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 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 (Gov’t Code) § 429.7, which names Bodie the “official state gold rush ghost town,” and California Vehicle Code § 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.

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.

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 [clerk.assembly.ca.gov/archive-list](http://clerk.assembly.ca.gov/archive-list) 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).
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 year’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.”
There are a number of other sources for comments and analysis:

- **Journal of the Assembly** and **Journal of the Senate**
  - 1968-present in print (KFC 14 (Compact)).
  - Journal of the Assembly (1849-2005) is available free online from the State Assembly at [clerk.assembly.ca.gov/archive-list?archive_type=journals](http://clerk.assembly.ca.gov/archive-list?archive_type=journals). 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.

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.

- **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.

- **Committee records, reports, and transcripts of hearings** 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](http://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

  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);
  - **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](http://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](http://assembly.ca.gov/assemblymembers) and for Senators at [www.senate.ca.gov/](http://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.

**McGeorge Law Review** (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
  - saclibrary.org/Research/
  - 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 [California Vehicle Code (Veh.) § 27360](https://www.leginfo.ca.gov/billtext18931993/billtext/veh_27360.html), 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.

---

![WestlawNext interface](image-url)

**Graphical Statute:** The graphical statute map includes reference to prior texts, presidential messages, congressional records, reports and proposed legislation you may want to review.

**Versions (7):** Read the text of a statute section as it appeared on a particular effective date.

**Bill Drafts (22):** Determine legislative intent by reviewing drafts of former bills introduced before a statute section was enacted into law.

**Validity (1):** Investigate the validity of a statute section by reviewing cases, session laws and public laws (enacted legislation), and proposed legislation that may negatively impact the statute.

**Editor's and Revisor's Notes (7):** Review legislative changes affecting a statute section as detailed by West attorney editors or state revisor's offices.

**Legislative History Materials (16):** Access legislative history materials relevant to a statute section such as committee reports, floor testimony, and executive messages.
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


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.

**California Law Revision Commission Reports** (1953 – current) KFC 27 .C3 (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](http://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.


**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](http://senate.ca.gov/legislativeprocess)

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

**Hastings Law Library “California Ballot Measures Database”**

[library.uchastings.edu/research/ballots/index.php](http://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.

Legislative Research and Intent, LLC (LRI) (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.