

Guide Series

CALIFORNIA LEGISLATIVE HISTORY

I. SOURCES

The following sources may prove useful in compiling a legislative history for a California statute in order to determine its legislative intent.

- A. **Bills:** A bill may undergo several revisions, but will retain the same bill number throughout an entire two-year session of the legislature. The LRC has all versions of each bill, in hard copy (current session) or microfiche (previous sessions), arranged by bill number at KFC 6 .A87 and KFC 6 .S46. The additions and deletions made as a bill goes through various amendments may offer evidence of legislative intent. Also included with a bill is the Legislative Counsel's Digest, a summary of the bill's intent.
- B. **Transcripts of Committee Hearings:** These could prove very useful, but are not usually published or supplied to the LRC. The first step is to determine which committees considered the bill by using the Senate *Final History* (KFC 14 .L43 S46) or Assembly *Final History* (KFC 14 .L43 A87). Then look in the online catalog by author, e.g., California. Legislature. Assembly (or Senate). Committee on [insert name of committee].

The Senate or Assembly committees can also be contacted directly to determine if a transcript was printed. Check the Web at: www.assembly.ca.gov/acs or www.senate.ca.gov

- C. **California Law Revision Commission (CLRC) Reports:** When legislation has been adopted as the result of a Law Revision Commission recommendation, this fact (along with a citation) will often be included in the annotations to *West's* or *Deering's Annotated California Codes*. A complete set of CLRC Reports is located at KFC 79 .A3. Individual reports of the Law Revision Commission can be located in the LRC by performing an author search in the online catalog for: California. Law Revision Commission.
- D. **Senate or Assembly Journal and Appendixes:** The Journals (KFC 5 .A87 and KFC 5 .S46) provide comprehensive coverage of the proceedings of the Senate and Assembly. Coverage includes: the titles of all items introduced, considered, or acted upon; texts of amendments; texts of resolutions; roll calls upon actions requiring a recorded vote; messages from the Governor or other house; committee reports and motions. The Journals do not reproduce the text of floor debate. The bound editions of the Journals include an alphabetical subject index and a bill action index. The Journals can also be useful for determining the committees involved with particular bills. The *Journal Appendixes* (KFC 5 .S47 A66) contain administrative reports of state departments for the years 1881 - 1943. Assembly committee reports can be found in the *Assembly Journal Appendixes* for 1957 - 1970. The *Senate Journal Appendixes*, 1947 - 1970, contain Joint interim committee reports and Senate committee reports.

- E. **Pacific Law Journal. Review of Selected California Legislation:** Since 1970 the editors of the *Pacific Law Journal* have included as one of their issues a brief review of the major legislation of the previous year. Look for the green pages in the volume of the *Journal* following the year in which your bill was passed. The *Pacific Law Journal* is located alphabetically by title in the periodicals collection. The LRC also has this section separately bound and cataloged at KFC 30.5 .C761. This annual review was preceded by the *CEB Review of Selected Code Legislation* (1965-1969), KFC 30.5 .C76, and the *State Bar of California Journal* (1955-1963), located in the periodicals collection.
- F. **California Legislature. Assembly File Analysis:** The Assembly Office of Research analyzes all bills (Assembly and Senate), under consideration by the legislature. The LRC has the microfiche collection of those analyses issued from 1975 to date, located at Microforms KFC 7 .A87. To contact the Legislative Analyst's Office go to www.lao.ca.gov
- G. **Law Review Articles:** Authors of law review articles often gain access to materials generally unavailable and may offer an analysis of legislative intent. Citations to articles can be found using an annotated *Code* (*West's* or *Deering's*), *Shepard's California Citations*, *Index to Legal Periodicals*, and LegalTrac. Current unbound law reviews are located in the Reserve Room. Bound law review volumes are arranged alphabetically by title in the periodicals collection.
- H. Don't forget **personal contact!** You may want to communicate directly with the bill's author, or with members or staff of the committees that considered the bill to see what influenced their decisions. The *State Yellow Book* (Ref. JK 2403 .S77) is a directory listing current members of the California Legislature along with telephone numbers and addresses. There are several other directories in the Reference Collection that list members of previous sessions of the Legislature, including, but not limited to the *State of California Telephone Directory* (Ref .JK 8730 .S73). Check also the websites mentioned above in Section B.
- I. The **California State Archives** also collects invaluable materials which are accessible to the public. It maintains the governor's chaptered bill file from 1943-1967 and 1975 to date. It also gathers materials from sponsors and committees. Researchers can view the materials at the Archives or the staff will photocopy and mail items for a fee. Contact information:

California State Archives
1020 "O" Street
Sacramento, CA 95014
Phone (916) 653-2246. FAX:(916) 653-7363
E-Mail: ArchivesWeb@ss.ca.gov.
www.ss.ca.gov/archives/level3_legrecords.html
Hours: Monday-Friday 9:30 a.m. - 4:00 p.m..

- J. Other sources of legislative history are listed and evaluated in three excellent articles:

Walter K. Hurst, *The Use of Extrinsic Aids in Determining Legislative Intent in California: The Need for Standardized Criteria*, 12 Pac. L.J. 189 (1981).

Carolina C. Rose, *California legislative history and intent : research & practice guide : practical "how to" guidance for improving your advocacy skills when legislative history & intent is at issue*
Ref. KFC74 .R67 1997

Bertha R. White, *Sources of Legislative Intent in California*, 3 Pac. L.J. 63 (1972).

II. LOCATING BILL HISTORY USING THE CALIFORNIA CODES

Most California statutes first come into existence as bills proposed in one or both chambers of the legislature. A study of the added or deleted text in a California Assembly or Senate bill as it makes its way through the legislative process may reveal legislative intent. Bill authors often include expressions of intent or policy, so the text of all measures should be reviewed carefully. To track the amendments, you need to find out the bill number(s).

- A. Use the California Code section to locate the year and chapter number of the original legislation. Both *Deering's California Codes* (KFC 30 .D4) and *West's Annotated California Codes* (KFC 30 .W4) include the year and chapter number after the text of each code section.

EXAMPLE: The following information appears after the text of Cal. Civ. Code § 714: (Added by Stats. 1978, c. 1154, p. 3542 § 3).

Stats. = *Statutes of California...*, or, *Statutes of California and Amendments to the Codes* (official compilation of laws as passed and signed by the Governor and numbered by the Secretary of State; arranged in chronological order.)

1978 = year

c. 1154 = chapter number

p. 3542 = page 3542

§ 3 = section number 3

NOTE: Check the advance legislative service supplements to the annotated codes for recent legislation. Both *West's California Legislative Service* and *Advance Legislative Service to Deering's California Codes* arrange new legislation in chapter number order, and include the bill number. Both services have subject indexes and are shelved at the end of each set's bound volumes.

- B. To locate the bill number, use the *Summary Digest* which is found in the last *Statutes* volume for each year. The *Summary Digest* portion of the volume is arranged numerically by chapter number. The bill number appears in parentheses after each digest's chapter number. The *Summary Digest* is the Legislative Counsel's digest of each enacted law. The *Summary Digest* is also bound as a separate set at KFC 38 .C15.

EXAMPLE: The 1978 *Summary Digest* contains the following entry for Civil Code § 714: Ch. 1154 (AB 3250) Levine. Solar easements.

Ch. 1154 = Slip Law or Chapter Law (final version of bill as signed by the Governor and numbered by the Secretary of State.)

AB 3250 = Assembly Bill number 3250

Levine = Legislator who authored the bill.

For legislation earlier than 1965, there will be no *Summary Digest* in the LRC's collection. To find the number of an older bill, follow these steps:

1. Look in the Table of Contents of the *Statutes* volume for your year for the entry "Table of Laws Enacted" or "Table of Laws."
2. Turn to the Table of Laws Enacted and find your chapter number in the left-hand column.
3. Next to the chapter number will be the bill number and the author's name.

- C. Bills for previous legislative sessions are available on microfiche. The LRC has California bills from 1963 - present. Assembly bills are at KFC 6 .A87 and Senate bills are at KFC 6 .S46.
- D. To find the text of the enacted law (same language that appears in code), go to *Statutes of California...*, or, *Statutes of California and Amendments to the Codes* (KFC 25 .A25). The chapters are arranged in numerical order for each year.

EXAMPLE: For Civ. Code § 714 (see IIA above), go to the 1978 *Statutes* volume which includes chapter 1154 and turn to page 3542.

III. CURRENT AND PENDING BILLS

The LRC receives current legislative session bills, which are placed in boxes and numerically arranged by Assembly or Senate number at KFC 6 .A87 or KFC 6 .S46. The bill and all its amendments are located together in chronological sequence.

IV. FINDING CALIFORNIA BILLS ONLINE

INTERNET: The full text of bills, resolutions, and constitutional amendments for the current year and the previous four years, and their status, history, votes, analyses, and veto messages are available at www.leginfo.ca.gov

LEXIS: The full text of all versions of pending bills and bill tracking information is available. Bill tracking provides significant dates in a bill's passage through the legislative process, committee assignments, signature by the executive, and the sponsor. The bill tracking database has information from the current year. Committee analyses can also be found

WESTLAW: California coverage begins with the most recent legislative sessions also provides access to bill tracking information. Committee analyses and summary information can also be found.

NOTE: The use of LEXIS and WESTLAW is limited by USD's educational contract to currently enrolled USD law students, law faculty, and staff.

V. SELECTED HISTORIES

The following selected histories of California Codes are published in superseded volumes of *West's Annotated Codes*, located in the Superseded Collection at KFC 30 .W4. These are also linked to the LRC website and may be read or printed in full on the internet at www.sandiego.edu/lrc/gs-3.shtml

1. **CIVIL CODE:** Arvo Van Alstyne, *The California Civil Code*, 6 West's Annot. Cal. Codes 1-43 (1954).
2. **CODE OF CIVIL PROCEDURE:** Justin Miller, *History of the California Code of Civil Procedure*, 23 West's Annot. Cal. Codes 1-44 (1955).
3. **EDUCATION CODE:** Joseph L. Knowles, *The Education Code*, 26 West's Annot. Cal. Codes XLIX-LVIII (1955).
4. **GOVERNMENT CODE:** Charles Aikin, *The Government Code of California*, 32 West's Annot. Cal. Codes 1-29 (1955).
5. **INSURANCE CODE:** Sidney L. Weinstock and John B. Maloney, *History and Development of Insurance Law in California*, 42 West's Annot. Cal. Codes 1-57 (1955).
6. **PROBATE CODE:** Lowell Turrentine, *Introduction to the California Probate Code*, 52 West's Annot. Cal. Codes 1-40 (1956).
7. **PUBLIC UTILITIES CODE:** Roderick B. Cassidy, *Public Utility Regulation in California*, 57 West's Annot. Cal. Codes 1-24 (1956).
8. **REVENUE AND TAXATION CODE:** J. Gould, *The California Tax System*, 59 West's Annot. Cal. Codes 1-77 (1956).
9. **VEHICLE CODE:** J. Allen Davis and Harry V. Cheshire, Jr., *California Motor Vehicle Legislation*, 66 West's Annot. Cal. Codes 1-57 (1960).
10. **WATER CODE:** J. D. Strauss and George H. Murphy, *California Water Code in Perspective*, 68 West's Annot. Cal. Codes 1-49 (1956).
11. A "Report on Civil and Common Law," along with a history of California at the time of statehood, can be found in the Appendix of volume one of the *California Reports*.

VI. CHECKLIST

1. Code Section _____
2. Record the *Statutes of California...*, or, *Statutes and Amendments to the Codes* (Stats.) citation following the text of Code section in West's or Deering's Annotated Codes, and note any legislative history.

Year and Chapter number _____
3. Shepardize Code section in *Shepard's California Citations: Statutes* (KFC 39 .S53). Check bound volumes and paperbound supplements.
 - a. Note any citations to Attorney General's opinions.
 - b. Note cited cases and law review articles.
4. Read original statute at noted year and chapter in *Statutes* (KFC 25 .A25). At the end of the statute there may be an urgency statement or some other message of intent, which will not be codified.
5. Convert chapter number or code section to bill number using one of the following:
 - a. *Statutes of California* "Table of Laws Enacted" or "Summary Digest of Statutes Enacted."
 - b. Prior to 1973, check the *Final Calendar of Legislative Business* (KFC 14 .L43). For 1973 and later, use Assembly or Senate *Final History* (KFC 14 .L43 A87 or KFC 14 .L43 S46) "Chapter Numbers of Assembly and Senate bills."
 - c. Current issues of the Senate *Weekly History* or Assembly *Weekly History* (shelved with current bills at KFC 6 .A87 and KFC 6 .S46).
 - d. *Deering's Advanced Legislative Service* or *West's California Legislative Service* for current legislation (shelved at the end of *West's* and *Deering's California Codes*, KFC 30 .D4 and KFC 30 .W4, respectively).
Bill number _____
6. Read bill history in Assembly and Senate *Final History* volumes (KFC 14 .L43 A87 and KFC 14 .L43 S46). Make note of author(s), committee assignments, amendment dates, journal pages, etc. for later use.
7. Read all versions of the bill.

The LRC has paper copies of bills from current and last sessions only; microfiche copies of bills begin with the 1963 session (Microforms KFC 6 .A87 (Assembly) and KFC 6 .S46 (Senate)).
8. Read Assembly File Analysis for each bill, which includes both Senate and Assembly bills sent to the governor. Available in microfiche with the bills from 1975 to the present at the end of Senate Bills at KFC 7 .A87.
9. Check *Assembly Journal* and *Senate Journal* index volumes (KFC 5 .A87 and KFC 5 .S46) under the bill number and subject headings such as: "Journal, Print in; Legislative Counsel; Reports; Roll call."

10. Legislative Counsel opinions.
 - a. Assembly *Final History* "List of Legislative Counsel Opinions" (KFC 14 .L43 A87).
 - b. Senate *Final History* "Reports Received and Noted" (KFC 14 .L43 S46).
11. Continue search for reports and hearings.
 - a. Author search on Sally: "California, Legislature. Senate (or Assembly). Committee on [insert name of committee]"
 - b. Subject search on Sally.
 - c. *Hearings and Reports of the Committees of the California Legislature a listing* (KFC 20 .C35).
12. Check *Review of Selected --- California Legislation* (KFC 30.5 .C761), for articles written after 1970. Note: The same material is included in the *Pacific Law Journal*.
13. Trace development of law by reviewing earlier sessions of the legislature in the *Legislative Index* (KFC 12 .L43).
 - a. Search by topic in the Legislative Index.
 - b. Search the "Table of Sections Affected" by code section.
14. Additional sources:
 - a. California Law Revision Commission (KFC 79 .A3) Reports. See I. C., above.
 - b. Opinions of the Attorney General (KFC 780.5 .061).
 - c. California Code Commission. Perform author search in the online catalog.
 - d. Contact author of bill or legislative committee. See I. H., above.
 - e. Contact the State Archives. See I. I., above.
 - f. Commercial services that compile legislative histories for a fee:
 1. California Legislative Intent Service
712 Main Street
Woodland, CA 95695
(800) 666-1917
legintent.com
 2. Legislative Research Inc.
926 J St., Suite 1100
Sacramento, CA 95814
(800) 530-7613
15. Do not forget to use traditional newspaper and periodical sources:
 - a. *Sacramento Bee*
 - b. *Los Angeles Times*
 - c. *California Journal*
 - d. *California Lawyer*
 - e. Other legal newspapers and journals

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