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## Researching California Statutory Legislative History

The primary sources to document the legislative history of California statutory law are the various agencies and offices in and around the California State Capitol in Sacramento. In addition, some significant legislative history material on California legislation is available online, and many local law libraries have some legislative materials. To help you understand what you can do, and how to do it, we discuss how to determine what legislation is pertinent to your issue, and once that determination is made, the historical context and types of documents available in the historical era in which you are researching.

### Step One: Identifying the Pertinent Legislation

Before you can begin your substantive research you must identify the chaptered statute and bill number (Senate Bill or Assembly Bill) making the changes in which you are interested. To find the bill number you must first identify the chapter number and year.

**Finding the pertinent chaptered statute** - Review the annotations for the Section(s) in which you are interested in Deering's or West's Annotated Code (see attachment A for example and expanded discussion of the meaning of the annotations). Legislative history notes generally follow each section in the published bound volumes of the annotated codes. Online and CD versions of the codes may sometimes be less complete and reliable for legislative history annotations. The enactment history of the section will generally be in small type at the bottom of the text of the section. The notes will refer to, for example, 1976 c.1010. The small c with a period (c.) is an abbreviation for Chapter. Thus, this example would refer to Chapter 1010 of the Statutes of 1976, the official published volume of enacted laws for 1976.

The notes under a particular section may contain references to many different chaptered statutes as the language of the section developed over the years. The codes will sometimes provide summaries of the changes accomplished by each chaptered statute, which can help you identify what is pertinent to your concerns, and what is not pertinent. If the codes don't summarize what the amendments accomplished, you generally will have to go to the Statute volumes to compare the language from change to change.

**Distinguish between "Former Section" and "Derivation"** - Much of the language in the Codes has evolved over the years through re-organizations and amendments. Chapter 1010 of 1976, the example above, was a major re-organization of the Education Code, so the vast majority of the present sections in the Education Code cite Chapter 1010 as their enacting statute. But Chapter 1010 was simply re-organizing the Education Code without substantive effect; so to research the substance of many present sections, you must go back to the law prior to Chapter 1010. To find the prior history, look a little further down the notes under each section for very small type discussing derivation. Distinguish discussion under a heading such as "Derivation" from discussion under a heading such as "Prior Section." "Prior Section" usually refers to a previous section of the same number, but substantively different subject matter. Discussion under the heading "Derivation" usually refers to the substance of the language of the present section.

**Refer to tables if necessary** - For the example we are referencing, Chapter 1010 of 1976, you will often not find derivation notes in the annotated codes, in which case you must go to cross-reference tables, generally in the front of the annotated code, to find the section number from which the current section was derived.

Generally, as noted above, for amendments since the most recent enactment of a section, the code will provide notes on the changes made by each amendment, which allows researchers to determine the relevance of the changes to their research project. However, once the research project has been traced back beyond the most recent reenactment of the entire section, one must usually physically review each chaptered statute listed in the derivation and compare language to determine the changes made with each piece of legislation.

**Determine the bill number** - The annotated codes provide bill numbers (i.e. AB 11) for legislation since about 1990. Where the information is not available in the annotated Codes, you can convert the chapter number to a bill number by referencing the tables in the front of the first volume of the Statutes for that particular year. The conversion can also be made using the table of sections affected, found as an adjunct to the Final Histories published by the legislature for each year, but generally the Statute books are more widely available.

## Step Two: Finding the Documents

The types of documents available in California for legislative history research vary according to the historical era in which one is researching. The following provides an overview of the types of documents generally available in particular historical eras, and for the older eras, a brief discussion of dominant legislative events of the era to help put the time period in context.

**For all years:** Copies of all enacted statutes since 1851, the Assembly and Senate Journals since 1851, and all the published procedural histories/indexes since the Legislature began publishing procedural histories in 1881 can be found online at <http://192.234.213.35/clerkarchive/>.

**1993 to the present:** For legislation from 1993 through currently pending bills, the California Legislature, through the Office of the Legislative Counsel, provides information on all legislative enactments by the Legislature. The available material includes a procedural history of the bill, copies of the various amended versions of the bill, and committee and floor analyses, which often discuss the source and purpose of the proposal. You will find the Legislative Counsel Web Page at <http://www.leginfo.ca.gov/bilinfo.html>.

In addition to the material available online, more detailed information is available in the file documents contained in the files of the author, the policy committees, and other organizations within the executive and legislative branches that prepare analyses in response to pending legislation. The sources for documents on any particular piece of legislation depend on the subject matter of the bill. Files can often be very voluminous. It is often most cost-effective to physically review files if you want to avoid very large photocopy bills, and many duplicate, non-substantive or redundant documents. In addition, many offices will require that persons requesting access to files handle the photocopying.

On some legislation, recommendations of the California Law Revision Commission (CLRC) may be pertinent to legislative intent. CLRC recommendations are published and are widely available in law libraries. Background memos and minutes of the CLRC are also pertinent in many cases. These materials are sporadically available in law libraries or other archival sources, and are also available through the CLRC at their web site, <http://www.clrc.ca.gov>.

**1970 to 1992:** For this era, the same types of documents currently available are generally also available, but usually not online. Most documents are in various files at the California State Archives; some documents are available in various collections at the California State Library, and some at other sources around the Capitol. This time period saw legislative staffs at their peak, so files often tend to be very voluminous. As with more recent files, it may be most cost-effective to physically review files if you want to avoid very large photocopy bills, and many duplicate, non-substantive or redundant documents.

Historically, the 70's were the time that much of modern environmental law began to develop, including CEQA, the Coastal Act, the Hazardous Waste laws, endangered species laws, and the creation of the Energy Commission. For many years after Prop 13 passed in 1978, the Legislature spent inordinate amounts of time dealing with local government fiscal woes, creating Mello-Roos and other remedies for replacing lost property tax revenues. CLRC efforts to revise the Enforcement of Judgments Law and the Probate Code were also major legislation of this period.

**1943 to 1969:** The materials available in this era, while reliably providing information on the source and purpose of legislation, are not as varied as those for more modern legislation. Procedural histories, bill

copies, summaries by legislative counsel, and Governor's and executive branch files are reliably available. Committee materials are sometimes available after 1960, but floor analyses are very rare.

Historically noteworthy legislation in the 1940's included the beginnings of modern administrative agency law, and also modern redevelopment law. The first attempts at a Fair Employment Practices Act also began in the early 1940s, although the Act was not adopted until 1959. The late '40s saw the enactment of the first corporate shareholder derivative provisions. The early '50s produced major changes in the Planning and Zoning law. In 1959, in addition to the Fair Employment Practices Act, the Unruh Act was first enacted.

The dominant legislative event of the 1960s was the conversion from a part-time to a full-time Legislature in 1965. This was also a period when the Legislature spent considerable time and effort revising the 1879 Constitution, acting with the help of an appointed Constitution Revision Commission.

**1900 to 1942:** For this era, probably more than any other era, the amount of material available is unpredictable. Procedural histories and bill copies are always available. For the latter part of this era summaries by legislative counsel are generally available, and (rarely) detailed committee reports were published for some very controversial topics. For many bills, once you get beyond these basics, there is little legislative documentation. Executive branch publications may provide comment, and reviewing trade publications, newspapers, or other media of the time can provide valuable historical context.

**Some specific topics:** For the first few years of the century there is usually not much, other than on major topics such as the Bank Act of 1909, or insurance legislation following the 1906 San Francisco earthquake. During the progressive era, from 1911 to 1915, many major changes in California law were enacted, such as the Public Utilities Act, labor legislation such as the Workman's Compensation law, the eight-hour day and wage protection measures; in addition, the initiative and referendum were created, and a significant expansion of modern executive branch agency law began. Although commentary on specific legislation by the Legislature is fairly rare, because this era was seen at the time as revolutionary in many respects, there is relatively abundant commentary on the most controversial legislation of the day by executive branch and media sources.

During the era from 1915 to 1930, the topics that generated more significant discussion included drug and firearm laws, the newly developing vehicle laws, the initial California laws regulating many professions, and the first planning, zoning and subdivision laws. Beginning in 1929 and running through 1933, major, well-documented changes were made to the general corporations law. During the Depression years, legislation relating to foreclosure, taxation, unfair trade practices, and other Depression-related subjects is often fairly well documented.

**1849 to 1899:** This period begins with the adoption of the 1849 Constitution, for which a transcript of the proceedings exists. The first Legislatures in the early 1850s tended to lift entire bodies of law from other jurisdictions and enact them in California, although that fact is sometimes difficult to document, as there is frequently little or no substantive history of legislation of this period beyond the most basic documents and an occasional newspaper clip. The adoption of the first codes in 1872 is fairly well documented, as is the 1879 Constitution, and the code amendments at the turn of the century. The period from 1879 through 1900 is only slightly better for general legislation than the very early days. The materials available are unpredictable, but often skimpy. When combined with media and treatise sources, useful historical context, or links to case law in other states, can sometimes be developed, but explicit discussion of specific legislation is extremely rare.

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## Some Online Sources and Contacts Useful for Legislative Intent Research

California Legislative Materials: [www.leginfo.ca.gov/bilinfo.html](http://www.leginfo.ca.gov/bilinfo.html)

California State Assembly Chief Clerk:  
<http://192.234.213.35/clerkarchive/>

Legislative Counsel history of the California Legislature  
<http://www.leginfo.ca.gov/pdf/caleg6.pdf>

California Law Revision Commission: [www.clrc.ca.gov](http://www.clrc.ca.gov)

California Regulations: <http://ccr.oal.ca.gov/>

State agency index – Link on government link from:  
[www.ca.gov/state/portal/myca\\_homepage.jsp](http://www.ca.gov/state/portal/myca_homepage.jsp)

Acts of Congress: <http://thomas.loc.gov/>

US Code: <http://uscode.house.gov/usc.htm>

Code of Federal Regulations and Federal Register:  
[www.access.gpo.gov/nara/cfr](http://www.access.gpo.gov/nara/cfr)

Our webpage: [www.naj.net](http://www.naj.net)

**Attachment A**

**Sample Code Section demonstrating format for notations pertinent to legislative history:**

Item	Sample language typical to code annotations	Comments
<p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p> <p>8.</p> <p>9.</p> <p>10.</p>	<p><b>Sample Code Section 1947 -</b></p> <p>It shall be unlawful to do this, that or the other thing, or to do that, this or the other thing. Any violation of the section shall be a misdemeanor, unless you are a Dodger's fan, in which case it will be a felony.</p> <p>(a) Any person damaged by a violation of this section shall have a private right of action for damages. Damages shall include the fair value of:</p> <p style="padding-left: 20px;">(1) lost profits;</p> <p style="padding-left: 20px;">(2) lost wages;</p> <p style="padding-left: 20px;">(3) lost car keys; and/or</p> <p>(4) any other reasonable or unreasonable claim that arises from your fertile imagination.</p> <p>(b) Actions under this section shall be commenced within three years of the date of injury, except that actions by a person whose last name begins with R shall be tolled until such person decides they want to sue.</p> <p>(Added by Stats.1955 c. 1200, p.4444, Section 2, amended by Stats. 1975 c. 1100, p. 3333, Section 1, Stats. 1998 c. 12, p. 344, Section 2)</p> <p align="center"><b>Historical and Statutory Notes</b></p> <p>1975: Added subdivision designations, in subdivision (a) added (2).</p> <p>1998: Code maintenance.</p> <p><b>Former Section:</b> Stats. 1949 c. 2222, p. 2222, Section 1, amended by Stats. 1950 c.1100, p.3333, Section 2.</p> <p><b>Derivation:</b> Former Sample Code Section 2174 added by Stats. <b>1943, c. 90</b>, p. 1111, Section 4.</p> <p>Former <b>Civil Code Section 9999, amended by</b> 1907 c. 444, p. 555, Section 1 Stats. 1917 c. 3553, p. 5335, <b>Section 1, Stats 1923, c.6666, p. 5555, Section 4</b>, Stats. 1929 c. 232, p. 232, Section 1, Stats 1935 c. 323, p. 232, Section 2.</p> <p>Stats. 1850 c. 123, p. 343, Section 4.</p> <p><b>California Law Revisions Commission Comment:</b> We proposed this because we think it is a good idea.</p> <p><b>Legislative Committee Comment:</b> We do to.</p>	<p>1. <i>At the end of the actual text of the section are legislative history annotations. When a section is repealed and reenacted rather than simply amended, the annotated codes start this history list from the most recent reenactment.</i></p> <p>2. <i>The bound volumes of Deerings and West's usually follow with historical notes where they summarize changes made since the most recent enactment or reenactment. Online or CD versions of the codes are much less reliable in their legislative history annotations.</i></p> <p>3. <i>Code maintenance references signify the amendment was making technical corrections to the Codes. Code Maintenance bills are expressly stated to have no substantive effect.</i></p> <p>4. <i>Distinguish between "Former Section" which are annotations regarding (usually) statutory text on a different subject previously using the same section number, and "Derivation" which is the history of the actual language of the present section.</i></p> <p>5. <i>Low chapter number from 1930 through 1950 – may be Codification bill without substantive effect.</i></p> <p>6. <i>Absence of enactment annotation signifies it was enacted in 1872 Code.</i></p> <p>7. <i>Annotations typical for pre-codification statutes. The language of Section 1 of the 1917 statute will be what later bills amend, but each bill has its own internal section numbering, so Section 4 of 1923 will be amending Section 1 of the 1917 act.</i></p> <p>8. <i>Very little typically available on enactments pre 1872.</i></p> <p>9. <i>California Law Revision Commission Comments are comments of the CLRC that have been formally adopted as legislative intent by the legislature through some form of official publication in the Assembly or Senate Journal.</i></p> <p>10. <i>Legislative Committee Comment is a reproduction of reports printed in the Journal of the Senate or Assembly. They are rare, most often appearing as revisions to CLRC comments.</i></p>