



Research Guide

California Legislative History

The typical legislative history researcher has a section from the *California Code* and seeks to determine the legislative intent behind it. Use either of the two California annotated codes to begin this process: *West's Annotated California Codes* (LRC California & Reference KFC 30 .W4; Westlaw) or *Deering's California Codes Annotated* (LRC California KFC 30 .D4; LexisNexis). Three numbers are needed to begin compiling a statute's legislative history:

- 1) The **year** the statute was enacted.
- 2) The chronological numerical designation—called the **Chapter**—the newly-enacted statute was assigned.
- 3) The **bill number** the soon-to-be statute was assigned while moving through the Legislature.

Using Cal. Civ. Code §1946.1 (West 2007) as an example, we see that immediately following the text of the statute is the following parenthetical:

(Added by Stats. 2006, c. 842 (A.B. 1169), §1.)

Record that information, as it is the cornerstone of your research. While you are in the annotated codes, look for *Historical and Statutory Notes* (if included), and references to *Law Revision Commission Reports*, committee reports and law review articles pertaining to its legislative history. If you wish to be thorough, check the other annotated code, as the coverage is different between *Deering's* and *West's*.

Text of the Act

Now return to the parenthetical. It tells you that the statute that created this code section is found in California's official compilation of laws, the *Statutes & Amendments to the Codes* for 2006, was designated as chapter 842, and that section 1 of that act corresponds to Cal. Civ. Code §1946.1. A.B. 1169 tells you that the statute originated as Assembly Bill 1169 (S.B. designates a Senate Bill.)

If you think it would be helpful to see your code section in the context of the larger act in which it was contained, read the act in any of the following sources:

- *Statutes & Amendments to the Codes* (1849-present): LRC California & Microforms KFC 25 .A25
- *State Assembly Chief Clerk's Archives* (1850-1995): <http://192.234.213.35/clerkarchive/>
- *Legislative Counsel's website* (1993-present): <http://www.leginfo.ca.gov/statute.html>
- *LexisNexis* (1987-present): Hyperlink in *CA Deering's California Codes Annotated*.
- *Westlaw* (1987-present): Hyperlink in *California Statutes-Annotated*.

Digest & Bills

An important indicator of general legislative intent is the *Legislative Counsel's Digest*. It is a summary of the bill prepared by the nonpartisan Legislative Counsel's Office that tells the legislators what they're voting on. In the first two sources listed in the preceding section, it is contained in the *Summary Digest*, found in the last volume for each year and arranged in chapter number order. It is at the beginning of the statute in the third source.

For Statutes enacted prior to 1993, the bill number is not provided in the annotated statutes.

- 1967-1992: Use the *Summary Digest* to obtain the bill number and author.
- Prior to 1967: Use the Table of Contents contained in the first volume for each year to locate the *Table of Laws Enacted*, and find your chapter number. The bill number will be listed next to it.

Bills usually undergo several revisions called amendments. The language added or deleted during the amendment process, coupled with the *Legislative Counsel's Digest*, may offer the best evidence of legislative intent. In most sources, added language is indicated by italics or highlight; deleted language is indicated by strikethrough. The *Legislative Counsel's Digest* is located at the beginning of the bill. Use any of these sources to review a bill and its *Legislative Counsel's Digest*:

- **Assembly Bills:**
 - Current session:
 - Legislative Counsel: <http://www.leginfo.ca.gov/bilinfo.html>
 - Westlaw: *California Bill Tracking Full Text*
 - LexisNexis: *CA Full Text Bills*
 - Previous sessions:
 - 1993-present: Legislative Counsel: <http://www.leginfo.ca.gov/bilinfo.html>
 - 1963-2004: LRC Information Service Microforms KFC 6 .A87
 - 1991-last session: Westlaw: *California Bill Text Archives*
- **Senate Bills:**
 - Current session:
 - Legislative Counsel: <http://www.leginfo.ca.gov/bilinfo.html>
 - Westlaw: *California Bill Tracking Full Text*
 - LexisNexis: *CA Full Text Bills*
 - Previous sessions:
 - 1993-present: Legislative Counsel: <http://www.leginfo.ca.gov/bilinfo.html>
 - 1963-2004: LRC Information Service Microforms KFC 6 .S46
 - 1991-last session: Westlaw: *California Bill Text Archives*

Analyses

The *Legislative Counsel's* website (1993-present: <http://www.leginfo.ca.gov/bilinfo.html>) in the hyperlinked entries in the *Analyses* section, often contain Comments and/or Arguments For/Against the measure. If a bill was introduced because of recommendation by the California Law Revision Commission, *infra*, a URL or link will be displayed. Committee Analyses are written by the staff of the legislature's committees, summarizing the committee action on the bill and often including information about the bill's intent. This analysis is duplicated here:

- 1993-present: Westlaw: *California Legislative History*
- 2001-present: LexisNexis: *California Legislative Bill History*

California Law Revision Commission

Over 20,000 sections of California statutory law have been added, amended or repealed on the recommendation of the California Law Revision Commission (CLRC). While its reports are not conclusive, they do carry great weight in statutory analysis. When legislation has been adopted as the result of a CLRC recommendation, a citation will be included in the annotated codes and a hyperlink or URL included in the Comments in the *Analyses* section of the *Legislative Counsel's* website. The CLRC makes many of its documents produced since 1957 available free of charge in PDF format at <http://www.clrc.ca.gov/index.html> and provides information for purchasing reports that are still in print. It also provides a mechanism to search for California Code sections affected by Commission Recommendations at <http://www.clrc.ca.gov/Mreports-affectedsearch.html>.

A complete set of printed CLRC Reports is located on site at LRC California KFC 79 .A3. Separately published reports or recommendations can be located by executing a title search (from the citation in the annotated codes) or author search (e.g., california law revision commission) in USD's online catalog <http://sally.sandiego.edu/search>.

Assembly Analysis

These analyses were prepared by the Assembly Office of Research for selected bills from both Houses, 1975-2002. If available for your bill, the file will include information on committee actions, a short digest, a summary of comments by committee consultants, and an assessment of the effect of the bill, including fiscal effect. The comment section may provide background information on the bill's intent, and/or list proponents and opponents. The *Assembly File Analysis* is located at LRC Information Services Microforms KFC 7 .A87.

Committee Reports, Analyses and Hearings

Committee analyses since 1993 are available at <http://www.leginfo.ca.gov/bilinfo.html>. From the mid-1960s when the practice began, analyses are available at the State Archives or from the committee itself.

Generally, there are not many published Committee Reports and even fewer transcribed Hearings. Recordings of some current hearings can be heard at http://www.assembly.ca.gov/committee_hearings/defaulttext.asp, but transcripts are not required to be published. When transcripts are published, it is for investigative hearings only—not bill hearings. If a transcript is made, it may be held for office use only. **But it might be worth checking** on the chance your bill arose out of an issue investigated by a committee. The State Archives in Sacramento has transcripts of hearings as well as background materials, 1940-present, and will identify and photocopy materials in their collection relating to the bill(s) for a fee. ArchivesWeb@sos.ca.gov or 916-653-2246.

Check the *Final History* of the chamber from which the bill originated to determine what committees reviewed the bill and whether there were any hearings or reports.

- Both Chambers
 - 1881-latest completed session: <http://192.234.213.35/clerkarchive/>
 - 1993-present: <http://www.leginfo.ca.gov/bilinfo.html>
 - 1993-present: Westlaw: *California Legislative History*
- Assembly Final History
 - 1973-present: LRC California KFC 14 .L43 A87 (paper)
 - 1964, 1966-1970, 1981-latest available: LRC Information Services Microforms KFC 14 .L43 A87
- Senate Final History
 - 1973-Present: LRC California KFC 14 .L43 S46 (paper)
 - 1964, 1966-67; 1969, 1970, 1981-present: LRC Information Services Microforms KFC 14 .L43 S46

Once you identify the committee assignment and hearing date (if applicable), you can search in SALLY <http://sally.sandiego.edu/search> to determine whether the LRC owns the hearing or report. The general format of an author search is:

california legislature assembly {or senate} committee on {or select committee on} [committee name]

Assembly or Senate Journal and Appendixes

The *Journals* provide an accurate account of proceedings of each house, though not a verbatim report of debates. Coverage includes: the titles of all items introduced, considered, or acted upon; texts of amendments and resolutions; roll calls upon actions requiring a recorded vote; messages from the Governor or either chamber; committee reports and motions. 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* contain administrative reports of state departments, 1881-1943. Assembly committee reports can be found in the *Assembly Journal Appendixes*, 1957-1970. The *Senate Journal Appendixes* contain Joint Interim Committee Reports and Senate committee reports, 1947-1970.

- Assembly Journal:
 - 1849-1997: *State Assembly Chief Clerk's Archives* <http://192.234.213.35/clerkarchive/>
 - 1852-present, with gaps: LRC California KFC 5 .A87 (paper)
 - 1913-latest available: LRC Information Services Microforms KFC 5 .A87
 - 1995-present: State Legislature <http://www.assembly.ca.gov/clerk/billslegislature/srchframe.htm>
 - 1995-present: Westlaw: *California Legislative History*
- Senate Journal:
 - 1861-present, with gaps: LRC California KFC 5 .S46 (paper)
 - 1913-latest available: LRC Information Services Microforms KFC 5 .S46
 - 1995-present: Westlaw: *California Legislative History*
 - 2002-present: State Legislature http://www.legislature.ca.gov/research_and_publications/legislative_research/research.html

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McGeorge Law Review/Pacific Law Journal. Review of Selected California Legislation

Since 1955, this publication reviews the major legislation of the previous year.

- 1955-1969: *Review of Selected Code Legislation* (CEB): LRC California KFC 30.5 .C76
- 1970-present: *Review of Selected California Legislation*: LRC California KFC 30.5 .C761
 - 1970-1997: *Pacific Law Journal* (LRC 1st Mezzanine, K 16 .A5) (green pages)
 - 1998-present: *McGeorge Law Review* (LRC 2nd floor, K 13 .C32) (green pages)
- 1970-present: HeinOnline: From LRC Homepage (<http://www.sandiego.edu/law/lrc/>) >Legal Research Databases> HeinOnline (under title: *McGeorge Law Review*)
- 1994-present: Westlaw: *McGeorge Law Review*
- 1995-present: LexisNexis: *McGeorge Law Review*

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:

- Any annotated code (discussed above)
- *Shepard's California Citations Statutes*: LRC California KFC 39 .S53 or on LexisNexis
- Westlaw: *KeyCite*
- LexisNexis: *Shepard's California Statutes*
- LegalTrac (1980-present): LRC homepage: <http://www.sandiego.edu/law/lrc/>>Legal Research Databases>LegalTrac (Note: This database contains a limited, though growing, number of full-text articles in PDF or text.)
- *Index to Legal Periodicals*: LRC Reference Index K 33 .I32

Once you obtain the citation, the print version can be retrieved from the LRC journal stacks:

- Alphabetical by journal title, LRC 1st Mezzanine & 2nd Floor; current issues in Reserve Room. Check Sally (<http://sally.sandiego.edu/search>) to confirm that the LRC owns the desired title and/or volume.

Full-text articles can be retrieved by citation or a database search:

- PDF: *HeinOnline*: From LRC Homepage: <http://www.sandiego.edu/law/lrc/>>Legal Research Databases> *HeinOnline*
- PDF or HTML: Westlaw: Retrieve by citation or construct search in *Journals and Law Reviews*.
- PDF or HTML: LexisNexis: Retrieve by citation or construct search in *Law Reviews & Journals, Combined*.
- PDF or text: LegalTrac: Full-text searching is available in the limited, though growing, number of full-text articles contained in the database.

Other Resources: A much more detailed explanation of every available source for compiling a California Legislative History is contained in Chapter 4 of *Henke's California Law Guide* KFC 74 .H46 2006. Copies are shelved in the LRC Reserve Room and the Reference Collection. Older editions may be borrowed. Other useful information is contained at:

http://www.legislature.ca.gov/research_and_publications/legislative_research/research.html

State Archives: The State Archives also provides research service for those located outside the Sacramento area who are seeking legislative history information. If a researcher can specify a particular chapter or bill, Archives staff will identify and photocopy materials in its collection relating to the bill(s) for a per-page fee.

ArchivesWeb@ss.ca.gov / 916-653-2246.

See California State Archives Legislative Resources:

http://www.sos.ca.gov/archives/level3_legrecords.html.

Please contact a Reference Librarian for further assistance: lrcrefer@sandiego.edu / 619-260-4612

Note: Websites with the suffix .gov, .org or .com are accessible to anyone anywhere.

Anyone physically present on campus may access ProQuest Congressional Publications.

Only currently enrolled USD Law Faculty and Students may access Lexis and Westlaw for educational purposes.