

2.7 LEGISLATIVE RESEARCH

In many contested cases, as well as in judicial review of rules and contested cases, the parties are required to ascertain the legislative intent in the enactment of a statute. The rules of statutory construction provide that the legislative history is one factor to consider in ascertaining the intention of the legislature.¹ The Minnesota Supreme Court has recognized that where statutory language is not explicit, legislative history, such as committee reports, journal entries, and tape recordings of committee meetings or floor sessions may be probative.² While the court stated that statements made by legislators in committee or on the floor are to be treated with caution, it does accord some weight to statements made by the sponsor of a bill or amendment, as to its purpose or effect.³

The research materials available to track legislative action includes the bills themselves, the daily *Journals* of the House and Senate, committee minute books, floor session logs, audiotapes of older committee hearings and video recordings for newer committee hearings as well as recorded floor sessions. The process of tracking down these materials is time-consuming and begins with a check of the history notes of the statute in question, which are printed in the statutes after each section. A researcher can then proceed from the session laws to the bill numbers, to the *Journals*, to the Committee minute books. A step-by-step guide to this process is available at the Legislative Reference Library.⁴

Research into an agency's intent in adopting a rule will usually lead to the Statement of Need and Reasonableness (SONAR) prepared by the agency in its rulemaking proceeding. Minnesota courts look to the SONAR in determining intent.⁵ The SONAR is available at the agency with the rest of the rulemaking record. If a hearing was held the record may also contain a transcript if one was prepared. If no transcript was prepared the tapes of the hearing are maintained at the Office of Administrative Hearings for a period of five years. The rule record will also contain the written public comments on the rule and the report or order of the administrative law judge.

¹ MINN. STAT. § 645.16 (2014).

² *Handle with Care v. Dep't of Human Servs.*, 406 N.W.2d 518, 522 (Minn. 1987)

³ *Id.*

⁴ A detailed guide to Minnesota legislative research can be found at MINNESOTA LEGISLATIVE REFERENCE LIBRARY, <http://www.leg.state.mn.us/leg/leghist/histstep.aspx> (last visited Dec. 2, 2014).

⁵ *Boedingheimer v. Lake Country Transp.* 485 N.W.2d 917, 920 (Minn. 1992); *Ebenezer Soc'y v. Minn. Dep't of Human Servs.* 433 N.W.2d 436, 440 (Minn. Ct. App. 1988).