



# West Virginia University George R. Farmer, Jr. Law Library

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## Guide to West Virginia Legislative History Research

“**Legislative history**- the background and events leading to the enactment of a statute, including hearings, committee reports and floor debates.”- Black’s Law Dictionary, 8<sup>th</sup> ed. (2004)

### I. Introduction- The Legislative Process in West Virginia

Legislative history research involves locating and examining the content of the relevant background documents created during the legislative process to try to find evidence of legislative intent that will aid in interpreting the text of a statute.

The West Virginia Legislature, however, produces very little documentation of its legislative process. In general, the only widely available background documents are the various drafts of House and Senate bills and the summary proceedings and bill histories contained in the Journal of the House of Delegates and the Journal of the Senate.

Committee reports and conference committee reports consist of only one or two sentence statements recommending approval of a bill that has been referred to a committee.

Committee hearings are audiotaped and some tapes are transcribed into hardcopy summary minutes. Hearings are indexed by bill number. Floor debates are audiotaped and occasionally transcribed. Debates are indexed by date. Inquiries about the availability of hearings and debates on a bill should be directed to the clerk of the House and the clerk of the Senate.

The journals of the House of Delegates and the Senate are essential sources for determining the history of a particular bill, including whether the bill was amended during the legislative process and the dates upon which a bill was debated. The journals may also contain verbatim remarks that a legislator has requested to be included in the final bound version of that year’s journal.

### II. Compiling a Legislative History for a West Virginia Statute

#### A. Using the Bill History Tables in the House and Senate Journals

1. The starting point for researching the history of the language of a West Virginia Code section is to determine the chapter number that created or amended the section and the particular year and session (regular or extraordinary) in which the chapter passed the legislature. The chapter, year and session citations are located immediately following the end of the code section in the parenthetical information. For example, 61-10-22 (Bribery of Participants in Professional Games) derives from Chapter 45 which passed during the regular session of the legislature in 1945.

2. Once you have determined the relevant year, session and chapter number, you need to consult the volume of the Acts of the Legislature of West Virginia for that year and session. The chapters are arranged in numerical order within each session. The House or Senate bill number attached to the bill during the legislative process will be listed just below the chapter number and before the text of the act. For example, Chapter 45 cited in #1 above derived from Senate Bill No. 149. You will also find the sponsor or sponsors of the bill listed below the bill number.
3. Once you have determined the relevant bill number, you are ready to use the House and Senate journals. The bill history tables for the Journal of the House of Delegates are found at the end of the volume or volumes produced for that year's session or sessions. The bill history tables for the Journal of the Senate are located immediately before first day of the regular session and before each extraordinary session that may have occurred in that year.
4. Each journal's bill history tables contain separate sequences for the House bills that were considered and the Senate bills that were considered for that session. The bill history tables list page numbers within that journal under headings for major actions such as (1) the introduction of a bill, (2) reporting a bill out of committee, (3) amending the text of a bill and (4) passage of a bill from a chamber. Another list of page numbers are listed under the heading "Other Proceedings". "Other Proceedings" include more routine actions, such as "first reading" of a bill (i.e., the text of the introduced bill is read to the chamber) and activities such as a message presenting a House-passed bill to the Senate or vice-versa.
5. The recommended process is to consult the major actions for a House bill in both the House and Senate journals. For a Senate bill, consult major actions for a Senate bill in both the Senate and House journals. For a complete search, the page numbers under "Other Proceedings" would then be examined in each journal. **It is important to note here that the House and Senate journals are primarily useful for determining what happened to a bill and when that action took place. For the most part, the journals simply describe the proceedings of the legislature and, other than the language of amendments, the journals do not contain textual materials such as the full text of bills, substantive committee reports or floor debate.**

**B. Using the West Virginia Legislature's website, Westlaw and LexisNexis.**

**1. West Virginia Legislature ([www.legis.state.wv.us](http://www.legis.state.wv.us))**

The West Virginia Legislature's website provides access to the full-text of all versions of bills from 1993 to date. The site also provides access to bill histories from 1993 to date. Bill histories list all actions taken on a bill in chronological order. Bills and bill histories can be located by clicking on the link to "Bill Status" from the opening screen of the website and then selecting the year and session. Bills can be located by bill number, sponsor and subject category.

By clicking on “Bulletin Board”, researchers can access the full-text of the daily legislative journals, arranged by date and day of the session. The House journals are available from 2003 to date and the Senate journals from 2005 to date.

By clicking on “Bill Status” and then “Bill Tracking”, researchers can create a “personalized bill tracking” account to be able to track legislation that is currently before the legislature.

**2. West law ([www.lawschool.westlaw.com](http://www.lawschool.westlaw.com))**

The WV-BILLS-OLD database provides access to the full text of all versions of bills from 1996 to date. Enacted bills are also available for 1995. The WV-BILLTRK-OLD database provides summaries and lists of actions taken on bills in chronological order from 1997 to date.

The WV-BILLS database allows researchers to locate and track the progress of bills currently before the legislature and the full text of all versions of the bills.

The WV-LH-JRNLS database provides access to the full text of the House legislative daily journals from 2003 to date and the Senate daily from 2005 to date.

**3. LexisNexis ([www.lexisnexis.com/lawschool](http://www.lexisnexis.com/lawschool))**

The STATE BILL TEXT (HISTORICAL) files provide access to the full text of all versions of bills from 1996 to date. Enacted bills are also available for 1995. These historical bill files contain older bills from all 50 states within a file. To search for a West Virginia bill, start the search with the segment “HEADING”, e.g., HEADING (west Virginia) and hunting.

The STATE BILL TRACKING (HISTORICAL) files provide summaries and lists of actions taken on bills in chronological order from 1990 to date. These historical bill tracking files contain reports for bills from all 50 states within a file. To search for a West Virginia bill, start the search with the segment “STATE”, e.g., STATE (west Virginia) and hunting.

The WV BILL TRACKING & FULL TEXT BILLS file allows researchers to locate and track the progress of bills currently before the legislature and the full text of all versions of the bills.