



California Legislative History and Analysis

Research Guide

Last Updated: June 15, 2010

Introduction:

A legislative history consists of all the documents compiled during the creation of a statute. Legislative histories are useful in determining the Legislature's intent, meaning and effect of new statutes, or when there is little case law interpreting a statute's meaning. This guide describes the steps used in researching a California statute's legislative history.

Please note that the California legislature is not required to publish hearings, debates or reports. This makes it much more difficult to produce in-depth California Legislative histories than it is for Federal Legislative histories.

Legislative History for Legislation Passed from 1993 to the Present:

The easiest way to search for legislative history for legislation passed beginning in 1993 is to use the Legislative Counsel of California's Bill Information website which is available online at <http://www.leginfo.ca.gov/bilinfo.html>. Bill information at this site includes, "The full text of bills, resolutions, and constitutional amendments, and their status, history, votes, analyses, and veto messages."

(Sources listed below are available at all branches, unless otherwise noted)

Legislative History for Legislation Passed Prior to 1993.

For legislative histories prior to 1993, follow these steps:

1. Determine if you have the Correct Code Name and Section(s)

Determine the code name and section using either *West's Annotated California Codes*, (call number KFC30.5 .W4) or *Deering's California Codes Annotated*, (KFC 30.5 .D4). It is a good idea to review the current code section(s) in both sets of codes because the annotations may differ. Next, check the pocket part or pamphlet in the back of the code volume for the most recent updates.

This resource will provide you with the most current version of the code, a list of all the amendments to the code, the year it was passed, and the chapter number of the bill that created the code section.

NOTE: You can also check the code annotations for references to California Attorney General Opinions, which may help explain legislative intent. These Opinions are found at KFC 780.5 or online from 1997 forward at: <http://ag.ca.gov/opinions.php> .

Write the Code and Section Here: _____



2. Determine the Chapter Number of the Bill and the Year it was Passed

The chapter number of the bill that created the specific code section and the year it was passed can be found either in *West's* or *Deering's Annotated Codes*. The information will be listed *after* the code section text, but *before* the heading "Historical & Statutory Notes" (*West*) or "Former Sections" (*Deering's*). You will need the chapter number and year to find the bill number.

For example, the chapter number and year for California Civil Code 3439 shows, "Added by Stats.1986, c. 383, §2," which means information can be found in the 1986 version of the *Statutes and Amendments to the Codes of California*, in Chapter 383, section 2.

Write the Chapter Number and Year here: _____

3. Read the Final Chapter Version

Next, read the final version using the Chapter Number from Step #2. They can be found in the resources below. All branches have the Statutes and Amendments volumes covering 1999 (the most recently published) back to 1901, the North County branch has coverage back to 1855, and Main has coverage back to 1849. There are Advance Sheets that cover up to the present at Main and North County branches.

- a. *Statutes and Amendments to the Codes of California*, (KFC30.A2 1850).
- b. *West's California Advance Legislative Service*, (KFC30.5.W415).

4. Convert the Chapter Number into the Bill Number

The more recent annotated codes list the bill number, making this step unnecessary. This information is in the *California Session Laws* published in the *Statutes and Amendments to the Codes of California*, (KFC 30.A2 1850). Bill numbers will be either, AB ##### for Assembly Bills, or S ##### for Senate Bills.

To find the chapter and bill number in the *Statutes and Amendments to the Codes*:

- a. for bills up to 1970, use the "Table of Laws Enacted," found in Volume 1 of that year's *Statutes and Amendments to the Codes*, or as a separate soft-cover volume at the Main branch in the 1st floor stacks (KFC14), which converts the chapter number to a bill number;
- b. for bills after 1970, use the "Summary Digest," found in the last volume of that year's *Statutes and Amendments to the Codes*, or as a separate soft-cover volume at the Main branch in the 1st floor stacks (KFC 14), which will provide the bill number, a summary of the bill's text, and its effective date.

Online Resource:

There may be some entries of the *Statutes and Amendments to the Codes* from 1850 to 2004 and of the Summary Digest beginning in 1968 online at: <http://192.234.213.35/clerkarchive/>. Click on the "Statutes" drop-down menu and choose the year you want, and then click on any available "active" (blue) PDF linked documents.

Write the Bill Number Here: _____



5. Read all versions of the bill

Read the different versions of the bill using the Bill Number found in Step # 4. They are available on microfilm or microfiche. They are available at the Main Branch Reference Desk. These *California Legislative Bills* contain all the bill versions, including additions, in italics, and deletions, in strikeout type.

Before the text of each bill version there is a *Legislative Counsel's Digest*, which summarizes the changes made.

6. Read the Assembly File Analyses (if available)

The Assembly File Analysis is available for bills from 1975-1998. They are on microfiche and are available at the Main Branch Reference Desk. This resource was prepared by the Assembly Office of Research for BOTH Senate and Assembly Bills through the 1997-1998 session. The office was closed after that date.

These analyses include information on committee actions, any proposed fiscal effect of the bill, a short digest, a summary of comments by committee consultants, and an assessment of the effect of the bill.

Online Resources:

These databases are only available in the Library by using a patron computer station.

- a. Westlaw contains the *California Committee Analyses – Archive* database (CCA-OLD) that includes all available committee analyses (legislative history) from the 1991 – 2004 legislative sessions.
- b. Lexis contains the *CA Committee Analysis of Pending Bills* database (CACOMM) that includes all available committee analyses from the 1991-current legislative sessions.

7. Read the Senate or Assembly Final History of the bill

Final histories are located at KFC 14 at the Main Branch, in the first floor stacks. These histories are compiled in the *Final Calendar of Legislative Business* up to the 1973-74 session, thereafter in the *Senate or Assembly Final History*.

These resources provide all the actions taken on each bill during that legislative session, including: a history of the bill with an indication of amendments, and lists any committees that studied the bill.

Online Resource:

The *Assembly and Senate Final Histories* from 1881 to 2005 are available online at: <http://192.234.213.35/clerkarchive/>. Click on the “Histories & Indexes” drop-down menu, select the year you want, and then click on any “active” (blue) PDF linked documents.



8. Check the *Journal of the Assembly* or *Senate*

The *Journal of the Assembly* and the *Journal of the Senate*, (KFC 25), are available at the Main Branch, in the 1st floor stacks.

The Journals provide comprehensive coverage of the proceedings of the Senate and Assembly, including: committee and floor roll call votes, but not the text of floor debate; Governor's veto messages; legislators' letters of intent; Legislative Counsel's Opinions if printed; and can also sometimes provide the committees involved with a particular bill.

The Journal Index is usually in the last volume of the Journal for a specific year, or if no index exists, look at the *Final History* or *Final Calendar of Legislative Business* volumes listed above in step #7.

The Bill Action Index lists all the pages where a bill is named.

The Alphabetical Index or General Index lists other legislative history that may be included. Locate the *Legislative Counsel Opinions* and *Legislative Intent* by bill number.

Online Resource:

The *Journal of the Assembly* from 1849 to 1997 is available online at: <http://192.234.213.35/clerkarchive/>. Click on the "Journals" drop-down menu, select the year you want, and then click on any available "active" (blue) PDF linked documents.

10. Check for any *Committee Hearings* or *Reports*.

You can find information about these in either of the following sources. Check the Lists of Committee Hearings for the existence of any reports available through the State Library. The Lists are available at the Main Branch Reference Desk. These lists cover 1963 through 1984 only. Also, check SDCPLL's online catalog, using the appropriate Committee as the "author" in the search field.

Online Resource:

Check the "LexisNexis" database which is available at all patron computer stations for information on bills from 1991 through current day.

Search the *CA Legislative Committee Analysis of Pending Bills* database under *Legal > Legislation & Politics – U.S. & U.K. > U.S. States > CA Legislative Committee Analysis of Pending Bills*.

This database contains summaries of committee hearings prepared by the staff of California State Legislature committees. Reports may include: hearing date; committee and chairman name; bill considered, digest (summary) of the bill's intent; potential fiscal effects of the legislation; comments and information pertaining to the support of/opposition to the legislation.

11. Check the *McGeorge Law Review* on HeinOnline.

This resource publishes an *Annual Review of Selected Legislation*. It covers 1970 to the present. It is published in January of each year.

The HeinOnline database is available at all our patron computers.



12. Check the *CEB Review of Selected Code Legislation*

The *CEB Review of Selected Code Legislation* (KFC27 .R48) preceded the *Annual Review* published by *McGeorge Law Review*). The Main, East County, and North County branches have the reviews for 1965, 1967, 1968, and 1969. Additionally, the Main branch has reviews for the years: 1941-1951 and 1955.

13. Check the *California Law Revision Commission Reports*

This resource includes recommendations to the legislature and selected Senate and Assembly Reports on certain bills. It is located in the first floor stacks of Main Branch (KFC 27.A3).

Online Resource:

The California Law Revision Commission's website has a link to its "Bound Volume List" with reports from 1957 to 2009, Volumes 1 to 39, a bibliography of all Law Revision Commission publications, and other current information.

Access their website at: <http://www.clrc.ca.gov/>. Go to the "Reports" link at the top and select "Publication Catalog."

14. Check the *California Senate Office of Research*

The California Senate Office of Research website has publications from 1999 to 2009 with Senate analyses on some past legislation and ballot propositions at: <http://sor.govoffice3.com/>. Click on "Publications" to search for reports by "Subject Area" or "Publication Date."

15. Check Law Review Articles, Legal Journals and Newspapers

Law review articles may contain information obtained by the author that is generally unavailable to the public and/or might offer an analysis of legislative intent. You can find citations to articles in:

- a. *West's or Deering's Annotated Codes* (KFC30.5)
- b. *Shepard's California Citations* (KFC 39)
- c. *Index to Legal Periodicals* (KF 33)
- d. *LegalTrac* - online database available at all patron computer stations

16. Shepardize the code sections

You can Shepardize the code sections online using Lexis. You can use the Keycite function using Westlaw. Both are only available at patron computer stations

17. Contact the Bill's Author

For recently enacted statutes, you can contact the sponsor or committee to see if they have more information. The California Roster of Public Officials lists California's public officeholders and their contact information. The Roster is at: <http://www.sos.ca.gov/admin/ca-roster/2009/> for 2003-2009.

Phone numbers also can be found in the California online telephone directory at <http://www.cold.ca.gov/>, at the Senate's website at www.senate.ca.gov/ by selecting "Senators," "Committees" or "Offices/Caucuses," or the Assembly's website at www.assembly.ca.gov/ and select "Member Directory" or "Committee Directory."



If you need more information:

Contact the California State Archives Reference Desk at (916) 653-2246 or online at: www.sos.ca.gov/archives. The State Archives collects Legislative Committee Records, Legislator's Records and Governors' Records, and maintains the governor's chaptered bill file from 1943-1967 and 1975-present. The Archives will need the code name and year enacted, its chapter number, the bill's number and author, section number, and any committee information to do the search.

Address: 1020 "O" Street, Sacramento CA 95814.
Phone: 916-653-2246 (ref desk); 916-653-7715 (gen'l. info.); Fax 916-653-7363.
Email: ArchivesWeb@sos.ca.gov.
Hours: M-F 9:30-4:00. Photocopies are \$.25 per page. Faxes are \$1.00 per page.

The California State Library is the main depository and distribution resource for legislative and executive branch publications, found online at: <http://www.library.ca.gov/index.html>, then click on "Search Our Catalogs," then "Main Catalog."

Address: 900 N Street, Sacramento CA 95814.
Phone: 916-654-0261; Fax 916-654-0241.
Email: csinfo@library.ca.gov
Hours: M-F 9:30-4:00.

The Witkin State Law Library of California is a California State Library Special Collection resource containing Congressional bills from 1933-present and California bills (including those never passed) from 1867-present by searching the "Main Catalog."

Address: 900 N Street, Room 100, Sacramento CA 95814.
Phone: 916-654-0185; Fax 916-654-2039.
Email: csllaw@library.ca.gov
Hours: M-F 9:30-4:00.



CHECKLIST:

1. Determine the Code Name and Section(s) _____ using *West's and Deering's California Codes Annotated*. KFC 30.5 .D4.
2. Determine the Chapter No. _____ & Year _____.
3. Read the final chapter version of the bill, using the *Statutes and Amendments to the Codes of California*. KFC 30, 1st floor stacks area.
4. Convert the Chapter No. into the Bill No. _____.
5. Read all versions of the bill, located on microfilm/fiche, Main Branch Reference Desk.
6. Read the *Assembly File Analyses* for bills from 1975-1998, located on microfiche, Main Branch Reference Desk.
7. Read the *Senate or Assembly Final History* of the bill, in the *Final Calendar of Legislative Business*, or in the *Senate or Assembly Final History*, Main Branch. KFC 14.
8. Check the "Indexes" of the *Assembly or Senate Journals* (also called: the *Journal of the Assembly* or the *Journal of the Senate*), Main Branch. KFC 25, first floor stacks.
9. Check for any *Committee Hearings or Reports*, in the Library's lists of Committee Hearings. Main Branch Reference Desk.
10. Check the *McGeorge Law Review* on HeinOnline
11. Check the *CEB Review of Selected Code Legislation*. (preceded the *McGeorge Law Review*). KFC27.R48.
12. Check the *California Law Revision Commission Reports* at KFC 27.A3, in the Main Branch first floor stacks.
13. Check the *California Senate Office of Research* website at <http://sor.govoffice3.com/>.
14. Check Law Review articles, Legal Journals and Newspapers.
15. Shepardize the code sections online using Lexis (or Keycite using Westlaw).
16. Contact the Bill's Author.

Consult a Reference Librarian for Additional Assistance