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.
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

Concealed Handgun Permit Fund; assessment and disposition of fees

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

Historical and Statutory Notes

Library References

C.J.S. Section 399, pp. 1-3.
U.S. Supreme Court, 177 U.S. 201,
1900.

§ 1379.4. Reserve officer's commission; powers and duties

It is expressly provided that there be used in the reserve officer's training, experience, and skills of reserve state police officers to aid in the enforcement of these sections.
Unofficial Sources of Legislative History

- Louisiana State Law Institute minutes
- Law review articles
- Newspaper articles
  &
- Other similar sources
Additional Documents…

http://www.nola.com/politics/index.ssf/2013/06/gun_control_bobby_jindal_law.html


http://gov.louisiana.gov/index.cfm?md=newsroom&tmp=detail&articleID=4109
Helpful Legislature Links
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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

First Reading (Introduced in House) → Second Reading (Referred to Committee) → Committee Hearing → Committee Report → Third Reading (Bill debated on Floor)

Committee Report → Committee Hearing → Referred to Committee (Second Reading) → Introduced in Senate (First Reading) → Passed - Sent to Senate or Failed - Maybe Reconsidered or May Receive No Further Action

Bill reviewed by Legislative Bureau → Bill debated on Floor (Third Reading) → Vote on Final Passage → Passed - Sent to House or Failed - Maybe Reconsidered or May Receive No Further Action

Governorsigns* - Bill becomes an Act or If governor vetoes, but then two-thirds of both houses approve Bill - Bill becomes an Act or If governor does not sign or veto within the constitutionally prescribed time period - Bill becomes an Act

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 effective date stated in the Act

* Joint, 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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