional
    - from 1989
  -Congress.gov
    - [http://www.congress.gov](http://www.congress.gov)
    - Back to 93rd Congress ('73-'74)
  - GovInfo.gov
    - [https://www.govinfo.gov/app/collection/bills](https://www.govinfo.gov/app/collection/bills)
    - From 1993
  - Westlaw
    - From 1995
  - Lexis
    - from 1989
  - Website of bill sponsor

- **NYS Bills**
  - **NYS Assembly**
    - [http://assembly.state.ny.us/leg/](http://assembly.state.ny.us/leg/)
    - From 1999
  - **NYS Senate (Open Legislation)**
    - From 2009
  - **Legislative Research Service**
    - [http://public.leginfo.state.ny.us/menuf.cgi](http://public.leginfo.state.ny.us/menuf.cgi)
    - From 1995
  - Westlaw
    - From 2005
  - LexisAdvance
    - From 1998
Congressional Lawmaking Process

1. Preliminary congressional inquiry—hearings
2. Committee hearings on bill, including testimony by witnesses
3. Bill introduced in House and Senate
4. Bill referred to committee
5. Bill reported out of committee
6. Legislative debate on bill
7. Conference committee (if necessary)
8. Bills passed by both houses ("enrolled")
9. President signs bill and it becomes law
10. Law is codified if it has general and permanent applicability
COMMITTEE HEARINGS

- Hearings held to help decide whether to recommend passage
  - Not all legislation requires hearings
  - Not all hearings are published

- Hearing Contents:
  - Testimony by legislators, witnesses, interest groups, experts, etc.
  - Exhibits
  - Text of bill
FIND HEARINGS

FEDERAL

ProQuest Congressional
Database available through the Law Library page

Lexis
Content Type – Statutes and Legislation – Legislative Histories – Congressional Hearings (1824-present)

Westlaw
Specialty Areas -- Legislative History -- U.S. Congressional Testimony – 1993-present

HeinOnline
Database available through the Law Library page

GovInfo.gov
https://www.govinfo.gov/app/collection/chrg

NEW YORK STATE

VIDEO AND AUDIO ARCHIVE
https://nyassembly.gov/av/hearings/
From 2006 to present
Some transcripts available
Search by keyword
COMMITTEE REPORTS

- Report prepared for bills “out of committee”
  - Summary of bill (with revisions, if any)
  - Analysis of bill
  - Committee’s justification for passage


Senate Report No. 103-3, 103rd Congress, 1st Sessions (1993)

Committee Reports are available through Westlaw, Lexis, Proquest Congressional, Government pages, interested lobby groups.
Congressional Lawmaking Process

1. Preliminary congressional inquiry—hearings
2. Executive initiative—presidential message
7. Legislative debate on bill
12. Law is codified if it has general and permanent applicability

Congressional Debates

Not all bills are debated
Transcript (almost verbatim)
- Statements by sponsors
- Floor amendments
- Proposed changes to bills
- Arguments pro and con

Published in the Congressional Record
- Published daily
  - Govinfo.gov (1994 - present)
  - Westlaw/Lexis (1985 -)
  - ProQuest Congressional (1985 -)
    - HeinOnline – from earliest (1789…various titles, same idea)
PUBLISHED LEGISLATIVE HISTORY
MAYBE IT’S ALREADY BEEN DONE

- [HeinOnline](https://www.heinonline.org) (U.S. Federal Legislative History Library)
- [Westlaw](https://www.westlaw.com) (Specialty Areas – Legislative History)
- [Lexis](https://www.lexisnexis.com) (Statutes & Legislation – Legislative Histories)
NY has Bill Jackets – main source for NY Legislative History

Bill Jackets available from 1921-present (microfiche until 2001, online from 1995-2018


The Bill Jacket is the material submitted to the Governor for his consideration when deciding whether to sign or veto the law.

Bill Jackets often include statements from government departments in support or opposition to the bill, as well as letters from interested parties, and the memo from the sponsor.
Law is codified if it has general and permanent applicability.

President signs bill and it becomes law.

Every act is assigned a unique Public Law or Chapter Law Number (e.g., P.L. 103-3, or L.2001, c.46)

Acts are published chronologically as Session Laws in the United States Statutes at Large – 107 Stat. 6 (1993) and the United States Code Congressional & Administrative News (USCCAN) – FEDERAL

Acts are published chronologically as Session Laws in McKinney’s Session Laws and CLS Session Laws – NY STATE
Where to Find 50 State Comparisons of Law

- National Survey of State Laws
  Reference KF 386 .N38

- Subject Compilations of State Laws
  Reference (current year) KF1 .F67
  ALSO available on Hein

- Secondary Sources