LEGISLATIVE HISTORY

A Beginner’s Guide to Louisiana Legislative History
Overview

- What is Legislative History?
- Why is it valuable?
- How to navigate through legis.la.gov
- Important Contacts
Definition

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

  Legislative history is sometimes recorded so that it can later be used to aid in interpreting the statute.

Black’s Law Dictionary

9th ed. 2009

Bryan A. Garner Ed.
Legislative History Vs. Statutory History

- **Legislative history.** Puts a law into context and helps interpret what the Legislature intended when drafting the law.

- **Statutory History.** Refers to prior statutes governing the same subject matter, and how the applicable statute has changed over time.
Debate Over Usability: Intention Vs. Text

Legislative history can be controversial. Legislature is a hydra-headed body whose members may not share a common view of the interpretative issues likely to be engendered by a statute they are considering enacting.

The text of the statute constitutes the law—and not the intent of those who voted for it.

Legislative History helps to aid in interpreting the law. It focuses on intention.
WHY IS IT VALUABLE?

Unique form of secondary legal authority:

- Used to decipher the exact meaning behind an ambiguous statute or statutory provision
- Extrinsic aid – can be used to bolster an attorney’s argument and courts can use when interpreting a statute
What is a Legislative History?

- Comprised of all the official sources that are produced before the bill becomes a law

  - Versions of the bill
    - Comparing versions of the bill as it progressed through the legislative process may help in determining intended meaning by examining changes/additions

  - Minutes of or audio/video recording of committee hearings on the bill
    - Committee reports are usually considered the most important legislative documents and contain more analysis to illuminate legislative intent.

  - Calendar (chronological history of each instrument)/Journal entries

  - Defeated/Adopted amendments, conference committee reports, committee testimony, debates and actions, floor debates and actions and Governor’s messages and actions
Legislative histories are not pre-written. They must be compiled by the researcher from many different sources and materials. A pre-written history is the exception and not the rule.

Remember...
Basic Steps to Follow:

Step 1
- Identify the statutory section you want to research

Step 2
- Determine what bill and when the statutory language was enacted

Step 3
- Trace the bill’s movement through the legislative process

Step 4
- Listen to audio recordings of legislative discussion such as committee meetings and floor debates

Step 5
- Compare all versions of the bill

Step 6
- Consult additional documents, such as legislative journals, interim committee reports, newspapers
2013 Regular Session
Law passed that made it a crime to publicly identify concealed gun permit holders or applicants

Begin with statutory law and work backwards OR can work from a bill #
Louisiana Revised Statutes

DEPARTMENT OF PUBLIC SAFETY

R.S. 40:1379.3

Acts 2001, No. 574, § 1, in part (C), (D), and (E). This Section shall become effective upon approval by the Governor.

The Governor, by order, may authorize the Department of Public Safety to issue a concealed handgun permit to an applicant who meets the requirements of this Section.

The Department of Public Safety shall determine whether an applicant is qualified to receive a concealed handgun permit.

§ 1379.3.1. Concealed Handgun Permit Fund; assessment and disposition of fees

A. (1) The Department of Public Safety and Corrections shall assess a fee not to exceed one hundred dollars for a concealed handgun permit for a term of four years, to be submitted with the application to cover administrative costs of the investigation and other services required to process and issue the permit. An additional fee of fifty dollars may be assessed in association with the background check of an individual who resided outside of the state of Louisiana at any time during the fifteen years prior to submission of the application.

B. Fees received by the Department of Public Safety and Corrections shall be deposited into the state treasury as established by law and shall be used solely for the administration of the concealed handgun permit program.
Unofficial Sources of Legislative History

- Louisiana State Law Institute minutes
- Law review articles
- Newspaper articles &
- Other similar sources
Helpful Legislature Links

![Louisiana State Legislature Website](image-url)
Helpful Legislature Links

State Legislature

Bill Questions
1. How do I get information on a bill?
2. How do I view the text of a bill?
3. How do I find a bill if I don't know its number?
4. How does a bill become law in Louisiana?
5. How do I find out what all of these abbreviations mean?

Committee Questions
1. How do I view the broadcasts of committee meetings?
2. How do I get the schedule and the agendas of committee meetings?
3. How do I sign up to receive email notification of committee meetings?

Legislator Questions
1. How do I determine who my legislator is?
2. How do I contact my legislator?
3. How do I view the district map for each legislator?

"My Legis" Questions
1. What is "My Legis"?
2. How do I create an account?
3. How do I change my account information?
4. What if I forget my password?
5. Can this site remember my account information and automatically log me in?
6. How do I see my tracking list?
7. How do I add legislation to my tracking list?
8. What are the eyeball icons on meeting agendas and search results?
9. Where did my tracking list go?

Law Questions
1. How do I prompt a legislative history?
2. How do I view Louisiana's laws?
Locating Resources

- 1997-current Everything except committee minutes can be found on the Legislature website
- Video of house committee meetings is available online back to 1999. Senate videos are available from 2008 and on.
- House Docket 225-342-6458
- Senate Docket 225-342-2365
- Louisiana State Archives 225-922-1209
Helpful Links

- Law Library of Louisiana
  - Legislative History Research Guide and other resources
How a Bill Becomes a Law

1. First Reading (Introduced in House)
2. Second Reading (Referred to Committee)
3. Committee Hearing
4. Committee Report
5. Third Reading (Bill debated on Floor)
6. Vote on Final Passage
7. Passed - Sent to Senate
   - Failed - May Be Reconsidered or May Receive No Further Action
8. Bill reviewed by Legislative Bureau
9. Bill debated on Floor (Third Reading)
10. Vote on Final Passage
    - Passed - Sent to House
    - Failed - May Be Reconsidered or May Receive No Further Action
11. If Bill returned without amendments, sent to governor
    - If returned with amendments and House concurs, Bill sent to governor
    - If Bill returned with amendments and House rejects, sent to Conference Committee
12. Governors signs* - Bill becomes an Act
   - If governor vetoes, but then two-thirds of both houses approve Bill - Bill becomes an Act
   - If governor does not sign or veto within the constitutionally prescribed time period - Bill becomes an Act
13. Acts enacted during regular sessions become effective on August 1 or on effective date stated in the Act and
   Acts enacted during extraordinary sessions become effective on the 60th day after adjournment or on an effective date stated in the Act

* Joins, concurrent, and other resolutions of the legislature do not require the signature of the governor to become effective
It's QUESTION TIME!!
Contact Information:

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