A Beginner’s Guide to Legislative History
North Carolina Library Association
Government Resources Section
November 9, 2011

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Government and Heritage Library

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Government and Heritage Library

The Government and Heritage Library's mission is to preserve and facilitate public access to state government information; advance the study, understanding, and appreciation of North Carolina's cultural heritage; and provide library resources and services that support the operational needs of state government agencies.

NEW HOURS BEGINNING SEPTEMBER 2011

Staff Resources:
DCR Intranet (only available on-site)
Staff Wiki

http://statelibrary.ncdcr.gov/ghl
What is Legislative History?

- The background and events leading to the enactment of a statute, including hearings, committee reports, and floor debates.

*Black’s Law Dictionary, deluxe 9th edition*
Legislative History can answer…

- What does the law mean?
- Why does the law say what it does?
Legislative History vs. Statutory History

- Legislative history = meaning
  - What does it mean?
    - Context/debates

- Statutory history = time
  - What did it say?
An example:

- “Any person who injures another person with a motor vehicle shall be punished as a Class B felon.” [Not a real statute]

  - What is meant by “motor vehicle?” (legislative hist.)
  - When did this law become effective? (statutory hist.)
Legislative vs. Statutory continued…

- Real world consequences
- Makes a difference in how you guide patrons and where the sources are
Some roadblocks on the way

- Superseded statutes (limited availability)
- Debates (no official transcripts; limited recordings)
- Committee minutes (only since 1967; many are summaries only)
Statutes for North Carolina

- Up to 1820
  - Session Laws – GHL (print and online)

- 1820 - 1943
  - Compilations of Statutes ~every 20 years (print and online at www.archive.org)

- 1943 – current
  - Current statutes in print and online
  - Superseded statutes in print only
§ 52-1. Property of married persons secured.

The real and personal property of any married person in this State, acquired before marriage or to which he or she may after marriage become in any manner entitled, shall be and remain the sole and separate estate and property of such married person and may be devised, bequeathed and conveyed by such married person subject to G.S. 50-20 and such other regulations and limitations as the General Assembly may prescribe. (Const., Art. X, s. 6; Rev., s. 2093; C.S., s. 2506; 1965, c. 878, s. 1; 1981, c. 815, s. 3.)

Cross References. — For constitutional provision as to property of married women, see N.C. Const., Art. X, § 4. As to conveyances by husband and wife, see G.S. 39-7 et seq. As to contracts of married persons, see G.S. 52-2.

Editor's Note. — Session Laws 1965, c. 878, s. 1, repealed and rewrote Chapter 52 of the General Statutes. Where present provisions are similar to prior statutory provisions, the historical citations from the former sections have been added as to the new sections. Former G.S. 52-1 applied to married women only.

Annotations to present Chapter 52 construing provisions of the former Chapter have been retained where it is thought they will be helpful.

Legal Periodicals. — For comment on the enforceability of marital contracts, see 47 N.C.L. Rev. 815 (1969).

For comment on the tax effects of equitable distribution upon divorce, see 18 Wake Forest L. Rev. 555 (1982).

CASE NOTES

Editor's Note. Most of the cases below were decided under former statutory provisions relating to the property of married women.

History. — For a discussion of the history of this legislation and of many of the earlier cases construing it, see Ball v. Paquin, 140 N.C. 83, 52 S.E. 410 (1905).

Common Law. — At common law, marriage was an absolute gift to the husband of all the personal property of the wife in possession, and the same became his property instantly on the marriage; and it was a qualified gift of all the personal property adversely held, and all the choses in action of the wife, which became the husband's absolutely upon his reduction of the same into possession, during coverture, with the right in case the wife died to administer on her estate, and in that character to collect, and after payment of her debts to hold the surplus to his own use, without obligation to distribute to anyone. O'Connor v. Harris, 81 N.C. 279 (1879).

At common law it was competent to the husband having choses in action "jure mariti" to assign the same for value, or as a security to pay his debts, and the assignment availed to pass the right to the assignee to collect and have the proceeds as his absolute property, if collected during coverture, just as the husband might have done if he had kept and reduced it into possession himself. O'Connor v. Harris, 81 N.C. 279 (1879).
The Statutes continued....
§ 14–11. Activities aimed at overthrow of government; use of public buildings.
It shall be unlawful for any person, by word of mouth or writing, willfully and deliberately to advocate, advise or teach a doctrine that the government of the United States, the State of North Carolina or any political subdivision thereof shall be overthrown or overthrown by force or violence or by any other unlawful means. It shall be unlawful for any public building in the State, owned by the State of North Carolina, any political subdivision thereof, or by any department or agency of the State or any institution supported in whole or in part by State funds, to be used by any person for the purpose of advocating, advising or teaching a doctrine that the government of the United States, the State of North Carolina or any political subdivision thereof should be overthrown by force, violence or any other unlawful means. (1941, c. 37, s. 1.)

Any person or persons violating any of the provisions of this Article shall, for the first offense, be guilty of a Class I misdemeanor and be punished accordingly, and for the second offense shall be punished as a Class H felon. (1941, c. 37, s. 2; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14; 1993, c. 539, s. 11; 1994, Ex. Sess., c. 24, s. 14(c.).)

§ 14–12.1. Certain subversive activities made unlawful.
It shall be unlawful for any person to:

1. By word of mouth or writing advocate, advise or teach the duty, necessity or propriety of overthrowing or overthrowing the government of the United States or a political subdivision of the United States by force or violence; or,
2. Print, publish, edit, issue or knowingly circulate, sell, distribute or publicly display any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that the government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means; or,
3. Organize or help to organize or become a member of or voluntarily assemble with any society, group or assembly of persons formed to teach or advocate the doctrine that the government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means.

Any person violating the provisions of this section shall be punished as a Class H felon.

Whenever two or more persons assemble for the purpose of advocating or teaching the doctrine that the government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or instigation, shall be punished as a Class H felon.

Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper or serial. But in every prosecution therefor, the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was disavowed by him as soon as known.

No person shall be employed by any department, bureau, institution or agency of the State of North Carolina who has participated in any of the activities described in this section, and any person now employed by any department, bureau, institution or agency who has been or is engaged in any of the activities described in this section shall be forthwith discharged. Evidence satisfactory to the head of such department, bureau, institution or agency of the State shall be sufficient for refusal to employ any person or cause for discharge of any employee for the reasons set forth in this paragraph. (1947, c. 1028; 1953, c. 675, s. 2; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14.)
Session laws vs. Statutes

- Laws and resolutions passed by the General Assembly
- Arranged in the order in which they became law during session of the legislature
- Each law that has been ratified and signed is “chaptered”
- Session law chapters often confused with General Statute chapters

**Session law citation form:**
- 1941-37
- 1941 ch.37
- 1941 S.L.37
Anatomy of a statute

Article 4.
Subversive Activities.

§ 14–11. Activities aimed at overthrow of government; use of public buildings.

It shall be unlawful for any person, by word of mouth or writing, willfully and deliberately to advocate, advise or teach a doctrine that the government of the United States, the State of North Carolina or any political subdivision thereof shall be overthrown or overturned by force or violence or by any other unlawful means. It shall be unlawful for any public building in the State, owned by the State of North Carolina, any political subdivision thereof, or by any department or agency of the State or any institution supported in whole or in part by State funds, to be used by any person for the purpose of advocating, advising or teaching a doctrine that the government of the United States, the State of North Carolina or any political subdivision thereof should be overthrown by force, violence or any other unlawful means.

(1941, c. 37, s. 1)


Any person or persons violating any of the provisions of this Article shall, for the first offense, be guilty of a Class 1 misdemeanor and be punished accordingly, and for the second offense shall be punished as a Class H felon. (1941, c. 37, s. 2; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1, c. 179, s. 14; 1993, c. 539, s. 11; 1994, Ex. Sess., c. 24, s. 14(c.).)

§ 14–12.1. Certain subversive activities made unlawful.

It shall be unlawful for any person to:

(1) By word of mouth or writing advocate, advise or teach the duty, necessity or propriety of overthrowing or overturning the government of the United States or a political subdivision of the United States by force or violence; or,

(2) Print, publish, edit, issue or knowingly circulate, sell, distribute or publicly display any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that the government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means; or,

(3) Organize or help to organize or become a member of or voluntarily assemble with any society, group or assembly of persons formed to teach or advocate the doctrine that the government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means.

Any person violating the provisions of this section shall be punished as a Class H felon.

Whenever two or more persons assemble for the purpose of advocating or teaching the doctrine that the government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or instigation, shall be punished as a Class H felon.

Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper or serial. But in every prosecution therefor, the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was disavowed by him as soon as known.

No person shall be employed by any department, bureau, institution or agency of the State of North Carolina who has participated in any of the activities described in this section, and any person now employed by any department, bureau, institution or agency and who has been or is engaged in any of the activities described in this section shall forthwith be discharged. Evidence satisfactory to the head of such department, bureau, institution or agency of the State shall be sufficient for refusal to employ any person or cause for discharge of any employee for the reasons set forth in this paragraph.

(1947, c. 1028. 1953, c. 675, s. 2; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14.)
Statutory History in Practice
Method One: Run Through Session Law

• Locate statute – look at notes, hasn’t changed since enacted in 1941

§ 14-11. Activities aimed at overthrow of government; use of public buildings.
It shall be unlawful for any person, by word of mouth or writing, willfully and deliberately to advocate, advise or teach a doctrine that the government of the United States, the State of North Carolina or any political subdivision thereof shall be overthrown or overturned by force or violence or by any other unlawful means. It shall be unlawful for any public building in the State, owned by the State of North Carolina, any political subdivision thereof, or by any department or agency of the State or any institution supported in whole or in part by State funds, to be used by any person for the purpose of advocating, advising or teaching a doctrine that the government of the United States, the State of North Carolina or any political subdivision thereof should be overthrown by force, violence or any other unlawful means. (1941, c. 37, s. 1.)

§ 14-12. Punishment for violations.
Any person or persons violating any of the provisions of this Article shall, for the first offense, be guilty of a Class 1 misdemeanor and be punished accordingly, and for the second offense shall be punished as a Class H felon. (1941, c. 37, s. 2; 1979, c. 760, s. 3; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14; 1993, c. 539, s. 11; 1994, Ex. Sess., c. 24, s. 14(c).)
Statutory History in Practice
Method Two: Superseded Statutes

• Pre-1943
  – Compiled ~every 20 years
  – Look at compilation, then session laws

• Post-1943
  – Consisted of bound volumes updated by annual or biennial cumulative supplements.
  – Supplements only contained text of laws that were actually changed in intervening years
  – Volumes occasionally recompiled and re-published with all changes noted in supplements
  – Formats and update methods have changed over time
Statutory history

- Patron wants 1987 law
  - Bound volume published in 1983
  - No changes between 1981 and 1993, so use 1983 volume

- Patron wants 1980 law
  - Use 1979 supp

§ 14-12. Punishment for violations.

Any person or persons violating any of the provisions of this Article shall, for the first offense, be guilty of a Class I misdemeanor and be punished accordingly, and for the second offense shall be punished as a Class H felon. (1941, c. 37, s. 2; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1, c. 179, s. 14; 1993, c. 539, s. 11; 1994, Ex. Sess., c. 24, s. 14(c).)
Where to find Superseded Statutes?

- Government and Heritage Library
- Supreme Court of North Carolina
- North Carolina Legislative Library
- Academic Law Libraries
  - All in state law libraries
  - Many out of state law libraries have them in microfiche
Questions?
Legislative History: Step by Step

Follow legislative process in reverse - intent

Step 6: Governors papers, etc...

Step 5: Study Commission reports

Step 4: Committee minutes

Step 3: Floor debates

Step 2: Journal/online bill histories

Step 1: Session laws
Step One: Legislative History

Session laws – complete run for statutes

Session law title

Bill number

Preamble

Ratification date
Step Two: Legislative History

- Journal/online bill histories
  - Early journals at www.archive.org
  - Use bill number to find:
    - Date legislation was introduced
    - Sponsor
    - Committee to which it was assigned
  - Follow bill in the originating chamber
    - Bill number will stay the same when it crosses over to the other chamber
### House Bill 955 / S.L. 1995-731

**1995-1996 Session**

## CHARTER SCHOOLS

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**Status:** RATIFIED CH 0731 on 06/21/1996

**Sponsors**

- **Primary:** Stephen Wood;
- **Co:** N/A

**Attributes:**
Public; Text has changed;

### History

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Step Three: Legislative History

- Floor debates
  - Limited availability
  - Senate: 1977 – current
  - In tape/CD format
  - House: 2009 – current

http://ncleg.net/Audio/Audio.html
Step Four: Legislative History

- Committee Meetings
  - Available at Legislative Library
  - Many are summary minutes
  - Some have legislative analyst reports or presentations attached
  - Can get clues for further research from who attended meetings
Step Five: Study reports

Article 25
Public Transportation Authorities.

§ 160A-575. Title.
This Article shall be known and may be cited as the "North Carolina Public Transportation Authorities Act" (1977, c. 465; 1979, 2nd Sess., c. 1247, s. 45.)

As used in this Article, unless the context otherwise requires:
(1) "Authority" means a body corporate and politic organized in accordance with the provisions of this Article for the purposes, with the powers and subject to the restrictions hereinafter set forth.
(2) "Governing body" means the board, commission, council or other body, by whatever name it may be known, in which the general legislative powers of the municipality are vested.
(3) "Municipality" means any county, city, or town of this State, and any other political subdivision, public corporation, authority, or district in this State, which is or may be authorized by law to acquire, establish, construct, enlarge, improve, maintain, own, and operate public transportation systems.
(4) "Municipality's chief administrative official" means the county manager, city manager, town manager, or other person, by whatever title he shall be known, in whom the responsibility for the municipality's administrative duties is vested.
(5) "Public transportation" means transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service.
(6) "Public transportation system" means, without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (1977, c. 465; 1979, 2nd Sess., c. 1247, s. 45.)

§ 160A-577. Creation; membership.
A municipality may, by resolution or ordinance, create a transportation authority hereinafter sometimes referred to as the "authority." It shall be a body corporate and politic. It shall consist of up to 11 members as determined by the governing body of the municipality.
Members of the authority shall reside within the territorial jurisdiction of the authority as hereinafter set out. They shall be appointed by the governing body of the municipality. The terms of the members shall be fixed by the governing body. Appointments to fill vacancies occurring during the regular terms shall be made by the governing body. The appointments of all members shall run until their successors are appointed and qualified.
The members of the authority shall elect a chairman and vice-chairman from the membership of the authority. They shall also elect a secretary who may, or may not, be a member of the authority.
A majority of the members shall constitute a quorum for the transaction of business and an affirmative vote of the majority of the members present at a meeting of the authority shall be required to constitute action of the authority. Members of the authority shall receive such compensation, if any, as may be fixed by the governing body of the municipality. (1977, c. 465; 1979, 2nd Sess., c. 1247, s. 45.)

§ 160A-578. Purpose of the authority.
The purpose of the authority shall be to provide for a safe, adequate and convenient public transportation system for the municipality creating the authority and for its immediate environs, through the granting of franchises, ownership and leasing of terminals, buses and other transportation facilities and equipment, and otherwise through the exercise of the powers and duties conferred upon it. (1977, c. 465; 1979, 2nd Sess., c. 1247, s. 45.)
Step Five: Legislative History

- Study Commission Reports
  - List of reports - [http://nclegnet/library/Collections/studies/studies.html](http://nclegnet/library/Collections/studies/studies.html)
  - Most are available at GHL

**LOCAL MASS TRANSIT**: Report to the 1977 General Assembly of North Carolina -- Legislative Research Commission: Committee on Local Mass Transit [01/01/1977]

HE 309 .N8 N6 1977


KFN 7680 .M67 A25 1993 (2 c.)

**MOTOR VEHICLE INSPECTION PROGRAMS**: Report to the 1985 General Assembly of North Carolina -- Legislative Research Commission: Committee on Motor Vehicle Inspections [01/01/1985]

KFN 7697.4 .N8 1985
Step Five-A: Other studies

- Third party studies

Report on a survey of the organization and administration of the state government in North Carolina

Title:

Author:

Publisher:

Description:
xviii, 323 p. : 2 diagr. (1 fold.) ; 23 cm.

Format:
Text

Subjects:
State governments.
North Carolina--Politics and government.

Contributor(s):
Seidemann, Henry P.

Notes:
"This survey was made under the immediate direction of Mr. Henry P. Seidemann"--P. vii.
The survey was requested by Governor Gardner of North Carolina.

OCLC/Other No:
(OCoLC)05871416

 Holdings Information
Location:
General Collection
Call Number:
353.9756 B672r
Status:
Checked in
Step Six: Legislative History

- Governors Papers – State Archives
- Private collections of papers
- Biennial/Annual Reports of State Agencies
- Newspapers – Microfilm available through ILL
  - Search by Date of introduction or ratification
  - Search for Sponsor
  - Major industries/location impacted by legislation
  - AND…
19th century papers often published daily proceedings
Newspapers at the GHL

Government and Heritage Library Online Catalog

Search Options:
- Basic search
- Advanced search
- New materials

Additional Options:
- Log in to use your saved preference
- Review your library account
- How to use the Library Catalog (Help)

Go to: go.dcr.state.nc.us
GHL Holdings

- Legislative journals
- Session laws
- Superseded statutes
- Current statutes
- Study reports
- Published governors papers
- Agency reports
- Newspapers

Online catalog: [go.dcr.state.nc.us](http://go.dcr.state.nc.us)
NC Digital Collections: [digital.ncdcr.gov](http://digital.ncdcr.gov)
[ncgovdocs.org](http://ncgovdocs.org)
NC State Government Publications

North Carolina State Government Publications Collection

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- Budgets & Financial Statements
- Education
- Environment
- Health
- Transportation
- Public Documents of North Carolina
- Session Laws
- Statistics
- Audio & Video
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北 Carolina State Government Publications Collection

ENSURING DEMOCRACY THROUGH DIGITAL ACCESS

Find out about the making of this collection and keep up to date on the latest news. Read More

www.ncgovdocs.org
Session Laws of North Carolina

Created by Jennifer Davison, Steve Case and Cathy Martin

The North Carolina State Government Publications Collection has the digital versions of the Session Laws of North Carolina from 1817 to 2000. They were digitized as part of the Ensuring Democracy through Digital Access grant. Session Laws are also available from the General Assembly’s web site. The print versions of the Session Laws are also available for use at the Government and Heritage Library, call number Z21:

What are the Session Laws? They are all the ratified (agreed upon) bills and resolutions in a given session of the North Carolina General Assembly, which is our state legislature, arranged in the order in which they became law. They are published in the official Session Laws of North Carolina volumes. From 1975-2005, Executive Orders from the Governor were also included in each volume. Each volume has a subject index.

How are they different from the General Statutes? The General Statutes of North Carolina is the official North Carolina legal code, a collection of the statewide laws in force at the time of publication.
North Carolina General Assembly

http://www.ncleg.net
http://www.ncleg.net/Library
Legislative History in North Carolina

Go To
GENERAL INTRODUCTION
   Federal Overview
   North Carolina Overview
NORTH CAROLINA LEGISLATIVE HISTORY
   Recommended Changes to Law
   Versions of Bills
   Standing Committee Minutes
LOCATING EXTRINSIC SOURCES IN RALEIGH

GENERAL INTRODUCTION

A legislative history is a compilation of documents which were produced during the process of a bill becoming a law. Insofar as legislative history reveals legislative intent, it may aid courts and agencies in determining questions of statutory construction.

Federal Overview

During the process of a bill becoming a public law, Congress produces an extensive collection of documents that comprise the legislative history of the law. The most important of these documents include:

1. variations in the text of the bill between introduction and passage;
2. hearings by Congressional committees;
3. reports of Congressional committees;
4. debates on the floor of Congress;
5. Presidential messages upon approval or veto.

Descriptions of each of these items, their relative weights, and the tools used in compiling them can be found in standard texts on legal research, such as Morris L. Cohen, How to Find the Law (9th ed., West 1989).

Questions/Contact

Reference inquiries
S1nc.reference@ncdcr.gov
Ref Desk: 919-807-7450
Website: statelibrary.ncdcr.gov/ghl

Access Services
Steve.case@ncdcr.gov
919-807-7466

Outreach Services
rebecca.hyman@ncdcr.gov
919-807-7454

Keep connected:
facebook.com/ncghl
twitter.com/ncpedia
ghlblog.org
Upcoming Webinars

- November 16: Maps and geospatial information from the federal government with Marcy Bidney, Penn State
- December (date TBD): Women Veterans Historical Project with Beth Ann Koelsch, UNCG
- January 5: Creative Commons with Rosalind Tedford, Wake Forest University
- Spring: International organizations and more!

Brought to you by the North Carolina Library Association’s Government Resources Section. Join us! http://www.nclaonline.org/government-resources