# LEGISLATIVE HISTORY AND INTENT

## AS EXTRINSIC AIDES TO STATUTORY CONSTRUCTION

**UNABRIDGED**

*(current to 2009)*

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INTRODUCTION AND GUIDE:
   Legislative Intent Service, Inc. publishes its seminal works a) Legislative
   History and Intent as Extrinsic Aides to Statutory Construction, Unabridged; and
   b) Authority and Procedure for Judicial Consideration of Legislative History and
   Intent, Unabridged. Taken together with the annual supplements, these Points and
   Authorities set forth more than 950 California cases utilizing legislative
   history documents as extrinsic aides to statutory construction. The cases are
   organized by the types of legislative history documents generated by the
   California Legislature.
   The Table of Contents above is broken up into the following time periods:
A. Pre-Enactment documents: prior law, documents which show the
   problem to be solved, model acts on which your statute is based;
B. Enactment documents: from the time the bill is introduced to its
   passage by the Legislature;
C. Post-Enrollment: after the bill is passed by the legislature but
   prior to enactment;
D. Post-Enactment: after the bill is signed and chaptered into law;
E. Regulations, Rules and Ordinances.
   Please examine and determine when in the legislative process the document
   you wish to introduce into court was created (see the list and explanations
   above). Then determine the type of document (what office created it and why).
Proceed to the relevant sections and review the quoted cases for relevance to your case.

Note: Courts are looking for relevance to the legislative process when considering these documents. This means paying attention to who would have considered the document and at what point in the process. Also, we advise offering a declaration authenticating the document(s). Legislative Intent Service, Inc. provides declarations for our custom orders. To order a $150.00 declaration to accompany your store purchased materials, contact us at www.legintent.com/contact-legislative-intent. We provide a declaration with all of our custom orders.

For additional information on "How to Offer Legislative History Documents to a Court" go to www.legintent.com/pa/leg_history.pdf

A. Pre-Enactment History: The Background Circumstances and Events.

According to Sutherland on Statutory Construction, courts have traditionally examined statutory language in terms of the context from which it originated and the events which give it form and substance.

It is established practice in American legal processes to consider relevant information concerning the historical background of enactment in making decisions about how a statute is to be construed and applied.... These extrinsic aids may show the circumstances under which the statute was passed, the mischief at which it was aimed and the object it was supposed to achieve. Although a court may make and pronounce findings about the purpose of a statute, or the mischief it was to remedy, without referring to its historical background, knowledge of circumstances and events which comprise the relevant background of a statute is a natural basis for making such findings. Singer, Sutherland on Statutory Construction, (6th Ed. 2000) Extrinsic Aides-Legislative History, §48.03

Courts look to a wide variety of aides in analyzing legislative intent:

To resolve ambiguities, courts may employ a variety of extrinsic construction aids, including legislative history, and will adopt the construction that best harmonizes the statute both internally and with related statutes. [Citations.] Summers v. Newman (1999) 20 Cal.4th 1021, 1026

To determine the merits of the Attorney General’s argument, we apply well-established rules of statutory construction. “The goal of
statutory construction is to ascertain and effectuate the intent of
the Legislature. [Citations.]" ... “When the language is susceptible
of more than one reasonable interpretation,... we look to a variety
of extrinsic aids, including the ostensible objects to be achieved,
the evils to be remedied, the legislative history, public policy,
contemporaneous administrative construction, and the statutory scheme
of which the statute is a part.” [Citations.] People v. Jefferson
(1999) 21 Cal.4th 86, 94

In March 1988 ... the Attorney General sponsored and supported
Assembly Bill No. 4282, which added paragraph (2) to section 1318,
subdivision (a),... The parties focus their arguments upon this
amendment to ... They do not dispute the Court of Appeal’s conclusion
that the amendment is ambiguous as to ... nor do they contest the
appeal court’s efforts to go behind the statutory language and
explore its legislative history in an effort to determine the
Legislature’s intent. Because we agree with the parties (and with the
Court of Appeal) ... we, too, have reviewed the pertinent legislative
history in an effort to discover any indications of legislative
intent. [Citations.] In re York (1995) 9 Cal.4th 1133, 1143-1145

While the appellate decision in In re York, as noted in the quote above,
was superseded by the Supreme Court decision, it is relevant to the extent it
reveals that which the Supreme Court was agreeing with. (In an analogous fashion,
an appellate court in Zhao v. Wong (1996, 1st Dist.) 48 Cal.App.4th 1114, 1124,
examined a de-published decision as “the facts of the case are relevant to the
extent that they provide insight into the legislative intent.”) The appellate
court looked to the legislative history and intent stating:

... we have reviewed the pertinent legislative history in an
effort to uncover any indications of legislative intent. [Citation.] We consider the circumstances and events leading up to the
introduction of the bill, including statements by various parties
concerning the nature and effect of the proposed law, and the actions
taken and statements made during legislative consideration. We also
take into account “the object in view, the evils to be remedied, the
history of the times, legislation upon the same subject, public
policy and contemporaneous construction” [Citations.] .... In re York
(1994, 6th Dist.) 27 Cal.Rptr.2d 771, 775-776

Consider also these cases:

Because the facts are undisputed and the issue turns solely on
the interpretation of relevant statutes, we conduct a de novo review.
[Citation.] ... In so doing, our goal is to ascertain and carry out
the Legislature's intent, looking first to the words of the statute,
giving them their usual and ordinary meaning. [Citation.] If the
language of the statute is susceptible to more than one reasonable
construction, we look to the legislative history to aid in
ascertaining the legislative intent. [Citation.] We are further
guided by the fundamental rule ""that the objective sought to be
achieved by a statute as well as the evil to be prevented is of prime consideration in its interpretation." ..." [Citation.] Peoples v. San Diego Unified School District (2006, 4th Dist.) 138 Cal.App.4th 463, 468

"When the plain meaning of the statutory text is insufficient to resolve the question of its interpretation, the courts may turn to rules or maxims of construction 'which serve as aids in the sense that they express familiar insights about conventional language usage.' (2A Singer, Statutes and Statutory Construction (6th ed. 2000) p. 107.) Courts also look to the legislative history of the enactment. 'Both the legislative history of the statute and the wider historical circumstances of its enactment may be considered in ascertaining the legislative intent.'" [Citations.] Branciforte Heights, LLC v. City of Santa Cruz (2006, 6th Dist.) 138 Cal.App.4th 914, 926

"[T]he legislative history of the statute and the wider historical circumstances of its enactment are legitimate and valuable aids in divining the statutory purpose." [Citation.] ARP Pharmacy Services, Inc. v. Gallagher Bassett Services, Inc. (2006, 2nd Dist.) 138 Cal.App.4th 1307, 1319, fn.4 [Review Granted]

We may properly look to the legislative history of an enactment, including legislative committee reports and other legislative records, as an aid to ascertaining the Legislature's intent. In re Rottanak K. (1995, 5th Dist.) 37 Cal.App.4th 260, 267, fn.8

Where appropriate, courts may seek guidance in defining the legislative intent from such materials as the statutory history, committee reports, and legislative debates. Perez v. Smith (1993, 1st Dist.) 19 Cal.App.4th 1595, 1598

1. The Problem to be Solved:

One ferrets out the legislative purpose of a statute by considering its objective, the evils which it is designed to prevent, the character and context of the legislation in which the particular words appear, the public policy enunciated and vindicated, the social history which attends it, and the effect of the particular language on the entire statutory scheme. Santa Barbara County Taxpayers Assn. v. County of Santa Barbara (1987) 194 Cal.App.3d 674, 680

Thus in analyzing the legislative usage of certain words, the object sought to be achieved by a statute as well as the evil to be prevented is of prime consideration.... Leslie Salt Co. v. S.F. Bay Conserv. and Develop. Comm. (1984) 153 Cal.App.3d 605, 614

A wide variety of factors may illuminate legislative design, such as context, object in view, evils to be remedied, history of times, and of legislation upon the same subject, public policy, and contemporaneous construction. People v. White (1978) 77 Cal.App.3d Supp. 17; Cossack v. City of Los Angeles (1974) 11 Cal.3d 726, 733; and Alford v. Pierno (1972) 27 Cal.App.3d 682, 688

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2. Based on Federal, State, Uniform or Model Act:

It is a maxim of statutory construction that an ambiguous statute’s meaning may be determined in light of other statutes on the same subject matter.
(Sutherland on Statutory Construction, (6th Ed. 2000) Extrinsic Aides-Legislative History, §48.08)

One ‘elementary rule’ of statutory construction is that statutes in pari materia—that is, statutes relating to the same subject matter—should be construed together. [Citation.] ... The rule of in pari materia is a corollary of the principle that the goal of statutory interpretation is to determine legislative intent. Droeger v. Friedman, Sloan & Ross (1991) 54 Cal.3d 26, 50-51

Courts may look to the legislative history to determine any legislative intention to depart therefrom, or conform with, the overall scheme of a uniform or model act.

Defendants argue that the legislative history of the Labor Code Private Attorneys General Act of 2004 reveals a legislative intent that any lawsuit under the act be brought as a class action. Defendants point to statements in certain committee reports that an employer need not be concerned about future lawsuits that assert the same issues because “an action on behalf of other aggrieved employees would be final as to those plaintiffs....” (Sen. Com. on Judiciary, Analysis of Sen. Bill No. 796 (2003-2004 Reg. Sess.) as amended Apr. 22, 2003, p.8; see Assem. Com. on Judiciary, Analysis of Sen. Bill No. 796 (2003-2004 Reg. Sess.) as amended May 12, 2003, p.6 ... 

The above quoted comments from the committee reports were simply responses to a concern expressed by those opposing the proposed legislation that the proposed legislation would allow employees to sue as a class without satisfying class action requirements. Because the committee report comments do not refer to class actions, they are insufficient to support the conclusion that the Legislature intended to impose class action requirements on representative actions brought under the Labor Code Private Attorneys General Act of 2004. Arias v. Superior Court (2009) 46 Cal.4th 969, 983-84

///
We also find compelling evidence of legislative intent in the legislative history of the 1992 amendment, Assembly Bill No. 1077 (1991-1992 Reg. Sess.). As noted, Assembly members were told that by adding subdivision (f) to section 51 the bill would “[m]ake a violation of the ADA a violation of the Unruh Act. Thereby providing persons injured by a violation of the ADA with the remedies provided by the Unruh Act (e.g., right of private action for damages).” (Assem. Judiciary Rep. on Assem. Bill No. 1077, supra, at p.2, italics added.)... [¶]... Although Gunther discusses the legislative history of Assembly Bill No. 1077 (1991-1992 Reg. Sess.) at length, citing among other sources these reports of the two houses' judiciary committees (Gunther, supra, 144 Cal.App.4th at pp. 244-249, 50 Cal.Rptr.3d 317), the decision, inexplicably, fails to address the directly pertinent passages quoted above.

The legislative history, true, does not explicitly mention ADA violations that do not involve intentional discrimination. But neither does it mention those that do. Rather, like the language of the amendment itself, it demonstrates an intent to incorporate ADA accessibility standards comprehensively into the Unruh Civil Rights Act and thus to provide a damages remedy for any violation of the ADA's mandate of equal access to public accommodations. That broad remedial intent covers the particular circumstance before us. Munson v. Del Taco, Inc. (2009) 46 Cal.4th 661, 673-673

This similarity between the state and federal enactments is not a coincidence, but reflects the Legislature's deliberate effort in 1992 to conform the FEHA to this ADA provision. As the legislative history discloses, the Legislature amended the FEHA in 1992 by clarifying that an employee must be able to perform the “essential duties with reasonable accommodations.” ... In passing the amendment, at least one legislative analysis observed the Legislature's "conformity [to the ADA rules] will benefit employers and businesses because they will have one set of standards with which they must comply in order to be certain that they do not violate the rights of individuals with physical or mental disabilities." ... It is clear, then, that the Legislature incorporated the ADA requirement with full knowledge .... Green v. State of California (2007) 42 Cal.4th 254, 263

The legislative history behind the UDITPA favors Microsoft’s position. As in ... because the Legislature adopted the UDITPA almost verbatim, we look to the drafting history of the UDITPA. An early version of the UDITPA defined .... (Compare Proceedings of Com. Of Whole for UDITPA, transcript of August 22, 1956 ... with Proceedings of Com. Of Whole for UDITPA, transcript of July 9, 1957.... Microsoft Corporation v. Franchise Tax Board (2006) 39 Cal.4th 750, 760

Likewise, the Uniform Probate Code, on which the Commission at times relied in drafting its recommendations, contains no express language addressing .... A comment to the Uniform Probate Code section .... The comment was of course not before the Legislature when it enacted section 6110 several years earlier. Moreover, nothing in the legislative history of the enactment, reenactment, or amendment of section 6110 refers to this comment or contains any similar language regarding postdeath attestation. Estate of Saueressig (2006) 38 Cal.4th 1045, 1050, fn.7

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We note that although California has not adopted the ABA Model Rules, they may be "helpful and persuasive in situations where the coverage of our Rules is unclear or inadequate." [Citations.] The ABA Model Rules are not binding, of course. [Citation.] Frye v. Tenderloin Housing Clinic, Inc. (2006) 38 Cal.4th 23, 52, fn.12

Real party asserts that the predecessor to section 631 was based upon the 1850 New York Code of Civil Procedure. fn.8 Real party adds that New York courts enforce predispute jury waivers. We agree that the New York statute, which was part of the influential Field Code, was the model for our own, but this fact adds little weight to real party's position. Unlike the California decisions reviewed above, New York courts hold that .... Grafton Partners v. Superior Court (PriceWaterhouseCoopers LLP) (2005) 36 Cal.4th 944, 962

We also briefly examine the Arizona statute (Ariz. Rev. Stat., § 13-901.01) that had its source in an initiative endorsed by the Arizona voters (Proposition 200), which became the model for California's similar initiative measure. People v. Canty (2004) 32 Cal.4th 1266, 1283

We also have evidence of legislative intent to this effect. As the court in [Citation] observed, when Congress enacted the Federal Railroad Safety Act in 1970, it specifically identified the BIA as among the "particular laws" governing railroad safety that "have served well," so well that the Committee on Interstate and Foreign Commerce reviewing the matter "chose to continue them without change." [Citation.] In discussing the role of the states in this area, the committee noted that "[a]t the present time where the Federal government has authority [e.g., under the BIA], with respect to rail safety, it preempts the field." [Citation.] Additionally, when Congress recodified the BIA in 1994, the House Report stated "this bill makes no substantive change" and disclaimed any intent to "impair the precedent value of earlier judicial decisions ...." [Citation.] In light of this explicit statement, we may "apply the presumption that Congress was aware of ... either judicial interpretations [including Napier] and, in effect, adopted them. [Citations.]" Scheiding v. General Motors Corp. (2000) 22 Cal.4th 471, 478

We also note that the SVPA was modeled upon a civil commitment scheme adopted in the State of Washington. (See Sen.Com. on Appropriations, Rep. on Assembly Bill No. 888...) People v. Calhoun (2004, 1st Dist.) 118 Cal.App.4th 519, 527


... The similarity in language is apparent, and the legislative history shows that CESA [California Endangered Species Act] was patterned after FESA [Federal Endangered Species Act] in this
respect.... Given these patterned similarities in language, structure and focus, it is appropriate to consult federal authority to help interpret this language. It is a basic premise of statutory construction that when a state law is patterned after a federal law, the two are construed together. Natural Resources Defense Council v. Fish & Game Commission (1994, 3rd Dist.) 28 Cal.App.4th 1104, 1117-1118

Furthermore, it is a basic premise of statutory construction that when a state law is patterned after a federal law, the two are construed together.... In these situations, the federal cases interpreting the federal law offer persuasive rather than controlling authority in construing the state law. Moreland v. Department of Corporations (1987) 194 Cal.App.3d 506, 512

However, where California law parallels sister state legislation on the same subject ... the judicial interpretation by the sister state courts of their legislation may be relevant in construing the California legislation. Correspondingly, an examination of the policies promoted by sister state legislation may be relevant in determining the policies and purpose of the parallel California legislation. Webster v. State Board of Control (1987) 197 Cal.App.3d 29, 37, fn.3


3. Prior Law and the Presumption of Legislative Knowledge:

Closely related to the examination of the pre-enactment history of a statute is the maxim of statutory construction stating that the Legislature is deemed to be aware of existing law and judicial decisions.

We presume that the legislators were aware of the law of burglary in enacting section 1192.7(c)(18), and of judicial decisions interpreting the language they chose to employ. People v. Cruz (1996) 13 Cal.4th 764, 775

Generally, the drafters who frame an initiative statute and the voters who enact it may be deemed to be aware of the judicial construction of the law that served as its source. In re Harris (1989) 49 Cal.3d 131, 136

In addition, the Legislature is deemed to be aware of existing laws and judicial decisions in effect at the time legislation is
enacted and to have enacted and amended statutes in the light of such
decisions as have a direct bearing upon them. People v. Overstreet
(1986) 42 Cal.3d 891, 897

The 2002 amendment to the Ellis Act shows that after Costa-
Hawkins was enacted, the Legislature continued to regard section
7060.2, subdivision (d) as the law of this state. This amendment
conclusively rebuts plaintiff’s position regarding the alleged
implied repeal of section 7060.2, subdivision (d). The Legislature
would not have amended section 7060.2, subdivision (d) in 2002 if it
had repealed that statute with Costa-Hawkins in 1995. We cannot
presume the Legislature engaged in an idle act. (See California
14 Cal.4th 627, 634, 59 Cal.Rptr.2d 671, 927 P.2d 1175; In re B.J.B.
of Los Angeles County, Inc. v. City of Los Angeles (2009, 2nd Dist.)
173 Cal.App.4th 13

Bailey v. Superior Court (1977) 19 Cal.3d 970, 977-978, fn.10; People v. Tanner (1979) 24 Cal.3d 514;
In re Misener (1985) 38 Cal.3d 543, 552; People v. Harrison (1989) 48 Cal.3d 321, 329; Central
Pathology Service Medical Clinic v. Superior Court (1992) 3 Cal.4th 181, 187; Mercy Hospital and
Medical Center v. Farmers Insurance Group of Companies (1997) 15 Cal.4th 213, 221

437, 447; Yoffie v. Marin Hospital District (1987) 193 Cal.App.3d 743, 748; People v. Stockton
Pregnancy Control Clinic (1988) 203 Cal.App.3d 225, 233-34; Bullock v. City and County of San
Cal.App.3d 670, 682; In re Thanh Q (1992, 4th Dist.) 2 Cal.App.4th 1386, 1389; State Board of
In re Walters (1995, 3rd Dist.) 39 Cal.App.4th 1546, 1557; People v. Ledesma (1997) 16 Cal.4th 90,
Superior Court (1998, 1st Dist.) 61 Cal.App.4th 380, 387, fn.10; Covarrubias v. Superior Court (1998,
(1998, 4th Dist.) 65 Cal.App.4th 1, 18

A 1992 Supreme Court case discusses Attorney General Opinions in the
context of presumption of legislative knowledge:

When construing a statute, we may presume that the Legislature
acts with knowledge of the opinions of the Attorney General which
affect the subject matter of proposed legislation. (Cal. State
Employees Assn. v. Trustees of Cal. State Colleges (1965) 237
Cal.App.2d 530, 536 [47 Cal.Rptr. 73].) [1c] Here it is significant
that, before the Bill of Rights Act was enacted, a published opinion
of the California Attorney General had concluded that “cadets” and
“trainee officers” were not peace officers under former Penal Code
section 817, the predecessor statute to Penal Code section 830 et
seq. fn.11. Burden v. Snowden (1992) 2 Cal.4th 556, 564

B. Enactment History: The Legislative Process.

The most common source of legislative intent is the Legislature itself. The
Legislature generates and attracts varying degrees of commentary on each bill
The events occurring immediately prior to the time when an act becomes law comprise an instructive source, indicative of what meaning the legislature intended. Therefore, the history of events during the process of enactment, from its introduction in the legislature to its final validation, has generally been the first extrinsic aid to which courts have turned in attempting to construe an ambiguous act.

... The contemporary history of events during this period consists chiefly in statements by various parties concerning the nature and effect of the proposed law and statements or other evidence on the evils to be remedied. Contemporary history also includes information concerning the activities of pressure groups, economic conditions in the country at the time, prevailing business practices, and the prior state of the law, including judicial decisions, applicable to the subject of the legislation in question. Sutherland on Statutory Construction, section 48.04

1. Different Versions of the Bill:

The bill was twice amended in 1975 before the definition of debt currently found in the statute was added to the proposed language. (Assem. Bill No. 711 (1975-1976 Reg. Sess.) as amended May 29, 1975.) In April 1975, when the amendment containing the current definition of debt was proposed, the bill was opposed by the California Bankers' Association and the California Credit Union League. (Assem. Com. on Finance, Insurance and Commerce, Analysis of Assem. Bill No. 711 (1975-1976 Reg. Sess.) as amended Apr. 16, 1975, p.3.) However, by September 11, 1975, the bill had “no opposition as the sponsor, author, and financial institutions have worked closely together.” (Dept. Consumer Affairs, Enrolled Bill Rep. on Assem. Bill No. 711 (1975-1976 Reg. Sess.) Sept. 11, 1975, p.1.) It is reasonable to conclude that the former opponents of the bill successfully sought to amend the language to exclude internal account balancing from the statute's reach, particularly in light of the documents suggesting that financial institutions “worked closely” with the bill's authors and sponsors. In any event, while the materials do not reveal precisely why, or at the behest of whom, the definition of debt was amended to exclude overdrafts and bank charges, it is clear from the statutory language that the Legislature intended to treat charges for overdrafts and NSF fees differently .... Miller v. Bank of America (2009) 46 Cal.4th 630
Importantly, the bill as originally introduced required the court to enforce .... The original version of the bill contained a separate paragraph on predispute reference agreements .... An Assembly committee report noted that then-existing law provided that a court “may” ... and that the proposed bill “would require a court to compel ... “ (Assem. Com. on Judiciary, Analysis of Assem. Bill No. 3657 (1982 Sess.) April 28, 1982, p.1.) Committee staff commented: “Should not the court have the discretion to decide that ... the issues would be more properly or efficiently decided by the judge? ... (Id. at pp. 1-2.) The legislators embraced this recommendation. The bill was amended to delete the mandatory language of the bill as originally introduced, and to use permissive language. (Assem. Amend. to Assem. Bill No. 3657 (1982 Sess.) May 10, 1982.) ... The legislative history thus confirms that the Legislature specifically intended to vest courts with discretion to deny predispute reference agreements, just as the court has discretion to deny postdispute reference agreements. Tarrant Bell Property, LLC v. Superior Court (2009, 1st Dist.) 179 Cal.App.4th 1283

The Senate later amended Bill No. 2509, deleting ... This deletion, far from supporting KCP’s position, is further evidence against it. “The rejection of a specific provision contained in an act as originally introduced is ‘most persuasive’ that the act should not be interpreted to include what was left out.” Murphy v. Kenneth Cole Productions (2007) 40 Cal.4th 1094, 1107

The legislative history of the CFCA contains no explicit discussion of the scope of the word “person.” Nonetheless, the limited evidence available suggests there was no intent to ... A substantial subsequent amendment to the bill excised ... Our past decisions note deletions from bills prior to their passage as significant indicia of legislative intent. [Citations.] Wells v. Onezone Learning Foundation (2006) 39 Cal.4th 1164, 1191-1192


Indeed, the legislative history of the 1994 amendments to section 128.5 makes it clear that the Legislature intended .... Early drafts of Assembly Bill No. 3594 would have .... Later, the Assembly decided to amend, rather than repeal section .... Thereafter, the Senate modified the bill by adding .... Olmstead v. Arthur J. Gallagher & Co. (2004) 32 Cal.4th 804, 814

As originally proposed, the legislation was an amendment to Civil Code section 3294 and would have barred any recovery of punitive damages against charitable organizations, including religious corporations .... The legislation was amended several times in committee, resulting in the substitution of the pleading hurdle for the original absolute bar against punitive damages and the replacement of “charitable organizations” with religious
corporations. Little Company of Mary Hospital v. Superior Court of

We take judicial notice of certain materials from the
legislative history of section 8026, including legislative committee
reports and various versions of AB 2582 as appearing in the Assembly
and Senate committee bill files. We also grant the County’s request
to take judicial notice of the letter from the sponsor of AB 2582
transmitting the final version of the bill to the Governor for
signing. Faulder v. Mendocino County Board of Supervisors (2006, 1st
Dist.) 144 Cal.App.4th 1362, 1376, fn.4

An examination of the 1990 legislative history of ... reveals
that the Legislature rejected a version of the exemption statute that
would have included .... As a general principle, the Legislature’s
rejection of specific language constitutes persuasive evidence a
statute should not be interpreted to include the omitted language.

The evolution of a proposed statute after its original
introduction in the Senate or Assembly can offer considerable
enlightenment as to legislative intent. People v. Goodloe (1995, 1st
Dist.) 37 Cal.App.4th 485, 491

Senate Bill No. 1137 was amended during the July 9, 1991,
hearing before the Assembly Committee on Public Safety. It was this
amendment which added subdivisions (b) and (c) to Section 800.
Especially when considering subdivision (b)(4), the evolution of the
bill’s language clearly suggests the Legislature intended to expand
the People’s right to appeal.... In re Rottanak K. (1995, 5th Dist.)
37 Cal.App.4th 260, 267

The original version of Senate Bill No. 1294 .... Subsequent
amendments to the bill narrowed the language to deny recovery ....
The final version limited the application of the law .... Defendant
is asking this court to adopt an interpretation of Civil Code Section
1714.7 which was specifically rejected by the Legislature. For three
justices to construe a law in a fashion inconsistent with the
statutory language deliberately chosen by a majority of the
Legislature and approved by the Governor, in the absence of a
constitutional infirmity, is an act squarely in contravention of the
fundamental principles of a democratic form of government. Wiley v.
So. Pacific Trans. Co. (1990, 2nd Dist.) 220 Cal.App.3d 177, 192,
fn.8

Our conclusion is supported by the legislative history of Penal
Code Section 653k. The original bill became increasingly broader in
scope as it went through successive drafts and when it was amended.
People v. Quattrone (1989) 211 Cal.App.3d 1389, 1398


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2. Committee Reports and Analyses:

Finally, reviewers of Assembly Bill No. 2083 criticized the assumption, implicit in the author's comments in support of the legislation, that a declaration-in-open-court requirement generally would allow bail agents .... A May 1, 1998, Assembly Republican Bill Analysis commented .... People v. Allegheny Casualty Company (2007) 41 Cal.4th 704, 711

To determine the purpose of legislation, a court may consult contemporary legislative committee analyses of that legislation, which are subject to judicial notice. [Citations.] As this court has recognized,... these materials, "including analyses of both the Senate and Assembly Committees on the Judiciary, show an intent to codify ...." In Re J.W. (2002) 29 Cal.4th 200, 211-212

The Court of Appeal granted RVLG’s request for judicial notice of documents bearing on the legislative history of section .... Among the documents the court judicially noticed were the analysis of Senate Bill No. 1397 prepared for the Assembly Committee on Labor, Employment, and Consumer Affairs,... fn.7 [fn.7: We have likewise granted RVLG’s request in this court to take judicial notice of these same legislative history materials.] Smith v. Rae-Venter Law Group (2002) 29 Cal.4th 345,359, fn.7

The crisis ... was the subject of a session of the California State Assembly meeting as a Committee of the Whole on February 13, 1989. The purpose of the extraordinary session, Speaker of the Assembly Willie L. Brown, Jr., explained, was "to educate the entire membership of the California State Assembly" on the issue. (1 Assem. J. (1989–1990 Reg. Sess.) pp. 436-437.) "Ordinarily," Speaker Brown noted, "this would be done in a regular committee. On some occasions, when the issue is of such extraordinary importance, and of such immediacy, we [meet as] a Committee of the Whole." (Id. at p. 437.) Speaker Brown provided the context in which the regulation of assault weapons was being considered.... A combination of all those things, plus the volume of editorials, the volume of public comment out there about the question, requires us to address the issues." ( Ibid.) (Kasler v. Lockyer, (2000) 23 Cal.4th 472, at pp. 486-487, 97 Cal.Rptr.2d 334, 2 P.3d 581.)

We are persuaded the Legislature intended §12022.5(d) to be mandatory for several reasons. Legislative history materials for Assembly Bill 476,... include a bill analysis prepared for the Assembly Committee on Criminal Justice stating:... People v. Ledesma (1997) 16 Cal.4th 90, 98, 100

The Court of Appeal declined to consider this report, (Assembly Committee on Judiciary) stating that "the views of a committee staff member are not appropriate legislative history.” However it is well established that reports of legislative committees and commissioners are part of a statute’s legislative history and may be considered when the meaning of a statute is uncertain. [Citations.] The United States Supreme Court has long followed a similar practice in using committee reports as an aid in construing federal legislation. [Citations.] The rationale for considering committee reports when interpreting statutes is similar to the rationale for considering voter materials when construing an initiative measure. In both cases it is reasonable to infer that those who actually voted on the
proposed measure read and considered the materials presented in
explanation of it, and that the materials therefore provide some
indication of how the measure was understood at the time by those who
47 Cal.3d 456, 465, fn.7

However, our reading of the assembly committee's legislative
analysis of the bill reveals that the goal of enacting subdivision
(c) was to increase benefits for the most seriously injured workers,
without increasing them too much. (Assem. Com. on Insurance, Analysis
15-18.) The legislative intent behind section 7573 was to eliminate
the “need to file a separate court action for [the] purpose” of
giving a declaration the force and effect of a judgment of paternity.

According to legislative committee reports, the amendment was
intended “to provide certainty as to the expiration date of the
lien,... Essentially, this codifies a recent Court of Appeal case....
311.]” (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2624
(2005-2006 Reg. Sess.) June 27, 2006, p.12.) ...

Counsel for plaintiffs referred to these legislative committee
reports in its opening brief but without requesting we take judicial
notice of them. We treat the reference as a request for judicial
notice and grant it. (Kaufman & Broad Communities, Inc. v.
Cal.Rptr.3d 520.) Schmidli v. Pearce (2009, 3rd Dist.) 178
Cal.App.4th 305, fn.5

The April 5, 2006 report by the Assembly Committee on Insurance
on Assembly Bill No. 2292 explained the sponsor of the legislation,
the California Professional Firefighters ... proposed the bill “to
clear up the confusion in this area.” (Assem. Com. on Insurance, Rep.
on Assem. Bill No. 2292 (2005-2006 Reg. Sess.), p.3.) As stated in
the committee report, “This bill clarifies that it is the intent of
the Legislature that ...” (Id. at p. 2; see also Sen. Com. on Labor
and Industrial Relations, Rep. on Assem. Bill No. 2292, as amended
April 27, 2006, p.2 [same].) ... City of Los Angeles v. Workers’

The legislative history supports this construction. Legislative
committee reports and analyses prepared in connection with the bill
that added the second sentence of Government Code section 65858,...
stated that the requirement of additional findings would not apply to
interim ordinances.... (Sen. Rules Com., Off. Of Sen. Floor Analyses,
Assem. Com. on Housing and Community Development, Analysis of Sen.
amendment], p. A.) The legislative history also indicates that the
bill imposed findings requirements similar to those under the Housing
Accountability Act in order to prevent local governments from
circumventing the requirements of that act through the adoption of


... The intent of this bill, according to the author and the proponents, is to point the way to the vexatious litigant statutes to the parties engaged in these proceedings and to the court, as a tool to discourage repeated motions by parents to regain custody of their children when there are no changed circumstances to justify a different result." (Sen. Com. on Judiciary Analysis of Assem. Bill No. 1938 (2001-2002 Reg. Sess.), p.6.) In re R.H. (2009, 5th Dist.) 170 Cal.App.4th 678

... However, the exhibits Ms. Goldberg authenticates in her declaration, including memoranda from the city attorney to the city council concerning the draft ordinance, are properly considered. (See Southern California Gas Co. v. Public Utilities Com. (1979) 24 Cal.3d 653, 659, 156 Cal.Rptr. 733, 596 P.2d 1149 ["[s]tatements in legislative committee reports concerning the statutory objects and purposes which are in accord with a reasonable interpretation of the statute are legitimate aids in determining legislative intent"]; Pac. Bell v. Cal. State & Consumer Servs. Agency (1990) 225 Cal.App.3d 107, 116, 275 Cal.Rptr. 62 ["a legislative staff analysis of a measure may be relevant to ascertaining legislative intent when the analysis is consistent with a reasonable interpretation of the enactment"]). Aguiar v. Superior Court (2009, 2nd Dist.) 170 Cal.App.4th 313 at 326, fn.7

On the other hand, it does appear safe to say that the legislative history is certainly devoid of any indication that the Legislature wanted to repeal section 15627, subdivision (a). (In this appeal Trung Nguyen opposed the Registrar's request that this court take judicial notice of the materials compiled by the Legislative Intent Service, Inc. constituting the legislative history of Senate Bill 370.)

There are two items in the legislative history that, in fact, support the trial court's interpretation against repealing section 15627. The strongest is on page 3 of the June 21, 2005 report on SB 370 of the Assembly Committee on Elections and Redistricting. Nguyen v. Nguyen (2008, 4th Dist.) 158 Cal.App.4th 1636, 1659

Second, the legislative history provides a window into some of the relevant economic reasoning. In 1965, before the passage of the Pooling Act, the Assembly Interim Committee on Agriculture studied the operation of the Stabilization Act and issued a report.... One of the concerns the report expressed was that .... Kawamura v. Organic Pastures Dairy Company LLC (2008, 5th Dist.) 160 Cal.App.4th 1374, 1387

///
As reflected in a senate committee report, anti-SLAPP motions were themselves being used as a kind of SLAPP to inhibit litigation against well-heeled defendants. Senate Bill 515, which became section 425.17, was proposed by the Consumer Attorneys of California (CAOC), who complained that “in recent years, a growing number of large corporations have invoked the anti-SLAPP statute to delay and discourage litigation against them by filing meritless SLAPP motions, using the statute as a litigation weapon.” Simpson Strong-Tie Company, Inc v. Gore (2008, 6th Dist.) 162 Cal.App.4th 737, 757

Where, as here, the legislative language is unclear or ambiguous, we may review available legislative history to determine legislative intent. [Citation.] Such legislative history can include the bill analyses prepared by staff for legislative committees considering passage of the legislation in question.... People v. Taylor (2007, 5th Dist.) 157 Cal.App.4th 433, 437

We have taken judicial notice of the Senate and Assembly Committees on Judiciary’s analyses of Senate Bill No. 218. (See In re J.W. 2002) 29 Cal.4th 200, 211,... [“To determine the purpose of legislation, a court may consult contemporary legislative committee analyses of that legislation, which are subject to judicial notice”].) Wayne F. v. Superior Court of San Diego County (2006, 4th Dist.) 145 Cal.App.4th 1331, 1339, fn.3

... legislative history of section 8026. As to these materials, “[s]tatements in legislative committee reports concerning the statutory purposes which are in accordance with a reasonable interpretation of the statute will be followed by the courts. It will be presumed that the Legislature adopted the proposed legislation with the intent and meaning expressed in committee reports.’ [Citation]” [Citations.] Faulder v. Mendocino County Board of Supervisors (2006, 1st Dist.) 144 Cal.App.4th 1362, 1376

A staff analysis is a useful indicator of legislative intent. [Citation.] Coburn v. Sievert (2005, 5th Dist.) 133 Cal.App.4th 1483, 1500

When looking to legislative history, we may consider legislative committee reports and analyses, including statements pertaining to the bill's purpose (Citation) and the Legislative Counsel's Digest. [Citations.] Sully-Miller Contracting Co. v. California Occupational Safety & Health Appeals Bd. (2006, 3rd Dist.) 138 Cal.App.4th 684, 698-9, fn.6

Contemporaneous legislative committee analyses are subject to judicial notice. [Citation.] We may also regard them as reliable indicia of the legislative intent underlying the enacted statute. [Citation.] We find particularly instructive a Senate Floor analysis .... In re Microsoft I-V Cases (2006, 1st Dist.) 135 Cal.App.4th 706, 719-720

Further support for this interpretation is found in the 1989 Legislative Summary by the Assembly Committee on Education pertaining to Assembly Bill No. 181 (1989-1990 Reg. Sess.).... We give this summary, prepared shortly after the bill was signed by the Governor, due deference, yet recognize that it is only a post hoc expression of
the opinion of the Assembly Committee on Education as to what the Legislature meant when it adopted former Government Code section .... Nonetheless, we find the summary to be persuasive, inasmuch as it is consistent with the Department of Finance ... Enrolled Bill Report. Warmington Old Town Associates v. Tustin Unified School District (2002, 4th Dist.) 101 Cal.App.4th 840, 853

In construing a statute, legislative committee reports, bill reports and other legislative records are appropriate sources from which legislative intent may be ascertained. [Citation.] In re John S. (2001, 3rd Dist.) 88 Cal.App.4th 1140, 1145, fn.2

Statements of legislative committees pertaining to the purpose of legislation are presumed to express the legislative intent of statutes as enacted. [Citation.] Conley v. Roman Catholic Archbishop (2000, 1st Dist.) 85 Cal.App.4th 1126, 1134, fn.3

Statements in legislative committee reports concerning the statutory objects and purposes which are in accord with a reasonable interpretation of the statutes are legitimate aids in determining legislative intent. National R.V., Inc. v. Foreman (1995, 4th Dist.) 34 Cal.App.4th 1072, 1083

... a legislative staff analysis of a measure may be relevant to ascertaining legislative intent when the analysis is consistent with a reasonable interpretation of the enactment. Pacific Bell v. California State Consumer Services Agency (1990, 1st Dist.) 225 Cal.App.3d 107, 116

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3. Committee Files:

California courts examine documents generated during legislative consideration of a bill found in committee files. These documents, usually memoranda, letters, statements of background information, are cited in numerous

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ways. Often the document is only described by date, author and person or entity
to whom it is directed. Sometimes the document will be noted as coming from a
particular committee file. Regardless of how the Court cites the document, these
types of materials are only found in committee files.

a. Various Committee File Documents:

The legislative history pertaining to the addition of subdivision (b)(4) to Civil Code section 47 ... reflects the
Legislature’s agreement with the dissenting justices in Hackethal that the Civil Code 47 privilege ... see Sen. Com. On Judiciary,

Similarly, an opposition letter submitted on behalf of Cole National Corporation argued that the revised statute ... (Donald

On April 5, 1983 the Executive Committee of the Estate Planning, Trust and Probate Law Section of the State Bar of
California wrote to the Assembly Committee on Judiciary. As relevant here, the executive committee opposed .... This concern was quoted in
an Assembly Committee on the Judiciary analysis of Assembly Bill No. 25 .... Estate of Saueressig (2006) 38 Cal.4th 1045, 1054

On April 11, 1983, the California Law Revision Commission wrote
to the Assembly Committee on Judiciary, apparently in response to the
executive committee’s concern ... The “justification of the change
recommended by the Commission is given in more detail” in an attached
December 17, 1982 letter from professor Jesse Dukeminier.... In that
letter, Professor Dukeminier responded to the executive committee’s
certain ... fn.10 (Typically we do not ascribe legislative intent to
letters written to the Legislature. The letters here, however, came
from the Commission, which had been asked to propose changes to the
Probate Code and which drafted the provisions on which Assembly Bill
No. 25 was based, and a letter that the Commission expressly stated
set forth its own reasons for recommending deletion of the
simultaneous presence requirement.) Estate of Saueressig (2006) 38 Cal.4th 1045, 1054-55

Defendant contests this interpretation of the foregoing
legislative history. Relying upon three documents, he asserts that
... We disagree. The first document, apparently dated April 2, 1992,
is from the Sacramento Legislative Office of the Los Angeles District
Attorney and is titled “Explanation of Proposed Amendments to SB 1342
(Royce).” According to defendant, this document was located in the
Senate Committee on Judiciary’s bill file for Senate Bill No. 1342
... The second document, dated April 7, 1992, stamped “working copy,”
and prepared for a hearing on April 7, 1992, appears to be a product
of the Senate Committee on Judiciary, analyzing Senate Bill No. 1342
... as introduced and stating that the bill “reflects author’s
amendments to be offered in committee.” The third document, dated
April 21, 1992, and also stamped "working copy," is, according to defendant, the "Third Reading floor analysis of SB 1342 from the Legislative Bill file of the Assembly Committee on Public Safety...."

People v. Corpuz (2006) 38 Cal.4th 994, 998

The parties also have filed a number of requests that we take judicial notice of public documents that include ... the legislative history of Assembly Bill No. 1630 prior to its consideration and veto by the Governor and excepts from legislative material prepared by the Assembly Revenue and Taxation Committee when legislation was under consideration to conform state tax law with federal tax law as revised in 1978. We take judicial notice of these documents pursuant to Evidence Code section 459, subdivision (a) and 452, subdivision (c), permitting judicial notice to be taken of "[o]fficial acts of the legislative, executive or judicial departments ... of any state of the United States." "Official acts include records, reports and order of administrative agencies." [Citation.] Ordlock v. Franchise Tax Board (2006) 38 Cal.4th 897, 912, fn.8


The MFAA's legislative history also supports the conclusion that section 473, subdivision (b) relief is unavailable here. In describing what would become the MFAA, the statute's crafters stated that ... (Special Com. on Resolution of Attorney Fee Disputes, letter to Bd. of Governors, State Bar of Cal., supra, p. 7.) Maynard v. Brandon (2005) 36 Cal.4th 364, 377

Indeed, to say precisely this may well have been the author's intention. The concern had been expressed that the proposed legislation .... The same concern had been raised by the California Probation, Parole and Correctional Association while the original version of the bill that became section 2933.1 ... was pending in the Legislature. (Executive Director Susan Cohen, Cal. Probation, Parole and Correctional Assn., letter to Assemblyman Richard Katz, Apr. 15, 1993.) ... In re Reeves (2005) 35 Cal.4th 765, 776, fn.15

On May 26, 1999, we granted Ultramar's request that we take judicial notice of certain materials from the legislative history of section 3294, subdivision (b), including committee reports and individual legislators' (including co-authors') comments from the Assembly and Senate committee bill files. White v. Ultramar, Inc. (1999) 21 Cal.4th 563, 572, fn.3.

Moreover, the purpose of the legislation was to broaden the reach of the Act. The FPPC [Fair Political Practices Commission] sponsored Senate Bill No. 1438 (1983-1984 Reg. Sess.), which eventually became section 83116.5. The bill was prompted by concern
that "in certain circumstances, violations of the Act cannot fairly be attributed to those persons named in the Act, particularly true [sic] in the area of campaign reporting where the candidate and treasurer are responsible for violations of the Act, and yet, rely on others who cannot be held liable for their errors and omissions under the Act." (FPPC, Mem[orandum] to Sen. Com. On Elections & Reapportionment (Feb. 27, 1984) p. 1; id., (May 22, 1984) p. 1.) fn.5. People v. Snyder (2000) 22 Cal.4th 304, 309


In 2007, the Fourth District, reviewing certain documents from a Committee file, while noting its skepticism of "their independent value", addressed "miscellaneous materials" from committee files and the "confidence" such materials can provide a court that is examining issues of legislative history:

There is a body of case law involving what is, and what is not, appropriate for examination as legislative history, assuming, for sake of argument, that reference to legislative history is appropriate in the first place. A court is always on firm ground to "consider legislative committee reports and analyses, including statements pertaining to the bill's purpose." (See Sully-Miller Contracting Co. v. California Occupational Safety & Health Appeals Bd. (2006) 138 Cal.App.4th 684, 698, fn.6, 41 Cal.Rptr.3d 742; see also Hutnick v. United States Fidelity & Guaranty Co. (1988) 47 Cal.3d 456, 465, fn.7, 253 Cal.Rptr. 236, 763 P.2d 1326.) There is also authority that mere summaries by proponents of bills are not appropriate legislative history (see Williams v. Superior Court (2001) 92 Cal.App.4th 612, 621, fn.6, 111 Cal.Rptr.2d 918), and in that vein there is the well-established "judicial reticence [sic] to rely on statements made by individual members of the Legislature as an expression of the intent of the entire body." (Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247, 258, 104 Cal.Rptr. 761, 502 P.2d 1049.) We may therefore arguably be incorrect in even looking at the miscellaneous materials from the Senate Judiciary Committee's bill file to test what is otherwise a clear conclusion dictated by the language of the statute and canons of statutory construction. Perhaps we should confine our discussion to the legislative committee reports and analyses—at the very least this opinion would be shorter. In any event, this opinion should not be read as authority for the idea that miscellaneous materials in committee files are good legislative history. However, by consulting these materials as well as looking at the committee reports and analyses we are able to say with confidence that nothing in the legislative history shows an intent to change what Harris said about section 52. (The issue is, as it turns out, ultimately academic. Only if it turned out that the miscellaneous materials from the committee bill file clearly showed an intent to reverse Harris (which they
don't) would we be forced to confront their independent value probably little or none—as legislative history.) *Gunther v. Lin* (2007, 4th Dist.) 144 Cal.App.4th 223, 244, fn.19

Further appellate decisions:

While the legislation was pending the California Trial Lawyers Association (CTLA) informed the bill’s sponsor by letter that it was opposed to the law, stating ... (CTLA, letter to Assemblyman Byron Sher, July 18, 1988) *Gravillis Jr. v. Coldwell Banker Residential Brokerage Company* (2006, 2nd Dist.) 143 Cal.App.4th 761, 778-779

In an analysis of the CFCA prepared by the Center for Law in the Public Interest, the sponsor of the bill ... it was explained ... (Section by section Analysis of Draft Prepared by Center for Law in the Public Interest...) ... *Armenta ex rel City of Burbank v. Mueller Co.* (2006, 2nd Dist.) 142 Cal.App.4th 636, 648

In addition, the Legislature noted its intent to promote the just, speedy, and economical ... (Chief Counsel Rubin R. Lopez, letter to Assemblyman Elihu M. Harris, Nov. 6, 1986) *Carpenter v. Superior Court (Alameda County)* (2006, 1st Dist.) 141 Cal.App.4th 249, 266

That history includes a May 23, 1990 memo from the office of San Diego’s county counsel that is addressed to all counties in the State. Attached to the memo is a proposed amendment to Senate Bill 2791. That proposed amendment is essentially the language of subdivision (c) of section 4985.2. The San Diego memo notes .... The addition of subdivision (c) to Senate Bill 2791 came in the June 12, 1990 amendment of that bill, which was approximately three weeks after San Diego’s county counsel’s office sought such an addition. *People ex rel. Strumpfer v. Westoaks Investment #27* (2006, 2nd Dist.) 139 Cal.App.4th 1038, 1047

The proposed legislation was applauded by several nonprofit agencies ... but was not welcomed by all of California’s school districts. This letter to Senator John Vasconcellos sums up the opposition:... (Superintendent Johanna VanderMolen, Campbell Union School District, letter to Sen. Vasconcellos, Mar. 28, 2003.) *Benjamin G. v. Special Ed. Hearing Office (Long Beach Unified School Dist.)* (2005, 2nd Dist.) 131 Cal.App.4th 875, 882, fn.6

The origins of the amendment can be found in Resolution 5-9-91, which was passed by the Conference of Delegates of the State Bar of California in the summer of 1991. In writing to the legislative counsel for the State Bar, the resolution's author explained.... Those connected to Assembly Bill No. 2663 (1991-1992 Reg. Sess.), the bill prompted by Resolution 5-9-91 and sponsored by the State Bar to amend Civil Code section 3334, discussed the purpose of the bill in a variety of ways and used the following language ... (Amelia V. Stewart, legislative representative of the State Bar of California, letter of support for Assembly Bill No. 2663 to Assemblyman Phillip Isenberg, Chair of the Assembly Judiciary Committee, March 19, 1992);... (Michael D. Schwartz, letter of support for Assembly Bill No. 2663 to Amelia V. Stewart, legislative representative of the State Bar of California, March 20, 1992);...

As made clear by discussion of the legislation in an analysis prepared for the Senate Judiciary Committee, the enactment of the amendment adding “care custodians” .... The original proponent of the proposal for the amendment was the Estate Planning Trust and Probate Law Section of the State Bar of California in its annual omnibus bill. In a document prepared by that section discussing the proposed amendment, the “Purpose” of the amendment was described as .... The “Application” of the amendment is similarly described.... (Cal. State Bar Estate Planning, Trust & Prob. Law Section, Legislative Proposal, Assem. Bill No. 1172, excerpted from Senate Com. on Judiciary legislative bill file.) In re Conservatorship of Davidson (2003, 1st Dist.) 113 Cal.App.4th 1035, 1050-1051

In addition, the legislative bill file of the Senate Committee on Education contains an analysis explaining that Senate Bill no.... Warmington Old Town Associates v. Tustin Unified School District (2002, 4th Dist.) 101 Cal.App.4th 840, 853

This report, contained within the files of the Senate Judiciary Committee, clearly states the Legislature’s understanding that Section 1157, as a “peer review statute,” was intended to provide a bar to civil, as opposed to criminal discovery. We must assume the committee relied upon this report in making their recommendations to the full Senate. People v. Superior Court (Memorial Medical Center) (1991, 2nd Dist.) 234 Cal.App.3d 363, 380


b. Bill Analysis Worksheets:

Committee bill analysis worksheets, often entitled, “Background Information on Senate Bill No.” or “Fact Sheet on Assembly Bill No.”, are documents found only in committee files (where the documents are mostly generated) and on occasion in an author file (usually when generated by the author for a committee).

In the following two 2004 cases, the California Supreme Court relied upon committee bill analysis worksheets:

According to one legislative analysis, "[t]he purpose of" subdivision (d) "is to ensure ... (Sen. Com. on Judiciary, Background Information to Assem. Bill No. 4354 (1975-1976 Reg. Sess.).) Another analysis explained that subdivision (d) "prohibit[s] ... (Assem. Com. on Criminal Justice, Analysis of Assem. Bill No. 4354 (1975-1976 Reg. Sess.) May 26, 1976.) Still another analysis explained that under subdivision (d), a dependency case ... (Assem. Com. on Criminal Justice, Analysis of Assem. Bill No. 4354 (1975-1976 Reg. Sess.) as amended June 2, 1976, p. 1.) This last analysis also explained that "the termination of parental rights is a matter of utmost concern to all parties and that the ... presence of all parties is desirable." (Ibid.) These materials reveal a strong legislative interest in enabling the prisoner to attend the hearing, an interest that would be undermined by interpreting the statute to make the attorney's presence sufficient in every case. In re Jesusa v. (2004) 32 Cal.4th 588, 623; similarly, see Walker v. Countrywide Home Loans, Inc. (2002, 2nd Dist.) 98 Cal.App.4th 1158, 1171-1172. Similarly, the Appellate Court relied upon the Committee bill analysis worksheets in the following case:

The legislative history of Civil Code section 2954.4 in the record, even if considered, does not show that property inspection fees are, or should be, considered late fees and hence prohibited by that section. (See generally Assem. Com. on Finance and Insurance, Background Information Relative to the Costs Associated with the Consummation and Financing of Real Property Transactions (Nov. 1974) pp. 33-40; Dugald Gillies, Cal. Assn. of Realtors: Statement on Costs Associated with Real Property Financing Transactions, Nov. 13, 1974.) The legislative history suggests that the Legislature was concerned about prohibiting late charges.... The Legislature, in considering how to deal with late charges, did not consider whether property inspection fees are "late fees." Walker v. Countrywide Home Loans, Inc. (2002, 2nd Dist.) 98 Cal.App.4th 1158, 1171-1172. Other cases where a court examined a bill analysis worksheet:

The legislative history pertaining to the addition of subdivision (b)(4) to Civil Code section 47 ... reflects the Legislature's agreement with the dissenting justices in Hackethal that the Civil Code 47 privilege ... see Sen. Com. On Judiciary, Background Information on Assemb. Bill No. 478. Kibler v. Northern Inyo County Local Hospital District (2006) 39 Cal.4th 192, 202


Courts may take judicial notice of relevant legislative history to resolve ambiguities and uncertainties concerning the purpose and meaning of a statute. (See Evid. Code, § 452, subd. (c) [permitting judicial notice of official acts of the Legislature]; Quelimane Co. v. Stewart Title Guaranty Co. (1998) 19 Cal.4th 26, 45, fn.9. Moreover, as a reviewing court, we must, and here do, take judicial notice of those materials properly noticed by the trial court,
including enrolled bill reports to the governor and legislative committee and caucus reports, work sheets, and digests. (Evid. Code, § 459, subd. (a); [Citations.] People v. Connor (2004, 6th Dist.) 115 Cal.App.4th 669, 681, fn.3

Our inquiry begins with the California Assembly Committee on Finance and Insurance Background Information request on Assembly Bill No. 2920 ... Florez v. Linens 'N Things, Inc. (2003, 4th Dist.) 108 Cal.App.4th 447, 452, fn.4

Sherwin-Williams Co. v. City of Los Angeles (1993) 4 Cal.4th 893, 899-900


4. Official Commission Reports and Comments:

Official Commission Reports can include reports prepared by legislative committees for the revision or compilation of particular codes; such as the California Law Revision Commission, the California Constitutional Revision Commission or as in the following 2008 case, it can refer to reports by the Code commissioners in the 1870’s. It is well settled that such commission reports provide evidence of legislative intent. Sutherland on Statutory Construction, section 48.09

California's current marriage statutes derive in part from this state's Civil Code, enacted in 1872, which was based in large part upon Field's New York Draft Civil Code. As adopted in 1872, former section 55 of the Civil Code provided that marriage is "a personal relation arising out of a civil contract, to which the consent of the parties capable of making it is necessary," and former section 56 of that code, in turn, provided that "[a]ny unmarried male of the age of eighteen years or upwards, and any unmarried female of the age of fifteen years or upwards, and not otherwise disqualified, are capable of consenting to and consummating marriage." Although these statutory provisions did not expressly state that marriage could be entered into only by a man and a woman, the statutes clearly were intended to have that meaning and were so understood. (See Code commrs. note foll., 1 Ann. Civ.Code (1st ed. 1872, Haymond & Burch, commrs. annotators) p. 28) Thus, this court's decisions of that era declared that.... In re Marriage Cases (2008) 43 Cal.4th 757, 793

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Because the official comments of the California Law Revision Commission 'are declarative of the intent not only of the draftsman of the code but also of the legislators who subsequently enacted it' [citation] the comments are persuasive, albeit not conclusive, evidence of that intent. Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board (2006) 40 Cal.4th 1, 13, fn.9

The Law Revision Commission comment to section 4 confirms this interpretation. The Commission explains ... The comment then notes:... Thus, as a general rule, future changes to the Family Code.... In re Marriage of Fellows (2006) 39 Cal.4th 179, 186

On April 11, 1983, the California Law Revision Commission wrote to the Assembly Committee on Judiciary, apparently in response to the executive committee' concerns ... The "justification of the change recommended by the Commission is given in more detail" in an attached December 17, 1982 letter from professor Jesse Dukeminier .... In that letter, Professor Dukeminier responded to the executive committee's concern ... fn.10 (Typically we do not ascribe legislative intent to letters written to the Legislature. The letters here, however, came from the Commission, which had been asked to propose changes to the Probate Code and which drafted the provisions on which Assembly Bill No. 25 was based, and a letter that the Commission expressly stated set forth its own reasons for recommending deletion of the simultaneous presence requirement.) Estate of Saueressig (2006) 38 Cal.4th 1045, 1054-55

Reports of commissions which have proposed statutes that are subsequently adopted are entitled to substantial weight in construing the statutes. [Citations.] This is particularly true where the statute proposed by the commission is adopted by the Legislature without any change whatsoever and where the commission's comment is brief, because in such a situation there is ordinarily strong reason to believe that the legislators' votes were based in large measure upon the explanation of the commission proposing the bill." [Citation.] Jevne v. Superior Court (JB Oxford Holdings, Inc.) (2005) 35 Cal.4th 935, 947-8

Comments made during the debate at a Constitutional Convention, including failed motions to amend, may properly be referenced for the light they shed on provisions actually enacted. [Citations.] Grafton Partners v. Superior Court (PriceWaterhouseCoopers LLP) (2005) 36 Cal.4th 944, 954, fn.5

Similarly, the National Conference of Commissioners on Uniform State Laws, which drafted the 1973 Uniform Parentage Act (1973 Act) from which California's UPA was derived (Citation) explained that the 1973 Act's presumptions are rebuttable.... In re Jesusa v. (2004) 32 Cal.4th 588, 650

Husband argues that the history of ... shows that the Legislature did not intend to ... in 1984, when the Legislature was considering .... The Law Revision Commission rejected ... saying:... (Nathaniel Sterling, Cal. Law Revision Com. Letter to Assemblyman ...). This historical account would support an inference .... Mejia v. Reed (2003) 31 Cal.4th 657, 667
Because the official comments of the California Law Revision Commission “are declarative of the intent not only of the draftsman of the code but also of the legislators who subsequently enacted it” [citation] the comments are persuasive, albeit not conclusive, evidence of that intent. [Citation.] Bonanno v. Central Contra Costa Transit Authority (2003) 30 Cal.4th 139

We have reviewed the relevant passages of the debates that preceded adoption of the 1849 and 1879 Constitutions. (See Browne, Report of the Debates in Convention of Cal. On Formation of State Const. (1850) ... 2 Willis & Stockton, Debates and Proceedings, Cal. Const. Convention 1878-1879.... Nor have we discovered any evidence that the drafters of the 1974 revision, ... considered the issue or had any such intent (See Cal. Const. Revision Com., Article I ... Background Study ... Katzberg v. Regents of University of California (2002) 29 Cal.4th 300, 319-320


The December 1989 California Law Revision Commission recommendation on the proposed legislation amending Code of Civil Procedure former section 353 explained that ‘the one year statute is intended to apply .... It thus appears that when the amendments to former section 353 were enacted, they were done so with the clear understanding and intent that such provisions would govern .... Collection Bureau of San Jose v. Rumsey (2000) 24 Cal.4th 301, 308

The Reporter's Notes [State Bar/Judicial Council of Cal., Joint Committee on Discovery, Reporter's Notes to the Proposed Civil Discovery Act of 1986] to subdivision (m) provide additional support. (See Van Arsdale v. Hollinger [Citation] "[r]eports of commissions which have proposed statutes that are subsequently adopted are entitled to substantial weight in construing proposed the statutes.") Wilcox v. Birtwhistle (1999) 21 Cal.4th 973, 980

The requirement that ... was added to article VI, section 2, of the California Constitution in 1879. Nothing in the 1879 constitutional debates suggests that the drafters intended this provision to restrict the preexisting power to issue preemptory writs in the first instance, without hearing oral argument. Lewis v. Superior Court (1999) 19 Cal.4th 1232, 1257

Petitioner requests us to take judicial notice of the records of the Law Revision Commission containing the language quoted in the text, specifically, a two-page document entitled "March '83 ECH-Notes." (The initials evidently refer to the notes’ author, who was apparently Professor Edward C. Halbach, Jr.) We hereby grant the request. We must of course, judicially notice California statutory law. (Evid. Code, § 451, subd. (a).) We may also judicially notice matters underlying such law. (E.g., Schmidt v. Southern Cal. Rapid Transit Dist. (1993) 14 Cal.App.4th 23, 30, fn.10 [17 Cal.Rptr.2d 340].) Including, to our mind, the commission records here. Estate of Joseph (1998) 17 Cal.4th 203, 210
Reports of commissions which have proposed statements that are subsequently adopted are entitled to substantial weight in construing the statements. This is particularly true where the statement proposed by the commission is adopted by the Legislature without any change whatsoever and where the commission’s comment is brief, because in such a situation there is ordinarily strong reason to believe that the legislators’ votes were based in large measure upon the explanation of the commission proposing the bill. Van Arsdale v. Hollinger (1968) 68 Cal.2d 245, 250

Appellate cases:

The California Law Revision Commission in discussing proposed Probate Code section 18004 prior to its enactment stated, “The third person should not have to be concerned with the source of the fund that will be used to pay the claim. (Fn. omitted.) The proposed law adopts this position. Hence, a third person with a claim against the trust or trustee may assert .... (Recommendation Proposing the Trust Law (1985) 18 Cal. Law Revision Com. Rep. p. 592.) Stoltenberg v. Newman (2009, 2nd Dist.) 179 Cal.App.4th 287

The restrictions on donative transfers in sections 21350 and 21351 were referred by the Legislature to the California Law Revision Commission in 2006 for study. (Stats. 2006, ch. 215.) The recommendations of the Law Revision Commission are currently before the Legislature in Senate Bill No. 105. An analysis of that legislation for the Senate Judiciary Committee sets out the circumstances under which the Law Revision Commission was asked to study this topic. It notes that the Chief Justice, in a concurring opinion in Bernard, invited the Legislature “to consider modifying or augmenting the relevant provisions....

The Senate Judiciary Committee Analysis states that a cleanup bill introduced in 2007 .... But the donative transfer provisions were deleted from the bill and referred to the Law Revision Commission because it was already studying the subject. (Sen. Com. on Judiciary, Analysis of Sen. Bill No. 105 (2009-2010 Reg. Sess.).) The Law Revision Commission recognized the risk that family members might perpetrate financial abuse of the elderly, citing a study finding that over 85 percent of confirmed cases were committed by relatives. (Law Revision Recommendation, p.125.) But it observed: “Despite the prevalence of abuse by relatives, family members ... is expected and beneficial.” (Ibid.) The Commission recommended that the existing categorical exceptions to the restriction on donative transfers be continued with minor revisions which are not relevant here. (Id. at p. 131.) In re Estate of Pryor (2009, 2nd Dist.) 177 Cal.App.4th 1466.

The Law Revision Commission Comments to section 5303 state: "Subdivision (a) is the same as the first sentence of Section 6-105 of the Uniform Probate Code (1987).... Stevens v. Tri Counties Bank (2009, 3rd Dist.) 177 Cal.App.4th 236, 247

Family Code section 4058, added in 1993, is derived from former Civil Code section 4721 ... which was enacted in 1984. (.... “Section 4058 continues former Civil Code Section 4721(f) without substantive change.” (Cal. Law Revision Com....) Asfaw v. Woldberhan (2007, 2nd Dist.) 147 Cal.App.4th 1407, 1418

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Section 1283.8 was adopted as part of a comprehensive revision of the 1927 statutory scheme governing arbitration (§ 1280 et seq.). The revision was recommended by the California Law Revision Commission's 1960 Recommendation and Study Relating to Arbitration. The Legislature unanimously enacted section 1283.8 without change, exactly as recommended by the Commission. (Feldman, Arbitration Modernized--The New California Arbitration Act (1961) 34 So. Cal. L.Rev. 413, fn.1) Consequently, the comments of the Law Revision Commission are persuasive evidence of the Legislature's intent. (Citation.) "Reports of commissions which have proposed statutes that are subsequently adopted are entitled to substantial weight in construing the statutes. [Citations.] This is particularly true where the statute proposed by the commission is adopted by the Legislature without any change whatsoever and where the commission's comment is brief, because in such a situation there is ordinarily strong reason to believe the legislators' votes were based in large measure upon the explanation of the commission proposing the bill." [Citations.]

(Citation) Bosworth v. Whitmore (2006, 2nd Dist.) 135 Cal.App.4th 536, 547

We have judicially noticed the above-referenced legislative committee analyses, and also grant the Attorney General's request for judicial notice of the Tow Truck Advisory Committee's 2002 Report to the Legislature (2002 Advisory Committee Report). (Evid. Code, sections 452, subd. (c), 459.) We cannot agree that the Tow Truck Advisory Committee looked only to the .... CPF Agency Corp. v. R&S Towing (2005, 4th Dist.) 132 Cal.App.4th 1014, 1029; see also CPF Agency Corp. v. Sevel's 24 Hour Towing Service (2005, 4th Dist.) 132 Cal.App.4th 1034, 1050

In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute. [Citations.] In particular, reports and interpretive opinions of the Law Revision Commission are entitled to great weight. [Citation.] Hale v. Southern California IPA Medical Group, Inc. (2001, 2nd Dist.) 86 Cal.App.4th 919, 927

... interpretative comment of the Law Revision Commission on this section is enlightening. Such comments are well accepted sources from which to ascertain legislative intent. Davis v. Cordova Recreation and Park District (1972) 24 Cal.App.3d 789, 796


5. Legislative Counsel’s Digest:

Although the Legislative Counsel's summaries are not binding [Citations] they are entitled to great weight. [Citation.] “It is reasonable to presume that the Legislature amended those sections with the intent and meaning expressed in the Legislative Counsel’s Digest.” [Citation.] Jones v. Lodge at Torrey Pines Partnership (2008) 42 Cal.4th 1158, 1169

City points out that the Legislative Counsel’s Digest for the original version of Assembly Bill No. 1441 declared the bill... On this basis, City urges the Legislature must have intended ... We are not persuaded. Retention by the Legislative Counsel of the word ... may well have been an oversight, failing to take account of the fact ... In any event, the Legislative Counsel’s declarations are not binding or persuasive where contravened by the statutory language,

Contemporary commentary in the Legislative summary digest confirms existing law “specifie[d] that every person who carries upon his person” . . . . The new language, it was explained, “impose[s] a state-mandated local program by also making the possession of a switchblade . . . misdemeanor.” (Legis. Counsel's Dig., Assem. Bill. No. 2985, 4 Stats. 1986, (Reg.Sess.), Summary Digest, pp.551-552.) This makes clear the Legislature's understanding that the existing statute applied to carrying on the person in any location and its intent to impose the “public place” limitation solely on possession in a vehicle. *In re S.C.* (2009, 1st Dist.) 179 Cal.App.4th 1436, fn.3


... according to the Legislative Counsel’s Digest, the primary purposes of chapter 789 ... It is reasonable to presume that the Legislature amended this provision with the intent expressed in the Legislative Counsel’s Digest. *Ailanto Properties, Inc. v. City of Half Moon Bay* (2006, 1st Dist.) 142 Cal.App.4th 572, 588

And the Legislature’s 1972 Summary Digest further explained ... Legis. Counsel’s Dig., Sen. Bill no....) *Psopulos v. Department of Real Estate* (2006, 1st Dist.) 142 Cal.App.4th 554, 562-563

The Legislative Counsel's Digest described the 2002 amendment as follows:... (Legis. Counsel's Dig., Assem. Bill No. 1868 (2001-2002 Reg. Sess.) Summary Dig.) It is reasonable to presume the Legislature amended the section with the intent and meaning expressed in the Legislative Counsel's digest. [Citation.] *People v. Bhakta* (2006, 2nd Dist.) 135 Cal.App.4th 631, 640

When looking to legislative history, we may consider legislative committee reports and analyses, including statements pertaining to the bill's purpose [citation] and the Legislative Counsel's Digest. [Citations.] *Sully-Miller Contracting Co. v. California Occupational Safety & Health Appeals Bd.* (2006, 3rd Dist.) 138 Cal.App.4th 684, 698-9, fn.6

It is proper for us to consider the Legislative Counsel’s analysis of a bill as evidence of legislative intent, although it is not controlling. [Citations.] As our Supreme Court has observed: “While an opinion of the Legislative Counsel is entitled to respect, its weight depends on the reasons given in its support.” [Citation.] *El Dorado Palm Springs, Ltd. v. City of Palm Springs et al.* (2002, 4th Dist.) 96 Cal.App.4th 1155, 1168

The digest constitutes the official summary of the legal effect of the bill and is relied upon by the Legislature throughout the
legislative process. Thus, it is recognized as a primary indication of legislative intent. Souvannarath v. Hadden (2002, 5th Dist.) 95 Cal.App.4th 1115, 1126, fn.9

The Legislative Counsel’s Digest is a proper resource to determine the intent of the Legislature. [Citations.] Here the Legislative Counsel’s Digest indicates unequivocally that the Legislature intended to change the law. Five v. Chaffey Joint Union High School District (1990, 4th Dist.) 225 Cal.App.3d 1548, 1555

Since the Legislative Counsel is a state official (Government Code Section 10200), who is required by law to give such consideration to and service concerning any measure before the Legislature as circumstances will permit, and which is in any way requested by ... the Senate or Assembly,... (Government Code Section 10234), it would seem by analogy that it is reasonable to presume that the Legislature adopted Section 139.7 of the Civil Code with the intent and meaning expressed in this digest of the bill. Maben v. Superior Court (1967) 255 Cal.App.2d 708, 713


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6. **Legislative Counsel’s Opinions:**

   Opinions of the Legislative Counsel, though not binding, are entitled to great weight when courts attempt to discern legislative intent. [Citation.] Here, the Legislative Counsel's opinion recognized .... *Pacific Lumber Co. v. State Water Resources Control Bd.* (2006) 37 Cal.4th 921, 939

   Among the materials of which Trung Nguyen has requested that we take judicial notice is an opinion of the Legislative Counsel.... While we take notice of the Legislative Counsel's opinion, we note, ... the opinion is only as “persuasive as its reasoning.” ... *Nguyen v. Nguyen* (2008, 4th Dist.) 158 Cal.App.4th 1636, 1658, fn.22

   On August 18, 2005, the Legislative Counsel fn.5 issued an opinion on a then-pending Senate Bill which would have .... The Legislative Counsel concluded that the bill would be unconstitutional .... fn.5 The Legislative Counsel is selected on a non-partisan basis by concurrent resolution of the Legislature. (Gov. Code, §§10201, 10203.) One of the primary duties of the Legislative Counsel is to assist in the preparation and consideration of proposed legislation. (Gov. Code, §§10231, 10234) In practice this frequently involves submission of opinions as to the constitutionality of a proposed statute. *Mendoza v. State of California* (2007, 2nd Dist.) 149 Cal.App.4th 1034, 1044, fn.5

   ... Allende supplied this court with a 1988 opinion letter from the Legislative Counsel addressing whether public agencies may recover costs incurred following DUI arrests. "Opinions of the Legislative Counsel are not binding on the court, though they may be considered in ascertaining legislative intent." [Citation.] The Legislative Counsel concluded that .... *California Highway Patrol v. Superior Court (Allende)* (2006, 1st Dist.) 135 Cal.App.4th 488, 502

   Under the circumstances, we find the Legislative Counsel’s construction persuasive. Though not binding, opinions of the Legislative Counsel are entitled to great weight, “since they are prepared to assist the Legislature in its consideration of pending legislation,” and it is assumed the Legislature will undertake corrective measures if the Legislative Counsel’s interpretation misstates the legislative intent. (California Assn. of Psychology Providers v. Rank (1990) 51 Cal.3d 1, 17 [270 Cal.Rptr. 796, 793 P.2d 2].) *North Hollywood Project Area Com. v. City of Los Angeles* (1998, 2nd Dist.) 61 Cal.App.4th 719, 724

   In response to a request for analysis by Assembly-member Richard K. Rainey, the Office of Legislative Counsel in a letter dated February 16, 1994 states: “Given the plain language of A.B. 971, it is abundantly clear that the Legislature intends the sentencing provisions proposed by A.B. 971 to apply” ... Utilization of a legislative counsel opinion is appropriate in construing a statute. [Citations.] *People v. Turner* (1995, 2nd Dist.) 40 Cal.App.4th 733, 741

   The most cogent statement of legislative intent regarding section 3212.1 is found in a letter dated August 26, 1982, from

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7. Urgency Clauses, Findings and Declarations, and Other Uncodified Language:

Furthermore, the ballot arguments pertaining to Proposition 22 indicate that section 308.5,... was intended to ensure that ... and these arguments do not contain any suggestion that the initiative measure was grounded in an outdated stereotypical view of the appropriate roles of men and women in a marriage. In re Marriage Cases (2008) 43 Cal.4th 757, 798

The VA’s statutory interpretation, however, does not consider the effect of the uncodified section 1. As noted ... in 1984 the Legislature declared in section 1 that it is the existing policy of the state to .... An uncodified section is part of the statutory law. (Citation ["The codes of this state ... have no higher sanctity than any other statute regularly passed by the [L]egislature"]). "In considering the purpose of legislation, statements of intent of the enacting body contained in a preamble, while not conclusive, are entitled to consideration. [Citations.] Although such statements in an uncodified section do not confer power, determine rights, or enlarge the scope of a measure, they properly may be utilized as an aid in construing a statute... [Citations]." [Citation.] Carter v. California Department of Veteran’s Affairs (2006) 38 Cal.4th 914, 925

In amending section 1016, former subdivision (3), the Legislature declared its intent to "assist the efforts of victims of crime to obtain compensation for their injuries from the criminals who inflicted those injuries." (Stats. 1982, ch. 390, § 1, p. 1725.) "The Legislature further finds and declares that ...." (Ibid.) People v. Yartz (2005) 37 Cal.4th 529, 539-40

Because the most reasonable interpretation of a provision may be reflected, in part, by evidence of the enacting body’s intent beyond the statutory language itself, in its history and background [Citation], we also consider the measure as presented to the voters with any uncodified findings and statements of intent. In considering the purpose of legislation, statements of the intent of the enacting body contained in a preamble, while not conclusive, are entitled to consideration. [Citations.] Although such statements in an uncodified section do not confer power, determine rights, or enlarge the scope of a measure, they properly may be utilized as an aid in construing a statute. [Citations.] 1A Sutherland, Statutory Construction (6th ed. 2002) § 20.03, p. 123.) People v. Canty (2004) 32 Cal.4th 1266, 1280

Legislative findings, while not binding on the courts, are given great weight and will be upheld unless they are found to be

At the Board's request, we take judicial notice of the ballot materials for Propositions 13 and 58 as accepted indicia of the voters' intent and understanding of initiative measures. Strong v. State Board of Equalization (2007, 3rd Dist.) 155 Cal.App.4th 1182, 1188, fn.3

The absence of legislative intent to grant judges the right to restrict the use of medical marijuana by a person eligible to do so under the CUA is shown not just by the text of section 11362.795, but also by its legislative history. Section 11362.795 was part of Senate Bill 420 introduced by Senator John Vasconcelos in the 2003 legislative session and commonly known as the Medical Marijuana Program (MMP). "In uncodified portions of the bill the Legislature declared that, among its purposes in enacting the statute, was to '[c]larify the scope of the application of the [CUA] and facilitate the prompt identification of qualified patients and their designated primary caregivers in order to avoid unnecessary arrest and prosecution of these individuals and provided needed guidance to law enforcement officers.' (Stats.2003, ch. 875, § 1.) People v. Moret (2009, 1st Dist.) 180 Cal.App.4th 839, 886

An uncodified part of a statute is fully part of the statutory law of this state. [Citation.] Barbee v. Household Automotive Finance Corp. (2003, 4th Dist.) 113 Cal.App.4th 525, 534

... Where the purpose of an initiative measure is subject to varying interpretations, as here, evidence of its purpose may be drawn from many sources, including its uncodified portions and its ballot materials. [Citations.] Americans for Nonsmokers' Rights v. State of California (1996, 3rd Dist.) 51 Cal.App.4th 724, 737

The Legislature explained its purpose in enacting the statute by stating in an uncodified section,... People v. Goodloe (1995, 1st Dist.) 37 Cal.App.4th 485, 491

The change in this uncodified language indicates the following: 1) the Legislature recognized the revisions it made might not conform to federal standards; 2) it elected to risk losing some federal funding under NHPRA; and 3) it sought to shift the burden of enforcement to the federal bureaucracy rather than to rely on a self-policing system within OSHPD. Coastal Care Centers, Inc. v. Meeks (1986, 1st Dist.) 184 Cal.App.3d 85, 89


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8. Ballot Summaries and Arguments/Statement of Vote:

In construing these statutes, we also may refer to "other indicia of the voters' intent, particularly the analyses and arguments contained in the official ballot pamphlet. [Citation.]" People v. Canty (2004) 32 Cal.4th 1266, 1281

... Like ballot legislative arguments, a reviewing court may look to a ballot’s legislative analysis to determine voter intent. [Citations.] Finally, as a reviewing court is directed to look at the arguments contained in the official ballot pamphlet to ascertain voter intent, it is well-settled that such an analysis necessarily includes the arguments advanced by both the proponents and opponents of the initiative. [Citations.] Robert L. v. Superior Court (People) (2003) 30 Cal.4th 894, 906

While the language of Proposition 209 is clear, and literally interpreted does not lead to absurd results [Citation], we may "test our construction against those extrinsic aids that bear on the enactors' intent" [Citation], in particular the ballot materials accompanying Proposition 209 that place the initiative in historical context. [Citations.] Hi-Voltage Wire Works, Inc. v. City of San Jose (2000) 24 Cal.4th 537

It is clear not only from the stated purpose of the legislation and the initiative but from an examination of the statutory provisions that the purpose of “three strikes” laws was to.... A perceived failure of the criminal justice system to deal effectively with recidivism is evident from the initiative proponents' arguments which refer to the “judicial system’s revolving door” (Ballot Pamp., argument in favor or Prop. 184 as presented to the voters, Gen. Elec. (Nov. 8, 1994) p. 36) and “soft-on-crime judges, politicians, defense lawyers and probation officers” (Ballot Pamp., rebuttal to the argument against Prop. 184 as presented to the voters, Gen. Elec. (Nov. 8, 1994) p. 37). People v. Superior Court (Romero) (1996) 13 Cal.4th 497, 504, 520, 528

Amwest and its supporting amicus curiae,... argue that in determining the purposes of Prop. 103, we are limited to the express statement of purpose included in the initiative ... We are aware of no case that holds we are so constrained. To the contrary, in construing a constitutional amendment enacted by initiative, we desired: “Where, as here, a constitutional amendment is subject to varying interpretations, evidence of its purpose may be drawn from many sources, including the historical context of the amendment, and the ballot arguments favoring the measure.” [Citations.] Amwest Surety Insurance Co. v. Wilson (1995) 11 Cal.4th 1243, 1256

Here, section 667.6 was one of over two dozen statutes amended or added by Jessica's Law. [Fn omitted] (Voter Information Pamp., Gen. Elec. (Nov. 7, 2006) text of Prop. 83, SS 3-30, pp.127-138.)
While the electorate's general intent in enacting Prop. 83 was to strengthen and improve the laws that punish sex offenders (Voter Information Pamp., Gen. Elec. (Nov. 7, 2006) text of Jessica's Law, § 31, p. 138), we cannot say that it did not intend that section 667.6, subdivision (c) not be given its literal meaning. This is particularly so where, as here, the drafters plainly intended to omit the “whether or not” language.

... "When construing ... initiative measures, ... the intent of the drafters may be considered ... if there is reason to believe that the electorate was aware of that intent [Citation] and we have often presumed, in the absence of other indicia of the voters' intent such as ballot arguments [Citation] or contrary evidence, that the drafters' intent and understanding of the measure was shared by the electorate." (Rossi v. Brown (1995) 9 Cal.4th 688, 700, fn.7, 38 Cal.Rptr.2d 363, 889 P.2d 557; see also People v. Hazelton (1996) 14 Cal.4th 101, 123, 58 Cal.Rptr.2d 443, 926 P.2d 423.)

In amending subdivision (c), the drafters not only repealed the “whether or not” language, but added .... (§ 667.6, subd. (c); (Voter Information Pamp., Gen. Elec. (Nov. 7, 2006) text of Prop. 83, § 11, p. 130).) People v. Goodliffe (2009, 3rd Dist.) 177 Cal.App.4th 723, 391

The ballot arguments both for and against Proposition 5 agreed that the proposition would have the effect of ... (Ballot Pamp., Gen. Elec. (1972) argument in favor of Prop. 5, argument in opposition to Prop.5.) Mendoza v. State of California (2007, 2nd Dist.) 149 Cal.App.4th 1034, 1042, fn.4

Whether a statute is enacted through initiative process or through the Legislature, it is considered a power exercised by the legislative branch of government. [Citation.] Accordingly, references in this dissent to the "legislative branch" apply equally to actions taken by the people through the initiative process and laws enacted by the Legislature. Resendiz v. Superior Court (People) (2001, 4th Dist.) 89 Cal.App.4th 1, 19


Initiative ballot arguments are considered the equivalent of the legislative history of a legislative enactment. County of Sacramento v. Fair Political Practices Commission (1990, 3rd Dist.) 222 Cal.App.3d 687, 693, fn.2

To ascertain the intent of the electorate it is proper to consider the official statements made to the voters in connection with propositions of law they are requested to approve or reject. Diamond International Corp. v. Boas (1979) 92 Cal.App.3d 1015, 1034

A court may ... rely on extrinsic aids such as the history of the statement, committee reports, the legislative debates, and statements to the voters on initiative and referendum measures.
... Enacted in 1990, Proposition 115 was adopted to make “comprehensive reforms ... in order to restore balance and fairness to our criminal justice system.” (Ballot Pamp., Proposed Amends. to Cal. Const. with arguments to voters, Gen. Elec. (June 5, 1990) text of Prop. 115, § 1, subd. (a), p. 33.) The voters found “that it is necessary to reform the law as developed in numerous California Supreme Court decisions and as set forth in the statutes of this state. These decisions and statutes have unnecessarily expanded the rights of accused criminals far beyond that which is required by the United States Constitution, thereby unnecessarily adding to the costs of criminal cases, and diverting the judicial *1176 process from its function as a quest for the truth.” (Id., text of Prop. 115, § 1, subd. (b), p. 33 ...)

In adopting Proposition 115, the voters expressly declared that their purposes were to “create a system in which justice is swift and fair, and to create a system in which violent criminals receive just punishment, in which crime victims and witnesses are treated with care and respect, and in which society as a whole can be free from the fear of crime in our homes, neighborhoods, and schools.” (Ballot Pamp., Proposed Amends. to Cal. Const. with arguments to voters, Gen. Elec. (June 5, 1990) text of Prop. 115, § 1, subd. (c), p. 33;...)

These statements reveal the general thrust of Proposition 115: to make comprehensive reforms, to create a system in which criminal justice is swift and fair, and to overrule past decisions of the California Supreme Court....

Turning to the ballot arguments, we see that the arguments mention neither .... Of course, the ballot arguments clearly do not profess to describe Proposition 115 in its entirety but speak largely in generalities. For example,... Many of the arguments, both pro and con, are devoted to Proposition 115's impact upon Californians' right to privacy. The proposed changes in criminal law and procedure are not addressed in detail.

... Accordingly, our review of the ballot arguments and Legislative Analysis does not disclose any clear evidence of the electorate's intent with regard to Hovey. (4b) With respect to the ballot arguments, the absence of such evidence is not particularly persuasive since the ballot arguments are largely rhetorical. The California Supreme Court recognized as much in Hill v. National Collegiate Athletic Assn., supra, 7 Cal.4th 1, 22, footnote 5. The court cautioned, “Ballot arguments often embody the sound-bite rhetoric of competing political interests vying for popular support. However useful they may be in identifying the general evils sought to be remedied by an initiative measure, they are principally designed to win votes, not to present a thoughtful or precise explication of legal tests or standards.” Covarrubias v. Superior Court (1998, 6th Dist.) 60 Cal.App.4th 1168, 1175-1178, 1181

In the following case, in a footnote, the court discussed the various versions of the legislative bill which set forth the contents of the sample ballot at issue for an understanding of the legislative intent of the ballot measure approved by the electorate:
By motion dated August 7, 1998, appellants requested this court to take judicial notice of several versions of Senate Bill No. 878, the legislation which was the precursor to the Act.... The materials submitted reflect that in early versions of Senate Bill No. 878, the sample ballot was required to contain “the full proposition as set forth in the ordinance calling the election.” However, on September 13, 1985, Senate Bill No. 878 was amended to include the requirement that the sample ballot shall contain “the full proposition, as set forth in the ordinance calling the election, and the voter information handbook shall include the entire adopted county transportation expenditure plan.” This language appears in the final version of the Act adopted by the Legislature. (§ 131108, subd. (h), italics added.) Appellants contend that the above described amendment of Senate Bill No. 878 reflects “that the [L]egislature’s intent was to have the voters consider, not only the sales tax measure itself, but also the Expenditure Plan when they voted.”

Hayward Area Planning Assn. v. Alameda County Transportation Authority (1999, 1st Dist.) 72 Cal.App.4th 95, 105, fn.5


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www.legintent.com / 1-800-666-1917
Legislative antecedents; failed or enacted:

The California Supreme Court in a 2003 case considered failed legislative efforts preceding an adopted ballot proposition. It found the “motive or purpose” (vs. an impartial expression of the history) of the individuals involved in the legislative process not relevant, and that there was no evidence to show the electorate was aware of this historical background. Robert L. v. Superior Court (People) (2003) 30 Cal.4th 894, 904-905

It then distinguished this finding from an earlier case where it looked to historical background stating:

In Hi-Voltage, while we did state that “we can discern and thereby effectuate the voters’ intention only by interpreting [the initiative’s] language in its historical context. “... we sought only to place our debate about Proposition 209 in its “relevant analytical context.” [Citation.] We therefore looked back on 150 years of .... But we were careful to point out that “we may ‘test our construction against those extrinsic aids that bear on the enactors’ intent’ [Citation], in particular the ballot materials accompanying Proposition 209 that place that initiative in historical context. [Citations.]”

Thus, our court has never strayed from our pronouncement in Horwich, [Citation] that “legislative antecedents” “not directly presented to the voters ... are not relevant to our inquiry.” [Citation.] Accordingly, in Horwich, we “[c]onsider[ed] the electorate’s intended goal as reflected in the language of the [statute] and in the ballot arguments ....” [Citation.] Similarly, in Delaney [citation] we stated “[Legislative] history would not provide us with any guidance as to the voters subsequent intent because none of the indicia of the Legislature’s possible intent (committee analyses and digest and letters from the statute’s author) were before the voters.” Thus, to the extent the Court of Appeal, in ascertaining the voters’ intent, relied on evidence of the drafters’ intent that was not presented to the voters, we decline to follow it. Instead we look to the materials that were before the voters.

In footnotes, however, the court however took judicial notice of these legislative antecedents stating:

Real party in interest requests that we take judicial notice of the prior, failed efforts in the Legislature to pass section 186.22(d). Petitioner formally opposes this request. In Horwich, [Citation] we took judicial notice of legislative antecedents to Proposition 213 despite the fact we found them irrelevant to the electorate’s intent. Following the same logic, the request for judicial notice is hereby granted. Robert L. v. Superior Court (People) (2003) 30 Cal.4th 894, 905, fn.13
It is important to see also fn.11 of the decision, where, despite the findings above, the court goes on to quote statements from the legislative antecedents referenced.

A 2002 appellate decision also addressed earlier legislative antecedents in analyzing the legislative intent of a section later adopted by the electorate:

Because of the increasing sense of urgency to combat gang-related crime in California, Governor Pete Wilson supported a crime bill proposed by the Senate and the Assembly...

Ultimately the bill was defeated....

Because the Legislature failed to enact the crime bill, Governor Wilson took the legislation to the people of California. It was placed on the ballot as Proposition 21,... People v. Arroyas (2002, 2nd Dist.) 96 Cal.App.4th 1439, 1447-8

With regard to enacted antecedents, in a subsequent 2003 case, People v. Montes (2003) 31 Cal.4th 350, 355-356 the court held:

Where a voter initiative contains a provision that is identical to provisions previously enacted by the Legislature, in the absence of an indication of a contrary intent, we infer that the voters intended the provision to have the same meaning as the provision drafted by the Legislature. [Citation.]

9. Third Reading Analyses:

After passage by the committee(s) to which the bill was assigned, a bill is on “third reading” where it is usually explained by the author, discussed by the members, and voted on by a roll call vote. Each house prepares a third reading analysis for the bill prior to the “third reading.” The Third Reading analysis can be prepared by different entities within each House.


The Assembly Committee on Judiciary comment on Assembly Bill 1441, as amended April 29, 1987, states at page 4 that “[a] beneficiary under these circumstances ... see also Assem.3d reading comments on Assem. Bill No. 1441, as amended May 18, 1987, p. 3 [“Should there not be a reasonable period ... punitive damages as the person who knowingly submits such claim with intent to defraud?”]
Armenta ex rel City of Burbank v. Mueller Co. (2006, 2nd Dist.) 142 Cal.App.4th 636, 648

We recognize that materials prepared for the Senate's Third Reading --.-. state that Senate Bill No. 1137.... In re Rottanak K. (1995, 5th Dist.) 37 Cal.App.4th 260, 267


**a. Assembly Office of Research Analysis:**

We note that the statute's legislative history supports our construction of the statute.... Assembly Bill No. 3693, as enacted, amended section 4019, subdivisions (b) and (c) to provide that conduct credit would be calculated based on a six-day period rather than one fifth of a month, and changed the basis for calculating conduct credit “from period of confinement to period of commitment.” (Assem. Off. of Research, third reading analysis of Assem. Bill No. 3693 (1978-1979 Reg. Sess.) as amended May 11, 1978, p.1.) People v. Dieck (2009) 46 Cal.4th 934

Similarly, the Assembly Office of Research Third Reading analysis refers the reader to “existing law” on enforcement of orders,... the Assembly document states .... People v. Tabb (1991, 4th Dist.) 228 Cal.App.3d 1300, 1309


**b. Office of Assembly Floor Analyses:**


c. Assembly Third Reading, prepared by Policy Committee:

... I take judicial notice of the legislative history of section 69.5. (Evid.Code § 452, subd. (c).)

In 1988, the Legislature enacted Assembly Bill No. 2878, which amended section 69.5. One of the amendments made by Assembly Bill No. 2878 was the addition of the language .... This added language was intended to "specify[y] what replacement date should be used if the replacement dwelling is acquired through the acquisition of vacant land and the new construction of a dwelling on the land (the replacement date determines the permissible value of the replacement dwelling for qualification for relief)." (Assem. Com. on Revenue and Taxation, Rep. on Assem. Bill No. 2878 (1987-1988 Reg. Sess.) as amended June 6, 1988, italics added; Assem.3d reading analysis of Assem. Bill No. 2878 (1987-1988 Reg. Sess.) as amended June 26, 1988.) Wunderlich v. County of Santa Cruz (2009, 6th Dist.) 178 Cal.App.4th 680, fn.3, 100 Cal.Rptr.3d 598

According to the legislative history, the anti-retaliation provisions in the bill were included because "[g]iven the resource constraints on licensing investigators, employees can provide necessary on-site protection against licensing and other violations." (Assem. Comm. on Human Services, 3d reading analysis of Assem. Bill No. 1040 (1987-1988 Reg. Sess.) as amended May 11, 1987.) The bill was thus intended to encourage employees of child care facilities to monitor licensing violations without fear of retaliation. This is consistent with a statutory scheme intended to protect children by enforcing licensing requirements for child care providers. Boston v. Penny Lane Centers, Inc. (2009, 2nd Dist.) 170 Cal.App.4th 936, 88 Cal.Rptr.3d 707


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**d. Assembly Republican Caucus Analysis:**

The Assembly Republican Bill Analysis regarding this version of the bill sets forth, at length, the political maneuvering that resulted in the deletion of the severability clause.... (Assem. Republican analysis of Assem. Bill 1381 (2005-2006 Reg. Sess.) as amended Aug. 28, 2006, p. 9.) They were concerned that provisions strengthening the District Superintendent.... Since the severability clause was removed in light of concerns that some proponents of the bill did not, in fact, want the provisions of the Romero Act to be severable, we conclude that the Legislature had considered the possibility of partial invalidity of the Romero Act, and had concluded that it would not, in fact, want the remainder of the law to be effective. We therefore conclude the provisions of the Romero Act are not severable. Mendoza v. State of California (2007, 2nd Dist.) 149 Cal.App.4th 1034, 1063-1064

Brodie v. Workers’ Compensation Appeals Board (2007) 40 Cal.4th 1313, 1330


**e. Senate Democratic and Senate Republican Caucus Analyses:**

With respect to section 1320.5, the legislative history states explicitly that its purpose is “to deter bail jumping.” ... Sen. Republican Caucus, analysis of Sen. Bill No. 395 ....

... Another legislative report observed that those who opposed enactment of the statute did so partly because ... (Sen. Democratic Caucus, Rep. On 3d Reading of Assembly Bill No. 692 ... People v. Walker (2002) 29 Cal.4th 577, 583

Likewise, an analysis of the bill by the Senate Republican Caucus concluded Section 65961 .... These comments, although not necessarily dispositive on the subject of legislative intent, reflect an intent similar to that suggested by other provisions of the Act. Golden State Homebuilding Association v. City of Modesto (1994, 5th Dist.) 26 Cal.App.4th 601, 609

Similarly the third reading analyses of Assembly Bill No. 1303 by both the Senate Democratic Caucus and the Senate Republican Caucus refer to “the present 48-hour limitation.” Youngblood v. Gates (1988, 2nd Dist.) 200 Cal.App.3d 1302, 1343


f. Senate Republican and Democratic Caucus, Consent Analyses:

On occasion, a bill will generate such little controversy that the Senate Assembly and Senate Republican Caucus will prepare a "Consent Analysis."


Office of Senate Floor Analyses:

The Legislature confirmed its understanding that second parent adoptions were not a universal option when it allowed registered domestic partners to participate in this procedure. As the Senate Rules Committee’s Analysis explained ... (Sen. Rules Com., Off. Of Sen. Floor Analyses, 3d reading analysis of ... Sharon S. v. Superior Court (Annette F.) (2003) 31 Cal.4th 417, 459


A Senate Floor Analysis of Senate Bill 2404, prepared after the bill had been amended by the Assembly, demonstrates that the Legislature intended that Senate Bill 2404 correct the anomaly in the statutory scheme noted by the court in People v. Downing.... People v. Broussard (1993) 5 Cal.4th 1067, 1075

The analysis by the Senate Rules Committee described the bill as “revis[ing] the Civil Code prohibitions against sexual harassment in professional and business settings to ... the employment setting.” (Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Assem. Bill No. 519 (1999-2000 Reg. Sess.) as amended June 10, 1999, p.1 (Senate Analysis of Assembly Bill 519).) The analysis noted that the original version of section 51.9 had “established standards for...
sexual harassment in the Civil Code which do not comport with other California and federal sexual harassment prevention measures.” (Sen. Analysis, at p.3.)

... the legislative analysis explained: “Section 51.9 currently uses the term ‘persistent’ .... This term is not used by federal or state courts, or any administrative agency, in either employment or housing cases.... The legislative analysis further noted that the bill's proponents “assert that the bill is needed in order to prevent the conflicting definitions ....

This history of the amendments to Civil Code section 51.9 leaves no doubt of the Legislature's intent to conform the requirements .... Hughes v. Pair (2009) 46 Cal.4th 1035

The Senate Floor Analysis for Senate Bill No. 218 of 2005 indicates that the procedures to protect current caregivers, now set out in section 366.26, subdivision (n), were designed to address concerns arising during the more delayed “period between termination of parental rights and the granting of a petition for adoption,” as distinguished from the more expedited period between voluntary relinquishment and the granting of a petition for adoption. (See Sen. Rules Com., Off. of Sen. Floor Analyses, analysis of Sen. Bill No. 218 (2005-2006 Reg. Sess.) In re R.S. (2009, 1st Dist.) 179 Cal.App.4th 1137


The Association maintains that the section applied only to .... It cites the third reading analysis prepared by the Office of Senate Floor Analyses .... This analysis of the Office of Senate Floor Analyses is relevant to the issue of legislative intent. El Dorado Palm Springs, Ltd. v. City of Palm Springs, et al (2002, 4th Dist.) 96 Cal.App.4th 1155, 1167-1168

Contemporaneous legislative committee analyses are subject to judicial notice. [Citation.] We may also regard them as reliable indicia of the legislative intent underlying the enacted statute. [Citation.] We find particularly instructive a Senate Floor analysis. In re Microsoft I-V Cases (2006, 1st Dist.) 135 Cal.App.4th 706, 719-720
Cal.App.4th 807, 816; Cal.App.4th 193, 203; Water Resources Finance Corp
Diego Gas & Electric Co.
Hadden
723, 726; (2004) 33 Cal.4th 254, 292, fn.21;
Cal.App.4th 546, 560; 1038;
(1999, 6th Dist.) 71 Cal.App.4th 674, 686;
1821, fn.6;
Superior Court
Valnes v. Santa Monica Rent Control Board
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h. Senate Floor Amendments Analysis prepared by Senate Policy Committee:

Section 21084.1 was enacted in 1992 as part of Assembly Bill No. 2881 (1991-1992 Reg. Sess.). The original bill was amended before passage, and a staff analysis, which appears to be attached to or included in an analysis of Senate Floor Amendments by the Senate Committee on Natural Resources and Wildlife, states the following regarding .... Valley Advocates v. City of Fresno (2008, 5th Dist.) 160 Cal.App.4th 1039, 1070

10. Departmental Sponsorship, Support, and Analysis:

All indications are that Assembly Bill No. 1167 had no significant opposition. A bill analysis by the Department of Fair Employment and Housing (DFEH), signed by the "Department Director," described the bill, as amended on April 28, 1987 as ... Jones v. Lodge at Torrey Pines Partnership (2008) 42 Cal.4th 1158, 1170

Indeed, the former State Department of Health Services sponsored the 2001 amendment ... and its deputy director wrote, in a letter to the Chair of the Assembly Committee on Governmental Organization urging passage of the amending legislation, that .... In re Tobacco Cases II (2007) 41 Cal.4th 1257, 1273

The two committee reports also observed that the Judicial Council opposed the bill on the related grounds that bail agents promptly were notified under the existing system, and that requiring each bail forfeiture to be declared in open court would significantly and unnecessarily burden the system.... The Assembly Committee Analysis rejected those criticisms reasoning... People v. Allegheny Casualty Company (2007) 41 Cal.4th 704, 711-712

Indeed, the legislative history leading to the elimination of Senate Bill No. 901’s stricter requirement explains why this court ought not itself resurrect it. One legislative analysis warned that the required finding .... The Department of Housing and Community Development’s analysis further warned that .... Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 454-5

We observe the Legislature first enacted an immediate wage payment provision similar to section 201 in 1911. At that time the Bureau of Labor Statistics (BLS) was the agency that recommended and enforced such wage-related legislation .... Legislation charged the BLS Commissioner with the duties to "collect ... and present, in biennial reports to the Legislature, statistical details, relating to all departments of labor in the State," including statistics and all other information relating to labor that the commissioner deemed essential to further the legislative objective, ... We therefore consult these biennial reports for whatever light they may shed regarding the purpose of the wage payment legislation... [although not necessarily controlling, the contemporaneous administrative construction of a statute by those charged with its enforcement and interpretation is entitled to great weight].) Smith v. Superior Court (2006) 39 Cal.4th 77, 87
Legislative committee analyses explained that the Poppink Act .... Thus, the Poppink Act deleted from ... (... State Personnel Bd., Bill Analysis of Assem. Bill No. 2222 .... This pattern of Legislative action compels our conclusion.... Colmenares v. Braemar Country Club, Inc. (2003) 29 Cal.4th 1019, 1027-1028

... In 1984, when the Legislature was considering former section 5120.160, Carol Bruch, a law professor at the University of California at Davis, proposed that the new law provide for notice to creditors ... (Carol Bruch, U.C. Davis Law School, Suggested Amendments to Assem. Bill 1460 ...) .... The Law Revision Commission rejected Professor Bruch’s suggested amendments, saying ... (Nathaniel Sterling, Cal. Law Revision Com., letter to Assemblyman ...) ....

... the Business Law Section of the California State Bar reported to the Legislature ... (Margaret Sheneman, State Bar of Cal. (Business Law Section), mem. To Judith Harper, Legis. Rep ...) .... Mejia v. Reed (2003) 31 Cal.4th 657, 667

Moreover, the purpose of the legislation was to broaden the reach of the Act. The FPPC sponsored Senate Bill No. 1438 (1983-1984 Reg. Sess.), which eventually became section 83116.5. The bill was prompted by concern that “in certain circumstances, violations of the Act cannot fairly be attributed to those persons named in the Act, particularly true [sic] in the area of campaign reporting where the candidate and treasurer are responsible for violations of the Act, and yet, rely on others who cannot be held liable for their errors and omissions under the Act.” (FPPC, Mem. To Sen. Com. on Elections & Reapportionment (Feb. 27, 1984) p. 1; id., (May 22, 1984) p. 1.) fn.5. People v. Snyder (2000) 22 Cal.4th 304, 309

[The Tenth Biennial Report of the Judicial Council of California] is a most valuable aid in ascertaining the meaning of the statute. While it is true that what we are interested in is the legislative intent as disclosed by the language of the section under consideration, the council drafted this language at the request of the Legislature, and in this respect was a special legislative committee. As part of its special report containing the proposed legislation it told the Legislature what it intended to provide by the language used. In the absence of compelling language in the statute to the contrary, it will be assumed that the Legislature adopted the proposed legislation with the intent and meaning expressed by the council in its report. [Citations.] Sierra Club v. San Joaquin Local Agency Formation Com. (1999) 21 Cal.4th 489, 508

The purpose of this exemption was stated by the Franchise Tax Board staff in its Enrolled Bill Report to the Governor immediately prior to the enactment of the 1983 amendment containing the exemption, and its statement could be equally well applied to the Board of Equalization. “Department counsel issues a ....” Yamaha Corp. of America v. State Board of Equalization (1998) 19 Cal.4th 1, 22-23

The Judicial Council is a constitutionally created body,... The interpretation given by the Judicial Council to its proposed legislation is entitled to the greatest respect. Reimel v. Alcoholic Beverage Control Appeals Board (1967) 254 Cal.App.2d 340, 345

Addressing a 2001 legislative amendment ... the legislative counsel to the State Board of Equalization explained the purpose ... (State Board of Equalization Legislative Bulletin (2001) ... County of Los Angeles v. Raytheon Company (2008, 2nd Dist.) 159 Cal.App.4th 27, 35, fn.7

Any doubt about the plain meaning of the statute is resolved by the concededly meager legislative history of the section. In recommending that Governor Reagan sign Assembly Bill No. 2310 (1967-1968 Reg. Sess., as amended June 27, 1967) ... the Department of Professional and Vocational Standards explained the bill was a response to .... (Memorandum to Governor Ronald Reagan from Department of Professional and Vocational Standards, Aug. 1, 1967, p. 1;... California Veterinary Medical Association v. City of West Hollywood (2007, 2nd Dist.) 152 Cal.App.4th 536, 554

In support of the bill, the Commissioner wrote, "The purpose of this bill is to empower the Insurance Commissioner to remove from the insurance industry those ... (Ins. Comr. John Garamendi, letter to Assem. Jud. Com. Chair Phillip Isenberg, Aug. 21, 1991.) American Liberty Bail Bonds, Inc. v. Garamendi (2006, 2nd Dist.) 141 Cal.App.4th 1044, 1055-56


The bill analysis performed by the Department of Public Works in connection with the initial 1971 legislation summarized:... Diede Construction, Inc. v. Monterey Mechanical Co. (2004, 1st Dist.) 125 Cal.App.4th 380, 388

As originally proposed, Senate Bill No. 1406 contained a provision ... However, the Department of Real Estate proposed an amendment to delete the waiver provision, arguing that it "defeats the bill's objective and acts as a shield against disclosing matters required in the absence of this bill." (Cal. Dept. of Real Estate, Analysis of Sen. Bill No. 1406 .... As a result, the waiver provision was deleted from the final version of the bill... Realmuto v. Gagnard (2003) 110 Cal.App.4th 193, 201

Our interpretation of the statute comports with the legislative history of Assembly Bill No. 2827, fn.9 which became section 12944.7. As explained by a proponent, the Department of Water Resources, in

In a memorandum to Governor Reagan, recommending that he sign the bill adopting section 14177, the Director of Finance stated,... This was reiterated in a letter to the Governor by the deputy Director of the State Health and Welfare Agency, in which the Administrator of the Health and Welfare Agency concurred.... Boehm & Associates v. Workers’ Comp. Appeals Bd. (2003, 3rd Dist.) 108 Cal.App.4th 137, 145

The Judicial Council sponsored this legislation, described in its annual report as providing:... California Court Reporter’s Association v. Judicial Council of California (1995, 1st Dist.) 39 Cal.App.4th 15, 31

We note that our review of the legislative history discloses nothing that indicates the board’s (Board of Equalization) analysis which was made available to the Legislature and the legislative committees that passed judgment on it, was ever disputed at any point in the legislative process. It is reasonable to infer from the absence of any challenge to the board’s statements that the Legislature accepted these authoritative representations as to the proper construction of the bill. Kern v. County of Imperial (1990, 4th Dist.) 226 Cal.App.3d 391, 401


Attorney General Opinions


The Attorney General at that time, John Van De Kamp, in an effort to persuade the Governor to sign the legislation described it as .... (Letter to George Deukmejian May 19, 1988, p. 4.) People v. Leon (2005, 2nd Dist.) 131 Cal.App.4th 966, 978, fn.6 [Review Granted.]

As the Supreme Court has observed in the context of a different legislative scheme, “While the Attorney General’s views do not bind us [Citation], they are entitled to considerable weight [Citation]. This is especially true here since the Attorney General regularly advises many local agencies about the meaning of the [statutory scheme in question] and publishes a manual designated to assist local governmental agencies in complying with the Act’s ... requirements.” [Citation.] The Attorney General Opinions at issue here, though only advisory, are similarly entitled to “considerable weight” because the Attorney General regularly advises local agencies about conflicts of interest and publishes a manual designated to assist local governmental agencies in complying with the conflict of interest statutes. Reliance on Attorney General Opinions is particularly appropriate where, as here, no clear case authority exists, and the factual context of the Opinions is closely parallel to that under review. [Citation.] Thorpe v. Long Beach Community College District (2000, 2nd Dist.) 83 Cal.App.4th 655, 662-663


11. Transcripts of Hearings:

... Testimony before the Senate Committee on the Judiciary on behalf of section 1021.5 affirmed that the statute would ... (Sen. Com. On Judiciary, Hearing on .... As these passages suggest .... In re Joshua S (2008) 42 Cal.4th 945, 956
The Court of appeal correctly notes that, while the word ... appears at various times in both the legislative history of ... as well as the transcripts of IWC hearings at which the ... was discussed. Murphy v. Kenneth Cole Productions (2007) 40 Cal.4th 1094, 1109

... the Assembly Judiciary Committee heard testimony from David Huebner, representing the Center for Law in the Public Interest, which participated in drafting both the current federal and California false claims statutes. Huebner described the proposed California law as .... Harris v. Pricewaterhousecoopers, LLP (2006) 39 Cal.4th 1220, 1230-1

The legislative history behind the UDITPA favors Microsoft’s position. As in ... because the Legislature adopted the UDITPA almost verbatim, we look to the drafting history of the UDITPA. An early version of the UDITPA defined ... (Compare Proceedings of Com. Of Whole for UDITPA, transcript of August 22, 1956 ... with Proceedings of Com. Of Whole for UDITPA, transcript of July 9, 1957 .... Microsoft Corporation v. Franchise Tax Board (2006) 39 Cal.4th 750, 760


The legislative history of the CFCA indicates that the statute's purpose was to .... The principal drafter of the statute testified before the Assembly Committee on the Judiciary that ... (Sen. Com. on Judiciary, Rep. on Assem. Bill No. 1441 (1987-1988 Reg. Sess.) appended testimony of David Huebner, representative of the Center for Law in the Public Interest, before Assem. Com. on Judiciary, May 6, 1987, p. 3) State v. Altus Finance (2005) 36 Cal.4th 1284, 1296

In October 1970, the Assembly Interim Committee on Judiciary,... convened a public hearing .... [Citation.] Building industry representatives testified at length that .... Lantzy v. Centex Homes (2003) 31 Cal.4th 363, 377

The provisions of section 1203.066 should be construed in light of the major areas of concern expressed at the legislative hearings, one of which was .... People v. Jeffers (1987) 43 Cal.3d 984, 997

... the history of the relevant wage order indicates an intent to create a penalty. The IWC adopted the wage order at a hearing on June 30, 2000, where .... (...) (transcript of 6/30/2000 hearing),...) A representative of the California Labor Federation addressing the IWC noted that .... Murphy v. Kenneth Cole Productions, Inc. (2005, 1st Dist.) 134 Cal.App.4th 728, 752 [Review Granted]

On the other hand, excerpts from testimony at public legislative hearings which preceded the enactment of a statute may be of some relevance in ascertaining legislative intent. Pacific Bell v.
California State Consumer Services Agency (1990, 1st Dist.) 225 Cal.App.3d 107, 115

General background materials pertaining to this 1961 legislation amending Section 825 were furnished by the Legislative Intent Service [citation] and included the transcript of a public hearing of the Assembly Interim Committee on Criminal Procedure conducted on February 18 and 19, 1960, pertaining to “Laws of Arrest.” Such documents are the type of material this division has readily consulted in the past. Youngblood v. Gates (1988, 2nd Dist.) 200 Cal.App.3d 1302, 1340


12. **Statements by Sponsors, Proponents and Opponents:**

While not binding upon a court, courts do give consideration to statements made by a bill’s sponsor as a source that is well-informed as to the bill’s purpose, meaning and intended effect. (Sutherland on Statutory Construction, (6th Ed. 2000) Extrinsic Aides-Legislative History, §48.15) Courts have given consideration to sponsor’s statements to the extent that such statements are consistent with other legislative history and not merely an expression of personal opinion.

The two committee reports addressed opposition to the bill’s declaration-in-open-court requirement. The Senate Committee Analysis quoted the following objection made by the Trial Courts' Legislation Committee (an association of county clerks and administrators) ...

People v. Allegheny Casualty Company (2007) 41 Cal.4th 704, 711

The legislative history reveals that Senator Kopp proposed as part of the 1997 amendments to the statute to eliminate the phrase for this reason. (Sen. Com. On the Judiciary, Analysis of ...) Subsequently, the language was reinstated, and the Senate Judiciary Committee analysis comment that “[a]lthough section 1033.5 provides for award of costs to the plaintiff as the prevailing party, Consumer Attorneys of California and others suggest that we restore ... in order to eliminate any confusion.” (Sen. Com. On Judiciary, Analysis of Sen. Bill No. 73 ...) Pilimai v. Farmers Insurance Exchange Company (2006) 39 Cal.4th 133, 150

Similarly, an opposition letter submitted on behalf of Cole National Corporation argued that the revised statute ... Donald Brown, Advocation, Inc., letter to Assemblymember Daniel Boatwright re: Assem. Bill No. 1125...) People v. Cole (2006) 38 Cal.4th 964, 983

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Defendant contests this interpretation of the foregoing legislative history. Relying upon three documents, he asserts that...

We disagree. The first document, apparently dated April 2, 1992, is from the Sacramento Legislative Office of the Los Angeles District Attorney and is titled “Explanation of Proposed Amendments to SB 1342 (Royce).” According to defendant, this document was located in the Senate Committee on Judiciary’s bill file for Senate Bill No. 1342.... The second document, dated April 7, 1992, stamped “:working copy,” and prepared for a hearing on April 7, 1992, appears to be a product of the Senate Committee on Judiciary, analyzing Senate Bill No. 1342 ... as introduced and stating that the bill “reflects author’s amendments to be offered in committee.” The third document, dated April 21, 1992, and also stamped “working copy,” is, according to defendant, the “Third Reading floor analysis of SB 1342 from the Legislative Bill file of the Assembly Committee on Public Safety....” People v. Corpuz (2006) 38 Cal.4th 994, 998

On April 11, 1983, the California Law Revision Commission wrote to the Assembly Committee on Judiciary, apparently in response to the executive committee’ concerns ... The “justification of the change recommended by the Commission is given in more detail” in an attached December 17, 1982 letter from professor Jesse Dukeminier.... In that letter, Professor Dukeminier responded to the executive committee’s concern ... fn.10 (Typically we do not ascribe legislative intent to letters written to the Legislature. The letters here, however, came from the Commission, which had been asked to propose changes to the Probate Code and which drafted the provisions on which Assembly Bill No. 25 was based, and a letter that the Commission expressly stated set forth its own reasons for recommending deletion of the simultaneous presence requirement.) Estate of Saueressig (2006) 38 Cal.4th 1045, 1054-55

On April 5, 1983 the Executive Committee of the Estate Planning, Trust and Probate Law Section of the State Bar of California wrote to the Assembly Committee on Judiciary. As relevant here, the executive committee opposed .... This concern was quoted in an Assembly Committee on the Judiciary analysis of Assembly Bill No. 25.... Estate of Saueressig (2006) 38 Cal.4th 1045, 1054


The MFAA's legislative history also supports the conclusion that section 473, subdivision (b) relief is unavailable here. In describing what would become the MFAA, the statute's crafters stated that .... (Special Com. on Resolution of Attorney Fee Disputes,
Indeed, to say precisely this may well have been the author's intention. The concern had been expressed that the proposed legislation .... The same concern had been raised by the California Probation, Parole and Correctional Association while the original version of the bill that became section 2933.1 ... was pending in the Legislature. (Executive Director Susan Cohen, Cal. Probation, Parole and Correctional Assn., letter to Assemblyman Richard Katz, Apr. 15, 1993.)

We grant the People's request for judicial notice of the legislative history of section 2933.1. In re Reeves (2005) 35 Cal.4th 765, 776, fn.15

Thus in various bill analyses recounting bases for opposition to ... and in letters from Assembly Republican Leader Dave Cox and Senate Republican Whip Raymond Haynes to Governor Davis urging a veto of that bill, there is no mention .... American Financial Services Assn. v. City of Oakland (2005) 34 Cal.4th 1239, 1263

In a 1999 case, the California Supreme Court looked to “individual legislators’ (including co-authors’) comments from the Assembly and Senate committee bill files as "expressions of legislative intent". (White v. Ultramar, Inc. (1999) 21 Cal.4th 563, 572, fn.3. In a Concurring Opinion Justice Mosk, in apparent reference to the judicially noticed documents, stated: “This conclusion is supported by contemporaneous legislative materials indicating that the bill's sponsors, and even its opponents, including the California Trial Lawyers Association, believed that it codified rather than narrowed existing law.” (Id. at page 580, see also page 580, fn.2)

StorMedia relies for its argument that subdivision (d) of Section 25400 imposes civil liability ... on a statement by Professor Harold Marsh, Jr., and former Corporations Commissioner Robert H. Volk, who were members of the Committee which drafted the Corporate Securities Law of 1968. In their treatise these drafters state:....

Moreover, when the Marsh and Volk statement is considered in context, it is not clear that the drafters of the Corporate Securities Law of 1968 intended to make ... Marsh and Volk explain .... StorMedia Inc. v. Superior Court (1999) 20 Cal.4th 449, 459-460

However, after the Litigation Section of the California State Bar objected that the proposed bill's failure to require a ... (Barry Rosenbaum, State Bar Litigation Section, Legislative Com., mem. to Larry Doyle, Director Office of Governmental Affairs re Assem. Bill No. 2068 ...), the bill was amended to include the "at or near" language, as proposed by the Litigation Section so that there would be "a short time frame" between the making of the statement and the
event to which it related. *People v. Quitiquit* (2007, 4th Dist.) 155 Cal.App.4th 1, 9

Senate Bill No. 781, which eventually was signed into law [Citations], contains only two items that could be construed as references to the qualified immunity provision of the bill.... The first item is a letter dated February 20, 1980, from the State Bar Committee on Juvenile Justice to Senator Omer L. Rains, the author of Senate Bill No. 781.... In its letter of February 20, 1980, the Committee on Juvenile Justice stated that it could not support Senate Bill No. 781 because, among other reasons, the bill would allow .... FN3. Legislative history material provided by Legislative Intent Service. *Chabak v. Monroy* (2007, 5th Dist.) 154 Cal.App.4th 1502, 1516

Legislative history reflects that the only organizations opposed to Senate Bill No. 1818 were the California Chapter of the American Planning Association (CCAPA), the League of California Cities (League) and the California State Association of Counties (CSAC). In a July 2004 memorandum, they repeated their opposition to the density bonus range set forth in the bill and explained .... *Friends of Lagoon Valley v. City of Vacaville* (2007, 1st Dist.) 154 Cal.App.4th 807, 828

The legislative history of section 1021.9 supports our conclusion. The statute was proposed originally by the California Cattlemen’s Association because it claimed that rural landowners were suffering .... According to the Association ... (Assem. Com. On Judiciary, Analysis ... quoting California Cattlemen’s Association.) ... *Starrh and Starrh Cotton Growers v. Aera Energy LLC* (2007, 5th Dist.) 153 Cal.App.4th 583, 607

In the wake of the passage of the federal ADA in 1990, scheduled to take effect in 1992, there was a perceived need to bring California law into conformity with the provisions of the ADA,... (See Senate Rules committee Report ... Assembly Judiciary Committee Report ... see also Legislative Analysis of the Legal Services Section of the State Bar of California.... *Gunther v. Lin* (2007, 4th Dist.) 144 Cal.App.4th 223, 244-45

We take judicial notice of certain materials from the legislative history of section 8026, including legislative committee reports and various versions of AB 2582 as appearing in the Assembly and Senate committee bill files. We also grant the County’s request to take judicial notice of the letter from the sponsor of AB 2582 transmitting the final version of the bill to the Governor for signing. *Faulder v. Mendocino County Board of Supervisors* (2006, 1st Dist.) 144 Cal.App.4th 1362, 1376, fn.4

While the legislation was pending the California Trial Lawyers Association (CTLA) informed the bill’s sponsor by letter that it was opposed to the law, stating ... (CTLA, letter to Assemblyman Byron Sher, July 18, 1988) *Gravillis Jr. v. Coldwell Banker Residential Brokerage Company* (2006, 2nd Dist.) 143 Cal.App.4th 761, 778-779

In a letter supporting Assembly Bill No. 743, the California Correctional Peace Officers Association (CCPOA) assured the Governor that it did not ... (... CCPOA, letter to Governor Gray Davis ....)

In an analysis of the CFCA prepared by the Center for Law in the Public Interest, the sponsor of the bill ... it was explained ... (Section by section Analysis of Draft Prepared by Center for Law in the Public Interest...) Armenta ex rel City of Burbank v. Mueller Co. (2006, 2nd Dist.) 142 Cal.App.4th 636, 648

In 1969 the California Legislature enacted a comprehensive revision of the laws governing service of process. The Legislature based this revision on recommendations contained in a report by a joint committee representing the Judicial Council and the State Bar (fn.4) and these recommendations were adopted as the legislative history of the statute. (fn.5) Summers v. McClanahan (2006, 2nd Dist.) 140 Cal.App.4th 403, 408 (fn.4 Report of the State Bar Committee on Administration of Justice (1969) 44 State Bar J. 681,682 and fn.5 Report of the State Bar Committee on Administration of Justice, supra 44 State Bar J. at page 682)

That history includes a May 23, 1990 memo from the office of San Diego's county counsel that is addressed to all counties in the State. Attached to the memo is a proposed amendment to Senate Bill 2791. That proposed amendment is essentially the language of subdivision (c) of section 4985.2. The San Diego memo notes .... The addition of subdivision (c) to Senate Bill 2791 came in the June 12, 1990 amendment of that bill, which was approximately three weeks after San Diego's county counsel’s office sought such an addition. People ex rel. Strumpfer v. Westoaks Investment #27 (2006, 2nd Dist.) 139 Cal.App.4th 1038, 1047

The proposed legislation was applauded by several nonprofit agencies ... but was not welcomed by all of California's school districts. This letter to Senator John Vasconcellos sums up the opposition:... (Superintendent Johanna VanderMolen, Campbell Union School District, letter to Sen. Vasconcellos, Mar. 28, 2003.) Benjamin G. v. Special Ed. Hearing Office (Long Beach Unified School Dist.) (2005, 2nd Dist.) 131 Cal.App.4th 875, 882, fn.6

The origins of the amendment can be found in Resolution 5-9-91, which was passed by the Conference of Delegates of the State Bar of California in the summer of 1991. In writing to the legislative counsel for the State Bar, the resolution's author explained .... Those connected to Assembly Bill No. 2663 (1991-1992 Reg. Sess.), the bill prompted by Resolution 5-9-91 and sponsored by the State Bar to amend Civil Code section 3334, discussed the purpose of the bill in a variety of ways and used the following language ... (Amelia V. Stewart, legislative representative of the State Bar of California, letter of support for Assembly Bill No. 2663 to Assemblyman Phillip Isenberg, Chair of the Assembly Judiciary Committee, March 19, 1992);... (Michael D. Schwartz, letter of support for Assembly Bill No. 2663 to Amelia V. Stewart, legislative representative of the State Bar of California, March 20, 1992);... Watson Land Co. v. Shell Oil Co. (2005, 2nd Dist.) 130 Cal.App.4th 69, 79

Amici curiae The Impact Fund et al. request us to take judicial notice of matters reflected in several specified documents, including
analysis of proposed legislation and a report by the State Bar Access to Justice Working Group, which they claim are related to the issue of whether California attorney fees law authorizes payment for contingent risk in order to provide an incentive for private attorneys to prosecute public interest cases. Because the materials are relevant to a material issue in this case, we grant the request. Ketchum v. Moses (2001) 24 Cal.4th 1122, 1136, fn.1; see Whaley v. Sony Computer Entertainment America, Inc. (2004, 4th Dist.) 121 Cal.App.4th 479, 487 where a State Bar Committee on Arbitration Report was not relied upon in statutory construction.

... Consequently the various reports on the bill prepared for Senate and Assembly committees do not discuss the amendment. The amendment is discussed, however, in letters to the Governor by the bill’s Senate sponsor and others, urging that the legislation be signed or vetoed. These letters consistently explain .... (See Sen. John Doolittle, letter to Governor Edmund Brown, Sept. 22, 1981, p. 1; see also Joe Aceto, Director, Legislative Division, POARC, letter to Governor Edmund Brown, Sept. 22, 1981, p. 2.). The American Civil Liberties Union (ALCU), which opposed the bill, nevertheless recounted the amendment’s history in precisely the same way. fn.6 These statements about pending legislation are entitled to consideration to the extent they constitute “a reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion.” (California Teachers Assn. v. San Diego Community College Dist. (1981) 28 Cal 3d 692, 700); Martin v. Szeto (2004) 32 Cal.4th 445, 450-451

The original proponent of the proposal for the amendment was the Estate Planning Trust & Probate Law Section of the State Bar of California in its annual omnibus bill. In a document prepared by that Section discussing the proposed amendment, the “Purpose” of the amendment was described as ... (Cal. State Bar Estate Planning, Trust & Prob. Law Section, Legislative Proposal, Assem. Bill No. 1172, excerpted from Senate Com. on Judiciary legislative bill file) Conservatorship of Davidson (2003, 1st Dist.) 113 Cal.App.4th 1035, 1050-1051

There was a proposal to restrict release of general information to situations where .... This proposal was quelled by members of the news media, who expressed concern that .... Garrett v. Young (2003, 2nd Dist.) 109 Cal.App.4th 1393, 1402, with further reference to proponent and opponent statements at 1402-1404

The legislative record suggests former section .... In early support of ... the Los Angeles Unified School District stated ... (Los Angeles Unified Sch. District, statement regarding Assembly bill... In re Michael D. (2002, 3rd Dist.) 100 Cal.App.4th 115, 122

While these statements included in legislative committee evaluations of Senate Bill No. 67 provide no direct evidence on ... legitimate aids in determining legislative intent. [Citation.] Statements in committee reports concerning the statute’s objects and purposes cannot be dismissed as simply opinions of individual legislators or “self-interested third parties” and therefore unworthy of consideration, as Philip Morris and B&W assert.... Committee reports are part of a statute’s legislative history and may be
utilized in construing uncertain statutory language. [Citations.] Letters regarding the purpose of legislation published by the Legislature are also properly considered in interpreting a statute “when the expression of intent appears to convey more than a personal view of the proponent of the bill.” [Citations.] Souders v. Philip Morris, Inc. (2001, 2nd Dist.) 87 Cal.App.4th 756, 772-774 (Review Granted)

Communications between a drafter and the San Diego Sheriff, who had requested the legislation, indicated that .... People v. Pena (1999, 5th Dist.) 74 Cal.App.4th 1078, 1083

As plaintiffs note, had the drafters and the Legislature intended to restrict in every case the civil liability of persons who engage in practices made unlawful by section 25400, they could easily have done so in section 25500 by inserting the "in this state" limitation in that section.... The drafters and the Legislature did not do so, however, and it is not our function to insert language omitted by the Legislature. (Manufacturers Life Ins. Co. v. Superior Court (1995) 10 Cal.4th 257, 274 [41 Cal.Rptr.2d 220, 895 P.2d 56].) Diamond Multimedia Systems, Inc. v. Superior Court (1999) 19 Cal.4th 1036, 1054.

While we find the plain meaning rule applicable,... we note that the parties have cited a letter from the League of California Cities dated June 2, 1980, to show the legislative intent of the section .... The letter states .... County of San Bernardino v. City of San Bernardino (1997) 15 Cal.4th 909, 917, 926

Statements by the sponsor of the legislation may be instructive [Citations] .... Quarterman v. Kefauver (1997, 1st Dist.) 55 Cal.App.4th 1366

In supporting Senate Bill No. 933, the Los Angeles County District Attorney told the Legislature "'courts are aware of the problems caused by forum shopping and have devised procedures to prevent it. Moreover, cases are usually assigned by court clerks or by random assignment so that there is no way a prosecutor could direct a case into a particular court.'" (Assem. Com. on Public Safety, Analysis of Sen. Bill No. 933, as amended May 20, 1993, for hearing on July 13, 1993.) ... Ironically, what the People now appear to want is the opportunity to direct a case away from a particular court. This can only be described as the very forum shopping the Legislature recognized as a problem and attempted to remedy by inserting a prohibition against the evil within section 1538.5, subdivision (p). Soil v. Superior Court (1997, 2nd Dist.) 55 Cal.App.4th 872, 878-879

The Real Property Law Section of the State Bar of California proposed the revision and submitted a report to the Legislature. The comments in the State Bar report were relied upon by the Legislature and indicate legislative intent. [Citations.] BGJ Associates v. Superior Court (1999, 2nd Dist.) 75 Cal.App.4th 952, 955

The statements of the sponsor of legislation are entitled to be considered in determining the import of the legislation. Kern v. County of Imperial (1990, 4th Dist.) 226 Cal.App.3d 391, 401
13. News Media and Law Reviews:

Where relevant, the courts have looked for evidence of legislative history and intent in published articles in a variety of periodicals and law reviews.
The problems we foresaw in Neel and Budd began to manifest themselves in the form of rapidly rising malpractice insurance premiums. (Mallen, Panacea or Pandora's Box? A Statute of Limitations for Lawyers (1977) 52 Cal. St. B.J. 22, 22 .... The 1977 Mallen article included a proposed model attorney malpractice statute of limitations [Citation.] The article was circulated to legislators, and later in 1977, drawing heavily from Mallen’s proposed language, the Legislature passed Assembly Bill No. 298 .... Beal Bank SSB, v. Arter & Hadden, LLP (2007) 42 Cal.4th 503, 510

Professor Asimow, the author of California’s New APA [32 Tulsa L.J.] and Toward a New California APA [39 UCLA L.R.], cited herein, was retained by the Commission as its principal advisor in reviewing the APA and proposing reforms. (Recommendation, 25 Cal. Law Revision Com. Rep., supra, at pp. 60-61, 75.) We previously have found Professor Asimow’s work on administrative law for the Commission highly persuasive. [Citation.] Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board (2006) 40 Cal.4th 1, 9, fn.5 [bracketed information added for understanding]

In 1963, the Legislature amended Penal Code section 1016--permitting defendants to enter a nolo contendere plea with the consent of the district attorney and the approval of the court--reportedly in response to our decision in Teitelbaum Furs, Inc. v. Dominion Ins. Co., Ltd. [Citation.] (Note, Nolo Contendere--Its Use and Effect (1964) 52 Cal. L.Rev. 408, 409 (hereafter Nolo Contendere.)... Reviewing the 1963 legislation, the State Bar Journal explained, "The plea of nolo contendere permits speedy disposal of the criminal charge. Defendants charged with traffic offenses and defendants in corporate fraud cases, which are usually long and complex, are among those expected to utilize the plea." (Review of 1963 Code Legislation (1963) 38 State Bar J. 751, 752.) The foregoing suggests that when the Legislature added former subdivision .... People v. Yartz (2005) 37 Cal.4th 529, 539

The compromise agreement reportedly is known as “the ‘napkin deal’ since it was hammered out by political adversaries” - (one side “wanting comprehensive changes in California tort law, the other wanting to maintain the status quo”) - on a white cloth napkin in a Sacramento restaurant. (Moy, Tobacco Companies, Immune No More- California’s Removal of the Legal Barriers Preventing Plaintiffs From Recovering for Tobacco-related Illness (1998) 29 McGeorge L.Rev. 761, 770.) Myers v. Philip Morris Companies, Inc. (2002) 28 Cal.4th 828, 834, fn.3

The seminal academic research on which the original version of the statute was based used ... (Zhao v. Wong, supra 48 Cal.App.4th at p. 1124, quoting Canan & Pring, Studying Strategic Lawsuits Against Public Participation: Mixing Quantitative and Qualitative Approaches (1988) 22 Law & Socy. Rev. 385, 387) Briggs v. Eden Council for Hope and Opportunity (1997) 19 Cal.4th 1106, 1120

SB No. 604, which, as amended, became section 453.5, was introduced by Senator Stull (R-Escondido) in March, 1977, the month after issuance of the OII in Case No. 10255 and in response to it. (Kuersteiner & Herbach, supra at p.674.) [law review article]

The Legislative file contains several newspapers articles concerning early contract renewals of school district and other government officials, as well as the settlement .... Though normally such articles are of little value (see Bermudez v. Municipal Court (1992) 1 Cal.4th 855, 864, fn.6, 4 Cal.Rptr.2d 609, 823 P.2d 1210), the committee reports reveal that the Legislature took into consideration several instances of what were considered excessively high buy-outs of such contracts in implementing the limitations of sections 53260 and 53261. Further, the Legislature expressly considered, but rejected, having the statutory limitations apply only to circumstances in which the parties mutually agreed to terminate the contract, presumably instances not involving the employee's assertion of legal claims or causes of action. Unzueta v. Ocean View School Dist. (1992) 6 Cal.App.4th 1689, 1696-1697

CLRA’s enactment followed findings by the National Advisory Commission on Civil Disorders,... Investigating the causes of recent violence in low-income urban areas, the Kramer Commission found ... (Reed, Legislating for the Consumer: An Insider’s analysis of the Consumers Legal Remedies Act (1971) 2 Pacific L.J. 1, 5) .... The Legislature adopted CLRA to mitigate these social and economic problems. (Id. at p. 7) CLRA was the product of intense negotiations between consumer and business groups, and represented a compromise between the two. (Id., at p. 8.) Berry v. American Express Publishing Inc. (2007, 4th Dist.) 147 Cal.App.4th 224, 230

In 1963, the Legislature added a second statutory exception to the general rule ... at the request of the CYA to provide ... (Citation; Youth Authority: Extended Time of Detention (1963) 38 State Bar J. 820, 821.) In re Schmidt (2006, 6th Dist.) 143 Cal.App.4th 694, 706

In 1969 the California Legislature enacted a comprehensive revision of the laws governing service of process.... The Legislature based this revision on recommendations contained in a report by a joint committee representing the Judicial Council and the State Bar fn.4 and these recommendations were adopted as the legislative history of the statute. fn.5 [fn.4 Report of the State Bar Committee on Administration of Justice (1969) 44 State Bar J. 681, 682 and fn.5 Report of the State Bar Committee on Administration of Justice, supra, 44 State Bar J. at page 682.] Summers v. McClanahan (2006, 2nd Dist.) 140 Cal.App.4th 403, 407-408

The limited legislative history of section 1008 supports this interpretation, suggesting that the statute was enacted to .... A contemporary commentary states, after reviewing the elements of a claim of prescriptive easement:.... (Review of Selected 1965 Code Legislation (Cont.Ed.Bar 1965), pp. 48--49.) Aaron v. Dunham (2006, 1st Dist.) 137 Cal.App.4th 1244, 1250

Section 1283.8 was adopted as part of a comprehensive revision of the 1927 statutory scheme governing arbitration ($ 1280 et seq.). The revision was recommended by the California Law Revision Commission's 1960 Recommendation and Study Relating to Arbitration. The Legislature unanimously enacted section 1283.8 without change,


According to the Los Angeles Times an analysis of the reports [Department of Insurance regarding Northridge Earthquake claims] conducted by a consumer watchdog group found that one of the companies failed to properly explain benefits or misled policyholders.... (Citation Omitted.) Migliore v. Mid-Century Ins. Co. (2002, 2nd Dist.) 97 Cal.App.4th 592, 611

All of the pertinent historical evidence indicates that the Legislature intended in 1933 when enacting Code of Civil Procedure section 396 to address the issue of transferring cases between trial courts which were then confronted with difficult jurisdictional disputes.... None of the documents prepared by scholars discussing the jurisdictional issues troubling trial judges, the California Code Commission, or the Legislature even inferentially suggest that Code of Civil Procedure section 396 could be utilized to transfer a case from the superior court to the Court of Appeal. Trafficschoolonline, Inc. v. Superior Court (Ohlrich) (2001, 2nd Dist.) 89 Cal.App.4th 222, 233-234

Under [rule 3(b) as originally enacted], only new trial proceedings served to extend time to appeal. In view of the general policy favoring applications for relief in the trial court, the draftsman suggested that motions [to vacate] made under Section 663 of the Code of Civil Procedure, which are analogous and complementary to new trial motions, should likewise receive the benefits of the extension provisions. (Witkin, New California Rules on Appeal (1943-1944) 17 So.Cal.L.Rev. 79, 96-97, fn. omitted) Maides v. Ralphs Grocery Co. (2000, 4th Dist.) 77 Cal.App.4th 1363, 1369

In 1963, the Legislature adopted the State Bar’s amendment almost verbatim.... Since the Legislature enacted the State Bar’s proposal almost verbatim, the State Bar’s report may be used as an interpretive aid.... Dowden v. Superior Court (1999, 4th Dist.) 73 Cal.App.4th 126, 132-133

... leading legislative commentators writing contemporaneously with the passage of the legislation gave no hint that the Legislature repealed the mandate to apportion attorneys’ fees. Both the annual summary of legislation prepared by the Committee on Continuing Education of the Bar, and Witkins Summary of California Law treated the amendments as essentially technical, a conclusion entirely in accord with the routine and uncontested passage of the bills by the Legislature. Summers v. Newman (1999) 20 Cal.4th 1021, 1034, citing from Quinn v. State of California (1975) 15 Cal.3d 162, 173, fn.12-14 which concluded that review with this statement “Such contemporaneous
construction of course may shed important light on legislative intent."

Moreover, many of the background materials pertaining to Senate Bill No. 1028 referred to an article in the State Bar Journal in July of 1980, which offered examples of factual situations in which unjust results could be reached under the previous, restrictive view of section 1717. (Legislative Intent Service (July 24, 1991) Civ. Code, § 1717, exhibit B, #12 documents B-3 through B-6.) Sears v. Baccaglio (1998, 1st Dist.) 60 Cal.App.4th 1136, 1146

"The legislative history further reveals that the source of the bill was a coalition of McGeorge Law Students" and that the "impetus for this bill was an intimidating experience recently suffered by a Sacramento law student. Newsweek in the July 4, 1977 issue, described it in the following passage:... (Assem. Comm. On Judiciary, Digest of Assem. Bill...) Diamond View Limited v. Herz (1986, 3rd Dist.) 180 Cal.App.3d 612, 619


14. **House Journals and Final Histories:**

The courts will look to the Final History of a bill for indications of legislative intent.


Moreover, we have independently examined the legislative history of Section 170.3(d) which makes it abundantly clear that the 1984 revision of the challenge for cause statute, of which this section is part, was to have no effect on the preemptory challenge statute. The Senate Final History of Senate Bill 1633 which amended the statute specifically notes:... Woodman v. Superior Court (1987) 196 Cal.App.3d 407, 413

It will also examine evidence of legislative intent printed in the Senate or Assembly Journals. In the early decades of the State, the appendices to the...
Journals contained committee reports and annual reports of state agencies to the Governor. In *City of Berkeley v. Superior Court* (1999) 26 Cal.3d 515, 530, fn.15, the court was analyzing an enactment of 1868, and looked to the Governor’s Message to the Legislature, the Annual Report of the Attorney General, and a Special Committee Report found in the appendices to the Journals, circa 1867-1870. (Id, pages 529-530, and page 530, fn.15) In other cases the Courts have acted similarly:

On July 14, 1983, the Senate Committee on the Judiciary published a report in the Senate Journal stating .... *Estate of Saueressig* (2006) 38 Cal.4th 1045, 1050, fn.6

Thus, a member of the conference committee, with the knowledge of the committee, requested that a letter be published in the Senate Journal regarding the significance of the adoption, in the final version of the bill,... *White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 581, fn.2 (conc.opn.of Mosk, J.)


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15. **Predecessor Bills, Competitor Bills:**

The courts consider predecessor bills and competitor bills when such are a part of the legislative history of a statutory enactment or amendment.

One version of Senate Bill No. 664 (1975-1976 Reg. Sess.), a precursor of Assembly Bill No. 1310 (1977-1978 Reg. Sess.), which ultimately enacted section 1021.5, appeared to adopt .... As is discussed more fully below, although the Legislature may have intended to codify the La Raza Unida holding in Senate Bill No. 664, that bill failed to make it out of the Senate. Assembly Bill No. 1310 significantly departed from the amended language of Senate Bill No. 664, and there is no indication that Assembly Bill No. 1310-enacted as section 1021.5-was intended to codify the holding of La Raza Unida. Olson v. Automobile Club of Southern California (2008) 42 Cal.4th 1142, 1153, fn.5

Senate Bill No. 899 (2003-2004 Reg. Sess.) started out as a minor bill designed to change one aspect of workers’ compensation .... It was one of 20 different bills to reform workers’ compensation passed out of the Senate or Assembly in 2003.... Senate and Assembly leaders responded to this plethora of overlapping measures by submitting them to a joint conference to digest the bills and incorporate their provisions into a single omnibus reform measure. ...

Reform of the apportionment process was originally proposed as part of .... Even in the text and committee analyses of these other measures, however, one finds no reflection of an intent to override the .... Brodie v. Workers’ Compensation Appeals Board (2007) 40 Cal.4th 1313, 1329, fn.12

In 1967, the Legislature responded in part to these developments by adopting section 337.1. [Citation.] ...

Despite this 1967 legislation, members of the building industry still faced .... On April 14, 1970, Assemblyman Powers introduced Assembly Bill 2528 (1970 Reg. Sess.), seeking to limit suits for .... After numerous amendments in committee, the bill was placed in the inactive file at the request of ... and it died there on ...

... On April 15, 1971, Assemblyman Hayes introduced Assembly Bill No. 2742 ... which, as amended, became section 337.15. [Citation.] Lantzy v. Centex Homes (2003) 31 Cal.4th 363, 377

The words ... appear to have been borrowed from Senate Bill 289, which had been introduced earlier in the same legislative session but did not pass.... The legislative history of Senate Bill 289 makes the intent of this language even more clear.... Park City Services, Inc., v. Ford Motor Company (2006, 4th Dist.) 144 Cal.App.4th 295, 307

Ordinarily, the legislative history of bills that fail to pass in the Legislature are entitled to little weight because of the conflicting intentions of the proponents of the legislation and those who voted against it. [Citation.] Here, however, Assembly Bill No. 551 [vetoed bill] did pass both houses of the Legislature, and
therefore the Legislature’s intent in passing the legislation can be
gleaned from its history.

... thus, not only the Legislature, but also the governor
understood, long after section 1812.5095 was originally enacted, that
it was intended to define employment relationships for workers’
compensation purposes. As the most recent expression of the meaning
of this statute, we give these statements considerable weight. An
Independent Home Support Service, Inc. v. Superior Court (San Diego)

The proposed change had been originally introduced in a prior
bill that was vetoed by Governor Wilson for other reasons.
[Citation.] A Senate Judiciary analysis of the vetoed bill stated
... Los Angeles Unified School District v. Superior Court (Los
Angeles County) (2007, 2nd Dist.) 151 Cal.App.4th 759, 773

What one does not find in the legislative history of AB 1077 is
any mention of the .... There is a related bill, AB 3825, which, at
the time (the Spring of 1992) did target .... But that bill never
became law. Gunther v. Lin (2007, 4th Dist.) 144 Cal.App.4th 223,
244, fn.19

Generally speaking, "[u]npassed bills, as evidences of
legislative intent, have little value." [Citation.] [Citation.] It
is apparent, however, that by enacting Senate Bill No. 3 and
rejecting Senate Bill No. 51, which was introduced during the same
legislative session, the Legislature .... (See Sen. Com. on Public
introduced, p. 12.) fn.30. People v. Superior Court (Vidal) (2005,
5th Dist.) 129 Cal.App.4th 434, 466, fn.30 [Review Granted.]

Further, the view that the Legislature was proceeding by stages
in enacting chapter 478/89 finds support in the history of the nearly
identical predecessor to chapter 478/89, Assembly Bill No. 1097. City
of Richmond v. Commission on State Mandates (1998, 3rd Dist.) 64
Cal.App.4th 1190, 1199

Section 170.3, subdivision (d) was enacted as part of the
overhaul of the system of challenging judges for cause which occurred
in 1984 through enactment of Senate Bill 1633 (Stats.1984, ch. 1555,
$ 7). A virtually identical provision was contained in an
unsuccessful predecessor bill, Senate Bill No. 598. Detailed analysis
of Senate Bill No. 598 was provided to the Senate Judiciary Committee
by Professor Preble Stolz, chair of the State Bar committee which
drafted the legislation. Page 15 of that analysis, which has been
furnished to us by Legislative Intent Service states:.... People v.
Jenkins (1987, 2nd Dist.) 196 Cal.App.3d 394, 404

It was when Senate Bill No. 899 emerged from the conference
committee that the proposed apportionment provisions first appeared
91.) Although the legislative history does not provide any further
clarification for the changes, we must conclude that the changes had
significance. None of the precursor bills had proposed repeal of
former sections 4663 and 4750. (See Assem. Bill No. 1481 (2003-2004


16. Statements of Author and Other Individual Legislators:

a. California Supreme Court:

There has developed over the years a long line of confusing and often contradictory appellate cases regarding the admissibility and relevance of statements by the authors of legislation and other individual legislators. In 1981 the California Supreme Court summarized and synthesized these cases in its decision in the case California Teachers Assn. v. San Diego Community College District (1981) 28 Cal.3d 692, 698, 699:

Committee reports concerning Assembly Bill No. 2083 were prepared by the Senate Committee on Public Safety and by the Assembly Committee on Public Safety. Both reports noted that, according to the bill’s author, under existing law and practice,... People v. Allegheny Casualty Company (2007) 41 Cal.4th 704, 711

While the court in California Teachers upholds the rule against admitting statements of an individual legislator’s personal belief or intent, the court also acknowledges a number of exceptions to this rule. (Ibid. at p. 700.) (See also Quelimane Company, Inc. v. Stewart Title Guaranty Co. (1998) 19 Cal.4th 26, 46, fn.9

See also: In re Smith (2008) 42 Cal.4th 1251, 1261

The Court has employed these exceptions in the following cases: Roberts v. City of Palmdale (1993) 5 Cal.4th 363, 377; Mercy Hospital and Medical Center v.

In 2004, the court reiterated and clarified the CTA case in Martin v. Szeto (2004) 32 Cal.4th 445:

... the various reports on the bill prepared for Senate and Assembly committees do not discuss the amendment. The amendment is discussed, however, in letters to the Governor by the bill’s Senate sponsor and others, urging that the legislation be signed or vetoed. These letters consistently explain ... (See Sen. John Doolittle, letter to Governor Edmund Brown, Sept. 22, 1981, p. 1; see also Joe Aceto, Director, Legislative Division, POARC, letter to Governor Edmund Brown, Sept. 22, 1981, p. 2.) The American Civil Liberties Union (ALCU), which opposed the bill, nevertheless recounted the amendment’s history in precisely the same way. fn.6 These statements about pending legislation are entitled to consideration to the extent they constitute “a reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion.” (California Teachers Assn. v. San Diego Community College Dist. (1981) 28 Cal.3d 692, 700.) Martin v. Szeto (2004) 32 Cal.4th 445, 450-451

The Court in a June, 2006 opinion addresses statements or letters of an author. The documents are evaluated to determine whether they can be regarded as evidence of legislative intent. Factors in that evaluation process are enunciated:

The VA attempts to bolster its contention through documents written by Senator Diane Watson, author of Senate Bill No. 2012 .... On June 14, 1984, which postdates the deletion of the former statute’s “any person” language, Senator Watson prepared a memorandum and entitled it "Fact Sheet on SB 2012 On Third Reading File" for distribution to all Senate members. The memorandum states .... Where an author’s statements appear to be part of the debate on the legislation and were communicated to other legislators, we can regard them as evidence of legislative intent. [Citation.]

... Senator Watson appears to have thought that provisions did not include customer harassment. On June 22, 1984, she wrote to the California Manufacturers Association, stating in relevant part:... We find this letter less persuasive because it reflects one legislator’s personal opinion of the provision at issue. In general a legislator’s personal understanding of a bill does not indicate the Legislature collective intent in enacting that bill. [Citation.] Carter v. California Department of Veteran’s Affairs (2006) 38 Cal.4th 914, 928-9

Addressing the different types of author materials that have been accepted and considered, we categorize the cases as follows:
i. Author’s Letter to the Governor:

Assembly member Steinberg wrote a letter urging Governor Gray Davis to sign ... Steinberg wrote that ... The use of the word ... must be similarly read in light of the IWC’s use of the word to describe the .... Additionally we do not consider the ‘motives or understandings of individual legislators,’ ‘including the bill’s author. [Citation.] Murphy v. Kenneth Cole Productions (2007) 40 Cal.4th 1094, 1110

The sponsor of the bill that became section 15305.5 stated,... (Assemblyman Tom Umberg, sponsor of Assem. Bill ... letter to Governor Pete Wilson, July 12, 1991;... Young v. McCoy (2007, 2nd Dist.) 147 Cal.App.4th 1078, 1086


Commodore Home Systems, Inc. v. Superior Court (1982) 32 Cal.3d 211, 219, fn.9; Mercy Hospital and Medical Center v. Farmers Insurance Group of Companies (1997) 15 Cal.4th 213, 222; Drouet v. Superior Court (Broustis) (2003) 31 Cal.4th 583, 598, fn.4

ii. Author comments from Committee bill files:


White v. Ultramar, Inc. (1999) 21 Cal.4th 563, 572, fn.3. The court referred to author materials, stating these materials were “expressions of legislative intent to construe it [the term ‘managing agent’] in the statute’s relative context. fn.3.” (Id., at page 572)

iii. Author’s statements and letters:

Defendants also cite the statement at an April 1974 press conference of former Assembly member John Knox, who cosponsored the Knox-Keene Act. The statement, which did not identify the proposed legislation by bill number, apparently related not to Assembly Bill No. 138, which was introduce in December 1974, but to Assembly Bill No. 3385 (1983-1984 Reg. Sess.),which dealt with the same subject and which former Assemblymember Knox introduced the day before the press conference. People v. Cole (2006) 38 Cal.4th 964, 988, fn.20

In arguing that ... SSB relies upon a letter written by Assembly Speaker Jesse Unruh, the principal author of the 1967 invasion-of-privacy statute, in which he refers to an amendment to the 1967 act that he was considering introducing in the Legislature. Although the letter—which was not before, or considered by, the Legislature—does not appear to be a proper subject of judicial notice ... in any event we do not believe that the letter supports SSB’s contention.
In the letter in question, the amendment that Speaker Unruh ostensibly proposed to introduce is set forth .... The letter explains that ... (Jesse M. Unruh, Speaker of the Assembly, letter to H. Lee Van Boven, California Law Review, Nov. 22, 1968.)

Although SSB apparently assumes .... There is nothing in the letter—or in any of the appropriately considered legislative history indicating that Speaker Unruh (or, more importantly, the Legislature as a whole) believed the originally enacted version.... Kearney v. Salomon Smith Barney, Inc. (2006) 39 Cal.4th 95, 120, fn.13


In support of his contention that the unqualified reference to “any person” in sections 84301 and 91000 extended only ... defendant cites certain statements by Senator William A. Craven, who introduced Senate Bill No. 1438.... In his introductory remarks Senator Craven stated in part .... Assuming we may consider the statements of individual legislators in this regard (Citation Omitted.) we fail to discern any support for defendant’s position in these observations. People v. Snyder (2000) 22 Cal.4th 304, 311

See also: Fernandez v. Lawson (2003) 31 Cal.4th 31, 43 (concurrence)

iv. Author Comment Quoted or Paraphrased in Analysis:

The legislative history reveals that Senator Kopp proposed as part of the 1997 amendments to the statute to eliminate the phrase for this reason. (Sen. Com. On the Judiciary, Analysis of ... Subsequently, the language was reinstated, and the Senate Judiciary Committee analysis comment that “[a]lthough section 1033.5 provides for award of costs to the plaintiff as the prevailing party, Consumer Attorneys of California and others suggest that we restore ... in order to eliminate any confusion.” (Sen. Com. On Judiciary, Analysis of Sen. Bill No. 73...) Pilimai v. Farmers Insurance Exchange Company (2006) 39 Cal.4th 133, 150

See also: In re Jennings (2004) 34 Cal.4th 254, 264

v. Author Letter Printed in Journal:

Although letters from individual legislators are usually given little weight unless they reflect the Legislature's collective intent [Citations] the Burton letter was presented, prior to the bill's enactment, to the full Senate, which carried his motion to print it in the Senate Daily Journal. Indeed, the letter is printed and included under the notes to section 1720 in West's Annotated Labor Code. [Citations.] Under these circumstances, we think the letter carries more weight as indicative of probable legislative intent. [Citations.] City of Long Beach v. Department of Industrial Relations (2004) 34 Cal.4th 942, 952
b. First District Court of Appeal:


We recognize that courts ordinarily do not consider statements of personal belief or intent by individual legislators, including the author of a bill, on the issue of legislative intent. But a legislator’s statement may be entitled to consideration when it is a reiteration of legislative discussion and events leading to adoption of legislation or when it gives some indication of arguments made to the Legislature. (California Teachers Assn. v. San Diego Community College Dist. (1981) 28 Cal.3d 692, 700-701 [170 Cal.Rptr. 817, 621 P.2d 856].) Terhune v. Superior Court (1998, 1st Dist.) 65 Cal.App.4th 864, 879, fn.9

More recently:

... A letter from the author of SB 469, Senator Beverly, to Governor Wilson, dated August 31, 1994, states .... Northwest Energetic Services, LLC v. California Franchise Tax Board (2008 1st Dist.) 159 Cal.App.4th 841, 856

We note also that floor statements in both the Senate and the Assembly characterized Assembly Bill No. 2740 as .... Ailanto Properties, Inc. v. City of Half Moon Bay (2006, 1st Dist.) 142 Cal.App.4th 572, 589 (Floor Statements are written presentations
Senator Beilenson's statement was before the trial court in the proceedings on plaintiffs' summary judgment motion. The statement, submitted by defendants below, is part of the current record on appeal. A statement by a bill's author can be considered evidence of legislative intent. (Bronco Wine Co. v. Jolly (2004) 33 Cal.4th 943, 977-978, fn.46 (Bronco Wine); [Citation.] Viva! Internat. Voice for Animals v. Adidas Promotional Retail Operations, Inc. (2005, 1st Dist.) 134 Cal.App.4th 133, 142, fn.10

Statements of an individual legislator, including the bill's author, are generally not considered in construing a statute. [Citation.] An exception exists, however, when the letter constitutes a "reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion." [Citations.] The exception applies here because Senator Kopp's letters explain the events leading to the adoption of amended language after Senator Kopp first urged the bill's passage. People v. Superior Court (Ferguson) (2005, 1st Dist.) 132 Cal.App.4th 1525, 1532


c. Second District Court of Appeal:

The Second Dist. Court of Appeal has similarly relied on legislator’s statements. The court analyzed a Committee memorandum and an author’s letter to the Governor together and decided that the letter was proper for separate bills in Van De Kamp v. Gumbiner (1990, 2nd Dist.) 221 Cal.App.3d 1260, 1274, 1276, and 1280.

A 1995 case relied on comments made by the author of legislation stating:

Courts are generally reluctant to rely on the position of one legislator to reveal legislative intent except, as here when the speaker was the author of the bill and no other interpretations of the statutory language exist. [Citation.] Comments by the author of a bill are properly considered where such comments are before the legislative body and presumably entered into its deliberations in passing the bill. [Citation.] Wells Fargo Bank v. Bank of America (1995, 2nd Dist.) 32 Cal.App.4th 424, 434

A 1997 Second District case cited statements made by the vice-chairman of the Assembly Judiciary Committee-Minority, noting that they were “comments within
the Assembly Judiciary Committee." Steinfeld v. Foote-Goldman Proctologic Medical Group, Inc. (1997, 2nd Dist.) 60 Cal.App.4th 13, 18, 19

More recently:

The sponsor of the bill that became section 15305.5 stated, ...
(Assemblyman Tom Umberg, sponsor of Assem. Bill ... letter to Governor Pete Wilson, July 12, 1991; ... Young v. McCoy (2007, 2nd Dist.) 147 Cal.App.4th 1078, 1086, fn.8

There are at least two reasons why this argument is not persuasive. First, the addition of the italicized language was described as merely ... (Sen. Patrick Johnston, sponsor's statement, Sen. Bill. No.389 ...) American Liberty Bail Bonds, Inc. v. Garamendi (2006, 2nd Dist.) 141 Cal.App.4th 1044, 1055-56


d. Third District Court of Appeal:

Even where statutory language is ambiguous, and resort to legislative history is appropriate, as a general rule in order to be cognizable, legislative history must shed light on the collegial view of the Legislature as a whole. [Citation.] Thus, to pick but one example, our Supreme Court has said, "We have frequently stated ... that the statements of an individual legislator, including the author of a bill, are generally not considered in construing a statute, as the court's task is to ascertain the intent of the Legislature as a whole in adopting a piece of legislation. [Citations.]" [Citation.] Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc. (2005) 133 Cal.App.4th 26, 31

Arguing to the contrary, the Commissioner cites a 1976 letter urging the Governor to sign the bill creating Berman hearings, in
which Assemblyman Berman said the bill solved .... Appellants submitted the letter to the trial court. However, the author's letter to the Governor does not constitute cognizable legislative history because the Commissioner cites nothing indicating that the author's view was made known to the Legislature as a whole before it voted on the bill. [Citation.] The letter merely said, "While questions concerning the bill's constitutionality have been raised, I am satisfied, as are the supporters of the bill, that there are no constitutional problems in this area." In any event, a legislator's view about constitutionality is not binding on the judiciary, which is the final arbiter on this constitutional issue. [Citation.] Corrales v. Bradstreet (2007, 3rd Dist.) 153 Cal.App.4th 33, 61


e. Fourth District Court of Appeal:

The Fourth District found an author's statement persuasive "not to show the personal beliefs of the legislator as to the meaning of the statute (which may not reflect the collective view of the enacting legislative body) but rather to cast light on the history of the measure and the arguments before the Legislature when it considered the matter." (emphasis added) County of San Diego v. Superior Court (1986) 176 Cal.App.3d 1009. See also McDowell v. Watson (1997, 4th Dist.) 59 Cal.App.4th 1155, 1161, fn.3.

The statute's legislative history reveals section 3344(a) was intended to ... (Assembly member Vasconcellos, Letter to Gov. Reagan, Nov. 10, 1971 .... Miller v. Collectors Universe, Inc. (2008, 4th Dist.) 65 Cal.Rptr.3rd 351, 361

In a 2002 case, in a footnote the Court stated:

Although we do not consider the author's letter for any purpose, it is interesting to note that the author also states that, under the bill, '[l]ocal governments would no longer be able to ....' Since the change of use provisions is ... this quote supports our
conclusion that subdivision (e) of that section was intended to make .... El Dorado Palm Springs, Ltd. v. City of Palm Springs et al. (2002, 4th Dist.) 96 Cal.App.4th 1155, 1174, fn.17

Division 1 of the Fourth District indicated concerning an author’s statement: "In determining the legislative intent underlying the passage of a bill, courts may consider the motive or understanding of the author of the bill or other individual legislator if that ‘legislator’s opinions regarding the purpose of meaning of the legislation were expressed in testimony or argument to either a house of the Legislature or one of its committees,...” Southbay Creditors Trust v. General Motors Acceptance Corp. (1999, 4th Dist.) 69 Cal.App.4h 1068, 1079

More recently:

In contrast, there is nothing in the legislative history to suggest that the Legislature intended .... Citizens relies on the following quotation from the Enrolled Bill Report: “The author’s staff explained that ... is being introduced to ....” [Citation.] However, the intention of the bill author in introducing the bill is not indicative the Legislature’s intent in passing the bill. Hesperia Citizens for Responsible Development v. City of Hesperia (2007, 4th Dist.) 151 Cal.App.4th 653, 662

Added support for that conclusion is found in the letter from the bill’s author, Bruce Bronzan, to Governor Wilson urging him to sign the bill: ... Gunther v. Lin (2006, 4th Dist.) 144 Cal.App.4th 223, 243

Consistently, in a post-passage letter sent to the Governor, the author of the bill stated the bill codified .... The letter further indicated that the bill, (Ibid.; In re Marriage of Bouquet (1976) 16 Cal.3d 583, 590 [a legislator's statement may be considered when it reiterates legislative discussion and events leading to adoption of proposed amendments, rather than merely expressing a personal opinion].) National Steel and Shipbuilding Co. v. Superior Court (Godinez) (2006, 4th Dist.) 135 Cal.App.4th 1072, 1081 [Review Granted]


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f. Fifth District Court of Appeal:


> These comments, although not necessarily dispositive on the subject of legislative intent, reflect an intent similar to that suggested by other provisions of the Act.

In 1996, the Fifth District found that a Legislator’s letter was entitled to consideration on the question of legislative intent based on the fact that the legislator was granted unanimous consent to print it in the Assembly Journal. The court reasoned that:

> The statement of an individual legislator has also been accepted when it gave some indication of argument made to the Legislature and was printed upon motion of the Legislature as a “letter of legislative intent.” [Citation.] ... Assembly Member Katz’s letter appears to fall within this latter category inasmuch as he was granted unanimous consent to print it in the Assembly Journal. *People v. Ramos* (1996, 5th Dist.) 50 Cal.App.4th 810, 821, fn.12


g. Sixth District Court of Appeal:

In *Atkinson v. Elk Corporation* (2003, 6th Dist.) 109 Cal.App.4th 739, 748, fn.11, 751-752, this appellate court quoted from a senator’s correspondence to the Governor as well as others on legislation. More recently:

> In his Senate floor statement on Senate Bill No. 1785, Senator Foran, the bill's author, explained ... (Floor statement by Senator John Francis Foran regarding Sen. Bill No. 1785 (1981-1982 Reg. Sess.), May 21, 1982.) This statement suggests .... *Branciforte Heights, LLC v. City of Santa Cruz* (2006, 6th Dist.) 138 Cal.App.4th 914, 937-8

See also: *Schmidlin v. City of Palo Alto* (2008, 6th Dist.) 157 Cal.App.4th 728,756

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17. The Author's File or documents therefrom:

Documents such as those examined in the following cases are only found in file materials; it suggests that file materials were examined for the consideration of these documents:

Similarly, an opposition letter submitted on behalf of Cole National Corporation argued that the revised statute ... (Donald Brown, Advocation, Inc., letter to Assembly member Daniel Boatwright re: Assem. Bill No. 1125....) People v. Cole (2006) 38 Cal.4th 964, 983

Defendants also cite the statement at an April 1974 press conference of former Assembly member John Knox, who cosponsored the Knox-Keene Act. The statement, which did not identify the proposed legislation by bill number, apparently related not to Assembly Bill No. 138, which was introduced in December 1974, but to Assembly Bill No. 3385 (1983-1984 Reg. Sess.), which dealt with the same subject and which former Assembly member Knox introduced the day before the press conference. People v. Cole (2006) 38 Cal.4th 964, 988, fn.20

On April 5, 1983 the Executive Committee of the Estate Planning, Trust and Probate Law Section of the State Bar of California wrote to the Assembly Committee on Judiciary. As relevant here, the executive committee opposed .... This concern was quoted in an Assembly Committee on the Judiciary analysis of Assembly Bill No. 25.... Estate of Saueressig (2006) 38 Cal.4th 1045, 1054


Indeed, to say precisely this may well have been the author's intention. The concern had been expressed that the proposed legislation .... The same concern had been raised by the California Probation, Parole and Correctional Association while the original version of the bill that became section 2933.1 ... was pending in the Legislature. (Executive Director Susan Cohen, Cal. Probation, Parole and Correctional Assn., letter to Assemblyman Richard Katz, Apr. 15, 1993.)

We grant the People's request for judicial notice of the legislative history of section 2933.1. In re Reeves (2005) 35 Cal.4th 765, 776, fn.15

In response to concerns about the prospective enactment of section 1795.5 from the Northern California Motorcar Dealers Association, Inc., Senator Song's staff assured the association that .... That response is perhaps the clearest window we have into the Legislature's reason for distinguishing between a service contract and an express warranty. It stated: ... Richard Thomsen, Admin. Asst. to Sen. Song, Letter to Wallace O'Connell, Apr. 16, 1971, p. 2. *Gavalon v. Daimler Chrysler Corp.* (2004) 32 Cal.4th 1246, 1257-1258

Commodore requests we take judicial notice of various reports, letters, and legislators’ memos dealing with 1977 amendment. An undated memo in Assemblyman Lockyer’s files, furnished by the Legislative Intent Service, states.... *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211, 219, fn.9

While the legislation was pending the California Trial Lawyers Association (CTLA) informed the bill’s sponsor by letter that it was opposed to the law, stating .... (CTLA, letter to Assemblyman Byron Sher, July 18, 1988) *Gravillis Jr. v. Coldwell Banker Residential Brokerage Company* (2006, 2nd Dist.) 143 Cal.App.4th 761, 778-779

In an analysis of the CFCA prepared by the Center for Law in the Public Interest, the sponsor of the bill ... it was explained ... (Section by section Analysis of Draft Prepared by Center for Law in the Public Interest....) .... *Armenta ex rel City of Burbank v. Mueller Co.* (2006, 2nd Dist.) 142 Cal.App.4th 636, 648

In addition, the Legislature noted its intent to promote the just, speedy, and economical ... (Chief Counsel Rubin R. Lopez, letter to Assemblyman Elihu M. Harris, Nov. 6, 1986) *Carpenter v. Superior Court (Alameda County)* (2006 1st Dist.) 141 Cal.App.4th 249, 266

That history includes a May 23, 1990 memo from the office of San Diego’s county counsel that is addressed to all counties in the State. Attached to the memo is a proposed amendment to Senate Bill 2791. That proposed amendment is essentially the language of subdivision (c) of section 4985.2. The San Diego memo notes .... The addition of subdivision (c) to Senate Bill 2791 came in the June 12, 1990 amendment of that bill, which was approximately three weeks after San Diego’s county counsel’s office sought such an addition. *People ex rel. Strumpfer v. Westoaks Investment #27* (2006, 2nd Dist.) 139 Cal.App.4th 1038, 1047

Consistently, in a post-passage letter sent to the Governor, the author of the bill stated the bill codified the "IWC's penalty level" by imposing a "penalty" on employers that violate the IWC orders regarding meal and rest periods. The letter further indicated that the bill, as originally introduced, "had higher penalties, but had been amended to conform to the IWC levels." (Ibid; In re Marriage of Bouquet (1976) 16 Cal.3d 583, 590 [a legislator's statement may be considered when it reiterates legislative discussion and events leading to adoption of proposed amendments, rather than merely expressing a personal opinion].) *National Steel and Shipbuilding Co. v. Superior Court (Godinez)* (2006, 4th Dist.) 135 Cal.App.4th 1072, 1081 [Review Granted]
Senator Beilenson's statement was before the trial court in the proceedings on plaintiffs' summary judgment motion. The statement, submitted by defendants below, is part of the current record on appeal. A statement by a bill's author can be considered evidence of legislative intent. (Bronco Wine Co. v. Jolly (2004) 33 Cal.4th 943, 977–978, fn.46 (Bronco Wine); Citation.) Viva! Internat. Voice for Animals v. Adidas Promotional Retail Operations, Inc. (2005, 1st Dist.) 134 Cal.App.4th 133, 142, fn.10

Statements of an individual legislator, including the bill's author, are generally not considered in construing a statute. [Citation.] An exception exists, however, when the letter constitutes a "reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion." [Citations.] The exception applies here because Senator Kopp's letters explain the events leading to the adoption of amended language after Senator Kopp first urged the bill's passage. People v. Superior Court (Ferguson) (2005, 1st Dist.) 132 Cal.App.4th 1525, 1532

A statement by the sponsoring legislator may be used to show legislative intent, to the extent it "evidences the understanding of the Legislature" and not simply the particular legislator's personal views [Citation]. People v. Farell (2000, 6th Dist.) 83 Cal.App.4th 609, 617


18. Legislative Analyst’s Office Reports:

The Legislative Analyst’s Office has provided fiscal and policy advice to the Legislature for over half a century and is overseen by the Joint Legislative Budget Committee, a sixteen-member bipartisan committee. While not dispositive of legislative intent, Legislative Analyst reports are considered by courts to help determine legislative intent.
The Legislative Former section ... was enacted in response to a concern that ... A September 1979 Legislative Analyst's report stated:... (Legis. Analyst, Review of Retirement Systems Established Under the County Employees’ Retirement Law of 1937.... Block v. Orange County Employees’ Retirement System (2008, 4th Dist.) 161 Cal.App.4th 1297, 1310

Prior to 1991, tissue transplants (such as ...) were essentially unregulated. (Legis. Analyst, Rep. to Assemb. Com. on Health,... Johnson v. Superior Court (California Cryobank, Inc.) (2002, 2nd Dist.) 101 Cal.App.4th 869, 882


The Ballot Pamphlet Legislative Analysis of Proposition 184 described to voters the effect of the initiative. The analysis noted .... People v. Ramirez (1995, 2nd Dist.) 33 Cal.App.4th 559, 566

Moreover, a 1970 report prepared by the Legislative Analyst for the Joint Legislative Budget Committee recommended that .... While not dispositive, we may properly consider such an extrinsic aid to help determine legislative intent. Shippen v. DMV (1984) 161 Cal.App.3d 1119


19. Rejection, Deletion, and Refusal to Act:

After the Senate Judiciary Committee criticized that ... the Legislature deleted the phrase. [Citations.] We concluded that "the Legislature's subsequent deletion of the .... People v. Medina (2007) 41 Cal.4th 685, 696
The Senate later amended Bill No. 2509, deleting .... This deletion, far from supporting KCP’s position, is further evidence against it. “The rejection of a specific provision contained in an act as originally introduced is ‘most persuasive’ that the act should not be interpreted to include what was left out.” Murphy v. Kenneth Cole Productions (2007) 40 Cal.4th 1094, 1107

The legislative history of the CFCA contains no explicit discussion of the scope of the word “person.” Nonetheless, the limited evidence available suggests there was no intent to .... A substantial subsequent amendment to the bill excised .... Our past decisions note deletions from bills prior to their passage as significant indicia of legislative intent. [Citations.] Wells v. Onezone Learning Foundation (2006) 39 Cal.4th 1164, 1191-1192

The Legislature did not incorporate such a provision denying ...; indeed, the Legislature rejected a bill that contained such language, in favor of legislation that did not directly implicate ... fn.7 (... The Legislature, however, did not enact Senate Bill 962. Rather, the Legislature modified the welfare fraud statutes by enacting into law .... However, as this court has previously noted, unpassed bills “have little value” in ascertaining legislative intent.) People v. García (2006) 39 Cal.4th 1070, 1088

The Legislature later deleted the conditional stay language italicized above.... In analyzing the proposed deletion, the Senate Committee on Judiciary reported that .... Following the deletion the Senate Rules Committee echoed this understanding.... Thus, the Legislature,... clearly intended.... Varian Medical Systems, Inc. v. Delfino (2005) 35 Cal.4th 180, 194-195

Furthermore, although in recent years the legislatures of many of our sister states have enacted statutes that have narrowed and confined the type of room that will qualify as the subject of a burglary ... the California Legislature, when presented with legislation that proposed similar amendments, did not adopt any similar amendment to our burglary statute. People v. Sparks (2002) 28 Cal.4th 71, 87

A few days before passing the final version of Assembly Bill No. 971, the Senate rejected language ... (Sen. Floor Amend. RN 9406668 to Assembly Bill No. 971 (1993-1994 Reg Sess.) Mar. 2, 1994.) that the amendment was not adopted makes it difficult to view the final wording of,... as anything but a purposeful choice. People v. Superior Court (Romero) (1996) 13 Cal.4th 497, 504, 520, 528

The legislative history of Section 1043 reveals that the Legislature expressly considered and rejected a requirement of personal knowledge. City of Santa Cruz v. Municipal Court (1989) 49 Cal.3d 74, 88, 89, 92

Had the UHA been enacted with this quoted language, the City’s position, at least with regard to ... would have more persuasive bite. However, when the Legislature ultimately enacted the UHA, this language was deleted.

Our Supreme Court has cautioned courts not to read too much into deletions from bills when ascertaining legislative intent.
Ordinarily, the legislative history of bills that fail to pass in the Legislature are entitled to little weight because of the conflicting intentions of the proponents of the legislation and those who voted against it. [Citation.] Here, however, Assembly Bill No. 551 [vetoed bill] did pass both houses of the Legislature, and therefore the Legislature's intent in passing the legislation can be gleaned from its history.

... 

Thus, not only the Legislature, but also the governor understood, long after section 1812.5095 was originally enacted, that it was intended to define employment relationships for workers' compensation purposes. As the most recent expression of the meaning of this statute, we give these statements considerable weight. An Independent Home Support Service, Inc. v. Superior Court (San Diego) (2006, 4th Dist.) 145 Cal.App.4th 1418, 1434

The fact that California does not follow this proposed rule that compliance with federal minimum safety standards bars claims for punitive damages is also demonstrated by the fact that such a rule has been proposed through legislation in California on several occasions but has not been enacted. In 2000 the Legislature considered a bill that would have enacted the rule .... However, the bill never made it out of committee.... A similar bill did not secure passage in 1996.... Another such bill was introduced in February 2006 in the Senate.... There would be no need for such legislation if compliance with government standards already provided a defense to punitive damages claims. Buell-Wilson v. Ford Motor Company (2006, 4th Dist.) 141 Cal.App.4th 525, 563-564

The fact that the DMHC did not adopt the regulation to prohibit balance billing further indicates that ... (Citation. ["[T]he Legislature's omission of a provision from the final version of a statute which was included in an earlier version "constitutes strong evidence that the act as adopted should not be construed to incorporate the original provision." ' "]) (Citation. ["The courts have repeatedly concluded that when the Legislature has rejected a specific provision which was part of an act when originally introduced, the law as enacted should not be construed to contain that provision."].). Prospect Medical Group, Inc. v. Northridge Emergency Medical Group (2006, 2nd Dist.) 136 Cal.App.4th 1155, 1169-70 [Review Granted]

Allende also relies on comments made during a hearing on legislation proposed in 2004 that would have defined "emergency response" to include an enforcement stop by law enforcement using emergency lights or sirens or both. Allende notes that the bill died in committee. Comments made by an individual legislator in 2004 about unpassed legislation have little value as evidence of legislative intent behind the statute the legislation sought to amend. (See Martin v. Szeto (2004) 32 Cal.4th 445, 451 [legislative failure to enact proposed amendment to existing legislation has little value as evidence of Legislature's original intent]; (Citation.) California Highway Patrol v. Superior Court (Allende) (2006, 1st Dist.) 135 Cal.App.4th 488, 506
As originally proposed, Senate Bill No. 1406 contained a provision .... However, the Department of Real Estate proposed an amendment to delete the waiver provision, arguing .... As a result, the waiver provision was deleted from the final version of the bill.... **Realmuto v. Gagnard** (2003) 110 Cal.App.4th 193, 201

The fact is telling that, for whatever reason, both the legislative and the executive branches have rejected specific and repeated attempts to amend the statute. Concluding as we have the Legislature has consciously refused to extend the limited immunity provided by .... **Ma v. City and County of San Francisco** (2002, 1st Dist.) 95 Cal.App.4th 488, 517, see 513-517 for review of unsuccessful measures

The evolution of a proposed statute after its original introduction in the Senate or Assembly can offer considerable enlightenment as to legislative intent. [Citations.] Generally the Legislature's reaction of a specific provision which appeared in the original version of an act supports the conclusion that the act should not be construed to include the omitted provision. [Citations.] **People v. Goodloe** (1995, 1st Dist.) 37 Cal.App.4th 485, 491

The rejection (by the Legislature) of a specific provision contained in an act as originally introduced is "most persuasive" that the act should not be interpreted to include what was left out. **Wilson v. City of Laguna Beach** (1992, 4th Dist.) 6 Cal.App.4th 543, 555

When the Legislature deletes an express provision of a statute, it is presumed that it intended that to effect a substantial change in the law. **Royal Company Auctioneers v. Coast Printing** (1987) 193 Cal.App.3d 868, 873 and **Barajas v. City of Anaheim** (1993, 4th Dist.) 15 Cal.App.4th 1808, 1814

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20. **Conference Committee Reports:**

A Conference Report is prepared by a Conference Committee brought together on a particular bill to attempt to reach a compromise on a bill’s language that is acceptable to both the Senate and the Assembly. It is comprised of six legislators, three from each House. The court noted the acceptability of a Conference Committee Report in the matter of *Benson v. Workers’ Compensation Bd.* (2009, 1st Dist.) in a footnote:

Amicus curiae County of Los Angeles filed a request seeking judicial notice of: (1) a conference report of the Senate Rules Committee on Senate Bill No. 899; (2) a press release from the office of Governor Arnold Schwarzenegger after passage of Senate Bill No. 899; (3) an article written by David Neumark, for the Public Policy Institute of California, entitled *The Workers’ Compensation Crisis in California* (Jan.2005) California Economic Policy, page 1; and (4) minutes from the February 24, 2005, meeting of the Commission on Health and Safety and Workers' Compensation.

... We grant the County of Los Angeles's request for judicial notice with respect to item (1) above. “[I]t is well established that reports of legislative committees and commissions are part of a statute's legislative history and may be considered when the meaning of a statute is uncertain. [Citations.]” (*Hutnick v. United States Fidelity & Guaranty Co.* (1988) 47 Cal.3d 456, 465, fn.7, 253 Cal.Rptr. 236, 763 P.2d 1326; accord, *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 31-32, 34 Cal.Rptr.3d 520 (Kaufman).) However, we deny the County of Los Angeles's request for judicial notice with respect to items (2), (3), and (4) above. In construing a statute, “the court's task is to ascertain the intent of the Legislature as a whole in adopting a piece of legislation. [Citations.]” (*Quintano v. Mercury Casualty Co.* (1995) 11 Cal.4th 1049, 1062, 48 Cal.Rptr.2d 1, 906 P.2d 1057 (Quintano).) Because there is no indication that the Legislature considered items (2), (3), or (4), they are not proper subjects of judicial notice. (*Cortez v. Purolator Air Filtration Products Co.* (2000) 23 Cal.4th 163, 168, fn.2, 96 Cal.Rptr.2d 518, 999 P.2d 706; *Quintano, supra*, 11 Cal.4th at p.1062, fn.5, 48 Cal.Rptr.2d 1, 906 P.2d 1057; *Kaufman, supra*, 133 Cal.App.4th at pp. 38, 42, 34 Cal.Rptr.3d 520.) *Benson v. Workers’ Compensation Bd.* (2009, 1st Dist.) 170 Cal.App.4th 1535, 1554, fn.16

While the court in the *Benson* case did not find the Governor’s Press Release suitable for judicial notice, other courts, including the California
Supreme Court, have taken judicial notice and considered this type of document. 

(See People v. Tanner (1979) 24 Cal.3d 514, 520; Knighten v. Sam's Parking Valet (1988, 4th Dist.) 206 Cal.App.3d 69, 77; see also cases and discussion under, “C. Post Enrollment History, 3. Governor’s Correspondence, Press Releases and Messages,” below.) Similarly, courts have considered news media and law review articles, when appropriate, for evidence of legislative history and intent. (See cases and discussion under “13. News and Law Review,” above.)

Grupe Development Co. v. Superior Court (1993) 4 Cal.4th 911, 924

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C. Post-Enrollment History.

After a bill has been passed by both Houses of the Legislature, it is enrolled and forwarded to the Governor for consideration. This section of these Points and Authorities will address this time in the history of a bill.

1. Role of the Governor:

   It has long been held that the Governor is acting in a legislative capacity and not as an executive when he is engaged in considering bills which have passed both Houses of the Legislature and which are presented to him for disapproval or approval. Lukens v. Nye (1909) 156 Cal. 498, 501. His statements are relevant legislative intent. People v. Tanner (1979) 24 Cal.3d 514

2. Enrolled Bill Reports and Memoranda:

   Because the statutory language is ambiguous, we look to the legislative history for guidance. [Citation.] This history strongly suggests that ... (Enrolled Bill Rep. Mem. from A. Pope to Governor Edmund Brown on Sen. Bill No. 1140...) ... Parnell v. Adventist Health System/West (2005) 35 Cal.4th 595, 604-605

   Uveges challenges Eisner's reliance on the enrolled bill report, arguing that it is irrelevant because it was prepared after passage. However, we have routinely found enrolled bill reports, prepared by a responsible agency contemporaneous with passage and before signing, instructive on matters of legislative intent. [Citations.] Though we do not give great weight to the report, it is instructive here. Eisner v. Uveges (2004) 34 Cal.4th 915, 934, fn.19
We find the enrolled bill report instructive in ascertaining legislative intent. [Citation.] Canister v. Emergency Ambulance Service (2008, 2nd Dist.) 160 Cal.App.4th 388, 402

The enrolled bill report by the Governor's Office of Planning and Research confirms the mandatory nature of the new procedures of Article 1.5. It explained that existing law provides for regulations by LAFCO.... South San Joaquin Irrigation District v. Superior Court (2008, 3rd Dist.) 162 Cal.App.4th 146, 156

Any doubt about the plain meaning of the statute is resolved by the concededly meager legislative history of the section. In recommending that Governor Reagan sign Assembly Bill No. 2310 (1967-1968 Reg. Sess., as amended June 27, 1967) ... the Department of Professional and Vocational Standards explained the bill was a response to .... (Memorandum to Governor Ronald Reagan from Department of Professional and Vocational Standards, Aug. 1, 1967, p.1;... California Veterinary Medical Association v. City of West Hollywood (2007, 2nd Dist.) 152 Cal.App.4th 536, 554

Appellants quote from an enrolled bill report prepared by the then Labor Commissioner, which appellants submitted in the trial court and which may be considered as indicative of legislative intent (Citation.) as follows:.... Corrales v. Bradstreet (2007, 3rd Dist.) 153 Cal.App.4th 33, 50

The report of the Legislative Counsel is entitled to great weight in construing the statute "since [the report is] prepared to assist the Legislature in its consideration of pending legislation." [Citation.] Bosworth v. Whitmore (2006, 2nd Dist.) 135 Cal.App.4th 536, 547-8 (Legislative Counsel Report to Governor)

We grant SCEA's request for judicial notice as to items 1-11 of the legislative history attached to the declaration of Maria A. Sanders. We deny the request as to item 12 (post-enrollment documents regarding Senate Bill No. 1628). Post-enrollment documents are not proper indicia of legislative intent because it is not reasonable to infer that they were ever read or considered by the Legislature. (McDowell v. Watson (1997, 4th Dist.) 59 Cal.App.4th 1155, 1161, fn.3; but see CD Investment Co. v. California Ins. Guarantee Assn. (2001) 84 Cal.App.4th 1410, 1426 [noting that courts have relied upon post-enrollment bill reports in interpreting statutes].) Whaley v. Sony Computer Entertainment America, Inc. (2004, 4th Dist.) 121 Cal.App.4th 479, 487, fn.4

The Court of Appeal granted RVLG’s request for judicial notice of documents bearing on the legislative history of section .... Among the documents the court judicially noticed were the ... Enrolled Bill Memorandum to the Governor regarding Senate Bill ... fn.7 [fn.7: We have likewise granted RVLG’s request in this court to take judicial notice of these same legislative history materials.] Smith v. Rae-Venter Law Group (2002) 29 Cal.4th 345, 359, fn.7

The same understanding is reflected in the Governor’s enrolled bill report: “Although the bill is opposed in concept by the California Trial Lawyers Association, they concede that it does little more than codify existing case law.” This was also the clear understanding of the final conference committee. White v. Ultramar, Inc. (1999) 21 Cal.4th 563, 581, fn.2 (conc. opn. of Mosk, J.)
Courts may take judicial notice of relevant legislative history to resolve ambiguities and uncertainties concerning the purpose and meaning of a statute. (See Evid. Code, § 452, subd. (c) [permitting judicial notice of official acts of the Legislature]; Quantaine Co. v. Stewart Title Guaranty Co. (1998) 19 Cal.4th 26, 45, fn.9.) Moreover, as a reviewing court, we must, and here do, take judicial notice of those materials properly noticed by the trial court, including enrolled bill reports to the governor and legislative committee and caucus reports, work sheets, and digests. (Evid. Code, § 459, subd. (a); [Citations.] People v. Connor (2004, 6th Dist.) 115 Cal.App.4th 669, 681, fn.3

Further evidence of the concern for the financial impact of section 3226 on landowners is provided by the Department of Conservation’s Enrolled Bill Report on the enactment of article 4.2.... Wells Fargo Bank v. Goldzband (1997, 5th Dist.) 53 Cal.App.4th 596, 616, 617

Our review of that [legislative] history discloses a single reference relevant to the issue before us, from an analysis of the bill by the Governor’s office ... (See Governor’s Office Department of Legal Affairs, Enrolled Bill Report,...) The implication of the emphasized language .... People v. Superior Court (Bauman & Rose) (1995, 2nd Dist.) 37 Cal.App.4th 1757, 1765

The legal affairs department of the Governor’s office noted that “The bill reflects present Regent policies under existing law.” Thus we infer that the Legislature intended that only the meetings of the Regents ... would be subject to the open meeting requirements of the Bagley-Keene Act.... Tafoya v. Hastings College of Law (1987) 191 Cal.App.3d 43, 444

3. Governor's Correspondence, Press Releases, Veto and Other Messages:

The Governor vetoed both measures. In returning the 2005 bill to the Assembly without his signature, the Governor stated he believed that Proposition 22 required such legislation to be submitted to a vote of the people - a condition that the 2005 bill did not fulfill - and the Governor further noted that "[t]he ultimate issue regarding the constitutionality of section 308.5 and its prohibition against same-sex marriage is currently before the Court of Appeal in San Francisco and will likely be decided by the Supreme Court." In re Marriage Cases (2008) 43 Cal.4th 757, 797
And, in a letter asking the Governor to veto the passed bill, Stanley Pearle, as Chairman of Searle Optical Inc., argued that the revised statute ... (Stanley Pearle, letter to Governor Jerry Brown re: Assem. Bill No.1125.... People v. Cole (2006) 38 Cal.4th 964, 983


... Governor Wilson's message to the Assembly upon signing the bill that became section 2933.1. The Governor wrote that the ... (Governor's message to Assem. on Assem. Bill No. 2716 (Sept. 21, 1994) 6 Assem. J. (1993-1994 Reg. Sess.) p. 9490.) In re Reeves (2005) 35 Cal.4th 765, 777

... the various reports on the bill prepared for Senate and Assembly committees do not discuss the amendment. The amendment is discussed, however, in letters to the Governor by the bill's Senate sponsor and others, urging that the legislation be signed or vetoed. These letters consistently explain ... (See Sen. John Doolittle, letter to Governor Edmund Brown, Sept. 22, 1981, p. 1; see also Joe Aceto, Director, Legislative Division, POARC, letter to Governor Edmund Brown, Sept. 22, 1981, p. 2.) The American Civil Liberties Union (ALCU), which opposed the bill, nevertheless recounted the amendment's history in precisely the same way. fn.6 These statements about pending legislation are entitled to consideration to the extent they constitute "a reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion." (California Teachers Assn. v. San Diego Community College Dist. (1981) 28 Cal.3d 692, 700.) Martin v. Szeto (2004) 32 Cal.4th 445, 450-451

In his signature message, Governor Wilson noted, "this bill imposes a sentence enhancement of up to five years for the use of a firearm." (Ibid) As with the inclusion of assault with a firearm, granting discretionary sentencing authority under §12022.5(d) would be inconsistent with the obvious seriousness of these violent crimes and the legislative intent to punish them accordingly. People v. Ledesma (1997) 16 Cal.4th 90, 98, 100

Finally, there exists the executive statement of Governor Brown issued by press release in which he explained the effects of the legislation. He stated: "By signing this bill, I want to send a clear message to every person in this state that using a gun in the commission of a serious crime means a stiff prison sentence. Whatever the circumstances, however eloquent the lawyer, judges will no longer have discretion to grant probation even to first offenders." (Governor's Press Release No. 284 (Sept. 23, 1975), italics added.) People v. Tanner (1979) 24 Cal.3d 514, 520

Finally, a September 11, 1980 letter to Governor Brown, Jr., from Yolo County District Attorney Richard L. Gilbert, a sponsor of Assembly Bill No. 2861 (1979-1980 Reg. Sess.), urging the signing of the bill, provides, "The bill has been amended in a number of particulars since its first introduction in order to provide ... limitations on the time period for the filing of petitions...." ...

Nothing in the language of section 851.8(1) or the aforementioned legislative history limits the two-year filing period to any one of the three classes of individuals entitled to relief under section 851.8. This suggests the Legislature intended the limitations period to apply to anyone entitled to petition for such relief. People v. Bermudez (2009, 1st Dist.) 172 Cal.App.4th 966, 91 Cal.Rptr.3d 510

In a letter supporting Assembly Bill No. 743, the California Correctional Peace Officers Association (CCPOA) assured the Governor that it did not ... (... CCPOA, letter to Governor Gray Davis ...)


Consistently, in a post-passage letter sent to the Governor, the author of the bill stated the bill codified the "IWC's penalty level" by imposing a "penalty" on employers that violate the IWC orders regarding meal and rest periods. The letter further indicated that the bill, as originally introduced, "had higher penalties, but had been amended to conform to the IWC levels." (Ibid.; In re Marriage of Bouquet (1976) 16 Cal.3d 583, 590 [a legislator's statement may be considered when it reiterates legislative discussion and events leading to adoption of proposed amendments, rather than merely expressing a personal opinion].) National Steel and Shipbuilding Co. v. Superior Court (Godinez) (2006, 4th Dist.) 135 Cal.App.4th 1072, 1081 [Review Granted]

Statements of an individual legislator, including the bill's author, are generally not considered in construing a statute. [Citation.] An exception exists, however, when the letter constitutes a "reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion." [Citations.] The exception applies here because Senator Kopp's letters explain the events leading to the adoption of amended language after Senator Kopp first urged the bill's passage. People v. Superior Court (Ferguson) (2005, 1st Dist.) 132 Cal.App.4th 1525, 1532

The Attorney General at that time, John Van De Kamp, in an effort to persuade the Governor to sign the legislation described it as ... (Letter to George Deukmejian May 19, 1988, p. 4.) People v. Leon (2005, 2nd Dist.) 131 Cal.App.4th 966, 978, fn.6 [Review Granted.]

The Legislative history of Senate Bill No. 272 (1970 Reg. Sess.), the bill that introduced Song-Beverly, indicates that Alfred H. Song, one of the sponsors of Song-Beverly, considered the distinction. In a letter to the Governor Ronald Reagan, Senator Song wrote as follows:... Atkinson v. Elk Corporation (2003, 6th Dist.) 109 Cal.App.4th 739, 748, fn.11, 751-752

As indicated, the Legislature enacted section 3208.3, subdivision (b)(1) to combat the ... In recognition of this intent, the Governor's signature message to the California Assembly contained
the following language:... 


In fact, section 1633.5’s own legislative history reveals that the purpose in enacting the provision was to declare “that State licensing pre-empts local licensing” (Assembly member Thomas M. Rees, Letter to Mr. Julian Beck, Governor’s Office, re Assem. Bill No. 1802 (1959 Reg. Sess.) May 25, 1959, p. 2), and supports our conclusion that section 1633.5 does not proscribe a UCA action. Stevens v. Superior Court (1999, 2nd Dist.) 75 Cal.App.4th 594, 605

In urging Governor Deukmejian to sign the bill, its author stated:... (Letter from Senator Larry Stirling to Governor George Deukmejian (Sept. 14, 1989) People v. Pena (1999, 5th Dist.) 74 Cal.App.4th 1078, 1083

Once the Governor had signed the legislation, his office issued a press release stating: “The bill declares that civil liability to a third party is incurred solely by the intoxicated person” (Governor’s Press Release No. 320 [September 20, 1978]). Such documents may be used to determine legislative intent [Citations].... Knighten v. Sam’s Parking Valet (1988, 4th Dist.) 206 Cal.App.3d 69, 77

This includes matter appearing in “official acts of the legislative, executive and judicial departments” (Evidence Code, Section 452, subd. (c)) and which may consist of materials such as administrative determinations, committee reports, correspondence directed to the governor’s office and testimony at public hearings. Karlin v. Zalta (1984) 154 Cal.App.3d 953, 968, fn.9


D. Post-Enactment History.

1. Statements and Actions by Subsequent Legislatures:

The Legislature's subsequent amendment of section 1016--deleting the limitation with respect to felony cases--supports this understanding of the legislative intent. [Citation.] "Although an expression of legislative intent in a later enactment is not binding upon a court in its construction of an earlier enacted statute, it is a factor that may be considered. [Citations.]" People v. Yartz (2005) 37 Cal.4th 529, 539

The quoted language in section 1793.1 was adopted in 1982, before the 1987 amendments that added ... (Stats. 1982, ch. 381, § 1, p. 1709.) Although an expression of legislative intent in a later enactment is not binding upon a court in its construction of an earlier enacted statute, it is a factor that may be considered. [Citations.] Futhermore, we may presume that when the Legislature adopted subdivision (d)(2) in 1987, it was aware of the language in section 1793.1 and understood the scope of the Act to be .... Cummins, Inc. v. Superior Court (Cox) (2005) 36 Cal.4th 478, 492

The Legislature reiterated this intent in 2003 when it enacted .... (Citation.... ["Although a legislative expression of the intent of an earlier act is not binding upon the courts in their construction of the prior act, that expression may properly be considered together with other factors in arriving at the true legislative intent existing when the prior act was passed."]) Varian Medical Systems, Inc. v. Delfino (2005) 35 Cal.4th 180, 195

The subsequent revisions to the HLA in 1992 do not compel a different conclusion. In response to .... Parnell v. Adventist Health System/West (2005) 35 Cal.4th 595, 604

The Legislature reiterated this intent [regarding Assembly Bill No. 1675, 1999-2000] in 2003 when it enacted .... Although a legislative expression of the intent of an earlier act is not binding upon the courts in their construction of the prior act, that expression may properly be considered together with other factors in arriving at the true legislative intent existing when the prior act was passed. Varian Medical Systems, Inc. v. Delfino (2005) 35 Cal.4th 180, 194-195
For the same reason, we attach little value to the Legislature’s subsequent failure to pass a bill (Assem. Bill No. 95 (1983-1984 Reg. Sess.)) that would have amended section 1021.7 to clarify its reference to actions for libel and slander.... We have repeatedly observed that the Legislature’s failure to enact a proposed amendment to an existing statutory scheme offers only limited guidance, if any, concerning the Legislature’s original intent. [Citations.] Here, to undertake the problematic exercise of inferring legislative intent from subsequent, failed legislation seems especially inappropriate because the original intent behind section 1021.7 is clear. fn.9 [Court grants judicial notice of the proffered documents referenced] Martin v. Szeto (2004) 32 Cal.4th 445, 451-452

The Legislature’s adoption of subsequent, amending legislation that is ultimately vetoed may be considered as evidence of the Legislature’s understanding of the unamended existing statute. [Citations.] Freedom Newspapers, Inc. v. Orange County Employees Retirement System (1993) 6 Cal.4th 821, 832-833

Although a legislative expression of the intent of an earlier act is not binding upon the courts in their construction of the prior act, that expression may properly be considered together with other factors in arriving at the true legislative intent existing when the prior act was passed. Eu v. Chacon (1976) 16 Cal.3d 465, 470

Ordinarily, the legislative history of bills that fail to pass in the Legislature are entitled to little weight because of the conflicting intentions of the proponents of the legislation and those who voted against it. [Citation.] Here, however, Assembly Bill No. 551 did pass both houses of the Legislature, and therefore the Legislature’s intent in passing the legislation can be gleaned from its history. An Independent Home Support Service, Inc. v. Superior Court (San Diego) (2006, 4th Dist.) 145 Cal.App.4th 1418, 1434 (court examined a 2005 vetoed bill relevant to a section added in 1993 – “As the most recent expression of the meaning of this statute, we give these statements considerable weight.”)

We may properly rely on the legislative history of subsequent enactments to clarify the Legislature’s intent regarding an earlier enacted statute. “Although a legislative expression of the intent of an earlier act is not binding upon the courts in their construction of the prior act, that expression may properly be considered together with other factors in arriving at the true legislative intent existing when the prior act was passed. [Citations.] While the concept of “subsequent legislative history” may seem oxymoronic, it is well established that “the Legislature’s expressed views on the prior import of its statutes are entitled to due consideration and we cannot disregard them. Ailanto Properties, Inc. v. City of Half Moon Bay (2006, 1st Dist.) 142 Cal.App.4th 572, 590

Subsequent legislation cannot change the meaning of an earlier enactment, but it may supply an indication of the intent behind the original legislation that may be considered. [Citation.] California Highway Patrol v. Superior Court (Allende) (2006, 1st Dist.) 135 Cal.App.4th 488, 504

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Mills alerts us to a recent resolution passed by the Legislature in which the Legislature states ... (Assem. Conc. Res. No. 43 (2005-2006 Reg. Sess.).) Mills contends the new resolution is superior to any other statement of legislative intent and must be followed. We grant Mills' request to take judicial notice of that resolution. However, we do not find the resolution helpful to our analysis. Statutory interpretation is a judicial function in which legislative pronouncements carry little weight. [Citation.] Particularly, one legislature's interpretation of the intent of a prior legislature is not definitive. [Citations.] Moreover, even were the Legislature's statements as to prior legislative intent appropriate, it is not clear that is what the new resolution was attempting to accomplish. Mills v. Superior Court (Bed, Bath & Beyond Inc.) (2006, 2nd Dist.) 135 Cal.App.4th 1547, 1553, fn.6 [Review Granted.]; see also Murphy v. Kenneth Cole Productions, Inc. (2005, 1st Dist.) 134 Cal.App.4th 728, 754 [Review Granted]

More importantly, the Legislature passed an amendment to section .... The Governor vetoed this amendment .... "The Legislature's adoption of subsequent, amending legislation that is ultimately vetoed may be considered as evidence of the Legislature's understanding of the unamended, existing statute." California Emergency Physicians Medical Group v. PacificCare of Cal. (2003, 4th Dist.) 111 Cal.App.4th 1127, 1132; see also Ochs v. PacifiCare of California (2004, 2nd Dist.) 115 Cal.App.4th 782, 791

... while the interpretation of existing laws is a quintessentially judicial function, courts may and must give due consideration to the Legislature's stated views on "the prior import of its statutes...." "[A] subsequent expression of the Legislature as to the intent of the prior statute, although not binding on the court, may properly be used in determining the effect of a prior act'" .... In adopting the 2000 amendment the Legislature confirmed that the statute .... To this extent, at least, we believe that amendment both declared, and accurately characterized the effect of, existing law. Emeryville Redevelopment Agency v. Harcros Pigments, Inc. (2002, 1st Dist.) 101 Cal.App.4th 1083, 1099-1100

The Legislature declared that its intent in enacting these provisions was to confirm existing law.... Although we are not bound by a legislative declaration that a statute merely confirms or clarifies existing law [Citations] we may certainly weigh the legislative declaration in evaluating the operation of the prior statutory scheme. [Citations.] When a court must interpret a statutory scheme, a subsequent legislative enactment intended to clarify that scheme may be considered by the court in construing the operation of the preamendment statutory scheme. illi Prospect Partners, L.P. v. Superior Court (1995, 4th Dist.) 38 Cal.App.4th 570, 578, fn.7 (Review Granted)

[A]lthough construction of a statute is a judicial function, where a statute is unclear, a subsequent expression of the Legislature bearing upon the intent of the prior statute may be properly considered in determining the effect and meaning of the prior statute. Tyler v. California (1982) 134 Cal.App.3d 973, 977

[T]he Legislature has no authority to interpret a statute. That is a judicial task. The Legislature may define the meaning of
statutory language by a present legislative enactment which, subject
to constitutional restraints, it may deem retroactive. But it has no
legislative authority simply to say what it did mean. Courts do take
cognizance of such declarations where they are consistent with the
original intent. “[A] subsequent expression of the Legislature as to
the intent of the prior statute, although not binding on the court,
may properly be used in determining the effect of a prior act.” Del


West Pico Furniture v. Pacific Finance (1970) 2 Cal.3d 594, 610; People v. Tanner (1979) 24 Cal.3d
514; Russ Building Partnership v. City and County of San Francisco (1988) 44 Cal.3d 839, 852; People
v. Cruz (1996, 1st Dist.) 13 Cal.4th 764, 781; Mercy Hospital and Medical Center v. Farmers Insurance
Cal.4th 1164, 1209

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211 Cal.App.3d 595, 601; People v. Preller (1997, 3rd Dist.) 54 Cal.App.4th 93, 98; In re Parker
v. County of Santa Cruz (2009, 6th Dist.) 178 Cal.App.4th 680

2. Administrative Agency’s Construction of Statute:

While the DLSE’s construction of a statute is entitled to
consideration and respect, it is not binding and it is ultimately for
the judiciary to interpret this statute. [Citation.] Additionally,
when an agency’s construction “flatly contradicts” its originally
interpretation, it is not entitled to “significant deference.”
[Citation.] Murphy v. Kenneth Cole Productions (2007) 40 Cal.4th
1094, 1106, fn.7

We observe the Legislature first enacted an immediate wage
payment provision similar to section 201 in 1911. At that time the
Bureau of Labor Statistics (BLS) was the agency that recommended and
enforced such wage-related legislation.... Legislation charged the
BLS Commissioner with the duties to “collect ... and present, in
biennial reports to the Legislature, statistical details, relating to
all departments of labor in the State,” including statistics and all
other information relating to labor that the commissioner deemed
essential to further the legislative objective,... We therefore
consult these biennial reports for whatever light they may shed
regarding the purpose of the wage payment legislation.... [although
not necessarily controlling, the contemporaneous administrative
construction of a statute by those charged with its enforcement and
interpretation is entitled to great weight].) Smith v. Superior Court
(2006) 39 Cal.4th 77, 87

Our reading of the statutory scheme parallels the
interpretation given it upon enactment by the Controller as evidence
by the Memorandum to Interested parties from the Division of Local
Government Fiscal Affairs, Controller of the State of California....
Generally courts give great weight and respect to the administrative
agency’s interpretation of a statute governing its powers and
responsibilities. [Citation.] County of Santa Barbara v. Connell
(1999, 4th Dist.) 72 Cal.App.4th 175, 185

See also: City of Brentwood v. Central Valley Regional Water Quality Control Bd. (2004, 1st Dist.)
123 Cal.App.4th 714, 730

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3. **Legislative Committee Documents:**

Further support for this interpretation is found in the 1989 Legislative Summary by the Assembly Committee on Education pertaining to Assembly Bill No. 181 (1989-1990 Reg. Sess.).... We give this summary, prepared shortly after the bill was signed by the Governor, due deference, yet recognize that it is only a post hoc expression of the opinion of the Assembly Committee on Education as to what the Legislature meant when it adopted former Government Code section .... Nonetheless, we find the summary to be persuasive, inasmuch as it is consistent with the Department of Finance ... Enrolled Bill Report. Warmington Old Town Associates v. Tustin Unified School District (2002, 4th Dist.) 101 Cal.App.4th 840, 853; similar document, see People v. Arroyas (2002, 2nd Dist.) 96 Cal.App.4th 1439, 1445

... the City and the Association cite and liberally quote from a letter dated June 19, 2000 from ... a consultant to the California State Senate Select Committee on Mobile and Manufactured Homes. That letter is not part of the Legislative Intent Service materials in our record. It was submitted as an exhibit to the Association's memorandum of points and authorities....

... letter purports to discuss the legislative intent of the 1995 amendment....

We decline to consider the letter as evidence of the Legislature’s intent when it adopted the 1995 amendments. It is well settled that individual opinions of legislators or staff members merely reflect their individual opinions, and are not probative of the collegial intent of the Legislature at the time the bill was passed.... El Dorado Palm Springs, Ltd. v. City of Palm Springs et al. (2002, 4th Dist.) 96 Cal.App.4th 1155, 1173

4. **Author Letter from Legislative Journal:**

In arguing that ... SSB relies upon a letter written by Assembly Speaker Jesse Unruh, the principal author of the 1967 invasion-of-privacy statute, in which he refers to an amendment to the 1967 act that he was considering introducing in the Legislature. Although the letter—which was not before, or considered by, the Legislature—does not appear to be a proper subject of judicial notice ... in any event we do not believe that the letter supports SSB’s contention.

In the letter in question, the amendment that Speaker Unruh ostensibly proposed to introduce is set forth ... The letter explains that ... (Jesse M. Unruh, Speaker of the Assembly, letter to H. Lee Van boven, California Law Review, Nov. 22, 1968.) Although SSB apparently assumes .... There is nothing in the letter—or in any of the appropriately considered legislative history indicating that Speaker Unruh (or, more importantly, the Legislature as a whole) believed the originally enacted version. Kearney v. Salomon Smith Barney, Inc. (2006) 39 Cal.4th 95, 120, fn.13

That Senator Kopp’s letter was included in the Senate Journal after passage of Senate Bill No. 1758, standing alone, does not persuade us that his view of the legislation was considered by the Legislature as a whole or was part of any debate on the legislation. [Citation Omitted.] But for the later amendment of the section, we
would view it as completely irrelevant to the interpretation of the statute.

However, Senator Kopp’s views on the proper interpretation of the statute were before the Legislature that enacted the amendments to section 14602.6, which .... In such case, it is reasonable to conclude that the ... was consistent with the views expressed by Senator Kopp and intended to clarify section 14602.6. *Smith v. Santa Rosa Police Department* (2002, 1st Dist.) 97 Cal.App.4th 546, 557, fn.9

### E. Regulations, Rules and Ordinances.

Rules of statutory construction apply to the actions taken to adopt or amend local ordinances, administrative rules and regulations, and court rules. (See Legislative Intent Service Authority and Procedure for Judicial Consideration of Legislative History and Intent, Unabridged, “Regulations.”) Minutes, reports, public rulemaking files, county and city clerk files are among the types of legislative history documents utilized by the courts in construing these laws.

The administrative construction of the governing laws through the promulgation of regulations by the Office of Environmental Health Hazard Assessment is “‘entitled to great weight’” in determining what the Legislature intended when it enacted the statutory scheme in controversy. (Citation.) ... According to the regulations .... A “reasonably anticipated” rate of exposure is .... (OEHHA, Final Statement of Reasons: Article 8 (June, 1989) p 83...) *DiPirro v. Bondo Corporation*, (2007, 1st Dist.) 153 Cal.App.4th 150, 191

This conclusion we reach is supported by the rules of statutory construction. We are obligated to give a rule of court “a reasonable and commonsense interpretation consistent with its apparent purpose, practical rather than technical in nature, which upon application will result in wise policy rather than mischief or absurdity.” (Citation.) The legislative history of rule 981.1 indicates it was adopted by the Judicial Council to “make the practice of law simpler and less expensive for litigants and their attorneys.” (See Civil and Small Claims Advisory Com., mem. to the Judicial Council of Cal. (Apr. 20, 1999...) *Volkswagen of America, Inc. v. Superior Court (Adams)* (2001, 1st Dist.) 94 Cal.App.4th 695, 705-706 (also cited to Judicial Council Minutes, and a report of the same Advisory Committee)

Superior Court, Los Angeles) (2003) 122 Cal.App.4th Supp.8, Supp.12, fn.3 which stated “This interpretation is further supported by the IWC, which, in the “Statement As To The Basis” for wage order No. 1-2001 ... opined that...”.

More recently:

Resolution 58,859 is a “legislative enactment[] issued by or under the authority of ... [a] public entity in the United States,” of which notice may be taken under Evidence Code section 452, subdivision (b). [Citation.] The operative complaint also alleges the existence and some of the terms of the resolution. We also take notice, as legislative history reflecting on the purposes of the enactment, of the city manager's memorandum to the mayor and city council recommending the resolution's adoption. [Citations.] Evans v. City of Berkeley (2006) 38 Cal.4th 1, 7, fn.2

... there is no dispute the basis for the city council's action was, as the council minutes stated, BSA's "discriminatory policies against gays and atheists," which as the record shows and plaintiffs' attorney conceded in this court made it impossible for the Sea Scouts to give a complete and unambiguous guaranty against future discrimination. In light of that undisputed legislative object .... Evans v. City of Berkeley (2006) 38 Cal.4th 1, 21

The DMHC promulgated a regulation, operative as of August 23, 2003, setting forth ... (Cal. Code Regs., tit. 28, § 1300.71, subd. (a)(3)(B).) .... As explained above, although not binding, the regulations of the DMHC, which are the product of its quasi-legislative, rule-making authority, are entitled to great weight and deference. [Citation.] Prospect Medical Group, Inc. v. Northridge Emergency Medical Group (2006, 2nd Dist.) 136 Cal.App.4th 1155, 1169-70 [Review Granted]

The trial court also took judicial notice of public comments and DMHC responses to proposed regulations concerning claim disputes and dispute resolution mechanisms. Prospect Medical Group, Inc. v. Northridge Emergency Medical Group (2006, 2nd Dist.) 136 Cal.App.4th 1155, 1169-70 [Review Granted]

During the proceedings below, both parties requested judicial notice of the legislative and administrative history of section 226.7, and we have considered these documents. National Steel and Shipbuilding Co. v. Superior Court (Godinez) (2006, 4th Dist.) 135 Cal.App.4th 1072, 1077 [Review Granted]

In an interpretative memorandum of Assembly Bill No. 60, the DLSE stated that ... (DLSE Memorandum dated December 23, 1999 at pp.19-20 at <http://www.dir.ca.gov/dlse/AB60Update.htm>> [as of Dec. 19, 2005] see Addendum A.)...

Effective March 1, 2000, the IWC issued "Interim Wage Order - 2000" that implemented the changes in the law as a result of the Legislature's adoption of Assembly Bill No. 60. (Summary of Interim Wage Order - 2000 at http://www.dir.ca.gov/IWC/SummaryInterimWageorder2000.html>> [as of Dec. 19, 2005] see Addendum B.) ... The IWC later promulgated Wage Order 1-2001 (effective Jan. 1, 2001, as
amended), which included ... provision contained in the interim wage order. [Citation.] National Steel and Shipbuilding Co. v. Superior Court (Godinez) (2006, 4th Dist.) 135 Cal.App.4th 1072, 1082-83 [Review Granted]

We also grant BBB's request to take judicial notice of a statement published by the Department of Industrial Relations Division of Labor Standards Enforcement (DLSE) regarding its intent to promulgate regulations clarifying that .... In that statement, the DLSE indicates its own staff has wavered over the years in their interpretation of section 226.7, thus recognizing the ambiguity inherent in the statutory language. (Cal. Dept. of Industrial Relations, Div. of Labor Standards Enforcement, Initial Statement of Reasons ....) Mills v. Superior Court (Bed, Bath & Beyond Inc.) (2006, 2nd Dist.) 135 Cal.App.4th 1547, 1552, fn.4 [Review Granted]

... the history of the relevant wage order indicates an intent to create a penalty. The IWC adopted the wage order at a hearing on June 30, 2000, where .... (... [transcript of 6/30/2000 hearing],...) A representative of the California Labor Federation addressing the IWC noted that .... Murphy v. Kenneth Cole Productions, Inc. (2005, 1st Dist.) 134 Cal.App.4th 728, 752 [Review Granted]

See also: Murphy v. Kenneth Cole Productions (2007) 40 Cal.4th 1094, 1109

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