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## CALIFORNIA LEGISLATIVE HISTORY: Step by Step

# Researching Legislative Intent

### INTRODUCTION

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 (the “*legislative intent*”), in order to apply it to an unforeseen situation or clarify an ambiguous law.

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 California Government Code § 429.6, which names Bodie the “official state gold rush ghost town.”

This guide covers only California legislative history. For Federal legislative history, start with "[Legislative History Research: A Basic Guide](http://www.fas.org/sgp/crs/misc/R41865.pdf)" (<http://www.fas.org/sgp/crs/misc/R41865.pdf>) from the Congressional Research Service.

### PROCEDURE

#### Overview

Step 1: Identify the Assembly or Senate bill number and year.

Step 2: Find and read all versions of the bill.

Step 3: Read “official” comments and analysis.

Step 4. Locate and review secondary sources of information.

**Westlaw Shortcut!** These steps involve cross-referencing information in many different places. Much of this information is available in a conveniently hyperlinked way in Westlaw – but only for bills passed since Jan. 2, 1999. See below for more information on using Westlaw to access this information.

## Step-by-Step Instructions

**Step 1: 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 after the text of the law in *West's Annotated Code* (KFC30.5 .W48; also available through Westlaw's CA-ST-ANN database) or *Deering's Annotated Code* (KFC30.5 .D4). Check the pocket part!

Chapter 365 is the "session law number." 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.

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*.

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.

Finding the *Statutes and Amendments*:

- The full set, from 1850 to present, is available in the Law Library (KFC30 .A2). Ask the Reference Librarian for assistance.
- The full set is also available at <http://192.234.213.35/clerkarchive/>; choose the year from the drop-down menu for "Statutes." Be patient; it can be very slow.

§ 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**

**2002 Legislation**  
Sections 1 and 2 of Stats.2002, c. 365 (A.B.1757), provide:  
"SECTION 1. The Legislature finds and declares all of the following:  
"(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.  
"(b) At its peak in 1879, Bodie boasted a population 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.

"(d) One hundred twenty years later, Bodie is one of the largest and best-preserved ghost towns 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 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 Vining, to promote awareness of, and to acknowledge the importance that Bodie played in, California's rich Gold Rush history."

California Government Code 429.6, "Designation of official state gold rush ghost town," was "added by Stats. 2002, c. 365 (A.B. 1757), § 3."

2002 SUMMARY DIGEST 131

clarifying changes in related provisions. The bill would subject operation of the existing law to funding being appropriated on or before January 1, 2004.

Ch. 365 (AB 1757) 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.

Ch. 366 (AB 1900) Nakano. Labor History Week.  
Existing law requires all instructional materials adopted by any governing board for use in schools to be to the satisfaction of the governing board, accurate, objective, current, and

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

**Step 2: 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. Compare all prints of the bill, particularly when amendments were adopted or offered and rejected in the course of the legislative process. Read the Legislative Counsel's Digest (available since 1963) for each version.

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):

- Beginning with 1987, Westlaw offers several legislative history and bill tracking databases, including CA-LEGIS, CA-BILLS, and CA-STN-BILLS (current legislation) and CA-LEGIS-OLD (1987 through prior year).
- Beginning with 1993, "Official California Legislative Information" offers bills free online ([www.leginfo.ca.gov/bilinfo.html](http://www.leginfo.ca.gov/bilinfo.html)). This useful website tracks the history of a bill and contains all versions of it, along with other information.

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.

Bills prior to 1987 (outside resources):

- **California State Library:** California bills (including those never passed) since 1867. (916) 654-0185. (<http://www.library.ca.gov/collections/index.html#law>)
- **San Francisco Public Library:** California bills and other resources from 1867. 415-557-4500. (<http://sfpl.org/index.php?pg=0200002601>)

In the case of A.B. 1757, a visit to [www.leginfo.ca.gov/bilinfo.html](http://www.leginfo.ca.gov/bilinfo.html) reveals that 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."

AMENDED IN SENATE AUGUST 13, 2002  
AMENDED IN ASSEMBLY APRIL 29, 2002  
CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

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**ASSEMBLY BILL** **No. 1757**

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

January 7, 2002

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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 SECTION 1. The Legislature finds and declares all of the  
2 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.



- **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 has other useful tables.

- **Committee records, reports, and transcripts of hearings** can be useful in preparing a legislative history, but are not available for all bills.

- In print: search for the committee that reviewed the bill in the Library's online catalog. Use an "author" search in the format:

"California. Legislature. Senate (or Assembly) Committee on ....."

- Committee analysis since 1993 is available for free online at <http://www.leginfo.ca.gov/bilinfo.html>.
- Westlaw contains committee reports and other material in its CCA database (present session) and its CCA-OLD and STN-CCA databases (beginning with 1991). Search using "Terms and Connectors," limited to the year in question, for the citation, like so:

CI(senate or assembly & bill number) & DA(year) eg:  
CI(senate & 49) & DA(2002)

2001-02 REGULAR SESSION		1285
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.		
<b>2002</b>		
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 A., E., S., T., & I.M. by unanimous consent, and then be re-referred to Com. on G.O.
April	23	—From committee: Do pass, and re-refer to Com. on G.O. Re-referred. (Ayes 14. Noes 0.) (April 23).
April	29	—From committee chair, with author's amendments: Amend, and re-refer to Com. on G.O. Read second time and amended.
May	1	—Re-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	14	—In Senate. Read first time. To Com. on RLS. for assignment.
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	12	—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.
Aug.	13	—From inactive file. To second reading. Read second time and amended. Ordered returned to second reading.
Aug.	14	—Read second time. To third reading.
Aug.	20	—Read third time, passed, and to Assembly. (Ayes 33. Noes 0. Page 5552.)
Aug.	20	—In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 22 pursuant to Assembly Rule 77.
Aug.	22	—Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 76. Noes 0. Page 7899.)
Aug.	30	—Enrolled and presented to the Governor at 3:30 p.m.
Sept.	4	—Approved by the Governor.
Sept.	5	—Chaptered by Secretary of State - Chapter 365, Statutes of 2002.

*Outside resources for Step 3:*

- **California State Archives**, 1020 O Street, 4th fl. Sacramento (916) 653-2246 ([http://www.sos.ca.gov/archives/level3\\_legrecords.html](http://www.sos.ca.gov/archives/level3_legrecords.html)) are an important source of legislative information. Researchers can use the collection on-site. The Archives also offers research services and document delivery. Resources available through the Archives 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);
  - *Authors' Bill Files* (1950-present); and
  - Videotapes of selected hearings and floor sessions.

- **California State Library** contains additional reports and hearings. (916) 654-0185 (<http://www.library.ca.gov/collections/index.html#law>)
- **Hastings Law Library in San Francisco** is a depository library for California documents, and offers several useful databases on legislation and ballot measures since 1973 at <http://holmes.uchastings.edu/Welcome.html>.
- 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 <http://www.assembly.ca.gov/acs> and for Senators at <http://www.senate.ca.gov/>.

**Step 4: Secondary Sources.** There are many other sources that may contain useful clues to legislative intent.

*Law review articles, encyclopedia entries, journals and newspapers* may all provide discussion of pending legislation, including articles or interviews by sponsors or opponents. Check both West and Deering's annotated code entries for references to cases and other material discussing legislative intent.

The Library has access to all major California law reviews and thousands of other reviews, journals, and legal newspapers through subscription databases. Several journals have published annual reviews of major California legislation. While not all laws are reviewed, if you find one on your topic, it can be helpful:

- *California State Bar Journal*, 1955-1963 (Hein Online).
- *Review of Selected Code Legislation* (CEB), 1965-1969 (Historical KFC 30.5 S7).
- The *McGeorge Law Review* (formerly named *Pacific Law Journal*) Spring issue "green sheets," 1971- present (Hein Online).

*Outside resources for Step 4:*


- *Newsbank* newspaper database, Sacramento Public Library <http://saclibrary.org/?pageId=1219>. Legislation often makes news. Sacramento Public Library offers free access to newspapers, magazines and journals in the library or over the internet. Contact the library (916-264-2700) to get a card.

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."


The screenshot shows a NewsBank article listing. At the top, it says "NewsBank America's News". Below that, it says "NewsBank Article Listing". The article title is "Thomas: Turning a civics lesson into sausage - How California got two official ghost towns - one more than it really needs". The source is "Ventura County Star (CA) - Saturday, October 5, 2002" and the author is "Chuck Thomas". The text of the article begins with "If you wonder whether California really needs an official ghost town -- duly designated by the Legislature and the governor -- you may be surprised to learn that one ghost town isn't enough so the state is going to have two." It then asks "How did this legislative redundancy come about? The story is a reminder of the old warning that you should never watch either sausage or laws while they're being made." and ends with "It all started with Assemblyman Tim Leslie whose district includes parts of such scenic wonders as Lake Tahoe and Mammoth Mountain. As an educational experience Leslie devised a law-writing contest with entrants invited to propose a piece of specific

## II. WESTLAW ® RESOURCES FOR LEGISLATIVE HISTORY RESEARCH

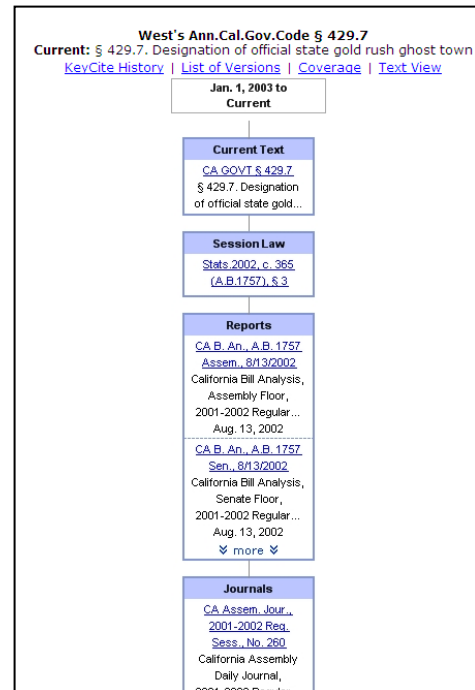
If you are researching a statute enacted since January 2, 1999, you can do much research quickly and conveniently using the Westlaw services “Graphical Statutes” and “PastStat Locator.”

Begin by pulling up the statute in question using the “California Statutes” or “California Statutes- Annotated” database (CA-ST or CA-ST-ANN). You should see a gray column with links for the statute along the left side of the screen. If you do not, click the small box along the right side of the screen (  ) to enter split screen view.



**Graphical Statutes:** Click the  graphic on the left side of the screen to access a timeline identifying prior, current, and upcoming versions of the statute, and links to much of the background material identified in Step 2 and Step 3 (bill drafts, committee reports, etc), as well as KeyCite history and a list of versions. Significant case law may also be linked. (This service is also available for United States Code sections enacted on or after Jan. 2, 1996.)

**PastStat Locator:** Another option along the left side of the page is “Versions.” This brings up a list of the text of the statute as of specific dates. You can also pull up the text as it existed on a particular date by using Westlaw’s “Table of Contents” and changing the “effective date” in the lower right hand corner to the year you desire (back to 1987).



## 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

**California Jurisprudence 3d** Statutes, §§115-127. KFC 80 .C35  
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 Westlaw.

**California Law Revision Commission** reports, 1953 to present. KFC27.C3.  
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. You can also search for reports, including some free downloadable material, at the Commission's website at <http://www.clrc.ca.gov/Mreports-publications.html>.

**California Legislative History and Intent: Practical "How to" Guidance for Improving Your Advocacy Skills When Legislative History or Intent is at Issue** KFC74.A9C34

This guide by Carolina Rose of Legal Research, Inc. 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 online at <http://www.lrihistory.com/guide.pdf>.

**Henke's California Law Guide.** KFC74 .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.** KFC74 .H36 (Ref Desk)

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**

**"Guide to the Legislative Process,"** from the California State Senate, is available on the Web at <http://www.sen.ca.gov/~newsen/schedules/bill2law.htm>. It sets forth a detailed description of the legislative process and a glossary of legislative terminology.

**Senate Office of Research** maintains a website with Senate analyses on background information for many subjects of potential legislation, as well as specific information on past legislation and ballot proposals, at <http://www.sor.govoffice3.com/>.

**Legislative Analysis Office** publishes reports which sometimes include information on specific legislation and ballot proposals. <http://www.lao.ca.gov/>. The office also prepares fiscal analyses of all proposed initiatives (prior to circulation) and analyses of all measures that qualify for the statewide ballot.

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