INTRODUCTION

The common-law rules of construction, developed by the courts, are summarized in N.Y. Jur. 2d Statutes, and in Statutes, Book 1 of McKinney’s Consolidated Laws of New York (a treatise written by the publisher, not a law enacted by the legislature). The statutory rules of construction, enacted by the legislature, are contained in the General Construction Law. Only when these ordinary rules of statutory construction fail to adequately elucidate the legislature's intent, do courts and attorneys turn to other "indicia of legislative intent": New York’s equivalent of legislative history materials. For an excellent Internet introduction to this subject, see the N.Y.S. Library’s "The Legislative History of a New York State Law; a Tutorial and Guide to Library Resources" (http://www.nysl.nysed.gov/leghist/).

PERTINENT WEBSITES/INFORMATION

• Senate Homepage: http://www.senate.state.ny.us/
• Assembly Homepage: http://www.assembly.state.ny.us/
• Legislative Library: Room 337, The Capitol, Albany, NY 12243; (518)455-4000
• Senate Office of Microfilm and Records Storage: Room 500 GA, The Capitol, Albany, NY 12248; (518)455-3200
• Assembly Public Information Office, Room 202, The Capitol, Albany, NY 12248; (518)455-4218
• Miscellaneous Records Office, Dept. of State: 3d Floor, 162 Washington Ave., Albany, NY 12231; (518)474-4770

INFORMATION ABOUT THE LEGISLATURE

A term of the legislature lasts two years, divided into annual sessions. Bills can be carried over from the first session into the second; but if they are not passed during a term, they must be reintroduced (and renumbered) in the next term for further consideration.
Schaffer Law Library’s Guide on New York State Legislative History Materials

BILLS

- Proposed legislation.
- Senate bills bear the prefix S., e.g. S.500
- Assembly bills the prefix A., e.g. A.5520
- Amendments to bills during the legislative process are indicated by letter suffixes: S.500-A has been amended once, A.5520-B twice.

SPONSOR’S MEMORANDA

Legislators introducing bills must submit introductory memoranda explaining the bills’ purpose.

Where available:

- The current legislative session are online on LRS
- Older ones are available in the Legislative Library and on microfiche in the State Library.
- Are printed selectively in McKinney’s Session Laws and the N.Y. Legislative Annual.

RESOLUTIONS

Not used for proposed legislation; but concurrent resolutions important in that they propose amendments to the state constitution and amendments to the federal constitution.


COMMITTEE HEARING

Legislative committees may hold hearings on bills. Some (but a long way from all) hearings may be available in typewritten transcripts or even printed.

COMMITTEE ACTION

If a committee approves of a bill, it will report it out, either with or without amendments. State committees do not prepare committee reports.

BILL DEBATE

New York does not print legislative debates. However, typewritten transcripts of Senate and Assembly debates are available in the Senate Office of Microfilm and Records Storage and in the Assembly Public Information Office.
VOTES ON BILLS

Where Available: The Senate and Assembly Journals are printed and are useful for listing votes on bills (although they do not print debates). Votes are also recorded in the bill jackets.

BILL JACKETS

Bills passed by both houses are placed in folders called "bill jackets," along with the sponsor's memo and the legislators' voting record, and sent to the governor's counsel. Interested government agencies, bar associations, and other organizations and persons may submit memos to be placed in the bill jacket for the governor to read before deciding to approve or veto a bill. Bill jackets do not contain legislative committee reports or hearings. However, they are the primary "legislative history" document in New York.

How arranged: Bill jackets for bills enacted into law are arranged by year and chapter number of the enacted law.

Veto jackets: Bills vetoed by the governor, enclosing his veto message. Arranged (1926-1963) by year and bill introduction number; now (1963-) by year and veto number.

Recall jackets: Bills recalled by the legislature from the governor before he could consider them. Available (1936-1954) with veto jackets; now (1954-) in the Senate Archives. No longer constitutional.

GOVERNOR'S MEMORANDA

The governor may (but often does not) issue approval memoranda when he signs bills, or veto memoranda when he rejects them. Though technically not "legislative history" since not part of the legislative process, these memoranda are still considered as "indicia of legislative intent" in New York.

ENACTED STATUTES AND CODES

Enacted statutes, passed by both houses of the legislature and approved by the governor (or repassed over his veto), are called chapter laws or session laws.

How numbered: For each session of the legislature, statutes are assigned chapter numbers in chronological order of their approval: thus, Chapter 10 is the tenth law passed during a session.
Codification: The generally effective session laws, arranged and classified by subject

Predecessors: New York has had a long history of statutory “codification.” The most important of these earlier codes were the Revised Statutes of 1829 and the General Laws (1889-1900).

Original Consolidated Laws: Enacted in 1909 as a supplement to the session laws of that year. When enacted, they repealed all the prior session laws from which they derived (so that it is rarely necessary to refer to pre-1909 session laws, except for historical purposes).

How Arranged: Alphabetically, by consolidated law. Each consolidated law has a chapter number (not to be confused with chapter numbers assigned individual session laws) as a delimiter: thus, when a consolidated law refers to "this chapter," it is limiting its reference to that individual consolidated law.

How amended: Individual session laws amend consolidated laws by direct reference to the consolidation; this policy of "continuous consolidation" avoids the renumbering of sections and recodification of successive editions.

TRACING CONSOLIDATED LAWS
History notes following Consolidated Law sections cite the session laws that enacted and amended a section. The notes will usually go back only to the initial consolidation in 1909. To go back further, check the history notes following sections in Birdseye’s, Cumming & Gilberts Consolidated Laws of New York (1909). A cite to the year and chapter number of an enacting or amending statute will lead you further to legislative history material (if any). Vol. 6 of Birdseye’s allows one to reverse the process, showing where pre-1909 session laws were codified in the Consolidated Laws.
**Schaffer Law Library's Guide on New York State Legislative History Materials**

**TRACING AMENDMENTS TO THE CONSOLIDATED LAWS**

- **Law is Passed and Codified**
  - Codified Law found in McKinney’s or CLS

- **Law is Amended**
  - Check for Amendments in:
    - Pocket part or supplement to McKinney’s or CLS
    - Consolidated Law Tables in pamphlet supplement to McKinney’s or CLS Session Laws
    - LRS
    - Lexis
    - Westlaw
    - Shepard’s NY Statute Citations
    - Legislative Index-- “Subject Index of Laws”

**COURT ACTS**
- Are located after the Judiciary Law in McKinney’s Consolidated Laws
- Are at the end of the set in the Consolidated Laws Service (CLS).

**UNCONSOLIDATED LAWS**
- Local and temporary laws omitted from the Consolidated Laws.
- These omitted statutes are still effective statutes (good law).

*Where Available:* Are printed in the annual Laws of New York and many in McKinney’s and CLS Session Laws. McKinney’s and CLS Consolidated Laws select some of the more important of these, renumber and arrange them by the publishers' own classifications, and print them at the end of their editions of the Consolidated Laws.

**TRACING AMENDMENTS TO THE UNCONSOLIDATED LAWS**

*Pre-1909 laws:* Check The Statutory Record of the Unconsolidated Laws (1911-1928), prepared by the Board that produced the Consolidated Laws. The Board also prepared a subject index to the pre-1909 unconsolidated laws. For amendments to these laws after 1909, see below.
**Schaffer Law Library’s Guide on New York State Legislative History Materials**

*Post-consolidation (1909-) laws:*

- Check the "Laws Other Than Consolidated Laws" table (McKinney’s) or the "CLS Unconsolidated Laws Affected" table (CLS) in the advance session law services, arranged by year and chapter.
- Check the "Subject Index of Laws" in the most recent supplement to the Legislative Index, arranged alphabetically by subject.
- Check Shepard’s New York Statute citations, arranged by year and chapter.
- Check the current session law database on LRS (the most current), or the advanced session law databases on Lexis or Westlaw.

**LEGISLATIVE DIGEST**

- Every Assembly and Senate bill is listed by bill number, with a brief summary of its purpose, its sponsors, and its progress through the legislature: for those few bills that pass both houses, the Digest notes the chapter numbers of approved, and veto numbers of rejected, bills.
- Tables provide cross-references from chapter numbers to bill numbers; indexes (arranged largely by Consolidated Law titles) provide subject access to bills and to session laws; and the text of the governor’s approval and veto messages are printed.

**OTHER SOURCES OF LEGISLATIVE INTENT**

*Standing Commission reports:* If the legislature adopts bills based on reports or drafts from an organizations such as the Law Revision Commission, those documents are looked to for legislative intent.

*Special commissions:* The legislature or governor will sometimes appoint such bodies to prepare a new Consolidated Law or court act, or to revise an existing one. Their reports are major sources of legislative intent. Examples of special commissions:

- "Dykman Committee" (the Advisory Committee on Practice and Procedure) drafted the CPLR;
- "Bennett Commission" (the Temporary State Commission on the Modernization, Revision, and Simplification of the Law of Estates) drafted the EPTL;
- "Bartlett Commission" (the N.Y.S. Commission on Revision of the Penal Law and Criminal Code) drafted the CPL and Penal Law.

*Where available:* Access to reports by popular or chairman name is provided by
Schaffer Law Library’s Guide on New York State Legislative History Materials

N.Y.S. Senate, Cumulative Index to Joint Legislative Committees and Selected Temporary State Commissions (1900-1950 and supp. 1951-1965), and by R. Carter, Annotated List and Indexes of the N.Y.S. Legislative Document Series (1830-1918; 1919-1976). The reports of these commissions (cited by year and document number) are usually printed in the Legislative Document series (1830-1976), and may be printed, or excerpted, in notes to the McKinney’s and CLS Consolidated Laws. C.

Bar association reports: Bar associations (particularly the N.Y.S. Bar Assn. and the Assn. of the Bar of the City of New York) will sometimes prepare reports on proposed legislation. These often end up in the bill jackets. The City Assn. prints a useful Legislative Bulletin (arranged by bill number) commenting on bills of interest to the organization, and sometimes prints more substantial reports in its journal, the Record.