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RESEARCH GUIDE

RESEARCHING NORTH CAROLINA HISTORICAL AND CURRENT LEGISLATION in the Kathrine R. Everett Law Library

Many of the resources needed to research current legislation in North Carolina are available in the Law Library, in other campus libraries, or online. Only rarely will the researcher have to go to the Legislative Library in Raleigh

(<http://www.ncleg.net/Library/index.html>)

BACKGROUND INFORMATION

The following titles provide essential background information on the legislature and the law making process in North Carolina.

The General Assembly of North Carolina: A Handbook for Legislators (Law Library Stacks, KFN7821.G46 1997) includes a chapter that details the steps by which an introduced bill becomes enacted law in North Carolina. This source also contains the rules and procedures of the state Senate and House of Representatives, as well as bibliographic references to other pertinent sources.

Article II: Guide to the North Carolina Legislature (Law Library Stacks, latest edition at Reference Desk, JK4130 .A78) contains snapshot information about members of both the state Senate and House of Representatives including biographical information, party affiliation, contact information, committee assignments and voting records. Each guide covers a specific legislative session.

North Carolina Manual (Law Library Stacks, latest edition at Reference Desk, JK4130 .N673) is published biennially in and contains historical data about North Carolina; biographical information about legislators; information about state agencies, the judiciary, and county officials; election statistics; and other facts of general interest. [Available at the N.C.

Secretary of State website at

(<http://www.secretary.state.nc.us/pubsweb/manual.aspx>)

State Legislative Leadership, Committees, and Staff (Law Library Stacks JK2403 .B62) is a source containing information on committee objectives, committee leadership, and the individuals associated at the various levels of the legislative structure in each state, including North Carolina.

North Carolina Legal Research Guide (at Reference Desk, KFN7475 .M38 1994). This comprehensive guide contains most of the legal and governmental information needed to research North Carolina law.

The General Assembly of North Carolina: "How an Idea Becomes Law" is a step by step guide which outlines the process a Bill undergoes to become a law. Available online at General Assembly of North Carolina website (<http://www.ncleg.net/>). Click on the Citizen Guide tab at the top. At the bottom of the Citizen Guide page is a link for "How an Idea Becomes Law".

BILLS

Comparing the language in versions of the bill may provide valuable insight into the rationale of the legislators. All versions of bills introduced in the North Carolina General Assembly since 1939 are available in the School of Government Library. The North Carolina Collection in Wilson Library has scattered holdings of bills from 1858 to 1999. You can access bills from the 1985-1986 session to the current session through the General Assembly website (<http://www.ncleg.net/>). Click on the Legislation/Bills tab at the top. The General Assembly website provides multiple search options to help you locate a bill.

TRACKING LEGISLATION

It is important that the researcher know the committee to which a bill has been assigned, so that any action taken on the bill can be tracked and analyzed. The following sources are useful to this end.

Daily Bulletin (Rare Books Room, ask for assistance at Reference Desk, KFN7407 .D24) is a digest of actions by the North Carolina General Assembly. While current editions of the *Daily Bulletin* are collected in the Davis Library Reference area and in the School of Government Library, the Law Library's collection is limited to 1939, 1945-1956, 1957-1962 & 1965-1994. For bills from January 1995 to the present, consult the *Weekly Bulletin*, described below. [Also available online to law faculty and students through the law library's home page (<http://library.law.unc.edu/>). Go to the Research tab at the top and click on N.C. Law Sites.]

Weekly Bulletin (2nd Floor North Carolina Stacks; older editions in Rare Books Room; KFN7407 .D25) is published weekly during the sessions of the North Carolina General Assembly and gives summaries and calendar actions for each bill being considered by the state legislature.

Ratified Bills (Held in Reserve Room, ask for assistance at Circulation or Reference Desk) is a collection of final versions of bills in North Carolina, passed by both houses of the legislature and assigned a chapter number. The Law Library receives these within a few days of passage. The ratified bill shows additions and deletions made to the language and is helpful in understand the history of the bill. [Also searchable online through the General Assembly of North Carolina website (<http://www.ncleg.net/>). On the General Assembly's home page open the tab at the top called Legislation/Bills. This will lead you to a page which will give you tips for searching and finding bills. To find NCGS and Session Laws affected by ratified bills from 1997 to 2009 begin at the General Assembly's homepage. Find the Legislative Publications link on the right hand side located under NCGA Division Links. Click on Legislative Publications and then the Bill Drafting Division and then to Bills, SLs and NCGS Reports which will take you to NCGS and Session Laws affected by ratified bills 1997-2009]

Summaries of Substantive Ratified Legislation (Held in the Rare Book Room, ask for assistance at the Reference Desk, KFN7411.62 .L46) summarizes

substantive bills passed during the 1989-2008 sessions. Access is also available for the years 1999-2008 through the General Assembly of North Carolina website (<http://www.ncleg.net/>). On the left hand side click on the Legislative Publications link. From there go to the Research Division to find Summaries of Substantive Ratified Legislation.

North Carolina Legislation (Held in the Rare Book Room, ask for assistance at the Reference Desk, KFN7415 .I531) is a summary of bills passed in each session. Library has 1974-2008.

For current bill status information you can call the Legislative library at (919) 733-7778.

SESSION LAWS

The session laws, together, are a bound compilation of ratified bills.

North Carolina Session Laws (4th Floor North Carolina Reference Collection; 2nd Floor North Carolina Stacks; some older copies in Rare Books Room; KFN7425 .A22; library also has some years on microfiche) are held in hard copy for the years 1777 to the present. [Local laws are available online through the General Assembly of North Carolina (<http://www.ncleg.net/>) website beginning with the 1959 session; Public laws are available beginning with the 1983-1984 session]

North Carolina Colonial Session Laws (Microfiche; KFN7425 .A22) correspond to the years 1715 to 1776.

STATUTES

A statute set is all the public laws currently in force, arranged by subject matter.

If you do not have a bill number, then the first step in legislative history research is to find and read the appropriate statute; noting the history note at the end of the statute that will provide the session law number and lead to the bill number to which recorded drafts, debates, and summaries refer.

General Statutes of North Carolina (Law Library Stacks, at Reference Desk, and on Reserve, KFN7430 1943 .A24) is the official version published by Lexis Publishing. It contains derivation notes at the end of the statute entries, which indicate the date of initial passage as well as any subsequent amendments for

the statute. It also contains annotations noting cases that have interpreted a statute.

Locating and reading the documents listed in the derivation notes may provide all information needed to ascertain legislative intent. If, however, a careful reading of the documents listed in the notes does not provide a clear answer, it may be necessary to begin a more extensive research process. The following sections give information about other sources to consult.

West's North Carolina General Statutes Annotated (2nd Floor Law Library Stacks, at Reference Desk KFN7430 1943 .A241) is an unofficial annotated version of the general statutes offered by West publishing. The annotations include notes on cases interpreting the statutes.

The North Carolina General Statutes can also be found online through the General Assembly of North Carolina's website (<http://www.ncleg.net/>). On the right hand side is a shortcut to the general statutes. The online version does not include annotations

HOUSE and SENATE JOURNALS

Although not a verbatim account of all that transpires in each house of the legislature, these journals can be useful for constructing a bill history.

Journal of the House of Representatives of the General Assembly of the State of North Carolina (2nd Floor North Carolina Stacks; KFN7418 .H68). Library has 1860 to date (1860-67 are bound with Senate Journals). [Current House Journals are available online through the General Assembly of North Carolina website (<http://www.ncleg.net/>). On the top bar is a link for the House. Go to that page and then click on Member Reports and Other Information located on the left hand side. This will take you to various links of House Member Reports including House Journals for the years 2001-2008.

Online audio access to current session activity of the North Carolina House of Representatives and Senate is provided through the General Assembly's website (<http://www.ncleg.net/>). Audio access to past House chamber audio is also available for the 2009-2010 session beginning with January 2009

Journal of the Senate of the General Assembly of the State of North Carolina (2nd Floor North Carolina Stacks; KFN7418 .S46). Library has 1858 to 2007.

[Senate Journals 2002-2005 are available online through the General Assembly of North Carolina website (<http://www.ncleg.net/>). On the top bar is a link to the Senate. Go to that page and click on Member Reports and Other Information located on the left hand side. This will take you to various links for Senate Documents. Click on Documents from Previous Sessions, then choose the Journals folder which links to journals for the 2001-2005 sessions.

Use the journals to trace a bill's process through the legislature. One can find the number of the bill, the date introduced, the name of the sponsor, the standing committee to which the bill was assigned, roll call votes on the bill and whether the bill was amended or a committee substitute was introduced.

The School of Government Library has copies of bill histories available from 1973 to date. Using these may save extensive research time.

COMMITTEE DELIBERATIONS

Although General Assembly committees do not publish hearings or reports, minutes of committee debates are taken and are available in the Legislative Library. Full collections of the minutes are available only from 1977. To find minutes, use the State Library of North Carolina's online catalog (<http://go.dcr.state.nc.us/webvoy.htm>). You can search for the minutes by using the local catalog link at the top. [Some recent committee minutes can be accessed through the committee's own website. A list of committee websites can be found at (<http://www.ncleg.net/>). At the top of the page select Committees. This will take you to a page where you can access a list of Committee Websites.]

Researchers are reminded that the North Carolina Supreme Court has indicated that internal committee deliberations cannot be used to determine legislative intent. See *Electric Supply Co., v. Swain Electrical Co.*, 328 N.C. 651, 403 S.E.2d 291, 295 (1991).

LEGISLATIVE RESEARCH COMMISSION

Since 1965, the commission has conducted studies on issues to be legislated. Commission reports are not published for all legislation but if available, may be the most useful source for determining the intent of the legislation.

North Carolina Legislative Research Commission Reports (Held in the Rare Books Room, ask for

assistance at the reference desk, KFN7411.62 .L45) are reports on studies and investigations the Commission has conducted regarding governmental agencies, institutions, and matters of public policy. The law library has scattered holdings. The School of Government and the North Carolina Collection have extensive collections of the commission reports. To identify reports available on campus, use a key word search in the online catalog (k=North Carolina General Assembly and Legislative Research Commission).

OTHER SOURCES

The School of Government produces many helpful publications for those who are researching North Carolina legislation. Although not official sources, the following may provide contextual help for determining legislative intent.

North Carolina Legislation (Rare Books Room, ask for assistance at Reference Desk, KFN7415 .I531) Published since 1974, this title provides summaries of some of the legislation enacted by the General Assembly. The summaries are written by members of the School of Government staff and provide some information about the need for or rationale behind the legislation.

The NC Legislative Library provides access to many study reports online which can be accessed through their webpage (<http://www.ncleg.net/Library/index.html>). Look under Study Reports and Legislative Publications.

The North Carolina Supreme Court Library and the North Carolina Legislative Library both publish helpful legislative history guides. The NC Supreme Court Library's guide is located at (<http://www.aoc.state.nc.us/www/copyright/library/libleg.html>). The NC Legislative Library's guide is located at (<http://www.ncleg.net/library/Documents/LegislativeHistoryGuide.pdf>.)

INTERNET ACCESS TO NORTH CAROLINA LEGISLATIVE MATERIALS

The General Assembly of North Carolina maintains a comprehensive legislative website located at (<http://www.ncleg.net/>.)

Options available include: bill status information, such as lists of sponsors and bill histories, lists of the bills being considered by each committee, the final disposition of each bill considered during the biennium and perhaps most valuable for the researcher, fiscal notes (information about the fiscal impact of the proposed legislation; i.e. which departments will be primarily affected, whether any new positions will be required by the legislation and the assumptions and methodology used to determine the fiscal impact).

Other legislative information on the NCGA site includes a legislative calendar, emailed committee meeting notices, standing committee rosters, interim committee rosters, news and information, and audio broadcasts of daily house and senate sessions.

Blogs/Monitoring Sites

“Under the Dome” is a political blog from The News & Observer which covers the North Carolina legislature and politics in general. The blog can be located at The News & Observer website (<http://projects.newsobserver.com/dome>).

“Issac Hunter’s Tavern” is a political blog by Laura Leslie which keeps up to date with current legislative news. The Tavern is located at North Carolina Public Radio – WUNC’s website (<http://wunc.org/programs/news/Isaac-Hunters-Tavern>).

IF YOU NEED HELP LOCATING OR USING ANY OF THE MATERIALS LISTED IN THIS GUIDE, PLEASE ASK FOR HELP AT THE REFERENCE DESK.

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