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The Gov Doc/SIS Business Meeting in San Diego will be held on Tuesday, July 3 from 7:00-9:00 a.m.

The following San Diego programs are being sponsored by the Gov Doc/SIS:

Patents Searching - Advanced, Monday, July 2, 4:30-6:00 p.m., presented by Tom Fleming.
Patents Searching - Basic, Monday, July 2, 4:30-6:00 p.m., presented by Stuart Basefsky.
Newspeak: Standardization of Citation to Computer, Tuesday, July 3, 2:30-4:00 p.m., presented by Robert J. Nissenbaum, Byron D. Cooper, William H. Lindberg and John R. Johnson.
Information Dictatorship? Part III: Availability of Government Information On-line, Wednesday, July 4, 10:30-12:00 noon, presented by Sally Holterhoff, Anita Schiller and Steve Margeton.

The officers are always looking for volunteers to participate in the activities of the SIS. Please be thinking about what you would like to serve on in the following year. The current committees of the GD/SIS are Citation Reform and Revision, Depository Action Committee, Nominations and Elections and Program Planning. The SIS also publishes a newsletter, JURISDOCS. In addition, we also publish a number of bibliographies of state publications each year. Please plan to volunteer! For information contact Linda Fariss, Law Library, Indiana University, Bloomington, IN 47405 (812) 335-9666.
At 7 a.m. on Tuesday, Judy Gecas, Chairperson, called the meeting to order. There were twenty-nine members present. The state bibliographies for New Mexico, Oklahoma and Texas were available for those present, as well as handouts from the Monday night program on state bibliographies.

The minutes of the 1982 GD/SIS meeting appeared in JURISDOCS, vol.5, no.1, so they were not read. The Treasurer reported that the financial condition of the section was much improved from last year's balance of $21.18, due mainly to the successful sale of the state bibliographies. Income from the state bibliographies and from subscriptions to JURISDOCS was $1575 and dues brought in $777.50, for a total income of $2352.50. Expenditures of $1136.33 were for convention costs, newsletters, and printing of bibliographies, leaving a current balance of $1386.35. This will permit the SIS to assume some future costs of printing and mailing which have been donated generously by our institutions in the past.

Nominations and Elections Committee Chairperson, Jane Strable, announced that the newly elected officers are Linda Pariss, Vice Chairperson/Chairperson Elect and Susan Dow, Secretary/Treasurer. 176 ballots were cast. One was invalid. In accordance with the bylaws, a motion was called for to destroy the ballots. It was so moved and seconded.

Stuart Basefsky, reporting for the Committee on Citation Reform and Revision, announced that Robert Mussenbaum will chair the committee next year. Marion C. Ludwig, an Administrative Judge for the National Labor Relations Board, will publish shortly the NLRB STYLE MANUAL, containing all citation forms for NLRB materials. His first draft was reviewed by the committee. His book will contain some special cite forms and refers the reader to the "blue book" (A UNIFORM SYSTEM OF CITATION, 13th ed.) for general legal citation forms. Stuart mentioned that ABA would like to see the "blue book" become standard for the legal profession, so that courts would use a uniform citation form. He spoke about the difficulty of working with student editors, who change every year and whose phones are not covered. While the SIS should continue to advise on documents citations, he would like to see an AALL Committee on Citation formed, suggesting that AALL members have expertise in diversified subjects which, if it could be utilized, would greatly improve citation forms. Bob Mussenbaum was then introduced. He suggested that the SIS propose to the Education Committee plans for a post-conference institute to teach reference librarians how to use the "blue book". He would appreciate volunteers and suggestions for making an interesting presentation.

Marian Parker reported for the Bylaws Revision Committee that the AALL Constitution Committee has basically approved the bylaws as passed at the 1982 SIS business meeting with a few suggestions concerning rearrangement of the articles, but no changes in substance. The bylaws were accepted by the Executive Board in the new arrangement. The provision which was laid over from last year's meeting for clarification has been reworded and was presented to the SIS for approval. After a short discussion, the amended language was passed unanimously. A copy of the text is appended to this report.

Judy Gecas thanked the members who contributed the state bibliographies for Oklahoma, New Mexico, and Texas. Kay Schlueter was present and was applauded. A revision of the California bibliography is planned for next year. Other western states to be covered may be Nevada, Arizona, Oregon and Washington. The bibliographies have been so popular that the decision has been made to cover the remaining states more quickly, if possible. Bibliographies in print are available at $5 each, from Eme House, University of Michigan Law Library.  

cont'd
Judy proposed a change in JURISDOCS from a general SIS newsletter to two issues annually; for the fall issue to contain the post-convention report, and the spring issue to be devoted to a directory for the members. She pointed out that each SIS has space in the AALL Newsletter ten times a year for items of interest that reach the whole membership of AALL, and should there be something of unusual length, additional space could be purchased. This would be sufficient for reports on program planning, nomination of officers, etc. The discussion which followed was mainly negative. Someone told the experience of another SIS which tried to do a directory and met with a very poor response. Someone observed that we need specialized news and hoped that we could return to some of the regular columns and feature articles that we’ve had in the past. Another suggestion was that news from other documents organizations be included in our newsletter. The sense of the discussion was that the membership is very attached to JURISDOCS and would like to see meaty articles of a specialized nature appear there that would not be appropriate to the AALL Newsletter. Volunteer contributors are needed.

That concluded the old business. The meeting continued with Docs Update by Johanna Thompson, AALL member of the Depository Library Council to the Public Printer. A report of her remarks will appear elsewhere in JURISDOCS. As she concluded, she observed that she often feels rather isolated from the SIS and would like to see developed some formal structure for communication between the council representative and the SIS.

Speaking directly to this concern, Judy Gecas announced the formation of a new SIS committee to be headed by Lynn Foster called the Depository Action Committee. The committee will act as a clearinghouse for depository complaints and suggestions and plan action through whichever channel appears to promise the greatest effectiveness. Depository problems, especially dissatisfaction with the microfiche program, should be submitted to this committee.

In conjunction with this announcement, a resolution written by Lynn Foster to the Superintendent of Documents was read, deploring the abuses of the microfiche program and supporting the formation of new microform guidelines. After discussion about softening the tone, the resolution was adopted unanimously.

This completing the new business, Judy turned the chair over to incoming Chairperson, Marian Parker. Marian thanked the outgoing officers and greeted the new. "There are critical issues to be dealt with during the coming year and the SIS will strive to continue to move forward," she said. She urged everyone to volunteer for the various committees and projects, and to participate in the business of this coming year. The meeting was adjourned.

Respectfully submitted,

Emelyn House
Secretary.

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Appendix

APPENDIX I: Revision of bylaws approved by GD/SIS at the 1983 annual business meeting in Houston.

Article V:

Section 7. Early Vacancy.

b) If the vice-chairperson/chairperson-elect cannot assume the duties of chairperson, the GD/SIS will elect a chairperson, as specified in Article VI, Section 1 (b) and Section 2.

c) Should the office of vice-chairperson/chairperson-elect become open for any reason, such as the death, resignation, or promotion of the vice-chairperson/chairperson-elect, the office shall remain vacant until filled by the next regular election.
Explanatory notes:

1. Article V, Section 7 (b) and (c) were reserved. The section originally proposed to cover these two items was deleted from approval of the proposed revision due to lack of clarity. The two sections were revised and approved by the GD/SIS at the 1983 annual business meeting in Houston. The amended text is being forwarded to the AALL Committee on Constitution and Bylaws. It will then be forwarded to the AALL Executive Board with recommendation.

2. Articles V and VI, as originally approved by the SIS at the 1982 annual business meeting in Detroit, have been combined into Article V, with some rearrangement of sections. There has been no change in the wording of any section. Article VII, as originally approved was renumbered as Article VI. This was done for clarity after consultation with our AALL Executive Board liaison, our GD/SIS Executive Committee, our GD/SIS Committee on the Revision of the Bylaws, and the AALL Committee on Constitution and Bylaws.

APPENDIX II: RESOLUTION

WHEREAS, the U.S. Government Printing Office has sent individual microfiche issues of periodicals purportedly issued in paper format, such as Federal Probation, to depository libraries, and it is difficult or impossible to obtain these issues in paper format; and

WHEREAS, the U.S. Government Printing Office has sent random individual microfiche volumes of federal administrative decisions purportedly issued in paper format, such as the Federal Power Commission Decisions and the Interstate Commerce Commission Reports, to depository libraries, and it is expensive and difficult to obtain these volumes in paper format; and

WHEREAS, the U.S. Government Printing Office has sent microfiche supplements for paper looseleaf services, such as Proving Federal Crimes and the United States Attorneys Manual, thus severely impairing use of these services, and it is often impossible to obtain the supplements in paper format; and

WHEREAS, the List of Classes, which is used as an authoritative source by documents librarians, contains errors in format designations and cannot be relied upon; and

WHEREAS, by these practices the U.S. Government Printing Office is impairing the purpose of the depository program, by causing libraries to purchase materials which they should have received in paper format and to spend inordinate amounts of time processing and directing users to these anomalous microfiche issues, and by impeding citizens who wish to use legal materials,

THEREFORE NOW LET IT BE RESOLVED, that the AALL Government Documents Special Interest Section urges the Government Printing Office to end these practices and henceforth send only paper issues of titles depository libraries are supposed to receive in paper format; and be it

FURTHER RESOLVED, that the AALL Government Documents SIS urges the Government Printing Office to correct the List of Classes to accurately reflect the format of government documents classes and to promptly adopt and implement the new Guidelines which appear to alleviate the above problems.

-Submitted by Lynn Foster
-Revised by AALL GD/SIS
-Approved by AALL GD/SIS
6/28/83

-5-
NOW AVAILABLE

ANNUAL STATE DOCUMENTS BIBLIOGRAPHY SERIES

1. Ranharter, Kathryn.
THE STATE OF CALIFORNIA: AN INTRODUCTION TO ITS GOVERNMENT PUBLICATIONS AND RELATED INFORMATION. 1979.

2. Aldrich, Patricia, Kit Kreilick and Anne Maloney.
A LAW LIBRARIAN'S INTRODUCTION TO MISSOURI STATE PUBLICATIONS. 1980.

SELECTED INFORMATION SOURCES FOR THE DISTRICT OF COLUMBIA. 1981.

4. Davis, Lynda C.
AN INTRODUCTION TO MARYLAND STATE PUBLICATIONS FOR THE LAW LIBRARIAN. 1981.

5. Aycock, Margaret, Jacqueline Lichtman and Judy Stinson.
A LAW LIBRARIAN'S INTRODUCTION TO VIRGINIA STATE PUBLICATIONS. 1981.

6. Yoak, Stuart D. and Margaret A. Heinen.
MICHIGAN LEGAL DOCUMENTS: AN ANNOTATED BIBLIOGRAPHY. 1982.

7. Fariss, Linda L. and Keith A. Buckley.
AN INTRODUCTION TO INDIANA STATE PUBLICATIONS FOR THE LAW LIBRARIAN. 1982.

8. Wagner, Patricia D.
GUIDE TO NEW MEXICO STATE PUBLICATIONS. 1983.

9. Corcos, Christine.

10. Allison, Malinda and Kay Schlueter.
TEXAS STATE DOCUMENTS FOR LAW LIBRARIES. 1983.

Price: $5 each. Make check payable to GOVERNMENT DOCUMENTS/SIS
Send remittance to GOVERNMENT DOCUMENTS/SIS
Attn: Emelyn House
The Law Library
The University of Michigan
Ann Arbor, MI 48109-1210
PROGRAMS

LEGISLATIVE INTENT: OR WHAT DO THEY DO WITH THOSE LEGISLATIVE HISTORIES AFTER YOU'VE COMPILED THEM? Program sponsored by GD/SIS. Moderator: Marian Parker.

LEGISLATIVE HISTORIES: State of the Art and View of the Future.

Panelist: Michael Gehring, President
FDR Online, Inc.
Washington, D.C.

Michael prefaced his remarks by saying that as far back as 1948, legislative histories were becoming a way of life, and that today the compilation and use of legislative histories is a growth industry.

And what does the future hold? We quote Michael, "I would like to be able to tell you that in our careers we will see the day when an attorney will sit down at a terminal, enter any U.S.C. citation, and instantly have available for review all pertinent sections from all related bills, all reports, all prints, all documents, all floor debates, all executive branch comment, and all testimony and communications, published and unpublished. As we all know, however, that day is not likely to be, for we will never be able to train most attorneys to sit down at a terminal to do anything!"

"It is certain, however, that more and more legislative materials will be converted to machine readable form, and that the indexing and identification of the materials that constitute legislative histories will continue to improve with rather surprising rapidity in the near future. The day when the major Washington law firms will stop getting copies of every bill, report, document and print may be a long time in coming, but the way most of the rest of the world discovers and examines legislative intent is rapidly changing."

For a discussion of methods and tools for compiling legislative histories in the traditional way, Michael recommended Folsom, Gwenolyn B., Legislative History: Research for the Interpretation of Laws, Charlottesville, U. Press of Va., [1972]. He then mentioned the well-known commercial services, including a reference to Nancy Johnson's AALL publication,

Sources of Compiled Legislative Histories.

"By now," Michael continued, "most of you are probably suppressing the urge to cry out, 'but what about online databases?' Indeed, if ever a topic was subsumed with sound and fury, this is it. In the past three years, the business of producing federal and state legislative status databases has grown and collapsed like a supernova, and is now growing again. All the companies involved have correctly deduced, as I am sure all of you have also, that the legislative history field is antique, outdated, paperladen, and ripe for automation. The problem is that the task is nearly Sisyphean, and no company has yet produced a bill identification and status system that adequately serves the needs of the legal community or that works as well as the Congress' own system, LEGIS. That is a problem, because no one can use LEGIS except Congress and people within commuting distance of the Library of Congress. (At this point, as an aside, I could pretend that I'm Matt Lesko, and tell you that free government information is available for the cost of a telephone call. The Bill Status Office, whose number is 202-225-8646, will answer reasonable requests for bill identification and status reports, and even produce printouts that will be held for you to pick-up. Free. The only hitch is that you have no control over the search, and that, as an outsider, you are very low on the attention totem pole, and, as a result, the quality of the answers you'll get to other than very simple queries is often suspect.)
"But I digress. At present, at least four companies--Legislate, CCH, Public Affairs Information, and Legitech--produce systems that will identify bills on particular topics, and report the status of those bills with relative immediacy. Of the four, Legislate has been around the longest, and offers, in addition to the standard ability to identify bills by subject, group them into files, and then produce status reports, some interesting member-of-Congress profiling abilities of enormous value to lobbyists, but of little value in traditional, legal issue research. CCH and PAI offer the added attraction of bill identification and status for many of the bills from all 50 state legislatures. The shortcomings all four share are identical however; they all lack the ability to adequately perform detailed subject searches at every stage of a bill's progress, and a reliably up-to-date status system.

"In defense of these commercial databases, only an organization with the resources and staff equivalent to the U.S. Congress could compete with the Congress in this area. All of the commercial databases rely for subject access on either free text terms in brief official bill summaries, or broad assigned subject terms. LEGIS, the Congress' database, on the other hand, allows the use of any one of the following subject access routes: fairly detailed legislative indexing vocabulary terms; free text search capability for any term in the bill title, in the official summary, in lengthy multipage descriptive abstracts written by CRS legislative analysts at every crucial stage in the legislative process; and even on terms in the full text of public laws. The lengthy digests are written for virtually every bill by an army of attorneys and law students, and allow unparalleled subject searching. And, as far as bill status is concerned, LEGIS has the advantage of enforced reporting compliance by all committees and subcommittees with the Digest Clerk. The commercial files must rely on what appears in the Congressional Record and calendars which means that their status updates can never be as current as LEGIS. The Senate version of LEGIS has even introduced same-day floor status access this Congress--something no service can match. In addition to these features, LEGIS also allows online access to member and committee schedules, committee assignments, and free text searching of parliamentary rules and procedures.

"For their part, the commercial files all perform satisfactorily if one already has a list of bills to be monitored, and doesn't have to be the first one on the block to know when reports are issued or votes taken. Generally, these files are not retrospective in coverage, and are therefore of little use for historical research (as opposed to LEGIS, WHICH DATES BACK TO THE 93rd CONGRESS). They certainly represent a useful tool, however, for the person who has a number of bills to monitor, and no time or staff with which to monitor them.

"Finally, there exists that rarity in the legislative history field, the database that contains in a full-text searchable format the components of a legislative history. In concept, this is the next logical step beyond our bound legislative history collections. Those who have pored over pages of debate or voluminous hearings searching for some mention of how and why some obscure subsection got into a statute can understand the enormous value that a full text documentary database presents. At this time, only LEXIS has attempted to put together, on a limited scale, an online legislative history library for the commercial sector. The government has made strides in this direction also; the Surface Mining and Reclamation Act legislative history documents were put into a database by the Interior Dept. and JURIS, the government's legal database, is scheduled to soon have the full text of the legislative histories of major clean air and clean water acts--everything from bills to debates to reports to hearings. Such databases will suffer from the same problems any
present full-text database without added controlled vocabulary indexing or consistency of structure suffers--the polar possibilities of overly broad retrieval or of missing pertinent but poorly phrased material completely--but still they represent an enormous step forward toward the day when researching the legislative intent behind a statute more closely resembles method than madness.

"What can we expect of the future? As I have indicated already, the near future holds more of the same kind of progress we have recently made in the areas of better identification and control of the information and documents generated by the federal legislative process. State legislative monitoring will likely continue to improve, not only via commercial vendors, but also via the legislative status systems developed and marketed by the state legislatures themselves. I have no crystal ball, but I can tell you of a few pending improvements that may prove to be generally significant. First, Congressional Quarterly will be coming out with a new legislative status database coupled with online versions of Congress-in-Print, the Q Weekly Report, the Q Scanner, and other Congressional information, adding one more respected Congress-watcher to the family of automated databases, and perhaps easing somewhat the burden of those who must monitor bills on a daily basis.

"Second, the Congressional Record and the Congressional Record Index are being intensively automated. You may have noticed that the biweekly indexes are arriving about a month more quickly these days. This is because the entire indexing process, with the exception of the printing process, is now done electronically. The indexing for the biweekly period ending June 11, was finished and on its way to the printer June 16. The next step is to have the index searchable online, and it appears that this may be possible, at least on Capitol Hill, within the next year. The immediacy this would provide would be an obvious gain, but also, because of the way the indexing is being done, the online index would generate references to both daily and final edition page numbers. This means that some way of translating daily to annual page numbers may someday be possible. Additionally, the chances of having the full text of the Congressional Record searchable online also appears to be improving, and will be the next phase tackled after the index is online.

"Why is this important to anyone besides Congress, when LEGIS and the Congressional Record are only available on Capitol Hill? One reason is that the Joint Committee on Printing announced last month the formation of an Ad Hoc Committee on the Availability of Federal Databases to Depository Libraries, to which the Senate Rules Committee among many other federal agencies is represented. While many doomed attempts have been made in the past at getting Capitol Hill databases off Capitol Hill, hope springs eternal, and perhaps this approach, using depository libraries as the crowbar to pry these databases loose, might be successful. Having access to the subject and status searching capabilities of LEGIS, coupled with the superior file creation capabilities of the commercial legislative databases, is nearer to being a possibility than at any time in the past.

"Perhaps, ultimately, the dream I alluded to earlier, of any attorney sitting down at a terminal and pulling up the text of all relevant legislative history material, may actually come true. The question may ultimately be which is harder--getting the database online, or getting the attorney to the terminal!"
Intent/cont'd

LEGISLATIVE INTENT: A View from the Ivory Tower

Panelist: Walter F. Pratt
Associate Professor
Duke University Law School
Durham, N.C.

Professor Pratt declared that legislative histories ought to have a limited place and be used with skepticism. He maintained that they are relevant only to a very small number of Federal statutes about which doubt exists (or has been created?) as to their meaning. Most states don't provide legislative history documentation.

The only justification for legislative histories are: 1) to honor the doctrine of legislative supremacy; 2) as a vestige of the view that courts don't make law, only find it; 3) dicotomy between common law and statutory law. All of these reasons rest on the belief that intentions behind the law are to be found in legislative history. Professor Pratt calls this fiction. Only an inclination, a leaning, can be found, from which courts draw conclusions about intention. The words of the statute are the law and the further away from the statutory language one looks for meaning, the further away from the intention one is.

Congressional documents are unreliable, and ought not to be relied on.

How to use a legislative history? Read the whole law before looking at the legislative history. Don't try to do bits and pieces, read it as a whole.

How to teach compiling of legislative histories? Turn over some set problems to the library. (Sound familiar?)

LEGISLATIVE INTENT: A View for the Bar.

Panelist: Ronald D. Secrest, Esq.
Pulbright and Jaworski
Houston, Texas

An attorney has great latitude beyond the language of the statute in presenting his case. He looks at the statute and if the language is not clear, he consults the reports, debates, hearings and other documents.

Mr. Secrest used in illustration a case he had argued against the U.S. Government (and lost) concerning the price of crude oil, In re Dept. of Energy Stripper Well Exemption Litigation, before Judge Rice in the U.S. District Court in Kansas. The case revolved around the definition of "well" in the Stripper Well Amendment which was tacked onto the Alaska Pipeline Act. The advocate wanted to include a specific kind of well called an injection well. It was his argument that the purpose of the statute was to encourage domestic oil production, and he attempted to show that the inclination of the statute supported his position.

The Government's position was that control of inflation was of greater concern.

The District Court found for the plaintiffs, but the decision was reversed on appeal. The issue was unaddressed in the statute.
On appeal the Government added several points: the need to encourage the production of domestic oil was gone. Congress wanted to conserve. In addition, between decision in the trial court and the appeal, a bill had been introduced in Congress to include injection wells for the purposes of this legislation. This bill was defeated, and the Government argued that this was like a ratification of the original position. The Court of Appeals agreed.

In this instance the legislative history was used as substance for creative argument to fill gaps in the legislation. The need to draw on the record of arguments was important in both the trial court and the Court of Appeals.

LEGISLATIVE INTENT: the View from the Bench
Panelist: Judge Carl O. Bue, Jr.
U.S. District Court
Houston, Texas

Judges are generalists, not experts. They make lawyers teach what they believe the law to be. "Judges are appointed, not appointed".

To illustrate realistically how judges use legislative histories in making decisions, Judge Bue described two cases on the same point of law that had both been tried before him. And he found himself in a dilemma. He misjudged what the law is.

In *McDonald vs. Santa Fe Trail Transportation Co.*, 427 US 273, the language "as enjoyed by white citizens" was tested to see whether it applies only to minorities vs. applied across the board. Judge Bue failed to analyze the legislative history and he ruled that is was inapplicable to white citizens, the literal language of the statute. The 5th Circuit affirmed his decision and it went to the Supreme Court.

In *Spiess vs. C. Itoh & Co.(America) Inc.*, 408 F Supp 916 (1976), the case involved the same phrase, "as is enjoyed by white citizens". Whites were not promoted to managerial positions, and were presented as having no status under Civil Rights law.

Judge Bue investigated the legislative history to find inclination. The statute involved was the 1866 Civil Rights Act, passed just after the 13th amendment (slavery). Specific language was found in debate concerning the phrase, leaving no doubt that whites were included in the provision since the object was to break down discrimination. The debate concerned only whether it was necessary to spell it out in the language of the statute.

Therefore, Judge Bue determined that the legislative history didn't support his previous decision in the *McDonald* case and he flouted the 5th Circuit in the *Spiess* decision by reversing himself.

The telephone wires from the 5th Circuit and from the Supreme Court were hot, but *McDonald* was reversed in the Supreme Court in agreement with the legislative history and the decision held that the Civil Rights Act protects all whites and minorities.

Legislative histories are important, they do play a role in the outcome of cases. The legislative history of 1866 might have been missed.

Statutes of the future won't improve. They reflect political climate and legislative compromise. There should be no room for diverse interpretation. Words and what they mean are lawyers' big problem.
Compiling Legislative Histories

An evening program of the Government Documents Special Interest Section focused on discussion of compiling histories of state legislation in Texas, California, Illinois and New York, as well as strategies and sources applicable to many other states. Materials for New Jersey were also provided. (Copies of these hand-outs might be obtained by contacting the individual speakers.) Mention was made of the forthcoming new edition of Mary L. Fisher's Guide to State Legislative Materials, AALL Publication Series No. 15, published by Rothman.

Malinda Allison, of the Texas Legislative Reference Library in Austin, provided copies of "A Proposed Texas Legislative History Collection." This bibliography highlights Texas legislative history materials that are available to libraries, as opposed to materials that are archival in nature. She advised making a contact in your state capital, visiting there yourself, or inviting a state government "insider" to speak to your local law library group, both to provide expertise and to receive feedback from users of state documents. Other suggestions she offered include: (1) approach your contact people on a personal level (2) don't expect them to do your work for you; do the groundwork at your own library first; and (3) don't always rely on one source - verify information with someone else.

She suggests that law librarians in Texas (and elsewhere as well) can and should build their own legislative history collections. Often these materials must be acquired in creative ways, but once acquired they have permanent usefulness and the demand for them may be great. Law librarians could gain expertise by working with these documents and possibly be responsible for developing new methods of accessing state legislative history materials.

Since 1973, Texas has had a computerized system for recording the history of bills and for preparing indexes of introduced and passed bills. It is called Legislative Information System of Texas (LIST). In 1980 the Legislative Reference Library published a guide on compiling legislative histories, "Texas Legislative History: A Manual of Sources." A limited number of copies are available on request (contact the library in Austin).
Melody Lembke, cataloger at Los Angeles County Law Library, provided a "Legislative History Checklist for California." She said that a written record of committee hearings hardly ever exists in California. Also debates, which often result in amendments, are not recorded. This is typical of many states. Bills are drafted in California by the Legislative Council.

Ms. Lembke pointed out that a legislative history identifies the pertinent documents related to a statute and these must be interpreted to discover intent. One possible source of information to look for in researching legislative materials is names of people to contact: authors and sponsors of bills and chairmen and members of committees that considered them. She suggests that when Sheparding the code section, one should note citations to Attorney General opinions. Then one could read cited cases, their appellate papers, and law review articles to find clues to legislative history materials.


In Illinois, access to legislative history documents has improved in recent years but is still a challenge:

Reports: The General Assembly is not required to publish these and does so infrequently, mostly doing House reports. If published, they may be available from state depositories or committee chairmen.

Floor Debates: Both houses are required by law to publish transcripts. Few debates before 1971 exist; after that date, state depositories have them in microfiche.

Committee Hearings: Past records are incomplete and are kept in the state archives. Since 1975, the House records committee hearings on audio-tape, but the Senate does not do so. One must send a blank tape to the House committee chairman to get a duplicate copy made.
For tracking current legislation, the Legislative Information System (LIS) was created by the Illinois General Assembly in 1977. Its primary responsibility is to the General Assembly but public access to the data base is available to the public at no charge through the Chicago Public Library, Cook County Law Library in Chicago, and in the state capital. The LIS Bill Status System provides complete information for current bills and identifies any relevant committee hearings and commission meetings.

Joanne Scanlon, reference librarian at Cornell University Law Library, discussed research techniques and provided a detailed handout listing background materials, finding aids, and both published and unpublished sources for determining legislative intent in New York. The New York State Library published a guide called Legislative Intent in New York State: Materials, Cases and Annotated Bibliography in 1981. It is available for $5.00.

In New York a commercial service called New York Legislative Record and Index is available. It is produced by The Legislative Index Co. in Albany and is similar to CCH's Congressional Index.

The New York Law Revision Commission studies and recommends approximately twelve bills each year and produces a detailed history of those. One helpful unpublished source in New York is Governor's Bill Jackets. These consist of material collected while the governor is deciding to sign or veto a bill. They contain only memoranda and may tell more about the democratic process than about legislative intent. They indicate which interest groups were for and against a bill. They can be valuable and may be all that is available. The New York State Archives is a source for these documents, available on microfiche. Also unpublished but possibly available are debates and hearings. The handout gives sources to check.

Although no speaker was present from New Jersey, two handouts were distributed. The first consists of an article, "New Jersey
Legislative Histories," written by Robert L. Bland, Coordinator of the New Jersey State Law Library. He explains that the State Law Library has begun an on-going program of compiling legislative histories (one of the few states that does so). A search is made for the existence of any documents which would record the intent. If found, these are listed on a summary sheet. Documents which are located are either attached to the sheet or their location in the State Library is given. The completed histories are available for examination or photocopying by anyone. Histories of all new bills are prepared and older ones are done if judges or state attorneys request them.

Bland also reports that in New Jersey the most useful documents showing legislative intent are "statements," of which there are three types: sponsor's statements, committee statements, and fiscal notes. These are available also at the State Library.

Another source unique to New Jersey are "Governor's Counsel Files." These are available only to litigants in cases involving a specific statute and consist of documents examined by the counsel to the governor to determine the value of a bill before recommending that the governor sign or veto it. They are located in the State Library Archives.

The second handout, prepared by the Legislative History Librarian of the State Library, is a guide to locating compiled legislative histories in the library, or compiling one yourself if none has been done on the statute.

Sally Holterhoff
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