

Legislative Reference Library
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Purpose

The purpose of legislative history research is to determine what the legislators intended for a bill to accomplish in order for the courts to interpret the statute. In addition, legislative history research tracks committee member's involvement and voting records and the progression of legislation through amendments.

Legislative History Process

1. Identify statute citation in current or prior Idaho Code.

A. Online

1. From 1987-current Westlaw
2. Current year Lexis
3. Note: Idaho Code website does not provide statutory history

B. Print

1. Law Library Reference; check with public libraries
2. Prior codes in Law Library Rare Books :
 - 1863-1889: Laws of the Territory of Idaho
 - 1864: Laws of the Territory of Idaho
 - Laws referred to as acts, i.e. Cr. Prac. 1864 (criminal practice act of 1864)
 - 1881: Territory of Idaho enacts Code of Civil Procedure (C.C.P.) as part of 1881 session laws; many provisions based on California law still in force.
 - 1887: Revised Statutes of Idaho (cited as R.S. and Rev. St.)
 - 1901: Idaho Codes Annotated
 - 1909: Revised Codes of Idaho (cited as R.C.)
 - 1918: Idaho Compiled Laws (cited as C.L.).
 - Preliminary edition of 1919 codification, not enacted into positive law.

1919: Idaho Compiled Statutes (cited as C.S.)
1932: Idaho Code Annotated; notes similar provisions in other states.
1943: Idaho Laws Annotated

2. Identify relevant language in statute.

Narrow research by identifying the relevant language in the statute. If the language is not found in the current statute, consult previous codes and session laws to determine when the language was in effect.

3. Obtain session law year, chapter and section in statutory history at end of statute.

The final sentence in the small print at the end of the statute is the statutory history. The history provides (1) the year the law was passed (2) year(s) of amendments, if any (3) session law chapter (4) section of chapter (5) page number.

A. Online

1. From 2009 <http://legislature.idaho.gov/priorsessions.htm>
2. From 1990 Westlaw ID-LEGIS-OLD; current ID-LEGIS
3. From 1989 Lexis Advance Legislative Service

B. Print

1. 1863-1889 Law Library Rare Books
2. 1890-current Law Library Reference

4. From session laws obtain the House or Senate bill number.

Find the House or Senate bill number below the chapter number in the session laws.

5. Find names of committees who sponsored bill in House and Senate. (see Procedural History, below).

A. Online access to procedural history and bill tracking

1. 1998-current <http://legislature.idaho.gov/priorsessions.htm>
2. from 2005 Westlaw ID-BILLTRK-OLD
3. 2006-current; limited coverage 2002-2005 and 2008; Lexis Idaho Legislative Bill History

B. Print: The Final Edition, Weekly Bill Status (formerly the Daily Data)

1. 2002-2005 Law Library Cage KFI6.D3
2. 1970-current Idaho Legislative Library and Idaho State Law Library

C. Print: House and Senate Journals (check table for pages bill discussed)

1. 1933-2009 Law Library Cage KFI18.A2
2. 1881-current Legislative Library; 1890-current Idaho State Law Library

6. Review committee minutes and related materials.

Committee meetings are recorded for use in creating the official committee minutes. After the minutes are made the audio is taped over. Thus, there is no verbatim transcription or recording of the Idaho legislature's committee hearings. Minutes of the hearings have been preserved for the Senate committees since 1970 and for

some House committees since 1960. Minutes are available:

- A. Online: from 2003 at <http://legislature.idaho.gov/priorsessions.htm>
- B. Print: Legislative Reference Library (see contact information above).

What is Included in Idaho Legislative History Materials

A legislative history for an Idaho law consists of preliminary material, a Statement of Purpose, bill text, procedural history, committee minutes, Governor's statement, and Session Law text.

1. Preliminary Material

Each session the legislature determines areas to study where legislation may be needed. The minutes of these interim study committees are published in:

- A. Print: *Monthly Matters* from 1968 to 1993
 - 1. from 1974 Law Library Cage KFI15.A2
 - 2. from 1968 UI Main Library Special Collections JKI74.M6
- B. Print: Legislative Council and Interim Committee Minutes from 1994-current
 - 1. from 1994-previous year Law Library Cage KFI15.A24
 - 2. Current year Law Library Reserve

2. Statement of Purpose and Fiscal Note

The Joint Rules of the Idaho Senate and House require a statement of purpose and fiscal note to accompany all legislation. Idaho appellate courts cite the Statement of Purpose as an aid to interpretation. The Statement of Purpose is not modified when legislation is modified during the process of passage. If the bill is substantially amended, the statement of purpose may be at odds with the legislation. Find with bills (see below).

3. Bills

Bills include documents such as the Statement of Purpose and Fiscal Note filed with a bill, related bills on the same topic and bills which were never formally introduced but were considered by legislative committees.

- A. Online
 - 1. From 1998 <http://legislature.idaho.gov/priorsessions.htm>
 - 2. Bill passed from 1990 Westlaw ID-LEGIS-OLD; current ID-LEGIS
 - 3. All bills (includes those not passed) from 2005 Westlaw OD-BILLTXT-OLD
 - 4. Current Lexis IDBILL (bill and tracking); IDTEXT (full-text bills)
- B. Print
 - 1. 1937-1949 (incomplete) and 1973-2004 Law Library Cage KFI6.H6
 - 2. From 1901 UI Main Library Special Collections

4. Procedural History

(see under **Find names of committees who sponsored bill in House and Senate**).

- A. *The Weekly Bill Status, formerly the Daily Data* is a weekly publication arranged in chronological order by bill number listing all legislative actions on bills, resolutions, proclamations, and memorials. The *Final Edition* of the publications compiles the actions on all legislation introduced and provides a table of new Idaho Code sections and section amendments.
- B. *House and Senate Journals* provide a record of proceedings from statehood through the present, including governor's vetoes. A table arranged by bill number provides the page numbers where each bill is discussed. Since all bills must pass the House and Senate both journals are necessary for legislative history.

5. Committee Hearings

(see under **Review committee minutes and related materials**).

6. Governor's Statement

The Governor's statements consist of any transmittal document or statement made by the Governor issued on signing, vetoing, or not signing the law. Most bills do not have a Governor's Statement. These transmittal statements appear in the House or Senate Journals.

7. Session Laws

(see under **Obtain session law year, chapter and section in statutory history at end of statute**).

Laws enacted by the Idaho legislature are published at the end of each legislative session before they are codified by subject in the Idaho Code. The session laws are arranged in chronological order by year and chapter number. Beginning in 1963, the publication shows additions to or deletions from the code section affected. The session laws contain the bill number, the effective dates if different from that specified in the Idaho Code, and any legislative preamble making legislative findings. The text of the session law controls if the text of Idaho Code differs from the session law text.

Other Resources

- A. The *Idaho Law Review's* "Legislative Review" examines major legislation passed during the prior session of the legislature. The *Idaho Law Review* also publishes articles about particular legislation or proposed legislation.
- B. The *Advocate*, the Idaho Bar Association monthly publication, publishes articles about legislation sponsored by or of interest to the bar.

C. The *Idaho Statesman*, a newspaper published in Idaho's capital city, publishes articles explaining legislation with quotations from the sponsors or proponents. The *Statesman* has been cited as an aid to understanding the intent of legislation.

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