
A Short History of the California Legislature

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1). Special Note on Legislative Sessions: From 1850 to 1965, the California Legislature was a part-time legislature. Legislators generally had other careers, and met for relatively short periods in the spring and early summer. For most of that period, general sessions were only held every other year, with the in-between years serving only as budget sessions. In 1965, by Constitutional amendment, the Legislature became a full-time body that met annually. The 1965 Constitutional amendment was one product of a multi-year effort of an appointed Constitution Revision Commission that completely reviewed and revised the 1879 Constitution. Beginning in 1973-74, the Legislature went to the two-year sessions that are the current practice.

2). A Brief Historical Summary

California's first Constitutional Convention met in the Pueblo of San Jose in 1849 and created the California Legislature. California's first legislature met in 1850 in Monterey, in a building that still stands in the middle of downtown Monterey. The first legislature was composed of a melting pot of cultures and backgrounds. Lacking in staff and facing the tremendous job of providing a new state with a body of law, the first legislature began enacting a framework of statutory law that drew on diverse sources, mixing Anglo-Saxon common law with Napoleonic Civil law and Mexican property law. Many of the individual legislators had arrived only recently in California, and they often turned to the law of states they had left as a model for California statutes.

Within a couple of years, the State Capitol had been moved up to Sacramento, after brief flirtations with San Jose and Benicia. The Legislature continued to draw often on existing law of other states for model legislation. During this period, legislative sessions were short, usually beginning in January and wrapping up by early May.

In 1872, the Legislature enacted the first codes in California in an attempt to provide a more accessible format for compiling the statutory law. The first four codes were the Civil Code, Code of Civil Procedure, Penal Code and Political Code. The proposed codes were developed and presented to the legislature by a Commission appointed by the Legislature in 1868 to recommend a revised format for California statutory law. The Code Commission effort drew heavily on the Codes developed in New York by David Dudley Field, but also incorporated some existing California statutory law, and in some cases drafted new law.

California in the late 19th century was a magnet for adventurous and strong-willed people. The clash of people from many cultures and backgrounds produced a volatile political environment that led to a Constitutional Convention in 1878-79. The 1879 Constitutional Convention replaced the 1849 Constitution with a new Constitution, most noteworthy for extraordinary length and detail, antipathy to corporations, and institutionalized discrimination against the Asian population within the state.

In the period from 1880 to 1910, many people believed the California Legislature was unduly influenced by corporate interests, in particular the Southern Pacific Railroad. The energy from that belief propelled the progressive movement into control of the Legislature, along with the election of Hiram Johnson as Governor in the election of November 1910. In the next few years, the Legislature, dominated by progressive Republicans, Democrats and Independents, enacted many fundamental provisions of modern labor law, including the first workers' compensation laws, eight-hour-day laws, child labor laws, and wage payment laws. The progressives also accelerated the development of administrative agency power, most notably with the first Public Utilities Act in 1911, replacing an act that previously applied only to railroads, and with the first Corporate Securities law in California.

The late 1920s and early 1930s saw a major legislative revision of the California General Corporation Law. In large part, this was in response to the negative consequences on the state's economy of the prior law,

and this effort abandoned the antipathy toward corporations reflected in early statutes and the 1879 Constitution.

With the economic crash of 1929 and subsequent depression in real estate prices, California's property tax revenue base collapsed. From 1929 to 1939, the Legislature spent an enormous amount of time creating much of the modern scheme of taxation, including the Corporate Franchise Tax, Income Tax, and Sales and Use Tax. The deflation in real estate values, with subsequent foreclosures, also led to the enactment of much of our modern trust deed and foreclosure law.

The late 1940s saw the enactment of the framework of much of our modern administrative law, as well as provisions for redeveloping the growing urban areas of the state, and the first comprehensive water pollution law. A major development in the late 1950s and early 1960s was the beginning of the modern expansion of civil rights laws, which evolved into extensive development in consumer laws in the early 1970s. The 1970s were also characterized by the initial enactment of much of our modern environmental law. Proposition 13 of 1978 caused a monumental upheaval in how government operations were financed, and the Legislature spent much of its time over the next decade on local and state government finance issues.
