

Sacramento County Public Law Library & Civil Self Help Center

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CALIFORNIA LEGISLATIVE HISTORY

Researching Legislative Intent

BACKGROUND

A legislative history is a compilation of all documents (bills, amendments, committee reports, etc.) preceding the enactment of a statute. It may also include other official and secondary sources that indicate the intended meaning of the law. The goal of assembling a legislative history is usually to demonstrate the intent of the Legislature when it passed the law ("legislative *intent*"), in order to apply it to an unforeseen situation or to clarify an ambiguous law.

This guide covers only
California legislative
history. For federal
legislative history
documents available from
the Law Library, see the
"Legislative Documents"
section of our "Federal
Primary Law Guide."

This Step-by-Step guide outlines the steps in researching California legislative history, illustrates the resources available at the Sacramento County Public Law Library,

and suggests additional sources of information. Illustrations are based on the legislative history of <u>California Government Code</u> (<u>Gov't Code</u>) § 429.7, which names Bodie the "official state gold rush ghost town," and <u>California Vehicle Code</u> § 27360, which requires children under eight to ride in a child passenger restraint system in the rear seat.

WestlawNext Shortcut! These steps involve cross-referencing information in many different places. Much of this information is available in a conveniently hyperlinked way in WestlawNext – but only beginning with the 1993-94 legislative session.

See Part II of this Guide for more information on using WestlawNext to access this information.

Step-by-Step Instructions

PART I: PRINT AND ONLINE RESOURCES

STEP 1: IDENTIFY THE BILL NUMBER AND YEAR

Identify the Assembly or Senate bill number and year of the legislation you are researching (e.g., AB 39 or SB 1031), if you do not already know it. Sometimes this is included in the annotated code. If not, work backward from the statute to find it:

a. Find the session law numbers and year of passage after the text of the law in West's Annotated Code (KFC 30.5 .W48; also available through WestlawNext) or Deering's Annotated Code (KFC 30.5 .D4). Check the pocket part!

In our example, Gov't Code § 429.7, "c. 365" (Chapter 365) is the "session law number" and the year of passage was 2002. In this case, the annotated code also gives us the bill number (A.B. 1757), but if it did not, we could use the session law number to find the bill number. This is demonstrated in section b.

§ 429.6 GOVERNMENT CODE Escheated military-related property held in trust at the California State Military Museum, see Code of Civil Procedure § 1563. § 429.7. Designation of official state gold rush ghost town Bodie is the official state gold rush ghost town. (Added by Stats.2002, c. 365 (A.B.1757), § 3.) Historical and Statutory Notes "(d) One hundred twenty years later, Bodie is Sections 1 and 2 of Stats.2002, c. 365 (A.B.1757), one of the largest and best-preserved ghost towns "SECTION 1. The Legislature finds and declares all of the following: in the West. "SEC. 2. It is the intent of the Legislature to enact legislation to commemorate the 120th anniversary of the decline of the town of Bodie from "(a) The town of Bodie was founded by Waterman S. Body in 1859, and rose to prominence due to mining in the nearby Comstock Lode. boomtown to ghost town. It is the further intent of the Legislature to join with the students and teachers of Lee Vining Junior High School in Lee "(b) At its peak in 1879, Bodie boasted a popula-tion of 10,000 citizens and had a reputation for its wicked climate as well as its clientele.
"(c) By 1882, the big strikes were mostly gone and with them the need to stay in Bodie. Vining, to promote awareness of, and to acknowl-

Cal. Gov't Code § 429.7, "Designation of official state gold rush ghost town," was "added by Stats. 2002, c. 365 (A.B. 1757). § 3.

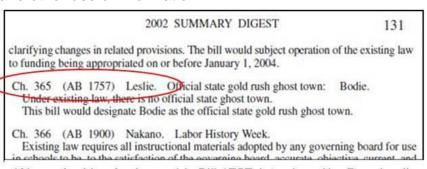
edge the importance that Bodie played in, Califor-nia's rich Gold Rush history."

b. If the bill number is not listed in the code, look up the session law number in the annual publication Statutes and Amendments to the Codes ("Statutes and Amendments").

Before 1967: Use the "Table of Laws Enacted" (in the first volume of each year) to convert session laws to bill numbers.

1967 and later: Use the "Summary Digest" (in the last volume of each year). The entry for your statute will include the bill number and other useful information.

Our bill was passed in 2002, so we will look in the Summary Digest for that year. We know that it is Chapter 365, so we can use that to find basic information, including the bill number, AB 1757; the sponsor, Representative Leslie; and a brief description.



We are looking for Assembly Bill 1757, introduced by Rep. Leslie.

Finding the Statutes and Amendments:

- The full set, from 1850 to present, is available in the Law Library (KFC30 .A2). Ask the Reference Librarian if you need assistance.
- The full set is also available at from the Chief Clerk of the Assembly at <u>clerk.assembly.ca.gov/archive-list</u> Choose "Statutes" from the drop-down menu, then click "Apply" and download the year of interest. Be patient; it can be very slow.

STEP 2: READ ALL VERSIONS OF THE BILL YOU ARE RESEARCHING

Find and read all versions of the bill, plus any attached analysis or statements. Studying the different versions of the bills may be the best (and often the only) source for insight into legislative intent. Read the Legislative Counsel's Digest (available since 1963) for each version; it sums up the purpose of the bill, identifies related laws, and includes other information.

Check the final text of the session law as printed in *Statutes and Amendments*, too. The Legislative Counsel's Digest or other helpful uncodified statements may be included.

Bills from 1987 to present (available online):

- In Law Library only: Beginning with 1987, WestlawNext offers several legislative history and bill tracking options.
- Free on Internet: Beginning with 1993, "Official California Legislative Information" offers bills online (bit.ly/ca-bill-info). This useful website tracks the history of a bill and contains all versions of it, along with other information.

Bills prior to 1987 (outside resources):

• California State Library:

(916) 654-0185

www.library.ca.gov/collections/law_coll.html

California bills (including those never passed) since 1867.

• San Francisco Public Library

415-557-4500

sfpl.org/index.php?pg=0200002601

California bills and other resources from 1867.

Since this is a 2002 bill, we can use either online source. If it were an earlier bill, we would have to use outside resources. The following example demonstrates the use of the Official California Legislative Information site (bit.ly/ca-bill-info).

AMENDED IN SENATE AUGUST 13, 2002 AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE-2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 1757

Introduced by Assembly Member Leslie (Principal coauthor: Senator Bowen) (Coauthor: Assembly Member Cogdill)

January 7, 2002

An act to add Section 429.7 to the Government Code relating to state emblems.

LEGISLATIVE COUNSEL'S DIGEST

AB 1757, as amended, Leslie. Official state gold rush ghost town: Bodie.

Under existing law, there is no official state ghost town.

This bill would designate Bodie as the official state gold rush ghost town.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

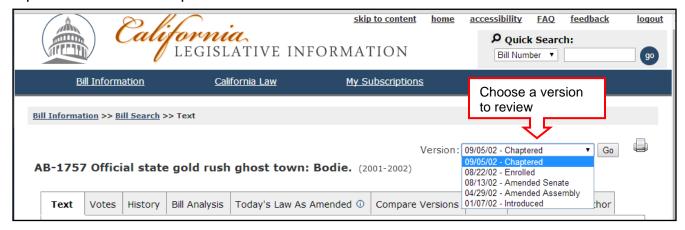
The people of the State of California do enact as follows:

- $1\quad$ SECTION 1. The Legislature finds and declares all of the $2\quad$ following:
- 3 (a) The town of Bodie was founded by Waterman S. Body in
- 4 1859, and rose to prominence due to mining in the nearby
- 5 Comstock Lode.

Assembly Bill No. 1757

For the current year, the site allows interested citizens to track the progress of pending legislation. For prior years, the site includes the final text of the bill as it passed and was signed by the governor (or the final text before it failed to pass or was vetoed).

A pull-down list at the top allows access to all versions of the bill.



Tabs along the top allow easy access to:

- Votes: dates and results of votes;
- *History:* a full history of its progress through the legislature;
- Bill Analysis: links to committee reports and other analysis;
- Today's Law as Amended: how it would affect current law (pending bills only);
- Compare Versions: the ability to see "redlined" versions of the bill to easily track changes;
- Status: a summary of the progress of a current bill, or the final disposition of a prior vear's bill;
- Comments: a link to send comments to the bill's author (pending bills only).



"Bill Analysis" and "Compare Versions" can be particularly helpful.

In the case of A.B. 1757, there were two amendments to the original bill. The first was a minor wording correction, but the second was a significant change: while the original bill would have designated Bodie the "official state ghost town," the amended bill designates it the "official state *gold rush* ghost town."



STEP 3: READ OFFICIAL COMMENTS AND ANALYSIS

Read "official" comments and analysis. For bills since 1993, the Official California Bill Information website has a wealth of information, including analyses prepared for Senate and Assembly Committees. Other sources of official comments and analysis are the Journal of the Assembly and Journal of the Senate, particularly the Final History section of each; Committee records, reports, and transcripts of hearings; bill files from the State Archives; and personal contact with bills' authors or sponsors.

In the case of AB 1757, the analyses make clear the reason for the amendment from "official state ghost town" to "official state gold rush ghost town."

<u>COMMENTS</u>: This bill was amended in the Senate to address concerns of the County of San Bernardino, home to "Calico Ghost Town", who felt that if Bodie is designated as the official state ghost town, it may create a competitive disadvantage when rivaling for state and federal grants. This bill now states that Bodie will be the official state gold rush ghost town.

There are a number of other sources for comments and analysis:

Journal of the Assembly and Journal of the Senate

- o 1968-present in print (KFC 14 (Compact)]).
- Journal of the Assembly (1849-2005) is available free online from the State Assembly at <u>clerk.assembly.ca.gov/archive-list?archive_type=journals</u>. Final Histories of both Senate and Assembly since 1881 are also available at that site. Choose "Histories and Indexes" from the drop-down menu, then click "Apply.".
- Assembly Journals (1995-present) and Senate Journals (2001-present) are also available through WestlawNext.

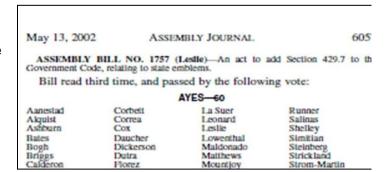
The *Journals* record the daily activity by each house of the legislature. Use the *Journals'* indexes to locate the bill and the *Journal* pages that refer to it.

Identify which committees examined the bill and the dates.

Here, page 4417 tells us that AB 1757 was sent to G.O. (Assembly Committee on Governmental Organization) on January 10, 2002.

Jan. 10, 2002	ASSEMBLY JOURNAL	4417
	REFERENCE OF BILLS TO COMMIT	ITEE
Pursuant committee:	to the Assembly Rules, the following	bills we
Assembly		
Bill No.	Committee	
537 _	Trans. and Jud.	
1743 _	Rev. & Tax.	
1744	Rev. & Tax.	
1754	Pub. S.	
1755	Pub. S.	
1756	Higher Ed.	
1757	G.Ö.	
1758	Lud	

Daily entries for your bill may list which legislators supported or opposed it. Here, page 6057 lists the "Aye" votes for AB 1757 on May 13, 2002.



You may also find statements of "Legislative Intent," "Legislative Counsel Opinions," or letters clarifying a legislator's understanding of a bill. Such letters are indexed under "Motion to Print Letter Re:" "Journal, Print in" or "Print in Journal." Here, we see Letters of Legislative Intent for various bills.

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JOURNAL, PRINT IN—Continued
Justice, Department of Also see COMMUNICATIONS. ATTORNEY GE
Penal Code, Section 648a, 6721
Law Revision Commission re AB's 196 and 1030 (McAlister), 3444
Legislative Counsel, Opinions of See main heading, GREGORY
LEGISLATIVE COUNSEL
Legislative Intent, Letters of—
AB 27 (Brown, W.), 3315
AB 346 (Calderon), 3298
AB 650 (Tanner), 4857
AB 894 (1984), 457
AB 894 (1984), 457
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Final History

Each year, a *Final History* section in the Journal for each house lists the steps each bill took between introduction and the governor's signature. The *Final History* also lists committees and their members, reports received by the legislature listed by topic, and other useful tables.

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A.B. No. 1757—Leslie (Principal coauthor: Senator Bowen) (Coauthor: Cogdill).

An act to add Section 429.7 to the Government Code, relating to state emblems.

2002

Jan. 7—Read first time. To print.
Jan. 8—From printer. May be heard in committee February 7.
Jan. 10—Referred to Com. on G.O.
April 22—Re-referred to Com. on G.O.
April 23—From committee: Do pass, and re-refer to Com. on G.O.
April 23—From committee: Do pass, and re-refer to Com. on G.O. Re-referred. (Ayes 1.4. Noes 0.) (April 23).
April 29—From committee: Do pass, and re-refer to Com. on G.O. Rea-referred to Com. on G.O.
May 6—From committee: Do pass, (Ayes 22. Noes 0.) (May 6).
May 7—Read second time. To third reading.
May 13—Read third time, passed, and to Senate. (Ayes 60. Noes 4. Page 6057.)
May 23—Referred to Com. on G.O.
June 4—In committee: Hearing postponed by committee.
June 11—From committee: Do pass. (Ayes 10. Noes 1.)
June 24—In committee: Do pass. (Ayes 10. Noes 1.)
June 25—Read second time. To third reading.
June 28—Read third time, passage refused in Senate. (Ayes 16. Noes 8. Page 5073.)
Motion to reconsider made by Senator Oller. Reconsideration granted. (Page 5073.)
June 29—To inactive file on motion of Senator Oller. Reconsideration granted. (Page 5073.)
June 29—To inactive file. To second reading. Read second time and amended. Ordered returned to second reading. Read second time and amended.
Ordered returned to second reading. Read second time and amended. Ordered returned to second reading. Aug. 20—Read third time, passed, and to Assembly. (Ayes 33. Noes 0. Page 5552.)
Aug. 20—Read third time, passed, and to Assembly (Ayes 33. Noes 0. Page 5552.)
Aug. 20—Read third time, passed, and to Assembly. (Ayes 33. Noes 0. Page 5552.)
Aug. 20—Read third time, passed to the Governor at 3:30 p.m.
Sept. 4—Approved by the Governor.
Sept. 5—Chaptered by Secretary of State - Chapter 355, Statutes of 2002.
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Final History

- <u>Committee records, reports, and transcripts of hearings</u> can be useful in preparing a legislative history, but are not available for all bills.
 - Committee analysis since 1993 is available at bit.ly/ca-bill-info, as noted above.
 - In print: search for the committee that reviewed the bill in the Law Library's online catalog. Use an "author" search in the format: "California. Legislature. Senate (or Assembly) Committee on" The Law Library has few of these records.
 - WestlawNext offers bill analyses and histories for both houses beginning with the 1993-94 session.

Outside resources for Step 3:

California State Archives

1020 O Street, 4th Floor, Sacramento (916) 653-2246

www.sos.ca.gov/archives/laws/

The Archives are an important source of legislative information. Researchers can use the collection on-site. The Archives also offers research services and document delivery. Unique resources available may include:

- Governor's Chaptered Bill Files (1943 2002), containing analyses, correspondence, and the text of the Governor's veto message, if any;
- Legislative Bill Files (1960-present) and Hearing Files (1940-present);
- Agency Legislative Records (various dates);
- o Authors' Bill Files (1950-present); and
- Videotapes of selected hearings and floor sessions.

• California State Library

(916) 654-0185

www.library.ca.gov/collections/law_coll.html

Committee reports, briefing papers, and reports of hearings are available. Search the State Library's catalog using an "author" search in the format: "California. Legislature. Senate (or Assembly) Committee on"

Personal contact with the author(s) of the bill and chairs of committees to which
the bill was assigned: You may be able to access material that is not available in
any library by contacting legislators or their staff directly. Contact information for
current Assembly members is available at assembly.ca.gov/assemblymembers
and for Senators at www.senate.ca.gov/.

STEP 4. REVIEW SECONDARY SOURCES

There are many other sources that may contain useful clues to legislative intent. Law review articles, court opinions, encyclopedia entries, journals and newspapers may all provide discussion of pending legislation, including opinion pieces or interviews by sponsors or opponents.

Prior court cases may also refer to the legislative intent of a statute. Check both West and Deering's annotated codes for references to material discussing legislative intent.

<u>McGeorge Law Review</u> (formerly named *Pacific Law Journal*) (1971- present) This law review publishes an annual review of major California legislation in its Spring issue "green sheets." If your statute is covered, this article may be helpful. Electronic Access: On the Law Library's computers, using *Hein Online*.

Outside resources for Step 4:

 Newsbank and other newspaper databases Sacramento Public Library <u>saclibrary.org/Research/</u> 916-264-2700

Legislation often makes news. Sacramento Public Library (like many other public libraries) offers free access to newspapers, magazines and journals over the internet for card holders. Cards are free and available to all California residents.

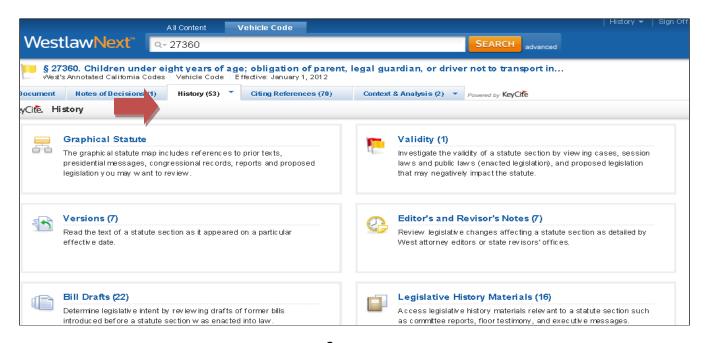
In our case, there are several newspaper articles about AB 1757, which yield information about sponsors (a junior high school civics class), lobbying, and why the bill became surprisingly controversial, leading to the change from "official ghost town" to "official gold rush ghost town."



PART II. WESTLAW NEXT® RESOURCES FOR LEGISLATIVE HISTORY

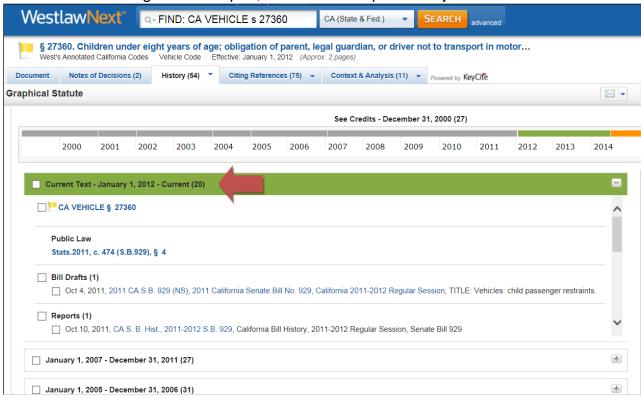
If you are researching a statute enacted since 1993, you can do some research quickly and conveniently using WestlawNext. Illustrations are based on <u>California Vehicle Code</u> (Veh.) § 27360, which requires children under eight to ride in a child passenger restraint system in the rear seat.

Statute's "History" Tab. Begin by pulling up the statute in question by selecting Statutes-California and searching for the citation. (The quickest way is to use the "California Find Statutes Template" on the right-hand side of the screen.) While viewing the statute, click on the "History" tab.



The History screen gives you easy access to much of the material used in Steps 2 (read all versions of the bill) and 3 (read "official" comments and analysis), above: versions of the actual law; drafts of bills; editor's and revisor's notes outlining when the law changed over the years; and legislative history materials such as Assembly and Senate Journal entries, committee reports, floor testimony, and Governor's messages. The "Validity" section alerts you to cases, statutes, and current legislation that may change or overrule the current law.

All of this information is pulled together in the "Graphical Statute" screen. For each time period, you can see a comprehensive list of the applicable version of the law, any bills that affected it during that time span, and relevant reports and journal entries.



You can see at a glance that there are 20 documents associated with the current version of the law. This screen gives you direct access to all 20, regardless of source.

Committee Analysis: For bills since 2005, you may find additional material (not always listed in the Graphical Statute screen) in the "California Legislative History: California Committee Analyses" database. From the WestlawNext home page, click "Legislative History," then "California," then "Committee Analysis," then search for your bill or topic.

III. COMMERCIAL SERVICES

It may be cost-effective to hire someone to do your legislative history research. Look in the Yellow Pages under "Legislative Analysis & Consultants" and "Legislative Research." Information on some of these firms is available from the Law Librarians.

IV. FOR MORE INFORMATION

At the Law Library

<u>California Jurisprudence 3d</u> <u>KFC 80 .C35</u> (Ready Reference) Statutes §§115-127. These sections, on "Factors Affecting the Determination of Legislative Intent," explain when and how legislative intent can be used in court.

Electronic Access: On the Law Library computers, using WestlawNext.

<u>California Law Revision Commission Reports</u> (1953 – current) <u>KFC 27 .C3</u> (Compact) The Commission studies laws to determine if they need to be revised or updated, and issues reports to the Legislature, which are considered important legislative history. If a report is available for your law, it will be listed in the annotated code as "Law Revision Commission Comments."

Electronic access: Selected reports, studies, and other material are available at www.clrc.ca.gov/Menu3_reports/sitemap3.html. Some are also accessible on the Law Library's Computers, using Hein Online.

Research & Practice Guide: California Legislative History & Intent KFC 74 .A9 C34 (Reference Desk)

This guide, by Carolina Rose of Legal Research & Intent, LLC ("LRI"), covers how to use legislative intent in court, the legislative process, and sources of information. Chapter 4 gives detailed descriptions of many legislative background resources, including where to find them and the best ways to get access to them.

Electronic access: available free on LRI's website (http://www.lrihistory.com/lridocuments/ Legislative.Intent.Practice.Guide 001.pdf).

Henke's California Law Guide. KFC 74 .H46

Chapter 4 covers legislative intent and explains in depth what you can find in different sources such as bill files, Senate and Assembly Journals, and more obscure sources.

Legal Research in California. KFC 74 .H36

Chapter 7.18 lists sources for California legislative history information. Chapter 19 gives a detailed example of how to prepare a California legislative history.

On the Web

California State Senate "Guide to the Legislative Process"

senate.ca.gov/legislativeprocess

Sets forth a detailed description of the legislative process and a glossary of legislative terminology.

<u>Hastings Law Library "California Ballot Measures Database"</u>

library.uchastings.edu/research/ballots/index.php

Hastings Law Library in San Francisco is a depository library for California documents. Online resources include the California Ballot Measures Database, containing full text of California ballot propositions and initiatives from 1911 to the present, plus related legislative history information and documents.

Legislative Analysis Office (LAO)

www.lao.ca.gov/

The LAO issues reports which sometimes include information on specific legislation and ballot proposals. The office also prepares fiscal analyses of all proposed initiatives (prior to circulation) and analyses of all measures that qualify for the statewide ballot.

Legislative Intent Service (LIS) (Jenny Lillge)

www.legintent.com/california-points-and-authorities/

LIS is a commercial service. Its website offers free, extensive authorities discussing how to request judicial notice of legislative intent, and the use of extrinsic material to interpret statutory intent, as well as sample requests for judicial notice

<u>Legislative Research and Intent, LLC (LRI)</u> (Carolina Rose)

www.lrihistory.com/RESOURCES.aspx

LRI is a commercial service. It offers a number of excellent free resources on its website, including the "Research and Practice Guides" on both legislative and regulatory history in California and shorter guides on specific topics such as effective dates of statutes, reconstructing past versions of statutes and regulations; and how best use the resources online from the Legislature and the Clerk Archive.

Senate Office of Research

http://sor.senate.ca.gov/

Senate analyses on background information for many subjects of potential legislation, as well as specific information on past legislation and ballot proposals.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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