

Utah Legislative History Research Tips

by Mari Cheney

Researching legislative history can be daunting. It is often a multimedia experience that includes print, online, and audio resources. You may have to visit more than one place, including your law library, the Archives, and Capitol Hill. A renumbered code section can complicate your research. And sometimes you will go through the entire process and have no more insight into what the legislature's intent was than when you started.

Don't be discouraged. Here are some tips to help you through the process.

Know What Resources to Use

A complete legislative history includes all documents and audio files related to the introduction and passage of a law. Be sure to look at both House and Senate documents, regardless of where the bill was introduced. These documents can include:

- Bill proposal by legislator, lobbyist, citizen, or special interest group
- Bill request to the Office of Legislative Research and General Counsel
- Draft of bill to the Rules Committee
- Standing Committee reports and hearings (including audio tapes)
- Floor debate and votes (including audio tapes)
- House and Senate Journals
- House and Senate versions of bill
- "Enrolled" (final version) bill
- Governor's action
- Session law(s)
- Annotated version of the law as it appears in the Code

Don't Reinvent the Wheel

Check law review articles for legislative histories and in-depth discussions of Utah legislation. Your best bet would be to search the journals of the J. Reuben Clark Law School at Brigham Young University and the S.J. Quinney College of Law at the University of Utah. HeinOnline, LexisNexis, or Westlaw can be used to search

for articles that discuss legislative histories and Utah legislation.

Understand the Utah Code

The Utah Code Annotated was completely recodified in 1953. Since then, the Utah Code has been updated with pocket parts, supplements, and replacement volumes. The Utah State Law Library, Brigham Young University Howard Hunter W. Law Library, and University of Utah S.J. Quinney Law Library should all have superseded versions of the Utah Code.

What we call the Utah Code today was also known as the *Revised Statutes of Utah* and the *Compiled Laws of Utah* in the past. The Laws of Utah (session laws) or House and Senate Journals may refer to the Utah Code by these other names. Also, the term "bill" is often used interchangeably with statute, law, and code.

Start Your Research With the Current Code and Work Your Way Back in Time

- Check the history line after the law in the current edition of the annotated Code. This provides information about the original enactment and all subsequent amendments.
- Use the history information to get session law information (chapter and section) for the dates you are interested in researching.
- Check the Laws of Utah (session laws) to get the House or Senate bill number and date of passage.
- If the law was enacted in 1990 or later, search the legislature's website (<http://le.utah.gov>) for history information.
- If the law was enacted before 1990, use the print House and Senate Journals to find more information about the bill, including which committees handled it.

MARI CHENEY is the reference librarian at the Utah State Law Library. She has a JD from American University, Washington College of Law, and an MLIS from the University of Washington. She welcomes questions and comments about this article at maric@email.utcourts.gov.



- Identify whether audio material is available. This may include committee hearings and floor debates.

Vary Your Research Strategy When Researching Older Statutes

The steps above can vary slightly if you're researching older statutes because fewer resources are available (such as audio recordings and meeting minutes) and the books have fewer finding aids.

The House Journal didn't include an index until 1901; the Senate Journal didn't have one until 1899. Additionally, both the House and Senate journal didn't include indices in 1905 and 1907. The only way to locate information in the House and Senate Journals during the years without indices is to scan the pages for references to your bill.

House and Senate Journals are organized chronologically, so you can start your search for references to a bill with the passage date and work your way backwards. Luckily the early House and Senate Journals are relatively thin volumes.

Put the Law in Context

The Laws of Utah and the Utah Code are organized differently. The Laws of Utah are organized chronologically. The Utah Code is organized by chapter and section number under a subject heading.

Once a bill has been signed into law, the Office of Legislative Research and General Counsel determines where provisions of the bill belong in the Utah Code. Provisions can be split up, so

that pieces of the new law appear in different parts of the code. This is another reason why reading the final version of a bill in the session law is useful. If you are looking for context, reading the bill in the session law is useful because you can see what other laws were included in the bill.

Use Research Guides to Locate Information

Legislative Research Library and Information Center, Legislative History Research Resources, available at <http://le.utah.gov/documents/researchresources.pdf>

University of Utah S.J. Quinney College of Law, Utah Legislative History, available at http://www.law.utah.edu/_webfiles/library/UT_Leg_Hist08.pdf

Utah State Archives, Legislative Intent and Legislative History, available at <http://historyresearch.utah.gov/guides/leghist.htm>

Utah State Law Library, Research Guide: Utah Legislative Resources, available at http://www.utcourts.gov/lawlibrary/docs/legislative_website.pdf

Ask a Law Librarian for Help

Utah State Law Library
Matheson Courthouse
450 South State Street
Salt Lake City
801-238-7990
library@email.utcourts.gov
<http://www.utcourts.gov/lawlibrary/>

Howard W. Hunter Law Library
Brigham Young University
J. Reuben Clark Law School
256 J. Reuben Clark Building
Provo
801-422-3593
<http://lawlib.byu.edu/>

S.J. Quinney Law Library
University of Utah
332 South 1400 East
Salt Lake City
801-581-6438
<http://www.law.utah.edu/library/>

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