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Legislative History, Initiatives, and Bill Tracking

Peggy Roebuck Jarrett

*University of Washington School of Law, pjarrett@uw.edu*

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Washington Legal Researcher's Deskbook 3d

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# Table of Contents

<table>
<thead>
<tr>
<th></th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>How to Use a Law Library</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>The Process of Legal Research</td>
<td>23</td>
</tr>
<tr>
<td>3</td>
<td>Fundamentals of Legal Research in Washington</td>
<td>47</td>
</tr>
<tr>
<td>4</td>
<td>Washington Practice Materials</td>
<td>93</td>
</tr>
<tr>
<td>5</td>
<td>Administrative Materials and Decisions</td>
<td>135</td>
</tr>
<tr>
<td>6</td>
<td>Legislative History, Initiatives, and Bill Tracking</td>
<td>155</td>
</tr>
<tr>
<td>7</td>
<td>Local Government Law</td>
<td>167</td>
</tr>
<tr>
<td>8</td>
<td>Historical and Archival Sources</td>
<td>197</td>
</tr>
<tr>
<td>9</td>
<td>Indian Law Research in Washington</td>
<td>213</td>
</tr>
<tr>
<td>10</td>
<td>Nonlegal Resources</td>
<td>235</td>
</tr>
<tr>
<td>11</td>
<td>Managing Your Library</td>
<td>243</td>
</tr>
<tr>
<td></td>
<td>Acronyms and Abbreviations</td>
<td>263</td>
</tr>
<tr>
<td></td>
<td>Index</td>
<td>271</td>
</tr>
</tbody>
</table>
Chapter 1  How to Use a Law Library

I. The Basics of a Law Library ............................................................................... 1
II. Services .............................................................................................................. 2
III. Collection Organization .................................................................................... 4
IV. Locating Items in the Collection ...................................................................... 5
   A. Library Catalogs ......................................................................................... 5
   B. Searching Online Catalog Records ............................................................. 6
   C. Searching Indexing and Abstracting Services .............................................. 8
   D. Legal Research Guides ............................................................................... 9
V. Online Searching ................................................................................................ 10
   A. Effective Online Searching ........................................................................ 10
   B. Evaluating Resources on the Internet ....................................................... 12
VI. Everything Is Online, Right? ............................................................................ 13
   A. What Is Online? ....................................................................................... 14
   B. What Is Not Online? ............................................................................... 14
   C. Other Considerations .............................................................................. 14

Appendix I: Law Libraries in Washington State ..................................................... 16
   A. State Law Library ..................................................................................... 16
   B. County Law Libraries ............................................................................... 16
   C. Court Libraries ....................................................................................... 19
   D. Academic Law Libraries ....................................................................... 19
   E. Directories of Washington Libraries ...................................................... 20

Appendix II: Library of Congress Call Numbers .................................................... 21

Chapter 2  The Process of Legal Research

I. Introduction ......................................................................................................... 23
II. Formats of Legal Materials ................................................................................ 23
   A. Electronic Legal Information Systems ......................................................... 23
   B. Print Tools ................................................................................................. 24
III. Integrating the Use of Print and Electronic Tools in Legal Research Projects ... 25
IV. Strategies for Effective Legal Research ............................................................ 25
   A. Rombauer Framework .............................................................................. 26
      1. Preliminary Analysis ............................................................................... 26
      2. Search for Statutes ................................................................................ 29
      3. Search for Mandatory Case Precedent .................................................. 30
      4. Search for Persuasive Case Precedent .................................................... 31
      5. Refine, Double-Check, and Update ...................................................... 32
   B. Conclusion ................................................................................................. 33
V. Managing Your Legal Research .......................................................................... 34
Detailed Table of Contents

A. General Suggestions ................................................................. 34
B. Note-Taking .............................................................................. 34
C. Help! A Dead End! ................................................................. 35
D. When to Stop the Search ....................................................... 35

Appendix I: Research Process: Comparison of Major Legal Research Texts .......... 37
Appendix II: “Here There Be Dragons”: How to Do Research in an Area You Know Nothing About .................................................. 38
Appendix III: “Develop the Habit: Note-Taking in Legal Research” ..................... 41

Chapter 3 Fundamentals of Legal Research in Washington .................................. 47
I. Introduction ............................................................................. 47
II. Secondary Sources .................................................................. 48
   A. Practice Materials ................................................................ 49
   B. Legal Dictionaries ................................................................ 49
   C. Encyclopedias, Texts, and Treatises ................................... 49
   D. Legal Periodicals .............................................................. 50
III. Statutes .................................................................................. 53
   A. Session Laws ....................................................................... 53
   B. Codes—The Revised Code of Washington and Its Predecessors . 55
   C. Annotated Codes .............................................................. 58
      1. West’s Revised Code of Washington Annotated ................. 58
      2. Annotated Revised Code of Washington .......................... 59
   D. Electronic Versions of Washington Statutes ......................... 60
   E. Uniform Laws and Model Acts ........................................... 62
   F. Court Rules ......................................................................... 62
IV. City and County Codes .............................................................. 64
V. Administrative Regulations ......................................................... 64
   A. Washington State Register ............................................... 64
   B. Washington Administrative Code ...................................... 65
   C. Researching the History of Regulations .............................. 66
   D. Electronic Versions of Administrative Regulations ............... 68
VI. Case Law ................................................................................ 69
   A. Official Reports ................................................................... 69
   B. Unofficial Reports ............................................................. 70
   C. Legal Newspaper .............................................................. 72
   D. Electronic Versions of Caselaw ........................................... 72
   E. Unpublished Opinions ....................................................... 73
VII. Case Finding Tools ................................................................... 73
   A. Secondary Sources and Annotated Codes ............................ 73
### B. West Digest System

1. Approaches to Using West Digests ................................................................. 74
2. Changes in the Digest System; Updating Digests ........................................... 76

### C. Cumulative Subject Index ........................................................................ 77

### D. Shepard’s Washington Case Name Citator ............................................... 77

### E. West Fax .................................................................................................. 77

### F. Citator Services ......................................................................................... 77

### G. Computer-Assisted Legal Research ......................................................... 77

### H. Briefs ....................................................................................................... 78

### VIII. Attorney General Opinions .................................................................. 78

### IX. Citator Services

A. Shepard’s in Print ....................................................................................... 79

B. Electronic Citator Services ........................................................................ 82

1. Shepard’s on LexisNexis ............................................................................. 82
2. KeyCite ...................................................................................................... 83
3. Citators on CD Law .................................................................................. 83
4. GlobalCite on Loislaw ............................................................................... 83
5. Comparisons and a Caution ..................................................................... 83
6. Full-text Searching ..................................................................................... 84

### X. Citation Format ....................................................................................... 85

### Appendix: Washington Courts Style Sheet ................................................. 88

## Chapter 4 Washington Practice Materials ................................................. 93

### I. Introduction ............................................................................................. 93

### II. Encyclopedic Sources ........................................................................... 93

A. Washington Practice .................................................................................. 93

B. Washington Lawyers Practice Manual ...................................................... 94

### III. Subject-Specific Resources ................................................................ 95

A. Deskbooks, Manuals, and Treatises ............................................................. 95

B. Self-Help Sources ...................................................................................... 96

C. CLE Materials ........................................................................................... 96

### IV. Litigation Aids ...................................................................................... 97

A. Benchbooks ................................................................................................ 97

B. Pattern Forms ............................................................................................ 97

C. Docket Information .................................................................................... 97

D. Jury Verdicts, Arbitration Awards, and Expert Witnesses ......................... 97

E. Judicial Biographies and Backgrounds ....................................................... 97

### V. Ethics Opinions ....................................................................................... 98

### VI. Directories ............................................................................................. 98
Chapter 5  Administrative Materials and Decisions .................................. 135

I.  Introduction ..................................................................................... 135

II.  Administrative Agencies' Functions and Procedures ........................ 135
    A.  Enabling Legislation ............................................................... 135
    B.  Administrative Procedure Act and Model Rules of Procedure ...... 136
    C.  Public Records Act ................................................................. 136
    D.  Bibliography ........................................................................... 137

III. Multi-Agency Sources of Administrative Decisions ........................... 137
    A.  CD Law .................................................................................... 137
    B. LexisNexis ............................................................................... 138
    C. West Group ............................................................................. 138

IV. Agency-Specific Sources ................................................................... 139
    A.  Accountancy Board ................................................................. 141
    B. Administrative Hearings Office ............................................... 141
    C. Auditor .................................................................................... 141
    D. Banks Division .......................................................................... 141
    E. Consumer Services Division .................................................... 141
    F. Credit Unions Division .............................................................. 142
    G. Ecology Department .................................................................. 142
    H. Employment Security Department ............................................ 142
    I. Energy Facility Site Evaluation Council ....................................... 143
    J. Environmental Hearings Office ................................................ 143
    K. Ethics Advisory Committee ....................................................... 143
    L. Executive Ethics Board ............................................................... 143
    M. Financial Institutions Department ............................................. 143
    N. Fish and Wildlife Department ................................................... 143
    O. Forest Practices Appeals Board ................................................ 143
    P. Governor .................................................................................. 144
    Q. Growth Management Hearings Boards ...................................... 144
    R. Health Department ..................................................................... 144
    S. Higher Education Personnel Board ........................................... 145
    T. Human Rights Commission ....................................................... 145
    U. Hydraulic Appeals Board ......................................................... 145
    V. Industrial Insurance Appeals Board .......................................... 145
    W. Insurance Commissioner ........................................................ 146
    X. Judicial Conduct Commission ................................................... 146
Chapter 6 Legislative History, Initiatives, and Bill Tracking .................................................................. 155

I. Introduction .......................................................................................................................... 155

II. How a Bill Becomes a Law ................................................................................................. 155

III. The Process of Researching Legislative History in Washington ........................................ 156

A. Compiling a Legislative History at a Law Library or on the Internet ................................ 156

B. At the State Archives—Files and Records of Legislative Committees, Governors, and Agencies ................................................................. 158

C. House and Senate Journal Tapes ....................................................................................... 159

D. TVW ................................................................................................................................. 159

E. Fee-Based Electronic Products ......................................................................................... 159

F. Other Government Sources ............................................................................................. 159

G. Unofficial Sources ............................................................................................................ 160

H. Telephone Numbers and Internet Addresses .................................................................... 160

IV. Sources of Legislative History Documents ........................................................................ 160

V. Researching Initiatives and Referenda .............................................................................. 161

VI. Legislative Bill Tracking .................................................................................................. 163

A. News Sources .................................................................................................................. 163

B. Washington State Legislature’s Website .......................................................................... 163

C. Legislative Digest and History of Bills ............................................................................. 163
### Detailed Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Meeting Schedule and Bill Status</td>
<td>164</td>
</tr>
<tr>
<td>E. Legislative Hotline</td>
<td>164</td>
</tr>
<tr>
<td>F. Governor's Office</td>
<td>164</td>
</tr>
<tr>
<td>G. LEGLink</td>
<td>164</td>
</tr>
<tr>
<td>H. LexisNexis and Westlaw</td>
<td>164</td>
</tr>
<tr>
<td>VII. Tips on Using the Legislature’s Search Feature</td>
<td>165</td>
</tr>
</tbody>
</table>

#### Chapter 7 Local Government Law ........................................... 167

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Introduction and General Texts on Local Government Law</td>
<td>167</td>
</tr>
<tr>
<td>II. Secondary Sources</td>
<td>167</td>
</tr>
<tr>
<td>A. Background on Local Governments</td>
<td>167</td>
</tr>
<tr>
<td>1. Role of Washington State</td>
<td>167</td>
</tr>
<tr>
<td>2. Cities</td>
<td>168</td>
</tr>
<tr>
<td>3. Counties</td>
<td>168</td>
</tr>
<tr>
<td>4. Special Districts</td>
<td>169</td>
</tr>
<tr>
<td>B. Directories</td>
<td>169</td>
</tr>
<tr>
<td>C. Practice Materials</td>
<td>170</td>
</tr>
<tr>
<td>1. Local Procedure</td>
<td>170</td>
</tr>
<tr>
<td>2. Planning and Land Use</td>
<td>171</td>
</tr>
<tr>
<td>a. Growth Management Act</td>
<td>171</td>
</tr>
<tr>
<td>b. Shoreline Management Act</td>
<td>172</td>
</tr>
<tr>
<td>3. Budgets and Taxes</td>
<td>172</td>
</tr>
<tr>
<td>4. Employment</td>
<td>173</td>
</tr>
<tr>
<td>III. Public Records</td>
<td>173</td>
</tr>
<tr>
<td>IV. Primary Sources: Legislative</td>
<td>174</td>
</tr>
<tr>
<td>A. State Law</td>
<td>174</td>
</tr>
<tr>
<td>1. Washington Constitution</td>
<td>174</td>
</tr>
<tr>
<td>2. Revised Code of Washington</td>
<td>174</td>
</tr>
<tr>
<td>B. Local Law</td>
<td>174</td>
</tr>
<tr>
<td>1. Charters</td>
<td>174</td>
</tr>
<tr>
<td>2. City and County Codes</td>
<td>174</td>
</tr>
<tr>
<td>a. Washington State Building Code</td>
<td>175</td>
</tr>
<tr>
<td>b. Other Uniform Codes</td>
<td>175</td>
</tr>
<tr>
<td>3. Ordinances</td>
<td>176</td>
</tr>
<tr>
<td>4. Resolutions and Orders</td>
<td>176</td>
</tr>
<tr>
<td>5. Legislative History</td>
<td>177</td>
</tr>
<tr>
<td>a. Seattle</td>
<td>177</td>
</tr>
<tr>
<td>b. King County</td>
<td>177</td>
</tr>
<tr>
<td>V. Primary Sources: Administrative</td>
<td>178</td>
</tr>
</tbody>
</table>
A. Rules and Guidance ................................................................. 178
   1. Seattle ................................................................. 178
   2. King County .......................................................... 179
B. Decisions ........................................................................... 179
   1. Seattle ................................................................. 180
   2. King County .......................................................... 180
   3. Kitsap County .......................................................... 181
   4. Snohomish County .................................................. 181
Appendix I: Washington City Codes ........................................ 182
Appendix II: Washington County Codes ................................ 190
Appendix III: Library and Office Directory .............................. 193

Chapter 8 Historical and Archival Sources ................................. 197
   I. Introduction .................................................................... 197
   II. Statehood History ........................................................ 197
   III. Constitutions and Constitutional Conventions .................. 198
   IV. Territorial Session Laws and Codes ................................ 198
   V. Territorial Legislative Assembly ...................................... 199
   VI. Territorial and Early State Courts ................................. 199
   VII. Territorial Governors and Gubernatorial Archives ........... 200
   VIII. Agency Documents and Archives ................................ 201
   IX. Other Sources on Washington Government and Legal History 202
   X. Washington State Archives ............................................. 204
      A. Collections ............................................................. 205
      B. Access .................................................................. 206
      C. Finding Aids .......................................................... 206
   XI. Unique Collections ...................................................... 208
      A. Washington State Bench and Bar Collection ................. 208
      B. Pacific Northwest Collection ..................................... 209
      C. U.S. National Archives and Records Administration, Pacific Alaska Region ............................................... 209
      D. Washington State Library ......................................... 210
   XII. Selected Online Resources ............................................ 211

Chapter 9 Indian Law Research in Washington .............................. 213
   I. Introduction ................................................................. 213
   II. Federal Indian Policy .................................................... 214
      A. Pre-Revolutionary War (Before 1776) ......................... 214
      B. Treaty-Making and Federal Authority (1776-1828) .......... 214
      C. Removal, the End of Treaty-Making, and the Move to Reservations (1828-1887) .............................................. 214
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Allotment and Assimilation (1887-1934)</td>
<td>214</td>
</tr>
<tr>
<td>E. Indian Reorganization (1934-1953)</td>
<td>215</td>
</tr>
<tr>
<td>F. Termination (1953-1968)</td>
<td>215</td>
</tr>
<tr>
<td>G. Tribal Self-Determination (1968 to Present)</td>
<td>215</td>
</tr>
<tr>
<td>III. Indian Law Terminology</td>
<td>216</td>
</tr>
<tr>
<td>A. Who Is an Indian?</td>
<td>216</td>
</tr>
<tr>
<td>B. What Is an Indian Tribe?</td>
<td>216</td>
</tr>
<tr>
<td>C. What Is a Federally Recognized Tribe?</td>
<td>216</td>
</tr>
<tr>
<td>D. What Is Indian Country?</td>
<td>216</td>
</tr>
<tr>
<td>E. What Is the Federal Trust Responsibility?</td>
<td>217</td>
</tr>
<tr>
<td>F. What Is Tribal Sovereignty or Tribal Self-Government?</td>
<td>217</td>
</tr>
<tr>
<td>G. What Is PL 280?</td>
<td>217</td>
</tr>
<tr>
<td>IV. Scope of Federal, Tribal, and State Power over Indians</td>
<td>218</td>
</tr>
<tr>
<td>V. Practitioner’s Checklist</td>
<td>218</td>
</tr>
<tr>
<td>VI. Research Tools</td>
<td>219</td>
</tr>
<tr>
<td>A. Research Guides</td>
<td>219</td>
</tr>
<tr>
<td>B. Treatises, National in Scope</td>
<td>220</td>
</tr>
<tr>
<td>C. Periodical Literature</td>
<td>220</td>
</tr>
<tr>
<td>D. Primary Law Sources</td>
<td>221</td>
</tr>
<tr>
<td>1. Treaties and Tribal-State Compacts</td>
<td>221</td>
</tr>
<tr>
<td>a. Treaties</td>
<td>221</td>
</tr>
<tr>
<td>b. Tribal-State Compacts</td>
<td>221</td>
</tr>
<tr>
<td>2. Constitutions and Statutes</td>
<td>222</td>
</tr>
<tr>
<td>a. Federal</td>
<td>222</td>
</tr>
<tr>
<td>b. Tribal</td>
<td>222</td>
</tr>
<tr>
<td>3. Court Opinions</td>
<td>223</td>
</tr>
<tr>
<td>a. State and Federal Cases</td>
<td>223</td>
</tr>
<tr>
<td>b. Tribal Court Cases</td>
<td>223</td>
</tr>
<tr>
<td>4. Administrative Rules and Decisions</td>
<td>224</td>
</tr>
<tr>
<td>E. Directories and Reference Materials</td>
<td>224</td>
</tr>
<tr>
<td>F. Research Tools for Washington Tribes</td>
<td>224</td>
</tr>
<tr>
<td>1. Research Guide</td>
<td>225</td>
</tr>
<tr>
<td>2. Treatises and Books</td>
<td>225</td>
</tr>
<tr>
<td>3. Periodical Literature</td>
<td>227</td>
</tr>
<tr>
<td>4. Primary Law</td>
<td>227</td>
</tr>
<tr>
<td>5. Directories and Reference Materials</td>
<td>228</td>
</tr>
<tr>
<td>VII. Conclusion</td>
<td>229</td>
</tr>
<tr>
<td>Appendix I: Washington State Tribal Directory</td>
<td>230</td>
</tr>
<tr>
<td>Appendix II: Basic Rules of Jurisdiction in Indian Country (Criminal)</td>
<td>233</td>
</tr>
</tbody>
</table>
Chapter 10 Nonlegal Resources

I. Introduction .................................................................................................................. 235

II. Finding People, Organizations, Agencies, and Corporations .................................. 235
   A. Telephone Numbers and Email Addresses ............................................................... 235
   B. Locating a Lawyer ..................................................................................................... 235
      1. Washington State ................................................................................................. 235
      2. United States ........................................................................................................ 236
   C. Directories of Associations ..................................................................................... 236
   D. Government Directories ........................................................................................ 237
      1. Washington State ................................................................................................. 237
      2. United States ........................................................................................................ 237
      3. Other States ......................................................................................................... 238
   E. Corporate Directories .............................................................................................. 238

III. Finding Factual Information ...................................................................................... 238
   A. Almanacs .................................................................................................................. 238
   B. Atlases and Maps ..................................................................................................... 238
   C. Country Information ............................................................................................... 239
   D. Statistical Sources .................................................................................................. 239
      1. General Sources ................................................................................................... 239
      2. Court Statistics .................................................................................................... 239
      3. Criminal Justice Statistics .................................................................................. 240
      4. Economic Statistics ............................................................................................ 240
      5. Census ................................................................................................................ 241
      6. Advanced Statistical Finding Tools ..................................................................... 241
   E. Medical Information ............................................................................................... 241

III. Writing Resources ..................................................................................................... 242
   A. Dictionaries and Thesauruses ................................................................................ 242
   B. Usage Guides .......................................................................................................... 242
   C. Quotation Books ..................................................................................................... 242

Chapter 11 Managing Your Library .................................................................................. 243

I. Managing Your Library ................................................................................................. 243
   A. If Your Firm Has a Librarian ................................................................................... 243
   B. If Your Firm Does Not Have a Librarian ............................................................... 244
   C. Using a Consultant .................................................................................................. 245
   D. How Do You Know When You Need a Librarian? .............................................. 245

II. Hiring a Librarian ........................................................................................................ 246
III. Selecting Materials ................................................................................................... 246
   A. Questions to Consider ............................................................................................ 246
Detailed Table of Contents

B. Selection and Acquisitions Tools .......................................................... 248
C. Publishers on the World Wide Web ..................................................... 249
D. Selecting Legal Databases ..................................................................... 249
E. Comparison of Low-Cost Legal Research Services on the Web .......... 251

IV. Managing Your Library: A Selected Bibliography ................................ 253
A. Books and Serials .................................................................................. 253
B. Articles .................................................................................................. 255
C. Websites ............................................................................................... 255

V. Library Support Services in King County ............................................. 255

VI. Document Delivery Services ................................................................. 256
A. Pacific Northwest .................................................................................. 256
B. National ............................................................................................... 257

VII. Legal Publishers and Distributors: A Selected List of Washington, Oregon, and Idaho Legal Publishers .......................................................... 258

VIII. Publishers of Current Washington Legal Periodicals ...................... 261
A. Law Reviews ........................................................................................ 261
B. Legal Newspapers ............................................................................... 261
C. Bar Publications .................................................................................. 261
D. Index .................................................................................................... 262

Appendix: Acronyms and Abbreviations .................................................. 263

Index ....................................................................................................... 271
Introduction

The Washington Legal Researcher's Deskbook 3d has been written to assist lawyers, students, librarians, legal assistants, legal secretaries, and members of the public in the complex task of researching legal problems. This book focuses on the law of Washington State and the legal materials that are available to the Washington practitioner. The reader will not find answers to legal questions but rather will find a rich array of information that can help in the process of researching the law.

The importance of legal research certainly cannot be overstated. Lawyers want to give good advice to their clients. If the client's problem is new to the practitioner, chances are good that a review of the legal issues and authority will be necessary. This may plunge the researcher into unfamiliar areas of law.

If it were not enough to want to give good advice, Rule 1.1 of the Washington Rules of Professional Conduct (RPC) requires that a practitioner "shall provide competent representation to a client." This rule requires familiarity with the relevant law through previous knowledge or through conducting adequate research. No Washington State Bar Association ethics opinions interpret this rule regarding the standards for performing competent legal research.

A 1975 California Supreme Court case, Smith v. Lewis, 10 Cal.3d 349, 530 P2d 589 (1975), articulates a standard of care for legal research. The standard requires (1) sufficient research (2) using standard research techniques (3) to obtain readily available authority. The Court found that the defendant lawyer failed to meet this standard of care. Cases in other jurisdictions have reached a similar result. The Washington Court of Appeals has apparently applied this standard in Halvorsen v. Ferguson, 46 Wash. App. 708, 718, 735 P2d 675, 681 (1986).

A study commissioned by the ABA Section of Legal Education and Admissions to the Bar listed legal research among ten skills necessary for the practice of law. The Task Force identified three specific skills needed for thorough and efficient research:

3.1 Knowledge of the Nature of Legal Rules and Institutions;
3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research;
3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design


The legal researcher of the twenty-first century cannot rest on the knowledge of legal research tools acquired while in law school or even as recently as two years ago. The computerization of legal information has completely changed the world of legal research and the practice of law. Some recent commentators have even suggested that computerized research is required in order for practitioners to avoid malpractice. See David M. Sandhaus, "Computers Are Required for the Practitioner to Avoid Malpractice," Wash. St. B. News, Nov. 1993, at 51; Robert C. Berring, "Technology and the Standard of Care for Legal Research," Legal Malpractice Rep., 1992, at 21. You will find electronic resources noted and discussed throughout the entire Deskbook.

The purpose of this Deskbook is to provide a broad spectrum of information that would be helpful to the person who must research Washington State law. In the first chapter, Ann Hemmens describes how to use a law library. From using law li-
libraries in person to using law libraries without leaving the comfort of your home or office, the tips provided in this chapter will be useful to all legal researchers.

In the second chapter, I review the formats of legal information and outline a strategy to help the legal researcher design a research process or framework. Practical tips for efficient use of legal tools are discussed. If you must research an area of law you know nothing about, the article reprinted in Appendix II will be extremely useful. If taking good notes is your downfall, be sure to read the note-taking article found in Chapter 2, Appendix III. This piece is full of practical hints that can help any researcher create a fine research product.

Chapter 3, written by Mary Whisner, is an excellent review of the most basic and important legal research tools used for researching Washington law. Ms. Whisner reviews secondary sources, statutes, administrative regulations, case law, case-finding tools, attorney general opinions, citator services, and basic citation formats. She includes information about electronic versions of these information tools as well as the printed texts. Every legal researcher should be familiar with the contents of this chapter.

Using one or more of the many excellent handbooks and deskbooks available on Washington law can help the legal researcher quickly and efficiently define the problem and locate the primary sources to answer the question. In Chapter 4, Nancy McMurrer provides annotated descriptions both of broad, multi-topic sources and other, more specific titles listed by subject. This chapter is crucial for the researcher who is not intimately familiar with the wealth of secondary literature available in Washington.

Washington State agencies promulgate a variety of administrative decisions or actions. These are ably discussed in Chapter 5 by Cheryl Rae Nyberg. Pay particular attention to the description of the Administrative Procedure Act and its requirements. Ms. Nyberg discusses each state agency that issues administrative determinations and even provides a summary chart of the various sources of agency quasi-judicial actions in order to speed your research.

Never compiled a Washington legislative history? Follow the clear step-by-step directions written by Peggy Roebuck Jarrett in Chapter 6 on legislative history and bill tracking. Clearly our author has had some experience with this awesome task!

Ms. Jarrett shows the novice exactly how to follow the Legislature's process and includes important tips for accomplishing this research chore efficiently and competently. Researching state initiatives can also be problematic; see the tips included by the author.

A completely new chapter on local government law has been researched and written by Mary Ann Hyatt. After an excellent background of the authority and role played by local governments, Ms. Hyatt analyzes the primary and secondary materials for cities, counties, and special districts.

Historical and archival sources of legal information are new in this edition of the Deskbook. In Chapter 8, Cheryl Nyberg and Ann Hemmens have tracked down nearly everything you might need from official documents in the territorial and early statehood periods in Washington.

Chapter 9 is also new to the Deskbook. With 36 Indian tribes in Washington State, 6 percent of the state's land held by Indians or Indian tribes, and a growth in tribal self-government, every Washington practitioner should know the basics of Indian law. The chapter reviews federal Indian policy and includes a minimal list of federal, state, and tribal resources that can be used in legal research projects.

"Nonlegal Resources" is the title of Chapter 10 written by Peggy Roebuck Jarrett. In a clear and direct style, the author covers sources that will help you find information about people and organizations, locate factual information, and improve your writing skills.

In the final chapter Jonathan Franklin compiles information about legal resources in Washington.
Included here are tips on how to manage your library, hire a librarian, and select materials and research tools for your library. Directories of filing and library service organizations, document delivery services, legal publishers, and Washington legal periodicals complete the informative material found in this section. This chapter will be a great help to those trying to keep their law libraries current and properly managed, to those making decisions about purchases for office libraries, and to those trying to locate legal materials available in the local area.

The Deskbook's appendix presents acronyms and abbreviation used throughout this book and that frequently appear in Washington legal materials.

I am very pleased with the high quality of the material you will find within this Deskbook. Many thanks to the authors for their tireless work. Special thanks to the general editor, Cheryl Nyberg, who edited all the chapters, created the book's index, and provided the consistency and standard of excellence so necessary for a work like this. Theresa Knier worked many hours to put our draft material into a final form with a professional touch—thank you! Thanks also to Reba Turnquist who helped update information about publishers, prices, and the like; to the Gallagher Law Library staff for being supportive and helpful; to the law librarianship student interns who helped cover the Reference Office when we needed extra time to write; to various colleagues around the state who responded cheerfully to our requests for information; and, finally, to our library patrons for asking us questions and helping us learn what legal researchers in Washington need to know.

Readers and Washington legal researchers are invited to send comments and suggestions via email to deskbook@u.washington.edu.

Penny A. Hazelton
Seattle, Washington
January 2002
Notes on Using This Book

This section explains citations and references used throughout this book.

Books, Articles, and Legal Citations

The Deskbook contains many references to other publications. The authors have used several formats to distinguish categories of material.

Titles of books, periodicals, looseleaf services, CD-ROM products, and similar items generally appear in italics. Authors, editors, and compilers are often named and the publisher and year of publication are given. For periodicals and other publications that are issued or updated on a regular basis, the initial year of publication is followed by an open hyphen (e.g., Washington State Environmental Reporter (Book Publishing Co., 1974-)).

References to articles include the author(s), the title of the article in quotation marks, and the abbreviated title of the periodical in italics. These abbreviations are spelled out in the Appendix: Acronyms and Abbreviations. If the issues of a volume are paginated consecutively, the volume number appears before the title of the publication and the first page number follows the title, with the year of publication in parentheses (e.g., William R. Andersen, “The 1988 Washington Administrative Procedure Act: An Introduction,” 64 Wash. L. Rev. 781 (1989)). If the issues of a volume are not paginated consecutively, the citation identifies the issue and then the beginning page number (e.g., Nancy Carol Carter, “American Indian Tribal Governments, Law, and Courts,” Legal Ref. Serv. Q., No. 2, 2000, at 7). For articles that are available for free on the Internet, their citations include the Uniform Resource Locators (URLs) (e.g., Eron Berg, “Unpublished Decisions: Routine Cases or Shadow Precedents?,” Wash. St. B. News, Dec. 2000, at 28, available at http://www.wsba.org/barnews/2000/12/berg.htm).

Citations to some legal sources (such as statutes and cases) follow rules set out in The Bluebook: A Uniform System of Citation, 17th ed. (Harvard Law Review Association, 2000), with exceptions recommended by the Washington Office of the Reporter of Decisions Style Sheet. The Bluebook and the Style Sheet are described in Chapter 3, Fundamentals of Legal Research in Washington, Section X, Citation Format.

Internet Websites

In less than a decade, the Internet has become a major legal research tool. Thousands of academic, commercial, governmental, organizational, and personal websites contain the text of legal materials and/or guides, indexes, and commentaries on the law. Government agencies at all levels have quickly made the Internet a primary means for communicating with the public.

Throughout this book, URLs identify websites that contain Washington State legal materials. In many cases, “deep links” to pages buried several layers beneath an agency’s main homepage have been used to direct readers to the specific location of legal documents and databases. These URLs and the descriptions of website contents were accurate in fall 2001.

Website addresses and contents change frequently, however. If a website address fails and the source is part of the Washington State government, use the “State Agency Index” on Access Washington, http://access.wa.gov/, to locate the agency’s new URL. Then look for navigation links, a site index, or a search feature to locate specific material. If the source of the website is not part of the Washington State government, pare back the URL to the first slash after the domain name (ending with .com, .edu, or .org). This shortened URL should
take you to the website homepage. For example, the URL for the Gallagher Law Library's collection of legal research guides is http://lib.law.washington.edu/ref/guides.html. If you eliminate "/ref/guides.html", you will go to http://lib.law.washington.edu/, the Law Library's homepage.

The University of Washington Gallagher Law Library maintains an Internet Legal Resources page, http://lib.law.washington.edu/research/research.html, that links to free websites providing Washington State primary law sources, including the constitution, bills, statutes, court opinions, court rules, regulations, administrative agency decisions, and municipal codes. Comparable links for U.S. government sources are also provided. Internet Legal Resources is updated regularly.

**LexisNexis and Westlaw**

Many chapters describe files and databases found on the two major commercial legal research services, LexisNexis and Westlaw. In some cases, specific libraries and file names are mentioned. For example, Chapter 5, Administrative Decisions and Materials, includes a list of LexisNexis libraries and files containing administrative agency decisions. The reference to “WASH;WAGMHB” includes the LexisNexis library name for Washington (WASH) and a specific file within that library for the decisions of the Growth Management Hearings Boards decisions (WAGMHB). The comparable database on Westlaw is called WA-GMHB.

When no library, file name, or database identifier is given, the researcher may explore several options for finding relevant material. Both services maintain extensive directories of their contents and these directories are available in print and online. The Westlaw Database Directory is published annually; the 2001 edition is 842 pages. The online edition is found at http://directory.westlaw.com/. The LexisNexis Directory of Online Services is also published annually; the 2001 edition is 736 pages. The "Searchable Directory of Online Sources" is at http://web.nexis.com/sources/. The directories are organized by jurisdiction (Washington), type of legal material (Legislation), and subject or practice area (Environmental Law). They also include indexes by title (Washington Administrative Code). Users may also contact the customer service representatives to ask about the availability of particular sources and get advice on constructing effective searches. LexisNexis customers may dial (800) 543-6862. The Westlaw Reference Attorneys may be reached at (800) 733-2889.

Because of their expense and complexity, these services are most often used by members of the legal community. Few public law libraries can afford to make these services available. Faculty and students at some colleges and universities may have access to a version of LexisNexis called Lexis-Nexis Academic Universe or a version of Westlaw called Westlaw Campus. These services offer an abbreviated list of certain legal sources, including full-text federal and state cases, statutes, and law reviews. Other users may take advantage of the vendors' credit card options. LexisNexis by Credit Card, http://web.lexis.com/xchange/ccsubs/cc_prods.asp, is available on a "pay as you go" basis. A user may search legal materials (including federal and state cases, constitutions, statutes, court rules, and law reviews). Westlaw’s WestDoc program, http://www.westdoc.com, allows users with citations to obtain documents by credit card.

**Email the Authors**

The authors are interested in readers' comments and suggestions. Please contact us by electronic mail at deskbook@u.washington.edu.
Author Biographies

**Penny A. Hazelton.** Professor Hazelton has been the Director of the Marian Gould Gallagher Law Library at the University of Washington School of Law since 1985. Teaching legal research to law students, law librarianship students (lawyers training to be law librarians), library students, attorneys and judges, legal secretaries, and paralegals has occupied a good part of Professor Hazelton’s twenty-five year career. She earned her JD from Northwestern School of Law of Lewis & Clark College and received a Masters in Law Librarianship from the University of Washington in 1976. Professor Hazelton is a member of the Washington State Bar Association and has served as a member and Chair of its Editorial Advisory Board Committee. Professor Hazelton spent five years at the University of Maine and four at the U.S. Supreme Court Library as head of the research services department.

**Jonathan Franklin.** Jonathan Franklin received an AB in Values, Technology, Science, and Society and an AM in Anthropology, both from Stanford University in 1988, a JD from Stanford Law School in 1993, and an MLL from the University of Washington in 1994. Mr. Franklin spent five years as the foreign and comparative law librarian at the University of Michigan Law Library before coming to the University of Washington Gallagher Law Library as Assistant Librarian for Library Services in 1999. As of 2001, he became Associate Law Librarian at the Gallagher Law Library. He has written and spoken on issues related to format selection of library materials, library organizational structures, and copyright issues. He is an active member of the American Association of Law Libraries and the Law Librarians of Puget Sound.

**Ann Hemmens.** Ann Hemmens received a BA in Psychology from the University of Illinois at Urbana-Champaign in 1988 and a JD from the University of North Carolina at Chapel Hill in 1993. She worked at the Center for Disease Control’s National HIV/AIDS Hotline and the North Carolina Department of Health and Human Services Division of Medical Assistance. She earned her MS in Library Science from the University of North Carolina in 2000. She has been a Reference Librarian at the University of Washington Marian Gould Gallagher Law Library since June 2000. Previously, she worked as a reference assistant at the University of North Carolina Law Library and the Law Library of Congress. She is a member of the American Association of Law Libraries, the Law Librarians of Puget Sound, and the North Carolina State Bar Association.

**Mary Ann Hyatt.** Mary Ann Hyatt received a BA in English from Rhodes College in 1979 and an MLS from Emory University in 1980. She taught research in academic libraries in Georgia and Texas for ten years before attending the University of Washington School of Law. Ms. Hyatt earned her JD in 1993. She headed research services at a large Seattle law firm for three years before coming to Gallagher Law Library as Assistant Librarian for Access Services. Ms. Hyatt serves on the King County Law Library Board of Trustees. She is a member of the Washington State Bar Association, the American Association of Law Libraries, and the Law Librarians of Puget Sound.

**Peggy Roebuck Jarrett.** Peggy Jarrett received a BA in Economics from the University of California, Davis, in 1981 and an MLS from the Catholic University of America in 1984. She spent seven years working in private law firm libraries in Washington, D.C., and Seattle before joining the Gallagher Law Library staff in 1990. Ms. Jarrett
works as the Library's Government Documents Librarian and as a member of the reference staff. She is active in the Law Librarians of Puget Sound and the American Association of Law Libraries.

Nancy M. McMurrer. Nancy McMurrer received a BA in History/Political Science from Furman University in 1966 and a JD from the University of Virginia Law School in 1969. She practiced with the Office of Chief Counsel, Internal Revenue Service from 1969 until moving to Germany in 1976. She earned her Masters of Librarianship with Law Librarianship Certificate from the University of Washington in 1990. Ms. McMurrer was a Reference Librarian with a law firm in Seattle before joining the reference staff at the University of Washington in 1994. Nancy McMurrer is a member of the Virginia State Bar Association, the American Association of Law Libraries, and the Law Librarians of Puget Sound.

Cheryl Rae Nyberg. Cheryl Nyberg received her BA cum laude in English in 1977 and her MS in Library Science in 1979, both from the University of Illinois at Urbana-Champaign. Before joining the Gallagher Law Library reference staff in 1995, she worked at the University of Illinois Law Library for fifteen years, principally as government documents and reference librarian. Since 1985, she has authored the Subject Compilations of State Laws bibliography series. Her latest book is called State Administrative Law Bibliography: Print and Electronic Sources (2000). She was given the Marta Lange/CQ Award for “distinguished contribution to bibliography and information service in law/political science” by the Association of College and Research Libraries in June 2001. Cheryl Nyberg is a member of the American Association of Law Libraries and currently chairs its Access to Electronic Legal Information Committee.

Mary Whisner. Mary Whisner received a BA in Philosophy from the University of Washington in 1977, a JD from Harvard Law School in 1982, and an MLIS from Louisiana State University in 1987. Ms. Whisner clerked for Judge Stephanie K. Seymour of the U.S. Court of Appeals, Tenth Circuit, and practiced law for two years in Washington, D.C. She has been on the reference staff of the Gallagher Law Library at the University of Washington since 1988. Mary Whisner is a member of the American Association of Law Libraries, the Law Librarians of Puget Sound, and the Washington State Bar Association.
Introduction
How a Bill Becomes a Law
The Process of Researching Legislative History in Washington
Sources of Legislative History Documents
Researching Initiatives and Referenda
Legislative Bill Tracking
Tips on Using the Legislature’s Search Feature
I. Introduction ...................................................................................................................... 155
II. How a Bill Becomes a Law ........................................................................................... 155
III. The Process of Researching Legislative History in Washington .............................. 156
   A. Compiling a Legislative History at a Law Library or on the Internet ...................... 156
   B. At the State Archives – Files and Records of Legislative Committees, Governors, and Agencies .............................................................. 158
   C. House and Senate Journal Tapes ............................................................................. 159
   D. TVW ......................................................................................................................... 159
   E. Fee-Based Electronic Products .............................................................................. 159
   F. Other Government Sources .................................................................................... 159
   G. Unofficial Sources ................................................................................................ 160
   H. Telephone Numbers and Internet Addresses ....................................................... 160
IV. Sources of Legislative History Documents ................................................................ 160
V. Researching Initiatives and Referenda ...................................................................... 161
VI. Legislative Bill Tracking ........................................................................................... 163
   A. News Sources ........................................................................................................ 163
   B. Washington State Legislature’s Website ................................................................. 163
   C. Legislative Digest and History of Bills ................................................................. 163
   D. Meeting Schedule and Bill Status ....................................................................... 164
   E. Legislative Hotline ................................................................................................ 164
   F. Governor’s Office ................................................................................................... 164
   G. LEGLink ................................................................................................................ 164
   H. LexisNexis and Westlaw ..................................................................................... 164
VII. Tips on Using the Legislature’s Search Feature ..................................................... 165
I. **Introduction**

Legislative history is the collection of documents related to a specific statute as it proceeded through the various stages of the legislative process. These documents are contemporaneous with the enactment of the statute and represent the intent of the enacting Legislature. A Washington State legislative history may include bill drafts; committee reports; tape recordings of committee meetings; and recordings or transcripts of floor debates, statements, and colloquies. The format, availability, and usefulness of each of these documents varies.

Washington State legislative history is generally available from the mid-1970s forward, although some earlier history may be available. Since only one compiled legislative history has been published, researchers need to gather the individual pieces. This chapter discusses the process of compiling a legislative history. In addition, it describes specific types of documents, researching initiatives and referenda, and tracking current legislative proposals.

Researchers look for legislative history for a variety of reasons: to find out why certain words or phrases were used in a statute or to find out why wording changed; to determine the meaning of vague language; or to explore the purpose of the law beyond the language of the statute. Even if the statute appears to be clear, some researchers want to look for a different interpretation to bolster their particular arguments. A discussion of how Washington State courts have used legislative history to interpret statutes can be found in Arthur C. Wang, "Legislative History in Washington," 21 U. Puget Sound L. Rev. 571 (1984).

When researching a legislative history, it is particularly important to know when to stop. It is often the case that the more time spent and the farther afield ventured, the lower the rate of return. Compiling a legislative history is a time-consuming process and some desired information may not be immediately available, so researchers should plan accordingly. It is also important to understand that not all pieces of a legislative history are equally valuable. Committee reports, which contain analysis of the bill, are most important. Next in line are the various drafts of the bill and its amendments, followed by remarks made on the floor by the bill’s sponsor. Least important are public committee hearings. Volume 2A of Norman J. Singer, *Statutes and Statutory Construction*, 6th ed. (West Group, 2000) includes a discussion of the use and relative weight of legislative history.

Technology has enhanced access to legislative materials over the past several years. Since technology is constantly changing, please see the University of Washington Gallagher Law Library’s “Washington Legislative History” guide, http://Ilib.law.washington.edu/ref/washleghis.html, for more up-to-date information.

II. **How a Bill Becomes a Law**

The Legislature meets annually beginning on the second Monday in January. The legislative cycle is biennial—that is, two years long. During odd-numbered years the session lasts for 105 days; these are the budget years. During even-numbered years, the session lasts for 60 days. The Governor may call a special legislative session lasting 30 days, and the Legislature can call a special session with a two-thirds vote of both the House and Senate.


A simplified version of the process, taken from the Washington State Legislature’s website, http://www.leg.wa.gov/wsladm/help/howbill.htm, is as follows:

1. A bill may be introduced in either the Senate or House of Representatives by a member.
2. It is referred to a committee for a hearing. The committee studies the bill and may hold public hearings on it. It can then pass, reject or take no action on the bill.

3. The committee report on the passed bill is read in open session of the House or Senate, and the bill is then referred to the Rules Committee.

4. The Rules Committee can either place the bill on the second reading of the calendar for debate before the entire body, or take no action.

5. At the second reading, a bill is subject to debate and amendment before being placed on the third reading calendar for final passage.

6. After passing one house, the bill goes through the same procedure in the other house.

7. If amendments are made, the other house must approve the changes.

8. When the bill is accepted in both houses, it is signed by the respective leaders and sent to the governor.

9. The governor signs the bill into law or may veto all or part of it. If the governor fails to act on the bill, it may become law without a signature.


III. The Process of Researching Legislative History in Washington

Legislative history can be a combination of print, Internet sources, bill files from the State Archives, and cassette tapes. What is available in what format depends on the year of the legislation and may depend on access to a large law library and to free and commercial electronic sources. Consider how much time and energy to put into a legislative history project. Think about the utility of the possible information relative to the time, energy, and expense to find it. Ask yourself: Do you really need absolutely everything available? Or are the versions of the bill and a committee report enough?

Generally, legislative history documents from the most recent two biennial legislative sessions are available on the Washington State Legislature's website.³ For laws passed after the mid-1970s, researchers need to start at a library that collects legislative publications, and then possibly contact the State Archives for copies of the bill file and tape recordings of committee meetings or the House and Senate Journal Clerks for tape recordings of floor debate and statements. For laws passed before the 1970s, researchers can check the House Journal and Senate Journal; find bill drafts; and contact the State Archives to see if there is any information in the governors' or agency files. (See Section B, below.)

A. Compiling a Legislative History at a Law Library or on the Internet

Good libraries at which to begin include the Gonzaga University Law Library, the King County Law Library, the Seattle Public Library, the Seattle University Law Library, the University of Washington Law Library, and the Washington State Law Library. Internet access is through the Washington State Legislature's website, http://www.leg.wa.gov/wsladm/default.htm. Information is provided for the current biennium plus the immediately preceding biennium. (See Section VII, Tips on Using the Legislature's Search Feature, below.) Some of the Legislature's information is archived on CD Law, a commercial database.

1. Start with a statute in the Revised Code of Washington (RCW). At the end of each statute section, there are brackets containing citations to the session laws; these citations are to the initial enactment of the statute and any subsequent amendments. You may need to look at all of these session laws to determine when the language you are researching was added or amended.
2. Proceed to the session laws, titled the *Laws of Washington*. When you have determined which law you want to follow, note the bill number, which appears in brackets under the Chapter number at the start of the law. The bill number, along with the year and session, is the key to finding legislative history. Effective dates and any veto messages from the Governor can also be found in the session laws.

3. If your bill was enacted after 1974, look at the *Final Legislative Report* (Washington State Legislature, 1979-) for the background, summary, votes on final passage, effective date, and possible veto message. This is an official publication, derived from the committee bill reports, and written by the committee staff after the enactment of the bill. More detailed House and Senate bill reports from the current and immediately preceding biennium are at the Legislature's website. Bill reports from the mid-1970s to date may be found in the State Archives' bill files. Some researchers may choose to stop at this point.

4. Check various versions of the bill in order to trace the addition or deletion of language through the legislative process. Libraries that collect the bills usually try to maintain reasonably comprehensive collections. However, due to the nature of the bill publication and heavy public use, there are often gaps. The most complete collection is at the Washington State Archives, but not all versions of all bills were saved by the Legislature prior to the early 1970s. Bills from the current and immediately preceding biennium are at the Legislature's website.

5. If your bill was enacted after 1969, check the *Legislative Digest and History of Bills* (Washington State Legislature, 1970- ) for a chronology of action. This publication gives a brief digest of each bill, the names of the reporting committees, and a procedural history, which may be useful in finding out when the bill was amended or substituted. Bill digests and histories from the current and immediately preceding biennium are at the Legislature's website.

6. Look at both the Senate *Journal* and House *Journal* for colloquies, texts of amendments and substitutions, and dates of floor action. Colloquies include "points of inquiry," which are specific questions and answers. Since every bill that becomes law is considered by both the House and the Senate, researchers should look in both *Journals*. Access to the *Journals* is through bill number tables located at the back of the last volume of each session. The tables give *Journal* page numbers for introduction and first reading, committee report, second reading, third reading and final passage, other action, and action by the Governor. Researchers should check each page, even though colloquies are infrequent and the process of finding them is tedious. The *Journals* are not as complete as their federal counterpart, the *Congressional Record*. Debate is omitted, but cassette tapes are available from the Journal Clerks: 1971 to date for the Senate and 1969 to date for the House. Note that the column "commit-
“Committee report” does not refer to published bill reports but to the recommendation of the committee regarding bill passage or substitution. Journals from 1993 to date are searchable through the Legislature’s website.

B. At the State Archives – Files and Records of Legislative Committees, Governors, and Agencies

Once a law library’s print collection and the Legislature’s website have been checked for legislative history components, researchers need to decide if it is time to stop, or if contacting the Archives would be a good next step. The Washington State Archives in Olympia, (360) 586-1492, http://www.seattle.wa.gov/archives/leg_history.asp, has files on bills introduced (not just enacted) from the mid-1970s to two years from the present. These files include material compiled by the reporting committee and may include bill reports, bill versions, correspondence, studies, and meeting minutes. The exact date that the bill files begin varies by individual committee; most committees did not start producing bill reports until the mid-1970s, although bill reports from some committees are available from the early 1970s. Committee meeting tapes are also available from the mid-1970s. These tapes are not transcribed.

For bills considered before the mid-1970s, little material is available. Governors’ files on specific bills are sometimes available for 1951 to 1955 and 1965 to 1984. The Governors’ files are not open until six years after he or she leaves office. The Archives has published seven volumes of the Guide to the Papers of the Governors of Washington (1984- ), covering 1853-1985, territorial governors through Governor John Spellman.

For older bills, the records of the Legislative Council from 1947 to 1974 may be useful. The Legislative Council was a group of Senators and Representatives who met between sessions to consider legislative proposals for upcoming sessions. The records include bill drafts, correspondence, and research requests; they are very incomplete. The Archives has published a finding aid to this collection: Guide to the Records of the Legislative Council, 1947-1974 (1983), which lists record groups by correspondence and subject files, research requests, and legislative subcommittee.

Another possible source of history for older bills is agency files. If the bill in question affected a particular administrative agency, the Archives staff will check those files.

Summaries of the available records series can be found in the Guide to the Papers series can be found in the Guide to the Papers of Washington State’s Legislative Archives (Washington State Archives, 1984). This is not a file-level summary and it was published in 1984, but it may be of interest to legislative history researchers.

The most efficient course of action for those searching for legislative history material, however, is to contact the Research Section of the Archives. Archives’ staff will pull, copy, and send bill files and committee tapes on request for a fee. The current fee is $25 plus copying and mailing costs. Committee tapes are not automatically sent when requesting a bill file; they must be specifically requested and there is an extra charge for them. The Archives cannot pull and copy sections of massive legislation: the files are not organized by topic or bill section. The Archives are open to the public, so you may research any legislative history yourself for no fee other than copy costs.

For current bills (those introduced in the past two years) contact the reporting committee for copies of the bill files. Occasionally, a committee may keep a bill file beyond the two-year mark. Both the Final Legislative Report and the Legislative Digest and History of Bills note the reporting committees. Senate committee information is available at http://www.leg.wa.gov/senate/scs/; House committee information is available at http://www.leg.wa.gov/house/opr/stcommmpg.htm.


C. House and Senate Journal Tapes

The House Journal and the Senate Journal contain statements such as "debate ensued" or "Senator ___ spoke in favor of the bill." The debate itself is not printed in the Journals, but researchers can request tapes of floor action from the Journal Clerks. As with the committee tapes, they are not transcribed and are in real time. To request a tape, you need the bill number and date of action before writing or calling the Journal Clerks. It is helpful to have the page number from the House Journal or Senate Journal as well.

Senate tapes are available from 1971 to date; contact Journal Clerk, Washington State Senate, Legislative Building, Box 40482, Olympia, WA 98504, (360) 786-7590. House tapes are available from 1969 to date; contact Journal Clerk, Washington House of Representatives, Legislative Building, Box 40600, Olympia, WA 98504, (360) 786-7790.

D. TVW

TVW is a private, nonprofit, state-level public affairs network that provides current and archived unedited video and audio of selected House and Senate committee meetings and floor action. Coverage is from 1996 or 1997 to date. Archives are available at http://www.tvw.org/, and videotapes may be available for purchase through the website. TVW programs are not part of a traditional legislative history, any more than C-SPAN broadcasts are part of the federal legislative history process, but they are a source of information researchers may choose to explore.

E. Fee-Based Electronic Products

LEGLink is a fee-based service of the Washington State Legislature that provides more sophisticated searching and access to more historical information than the Legislature’s public website. Bills, amendments, bill reports, and bill digests are searchable from 1985 to date. House and Senate Journals are available from 1993 to date. LEGLink also offers personalized bill tracking. For more information, including fee structure, contact the Legislative Service Center at (360) 786-7725.

CD Law, a commercial CD-ROM and web-based Washington State legal research product owned by LexisNexis, offers searchable bills, amendments, and bill reports from 1995 to date. The documents are obtained from the Legislature's website and are organized in legislative history databases by year. For more information, see http://www.cdlaw.com/ or call (800) 524-2316. At this time, LexisNexis, http://lexisnexis.com/, does not offer the same legislative history databases as CD Law; it offers searchable texts of enacted bills only from 1995 to date.

F. Other Government Sources

The Final Summary of Legislation & Budgets Passed by the Washington State Legislature (Office of Program Research, House of Representatives, 1995-) contains summaries of passed legislation and budgets, written by committee staff. The bill section is organized by House committee. Includes veto information. Good source of basic budget information.

The Summary of Selected ... Legislation of Interest to the Courts (Office of the Administrator for the Courts, 1997-) includes selected final bill reports and veto messages. The bill reports are the same as those published in the Final Legislative Report. Unique information includes outlines of implementation plans of the Office of the Administrator of the Courts (OAC), comments, and the name of the OAC staff who tracked the legislation and is most familiar with it.

The Summary of Enacted Laws of Interest to Bench and Bar (Senate Judiciary Committee, 1975-92) includes selected bill summaries. The summaries are the same as in the final bill report and the Final Legislative Report. Includes topical index and chapter-to-bill number table.

The Legislative Manual, State of Washington (Legislature, 2001) is published biennially. It includes the State Constitution; joint rules; Senate
rules; House rules; and lists of state officials, legislators, and standing committees. Much of this information is also available through the Legislature’s website.

G. Unofficial Sources

For background and analysis of controversial or comprehensive legislation, try a subject search in the Washington State law reviews and bar publications. Look for materials from a continuing legal education program. Check newspapers. Depending on the subject, contact advocacy groups. And for any recent legislation, call the committee and talk with the staff. They may be of assistance.

H. Telephone Numbers and Internet Addresses

Archives, Research Section .......... (360) 586-1492
http://www.secstate.wa.gov/archives/leg_history.asp

Bill Room .......................... (360) 786-7573
http://www.leg.wa.gov/wsladm/bills.cfm

Governor’s Office ................. (360) 902-4111
http://www.governor.wa.gov/

House Information ................. (360) 786-7750
http://www.leg.wa.gov/house/default.htm

House Journal Clerk ............... (360) 786-7790

Legislative Hotline ................. (800) 562-6000

Legislature’s Website
http://www.leg.wa.gov/wsladm/default.htm

Senate Information .................. (360) 786-7550
http://www.leg.wa.gov/senate/default.htm

Senate Journal Clerk ............... (360) 786-7590


IV. Sources of Legislative History Documents

Session Laws. The laws passed by each legislative session are assigned chapter numbers and arranged chronologically in the Laws of Washington. The bill number appears in brackets under the chapter number at the beginning of the law. For more information on the availability of the session laws, see Chapter 3, Fundamentals of Legal Research in Washington, Section III, A.

Bills. A bill might have various versions: as introduced, substitute, engrossed, or enrolled. A substitute bill is a complete replacement. An engrossed bill includes the amendments made by the house of origin. An enrolled bill is the bill as passed by both the House and Senate, with all the amendments included. The enrolled bill is presented to the Governor with a certificate of enrollment.

Versions of bills for the current and immediately preceding biennium are available at the Legislature’s website. Earlier bills may be available in the bill files from the Washington State Archives, and some larger law libraries have bound historical collections. All these print collections have gaps; the most complete collection is at the Archives. CD Law has bill versions from 1995 to date. Enacted bills are available on Westlaw from 1988 to date and on LexisNexis from 1995 to date.

Committee Reports. Bill reports are prepared by committee staff. The timing of bill reports varies from committee to committee. Reports typically include the bill number, title, sponsor(s), background, summary, names of those who testified, and summary of testimony for and against. They also include the name and phone number of the commit-
Legislative History, Initiatives, and Bill Tracking | Chapter 6

Bill staff assigned to the bill. Both the Senate and the House of Representatives prepare bill reports. Final bill reports are prepared after passage and are more concise than the House or Senate bill reports.

An enacted bill would have three bill reports: House, Senate, and final. All three can be found at the Legislature's website, for the current and immediately preceding biennium, and in CD Law's legislative history databases from 1995 to date. Final bill reports from 1979 to date can be found in the print Final Legislative Report. House and Senate reports from the mid-1970s forward may be available in the bill files at the Washington State Archives.

Bill Digests and Procedural Histories. Bill digests are summaries of bills and include the bill number and sponsor(s). Bill histories are chronological lists of actions for all versions of bills in both the Senate and House. Actions may include readings, substitutions, adoption of floor amendments, committee referrals, and final votes. Governor's actions (veto or partial veto) are also included.

Digests and histories are published together in the Legislative Digest and History of Bills (1970-) and its current supplements. They are also available at the Legislature's website, for the current and immediately preceding biennium, and in CD Law's legislative history databases from 1995 to date.

Floor Action. The Washington Constitution requires that "each house shall keep a journal of its proceedings," Const. art. II, §11, but it does not require anything more specific. Colloquies between legislators, including points of inquiry, are published in the House Journal and Senate Journal. Debate is not generally published, but cassette tape recordings may be available from the Journal Clerks. For more information, see Section III, C, House and Senate Journal Tapes, above.

Larger law libraries should have the House Journal (1889-) and Senate Journal (1889-). Both are published annually. Journals from 1993 to date are searchable through the Legislature’s website.

Selected House and Senate floor action and debate are videotaped and archived by TVW. Coverage is from 1996 to date. See http://www.tvw.org/ for details.

For information about the Journals of the Territorial Legislative Assembly, 1854-1888, see Chapter 8, Historical and Archival Sources.

Committee Meetings. Unlike the United States Congress, which publishes committee hearings, the Washington State Legislature provides little useful access to committee meetings. Real-time cassette tape recordings of committee meetings may be available from the Archives from the mid-1970s. The date varies by committee. The quality of these tapes is not high.

Selected House and Senate committee meetings are videotaped and archived by TVW. Coverage is from 1996 to date. See http://www.tvw.org/ for details.

Veto Messages. The Washington Constitution gives veto power to the Governor for bills passed by the Legislature (Const. art. III, §12), but not for initiatives and referenda (Const. art. II, §1 (d)). Vetoes can be full or partial.

Veto messages are published in a variety of sources including the Laws of Washington, Final Legislative Report, Legislative Digest and History of Bills, and the House Journal for House bills and Senate Journal for Senate bills. Veto messages are also included in the session law, final bill report, and digest as enacted on the Legislature's website. For current legislation, check the Governor's website, http://www.governor.wa.gov/.

V. Researching Initiatives and Referenda

The Washington Constitution gives law-making power to the people in form of initiative and referendum (Const. art. II, §1). Initiatives are used to enact new laws or amend existing laws, but cannot change the State Constitution. There are two types
of initiatives: initiatives to the people and initiatives to the Legislature. Initiatives to the people, once certified, are voted on in the next general election. Initiatives to the Legislature, once certified, are considered by the Legislature at the beginning of the regular term in January. The Legislature can approve the initiative as written, amend it, or reject or refuse to act on it. If the initiative is rejected or not acted on, it goes to a popular vote at the next general election. If it is amended, both the amended and the original initiative go to a popular vote, also at the next general election.

Referenda are used to approve legislative acts, but cannot be used on emergency laws. There are two types of referenda. A referendum bill is a proposed law referred by the Legislature to a vote of the people, bypassing action by the Governor. A referendum measure is a response by the people to a law passed by the Legislature and signed by the Governor, but not yet in effect; a referendum measure allows the people to vote on a law before it goes into effect.

Detailed information about the initiative process, filing procedures, and signature gathering can be found at the Secretary of State's "Initiatives and Referendums" webpage at http://www.secstate.wa.gov/inals/. A good overview, history, and analysis of initiatives and referenda can be found in Jeffrey T. Evan, "Direct Democracy in Washington: A Discourse on the Peoples' Powers of Initiative and Referendum," 32 Gonz. L. Rev. 247 (1996/97).

The Secretary of State has a "history and statistics" webpage, http://www.secstate.wa.gov/inals/statistics.asp. It includes a list of all initiatives and referenda from 1914 to date, with a brief topic, filing date, election date, election results, and final disposition. Statistical summaries are also provided.

The purpose of compiling a legislative history is to determine the intent of the legislators. In the case of initiatives and referenda, the people legislate. So the process of uncovering history and intent is different. Some of the same tools used for traditional legislative history can be used, but the amount of information available is not as voluminous as it is for the work of the Legislature. The Final Legislative Report has background, summaries, and effective dates of passed measures. This "final bill report" is also available on the Legislature’s website, for the current and immediately preceding biennium, and in CD Law's legislative history databases from 1995 to date. The Legislative Digest and History of Bills has a procedural history and digest of passed measures.

Once an initiative or referendum has been approved by a vote of the people, it is considered law. The State Constitution allows the Legislature to amend an enacted measure, but within the first two years after enacted, amendments require a two-thirds vote (Const. art. II, §41 (amend. 26)). Researchers should note that initiatives and referenda are voted on in general elections, which are held in November. So measures that passed are presented to the Legislature in January of the following year. The summary and background of an initiative approved in the 2000 general election would be found in the 2001 volume of the Final Legislative Report and the text as approved would be found in the 2001 Laws of Washington.

Voters pamphlets are a good source to determine the intent behind an initiative or referendum. The State Attorney General prepares the ballot title, summary, statement of the current law, and statement of the effect of the proposed changes. The voters pamphlets also include statements for and against. These statements are prepared by committees appointed by the Secretary of State, the President of the Senate, and the Speaker of the House. Large public, academic, and law libraries may have historic runs of voters pamphlets. The current title is Voters and Candidates Pamphlet (Secretary of State, 1984– ). Previous titles are: Official Voters Pamphlet (1981-83), Voters and Candidates Pamphlet (1980), Voters Pamphlet (1979), Voters and Candidates Pamphlet (1978), Official Voters Pamphlet (1966-77), Your Official Voters Pamphlet (1964), Know the Issues (1958-62), State of Washington Offi-

Unofficial sources such as print and electronic new stories may shed the most light on the intent of the proponents of an initiative or referenda. If the measure is recent, the sponsoring organization or organized opposition may have headquarters and a website.

Copies of currently proposed measures that have completed the filing process with the Secretary of State and have received numbers and ballot titles are on the Secretary's "Initiatives and Referendums" website. For each proposal, the site lists date filed; ballot title; ballot summary; status; and the name, address, phone number, and website (if available) of the sponsor(s). Once a measure is certified for the general election, copies are also available from the Legislative Bill Room.

VI. Legislative Bill Tracking

Tracking bills as they progress through the Washington State Legislature can be done in print, by telephone, or on one of four electronic services: the free Washington State Legislature's website or the fee-based LEGLink, LexisNexis, or Westlaw.

As with compiling legislative history, researchers should first be familiar with the process of making legislation in Washington State. See Section II, How a Bill Becomes a Law, above.

A. News Sources

One of the best ways to identify recent legislation is to follow the news. Local newspapers, radio, and television are good for "hot" issues of general interest. Association newsletters and websites are good for specific issues; if you are interested in a particular subject, find out if any groups participate in lobbying activities. One drawback to news sources is that they often do not give the bill number, which is necessary for bill tracking. But news sources sometimes mention the name of the bill's sponsor, which can be helpful in locating the bill number using the sources described below.

B. Washington State Legislature's Website

The Legislature's website provides bill tracking information in several ways. If you know the bill number, from the main page at http://www.leg.wa.gov/wsladm/default.htm, you can link to either "House Bill Information" or "Senate Bill Information." For the 2001-2002 biennium, these pages are organized by range of bill numbers, or you can type in the exact bill number. The bill pages include bill title, sponsor(s), procedural history, number of any companion bill, and links to available documents including text of bill versions, bill reports, and roll call votes. The date and time the bill information was last updated is noted.

For the previous biennia, the format of the bill information is not as user-friendly. The bills are grouped by number and the available documents are listed with sometimes cryptic abbreviations. Anyone using pre-2001 bill information should look at "Help with Legislative Documents." It is one of the choices under the help link or can be accessed directly at http://www.leg.wa.gov/pub/billinfo/1999-00/README_BILLINFO.txt.

If the bill number is unknown, use the subject search feature of the Legislature's website, http://search.leg.wa.gov/pub/textsearch/default.asp, to identify specific or related bills.

C. Legislative Digest and History of Bills

The Legislative Digest and History of Bills is published several times each session and is updated by the Digest Supplement to Legislative Digest and History of Bills. The Digest contains a brief summary of each bill introduced during the session, along with a diary of actions such as readings, committee referrals, and amendments. A topical index and a table listing RCW sections affected by each bill is also included. The Digest Supplement, published daily, is a
way to track bills by subject as they are introduced. A summary is given for each bill introduced on the previous day. The Digest Supplement does not include either a topical index or an RCW to bill number table; tracking must be accomplished by browsing, or for current bills, by using the Internet. The current daily Digest Supplements are available on the Legislature’s website, http://www.leg.wa.gov/wsladm/billinfo/digsup.cfm, along with a topical index, http://www.leg.wa.gov/wsladm/billinfo/topicalindex.cfm.

D. Meeting Schedule and Bill Status

Usually referred to as the “status sheet,” the Meeting Schedule and Bill Status is a daily publication containing the schedules and phone numbers of each House and Senate committee. The most useful feature, however, is the numerical list of each bill before the Legislature and its status as of 5 p.m. the previous evening. The Legislature’s website links to the daily status report, http://www.leg.wa.gov/wsladm/billinfo/status.cfm. Note that there is a link to a status report key that explains the abbreviations and symbols used.

E. Legislative Hotline

The toll-free Legislative Hotline, (800) 562-6000, is a way for citizens to leave messages for legislators and to find out the status of a particular bill. The hotline staff is extremely helpful; they will send you a copy of a bill, and if you have a subject but no bill number, they will help you determine the relevant bill(s).

F. Governor’s Office

To find out the status of a bill once it has left the Legislature, check the Governor’s website at http://www.governor.wa.gov/. Information for the 2001 legislative year is at http://www.governor.wa.gov/01leg/billact.htm, and it includes links to the Governor’s veto messages. The phone number for the Governor’s office is (360) 902-4111.

G. LEGLink

LEGLink is the online legislative information system produced by Washington State for legislators and their staffs. It was introduced at the beginning of the 1994 legislative session, replacing the State’s PROFS system. LEGLink provides current Internet access to bill history and status reports, bill digests, bill texts, the calendar of committee meetings, and roll call vote records. Even though the system was developed for the Legislature itself, public access is available for a fee. There are two main differences between the Legislature’s free website and the fee-based LEGLink. One is that information updates are available immediately on LEGLink, but not until the following day on the public website. The other is that LEGLink provides personalized bill tracking to subscribers. For further information about subscribing to LEGLink, contact the Legislative Service Center at (360) 786-7725.

H. LexisNexis and Westlaw

LexisNexis and Westlaw both contract with a California-based company, Information for Public Affairs (IPA), to offer a bill tracking product. IPA tracks pending bills for all fifty states from introduction to enactment or veto. Files are updated not long after IPA publishes new information, but the currency of the information varies. You can search by bill number, date, sponsor, or subject. Subject searching is possible by using either the topics and keywords assigned by IPA or the bill summary. Bill summaries are not updated as the text of the bill is amended or substituted, so full-text bill searching is a better choice for a subject search. Both LexisNexis and Westlaw also offer IPA’s database of full-text Washington bills.

Why would a researcher choose to use either of these commercial bill-tracking services when better and more up-to-date bill information is available for free from the Legislature’s website? The best reason is that both LexisNexis and Westlaw offer services that allow subscribers to set up automatic searches for updates to a particular bill or topic.
VII. **Tips on Using the Legislature’s Search Feature**

The Legislature’s website offers simple searching of the full text of bills, bill reports, bill digests and histories from the current biennium, and of the *House Journal* and *Senate Journal* from 1993 to date. It also offers searchable versions of the Revised Code of Washington, the Washington Administrative Code, and the State Constitution. Multiple databases can be searched together. Although access to electronic legislative information has increased and improved over the last few years, the search mechanism is still a bit awkward, especially for users of commercial systems.

When you access the search page, scroll past the list of databases and read or re-read the instructions for performing a search. Note the operators, truncation (the symbol *), and tips on searching a WAC section. It is important to do this before you search, because the search results replace this information on the screen and it can be difficult to view the instructions again during a search session. You can also click on help from the main Legislature page or the Bill Information page and read “How to Perform Searches.”

The help screens can be informative. “Help with Legislative Documents” lists the symbols used by the Legislature, so you can discover that 5485_pl is the version of Senate Bill 5485 that passed the Legislature, 5485_sl is the Session Law version (which includes any action by the Governor), 5485_sbr is the Senate bill report, and 5485_fbr is the final bill report. It may be difficult, however, to figure out the coverage of the databases not limited to a particular biennium. For example, the Journals are labeled “as of September, 2000,” but the start date (1993) is not listed. The State Register is labeled with the most recent issue, not the date. So the label “State Register 2001 – As Of Register 01-19” means as of the nineteenth bimonthly issue of the year (dated October 3, 2001, not January 19, 2001).

To perform a search, first choose a database or databases by clicking on the box to the left of the database name. Once you choose a database, type your search in the dialog box at the top of the page. The list of search results will be ranked according to a formula that includes how often the search terms appear and how close the terms are to each other. The results are not very descriptive; they are simply citations, sometimes with abbreviations.

These tips are for the search feature as it exists in September, 2001. The bill information for the current biennium (2001-2002) is more user-friendly than for prior years, so it is very possible that the help screens and search capabilities will improve as well. Although it is not perfect, the search feature and the entire Legislature’s website can be of great assistance to a legislative researcher.

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2. Sine die means “to conclude a regular or special session without setting a day to reconvene,” from the Latin “without day.” Thus the Washington Legislature, at the end of its sessions, adjourns sine die.
3. The website states that information is provided for the “current biennium and the immediately preceding biennium,” but as of September, 2001, information was available for the 1997-1998, 1999-2000, and 2001-2002 biennia.
4. A notable exception is that some debate of the 1986 Tort Reform Act is set out in the *Senate Journal*.
5. General elections are held on the Tuesday following the first Monday in November (Const. art. VI, §8).