

California Legislative History and Analysis

Research Guide

Last Updated: December 2016

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://leginfo.legislature.ca.gov>. Bill information at this site includes the full text of bills, resolutions, and constitutional amendments, and their status, history, votes, analyses, and veto messages.

Legislative History for Legislation Passed Prior to 1993

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://clerk.assembly.ca.gov/archive-list>. Select “Statutes” in the drop-down menu and click “Apply.”

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. 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 for bills from 1975-1998 is available on microfiche. 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.

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://clerk.assembly.ca.gov/archive-list>. Select “Histories and Indexes” in the drop-down menu and click “Apply.”

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://clerk.assembly.ca.gov/archive-list/>. Select “Journals” from the drop-down menu and click “Apply.”

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

If you know the Committee(s) involved in the legislation, you can search the Law Library’s catalog for Committee Hearings or Reports.

To do so, search in the “author” field, using the following format:

- California Legislature Assembly Committee on Elections, Reapportionment and Constitutional Amendments
- California Senate Committee on Local Government
- California Legislature Joint Committee for the Revision of the Penal Code

10. Check the *University of Pacific Law Review* on HeinOnline (previously known as *McGeorge Law Review*).

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.

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

The *CEB Review of Selected Code Legislation* (KFC27 .R48) preceded the *Annual Review* published by *The University of Pacific Law Review*. The Main 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.

12. 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 “Final Reports.”

13. 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.senate.gov/>. Click on “Publications” to search for reports by “Subject Area” or “Publication Date.”

14. Check the *List of Reports Prepared by State and Local Agencies*

Search for agency reports required by law to be filed with the Governor or Legislature. Reports from 1989-present are available online at: <http://www.agencyreports.ca.gov>

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 *West’s* or *Deering’s Annotated Codes* (KFC30.5)

16. Shepardize the code sections

You can Shepardize the code sections online using Lexis available at patron computer stations.

You can use the Keycite function using Westlaw, available at the members-only computer.

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/administration/california-roster>

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.
6. Read the *Assembly File Analyses* for bills from 1975-2000, located on microfiche, Main Branch.
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.
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 the List of Reports Prepared by State and Local Agencies at <http://www.agencyreports.ca.gov>
15. Check Law Review articles, Legal Journals and Newspapers.
16. Shepardize the code sections online using Lexis (or Keycite using Westlaw).
17. Contact the Bill's Author.