WEST VIRGINIA LEGISLATURE
LEGISLATIVE SERVICES DIVISION

RESEARCH RESOURCES FOR LAWYERS
Who We Are

The Legislative Services Division:

- Receives requests for Legislation by Members
- Drafts Bills for Introduction in the House and Senate
- Proofreads all Bills for Introduction
- Responsible for obtaining the fiscal impact of bills for consideration by the Members.
What are we going to discuss?

- What Resources are Available on the Legislature’s Website
- History and Status of the WV Code
- Key Terminology
- How Legislation is Turned Into Code: Final Steps in the Process
- How to find Enrolled Bills, Amendments, the Acts, Daily Journals, and Bound Journals
- Relevant Case Law
Practical Circumstances for Use of Legislative Tools

- What did §xx-xx-x say on a specific date? When was key language added?
- When exactly did this language take effect?
- Was the statute properly enacted into law?
- What happens when two bills modify the same statute during a legislative session?
- What amendments were proposed for a bill, but failed?
- What evidence is there of the Legislature’s intent?
Sources Available on the Legislative Website

- **Acts of the Legislature** – Essentially all, going back to the establishment of statehood in 1863.

- **W. Va. Code sections** – From 1967 to the present.

- **Bill Status** – From 1993 to the present.

- **Enrolled Bills** – From 1967 to the present.


- **Renumbered statute information** – from 2015 to 2021.
Basic Statute and Legislation Areas of the Website
The Code of 1931

• In 1931, West Virginia recodified all of its statutes.
• So, all new law that is created after 1931 amends that Code
• There is no official set or body of the Code in West Virginia.
• This is reflected in a Bill’s Title

“A BILL to amend and reenact §61-8-14 of the Code of West Virginia, 1931, as amended, relating to the criminal offense........”
OFFICIAL
CODE OF WEST VIRGINIA

AN ACT
To revise, arrange and consolidate into one Code the general statutes of the State of West Virginia, and to repeal all acts and parts of acts of a general nature in force on the thirty first day of December, nineteen hundred and thirty, subject to such limitations and exceptions as are provided in chapter sixty three of this Code.

Be it enacted by the Legislature of West Virginia:

That the laws embodied in the following chapters, articles, sections, shall constitute the "Code of West Virginia," and shall be so designated and cited:

CHAPTER 1. THE STATE AND ITS SUBDIVISIONS.

Art. 1. Limits and Jurisdiction.
2. Appointment of Representative.
3. Creation of New County; Change in County Line.

ARTICLE 1. Limits and Jurisdiction.
Sec. 1. Counties comprising State of West Virginia.
2. Jurisdiction over rivers.
3. Acquisition of land by United States; Jurisdiction.
4. Execution of process and other jurisdiction as to land acquired by United States.

Revisor's Note—Section 1, c. 1, Code 1925, is omitted. The United States no longer owns the two lots of ground in Wheeling provided for in said §1.

§1. Counties Comprising State of West Virginia.—The State of West Virginia includes all the territory formerly belonging to the State of Virginia and now comprising the following counties, to-wit: Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Monroe, Montgomery, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Putnam, Ritchie, Randolph, Raleigh, Summers, Taylor, Tucker, Upshur, Wayne, Webster, Wetzel, Wyoming, and Wyoming. (Const. 1863, art. 1, §5; Const. 1872, art. 2, §1; 1883, c. 53, 90; 1885, c. 7, 29; 1887, c. 6) Code 1885, c. 1, 11; 1883, c. 25, §1; 1885, c. 68; Code 1923, c. 1, §1.)

§2. Jurisdiction Over Rivers.—The jurisdiction

$3. Acquisition of Lands by United States; Jurisdiction.—The consent of this State is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any land acquired, or to be acquired in this State by the United States, from any individual, body politic or corporate, for sites for lighthouses, barracks, signal stations, post offices, customhouses, courthouse, arsenals, sailors' homes, cemeteries, locks, dams, armor plate manufacturing plants, projectile factories or factories of any kind or character, or any useful buildings or structures, or proving grounds, or works for the improvement of the navigation of any watercourses, or for works of public improvement whatever, or for the conservation of the forests, or for any other purpose for which the same may be needed or required by the Government of the United States. The evidence of title to such land shall be recorded as in other cases.

Any county, municipal district or municipality, whether incorporated under general or special act of the legislature, shall have power to pay for any such tract or parcel of land and present the same to the government of the United States for cost, for any of the purposes aforesaid, and to issue bonds and levy taxes for the purpose of paying for the same; and, in the case of a municipal corporation, the land so purchased and presented may be within the corporate limits of such municipality or within any limits thereof. Provided, however, That no county, municipal district or municipality shall, by the issue and sale of such bonds, cause the aggregate of its debt to exceed the limit fixed by the Constitution of this State. Provided further, That the provisions of the Constitution and statutes of this State, or of the special act
Terminology

- “Enrolled Bill” is the final, official version of a bill or joint resolution which has passed the House and Senate and contains all of the necessary signatures.

- “Act” is a bill that has been approved by the House and Senate.

- “Acts of the Legislature” is the official compilation of the bills and resolutions passed by both houses each session and which have subsequently become law.

- “Journal” is the official record of the proceedings that take place each day during in session. The Journal follows the Order of Business and details floor actions on any legislation up for introduction, amendment, or passage.
From Legislation to the Code

1. Bill passes both Houses
2. Bill goes to Enrolled Bills Committee
3. Signed by Chairs of House and Senate Enrolled Bills Committee
4. Enrolled bill sent to Governor’s Office
5. Enrolled Bill signed, vetoed, or goes into effect without signature.
6. Official Enrolled Bill Filed at the Secretary of State’s Office
7. House Clerk’s Office renumbers and compiles the Enrolled Bills into the Acts of the Legislature
8. Legislature updates the online code with new laws.
After a Bill is Enrolled, it is presented to the Governor.

- **W.Va. Constitution, Article VII, section 14**

- Failure to present to the Governor invalidates the enactment.  
Enactments – Transforming a bill into Law

Governor’s Action

- Signature to Approve
- Veto
- Allow bill to become law without signature
Enactments – Transforming a bill into Law

How an Enrolled Bill represents a Veto

- Governor notes the bill is disapproved and the date.
- The vetoed bill still contains his signature.
Enactments – Transforming a bill into Law

When the Legislature Overrides a Veto

- Clerk of each House affixes a certificate of their respective house’s action.
Enactments – Transforming a bill into Law

How an Enrolled Bill becomes Law without Signature
Where to Find Completed Bills

▪ After the Governor’s action, the official or original enrolled bill is filed with the Secretary of State.

▪ Under current practice, the Governor also signs or vetoes additional copies of the enrolled bill. These copies are filed with the Clerks of each house.

▪ The enrolled bill reflecting the Governor’s actions is then scanned and posted to the Legislature’s website.
Where to Find Completed Bills

https://www.wvlegislature.gov

Welcome to the West Virginia Legislature

2021 3rd Special Session
October 11, 2021, 11:00AM
- Proclamation
- Amendment 1: 2, 3: 4, 5

2021 2nd Special Session
June 24, 2021
- Proclamation
- Amendment 1: 2, 3

2021 1st Special Session
June 7, 2021
- Proclamation

2021 Regular Session
January 13 - April 10, 2021
- Bill Status - Completed Legislation
- 2021 Membership Directory [PDF]

State Legislature Job Postings
- Apply Today!

Bill Status | Bill Tracking | WV Code Entire | Session Calendar | District Maps | Senate Roster | House Roster | Releases | Blog | Links | Home

The West Virginia Legislature's Office of Reference & Information © 2021 West Virginia Legislature
Where to Find Completed Bills

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<th>Search Bills by:</th>
<th>Bill Quick Search:</th>
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Select Bill Type: Bill
Select Year: 2019
Select Session: Regular Session

[Image of the West Virginia Legislature website](image)
Where to Find Completed Bills

SENATE BILL 201

Legislative Session: 2019-2020

LAST ACTION: Effective July 1, 2019

SUMMARY: Relating generally to survivor benefits for emergency response providers

LEAD SPONSOR: Sypolt

SPONSORS: Baldwin, Maynard, Rucker, Roberts

BILL TEXT:
- Signed Enrolled Version - pdf
- Enrolled Committee Substitute - html | pdf
- Engrossed Committee Substitute - html | pdf
- Committee Substitute - html | pdf
- Introduced Version - html | pdf

CODE AFFECTED:
- § 5 H. 1 - 1 (Amended Code)
- § 5 H. 1 - 2 (Amended Code)
- § 5 H. 1 - 3 (Amended Code)

FISCAL NOTES:
- Forestry, WV Division of
  Treasurer's Office, WV

FLOOR AMENDMENTS:
- SB291 SFA _ 1 BLAIR 2-12 adopted.htm
- SB291 SFA _ 1 BLAIR 2-12.htm

COM. AMENDMENTS:
- SB291 H FIN AM _ 1.htm
W. VA. CONSTITUTION, Article VI, Section 30 – There is 90-day default period for bill to take effect.

Meaning of “passage” - STATE v. MOUNTS, Syl. pt. 3, 36 W. Va. 179, 14 S.E. 407 (1892) When the Legislature completes action, NOT when the Governor signs the bill.

Internal dates in bills - Syl pt. 1, STATE EX REL. BD. OF EDUC. v. MELTON, 157 W. Va. 154, 159, 198 S.E.2d 130, 133, 1973 W. Va. LEXIS 200, “a statute speaks as of the time when it takes effect and not of the time it was passed.”
Timing of Enactments

- Determining the effective date of a bill through Bill Status.
Timing of Enactments

- When the Effective Date is not listed.

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<tr>
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<td>On 3rd reading, Special Calendar</td>
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Timing of Enactments: Rules of Application and Construction

- **WILEY v. TOPPINGS, 210 W. Va. 173, 556 S.E.2d 818, 2001 W. Va. LEXIS 133**

  “When faced with two *conflicting* enactments, this Court and courts generally follow the black-letter principle that ‘effect should always be given to the latest . . . expression of the legislative will . . . “ (emphasis added) even where the two statutes were enacted to be effective on the same date.

- *See also* Letter to Austin Caperton, Cabinet Secretary, Opinion of the Attorney General, November 1, 2017.
When Enrolled Bills Conflict

- When researching the WV Code, you may see references to more than one bill.
- This happens when more than one bill passes and both amend the same statute.
When Enrolled Bills Conflict

transcript or other credential provided by a public school program, private school program, homeschool program or HOPE scholarship program shall be accepted by a public school in this state as a record of a student's previous academic performance for the purposes of placement and credit assignment.

The earlier act, House Bill 2013 (passed on March 17, 2021) amended West Virginia Code §18-8-1a to read as follows:

(a) Notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and, subject to subdivision (3) of this subsection, continues to the sixteenth birthday or for as long as the student continues to be enrolled in a school system after the sixteenth birthday.

(1) A child may be removed from such kindergarten program when the principal, teacher and parent or guardian concur that the best interest of the child would not be served by requiring further attendance: Provided, That the principal shall make the final determination with regard to compulsory school attendance in a publicly supported kindergarten program.
How Legislation is Turned Into Code

- When a bill has been passed by the Legislature and presented to the Governor, our staff extract the text of each section and format it for the State Law area of our website.

- New or amended Code sections are posted to the website within a few days of taking effect. Repeals are also indicated on the website at the same time.

- We try to have every section live on the website on the day it is effective, but there can be some issues with bills that take effect immediately upon passage.
Basic Statute and Legislation Areas of the Website
Finding Enrolled Bills Using the Legislative Website

https://codelegis.state.wv.us/5-10-2/

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-2. Definitions.

Unless a different meaning is clearly indicated by the context, the following words and phrases as used in this article have the following meanings:

(1) “Accumulated contributions” means the sum of all amounts deducted from the compensation of a member and credited to his or her individual account in the members’ deposit fund, together with regular interest on the contributions;

(2) “Accumulated net benefit” means the aggregate amount of all benefits paid to or on behalf of a retired member;

(3) “Actuarial equivalent” means a benefit of equal value computed upon the basis of a mortality table and regular interest adopted by the board of trustees from time to time; Provided, That when used in the context of compliance with the federal maximum benefit requirements of Section 415 of the Internal Revenue Code, actuarial equivalent shall be computed using the mortality tables and interest rates required to comply with those requirements;

(4) “Annuity” means an annual amount payable by the retirement system throughout the life of a person. All annuities shall be paid in equal monthly installments, rounding to the upper cent for any fraction of a cent.

(5) “Annuity reserve” means the present value of all payments to be made to a retiree or beneficiary of a retiree on account of any annuity, computed upon the basis of mortality and other tables of experience, and regular interest, adopted by the board of trustees from time to time;

(6) “Beneficiary” means any person, except a retiree, who is entitled to, or will be entitled to, an annuity or other benefit payable by the retirement system;

(7) “Board of Trustees” or “board” means the Board of Trustees of the West Virginia Consolidated Public Retirement System;

(8) “Compensation” means the remuneration paid a member by a participating public employer for personal services rendered by the member to the participating public employer. In this event a member’s remuneration is not all paid in money, his or her participating public employer shall fix the value of the portion of the remuneration which is not paid in money. Provided, That...
Finding Enrolled Bills Using the Legislative Website

- The website will link you directly to the enrolled bill.
- The most recent enrolled bill will be the current language of the statute.
Finding Enrolled Bills Using the Legislative Website

- The Bill Status pages only go back to 1993.

- To find scans of Enrolled Bills for older legislation, you must resort to a few alternatives:
  - W. Va. Code section page
  - or
  - Enrolled Bills page

**History**

1903, c. 26, § 10a; 1908, c. 27, §§ 73, 77; 1919, c. 2, § 123; Code 1923, c. 45, § 123;
1939, c. 48, § 2; 1951, c. 80; 1986, 1st Ex. Sess., c. 14; [1997, c. 81]; [2011, c. 53]; 2018, c. 68.
CHAPTER 14
(H. B. 146—By Delegate Sattes and Delegate Phillips)

[Passed May 22, 1986; in effect July 1, 1986. Approved by the Governor.]

AN ACT to amend and reenact sections nineteen-b, twenty-two and thirty-nine, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article five by adding thereunto a new section, designated section
“Thus, in determining whether the Legislature has directly spoken to the issues, we will consider not only the plain language of the statute but any pertinent preenactment legislative history.

On this assumption, the question whether the Legislature has spoken on a particular question involves two smaller steps. We look first to the statute's language. If the text, given its plain meaning, answers the interpretive question, the language must prevail and further inquiry is foreclosed.

[ * * * ]

If no such readily apparent meaning springs from the statute's text, we next examine, *albeit skeptically*, other extrinsic sources, such as the legislative history, in search of an unmistakable expression of legislative intent.” (emphasis added)

Tracing the History of a Code Section Using the Legislative Website

- Bill History
- Links to the History Summary in Bill Status
History of Amendments

- As we know, a bill can change throughout the process.
- First, in Committee
- Then, on the Floor
History of Amendments
Publication of Acts of the Legislature

- There is a presumption in favor of the validity of a record in the printed Acts of the Legislature, but this may be overcome by other evidence.

- The strongest presumption is in favor of a bill that has been duly enrolled and bears thereon evidence of the executive's action in regard to it. The proof furnished by the journals of the two houses in matters of procedure must be clear and conclusive to overcome this presumption. Anderson v. Bowen, 78 W. Va. 559, 89 S.E. 677 (1916) (emphasis added).
Hierarchy of Statute Authorities

* Official

** Unofficial
Enrolled Bills vs. Acts of the Legislature

▪ If there is a variance between the printed acts and the enrolled bill, the enrolled bill controls. Combs v. City of Bluefield, 97 W. Va. 395, 125 S.E. 239; State v. Groves, 80 Ohio St. 351, 88 N.E. 1096, Charleston Nat’l Bank v. Fox, 119 W. Va. 438, 443, 194 S.E. 4, 7 (1937)


▪ Syl. pt. 1, “The printed acts of the Legislature are presumed to be valid enactments. Where, however, there is a variance between a printed act and the enrolled bill, the enrolled bill controls. ** Nevertheless, an authenticated enrolled bill is not a verity precluding question, and the presumption in its favor may be overcome by clear and convincing proof.”

▪ Syl. pt. 4, “On inquiry, whether an act has been properly enacted, this Court will take judicial notice of the records of the offices of the Governor, Secretary of State, and clerks of both the Senate and House of Delegates.”
Accessing the Acts of the Legislature
## Accessing the Acts of the Legislature

### Acts of the Legislature of West Virginia

Published each year, the Acts of the Legislature of West Virginia is the official compilation of the bills and resolutions passed by both houses each session and which have subsequently become law. As the Legislature's record keeper, the Clerk of the House of Delegates is charged with preparing, organizing, and distributing this publication. The House Clerk has custody of the Acts of the Legislature and delivers certified copies of them for a fee.

### Produced by: House Clerk's Office

- **Contact:**
  - Phone: (304) 340-3200
  - E-mail: house.clerk@wvhousenow.gov

### Acts of the Legislature

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Citation Renumbering in the Acts of the Legislature

Example:

In 2019, two bills created new articles in the Code. HB 2446 created a “Blue Alert Plan.” SB 237 created the “Missing Persons Act.”

Both used §15-3C-1 et seq. for the new laws and these citations still appear in the Enrolled Bills for each.

In the Acts, the Clerk renumbered the Missing Persons Act to use §15-3D-1 et seq.
Accessing the Daily Journals back to 2003
Accessing the Daily Journals back to 2003

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<tr>
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Accessing the Daily Journals back to 2003

Wednesday, February 21, 2018

FORTY-THIRD DAY
[M.R. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 11:09 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was laid in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Tuesday, February 20, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Skott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 4214, Increasing penalties for unlawfully possessing or digging ginseng.

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4214 - "A Bill to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended, and to amend and reenact §513-3-35 of said code, all relating to ginseng, requiring a dealer to keep a photocopy of a valid identification card of all persons involved in a purchase or sale of ginseng, increasing civil and criminal penalties for violations of uncertified ginseng;"

And,

H. B. 4546, Relating to where an application for a marriage license may be made.

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4546 - "A Bill to amend and reenact §48-2-102 of the Code of West Virginia, 1931, as amended, relating to where marriage license applicants may apply for a marriage license in this state;"

With the recommendation that the committee substitutes each do pass.
Accessing the Bound Journals

The Bound Journals are a compilation of the daily journals, plus some extra aids, including indices, bill action tables, and other texts, such as the Appendix.

To get to the Bound Journals, begin by going to the “EDUCATIONAL TAB” on the main page of the website, then select “PUBLICATIONS” in the drop-down menu.
Accessing the Bound Journals

This brings you to our Publications page.

Scroll down this page through several page sections and you will come to the House Journals and Senate Journals sections.
What is the “Appendix to the Journal”?

The Appendix is much like it sounds. It is additional material to be added to the official journal and it is only available in the yearly Bound Journals. There is no appendix with each daily journal.

To get to the Bound Journals, begin by going to the “EDUCATIONAL TAB” on the main page of the website, then select “PUBLICATIONS” in the dropdown menu.
What is the “Appendix to the Journal”?

The Appendix comes at the very end of the Journal for a given year. So, if you see a couple of volumes for a given year, you will have to go to the last volume to find the Appendix.
What is the “Appendix to the Journal”?

In the Appendix, you can find transcriptions of speeches provided by members. Remember these are only included by motion. Not every speech or comment is recorded.
Video Archives of Senate Proceedings

Also be aware that the Senate archives all video from its floor sessions and committee meetings.

If you want to wade through these recordings to find specific discussion, you can hear and view the speeches as they were made at the time.
Video Archives of Senate Proceedings

This will take you to a simple page where you can see listings of recordings by day, month, and year.
Discrepancies in Bills and the Acts of the Legislature

Be Wary of Two Gotchas in Code Section Numbering

- Section citations may be renumbered by the House Clerk after passage to eliminate conflicts in numbering.

- Section numbers – even entire article sequences – may be reused over time.

Not All Bills Amend the Code

Some bills amend other acts or bills.
We Continue to Develop the Website

- Inclusion of Section Renumbering Information.
- Links to West Virginia Supreme Court opinions referencing sections of the Code.
- Adding data from earlier years.
- New design is pending.
- Additional proofing, error-checking, and quality control processes.
Thank you for your attention and participation!
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