
LEGISLATIVE HISTORY & INTENT

- Free Library -

Using Legislative Documents

- A. Defining Legislative Intent**
- B. Developing a Legislative Intent Argument**
- C. Identifying California Legislative Documents**
- D. The Plain Meaning Rule**
- E. Using Legislative History to Find Legislative Intent**

1. Finding Legislative History

- A. Finding Legislative History**
- B. Identifying California Legislative Documents**
- C. Sample Code Annotations Handout**

2. Regulatory Law

- A. 8.CCR.11030 - Sample Annotations**
- B. Regulatory Law - History and Process**

3. California-Specific Documents

- A. Points and Authorities**
 - I. Kaufman & Broad Arguments**
 - a. 3rd DCA Opinion*
 - b. Depublication Request*
 - c. Gianelli & Morris Depublication Request*
 - II. Effective Dates of Statutes**
 - III. Sample Memo of Points & Authorities**
 - IV. Sample Request for Judicial Notice**

B. Research Protocols

- I. December 2009 – Advocate Excerpt**
- II. Researching Statutes**
- III. Terminology**

C. Information on Specific Code Sections

- I. Selected Statutes for Complex Histories**

D. Historical Information

- I. History of California Codes**
- II. History of California Legislature**

E. Public Bill Archive

- I. AB 3007 of 1988 – Veto – State Mollusk**
- II. Chapter 331 of 1997 – State Soil**
- III. Government Code § 421.5 – State Dance**

4. Other Jurisdictions

A. Federal Law

- I. Federal Points & Authorities**
- II. Researching Federal Law**

B. States Other than California

- I. Other Jurisdiction Points & Authorities**
- II. Research on Statutes**

C. Local Ordinances

- I. Research on Statutes**

5. Updating Authorities - Link

Using Legislative Documents

Defining Legislative Intent Subjective or Objective?

This document, along with other documents related to using legislative documents to find legislative intent, are posted at <https://www.legislativeintent.com/Web/Free.Library>

The case law relating to using legislative documents to determine legislative intent is abundant, but often wildly inconsistent. For many different kinds of legislative documents one can find cases relying on that particular type of document and cases rejecting the particular type of document. The inconsistency is in part a reflection of the fact that there is no consistently applied standard clarifying what factually to look for to find "legislative intent."

Is a legislative intent inquiry seeking to determine what each individual legislator subjectively understood and intended? Clearly a virtually impossible task. Is it then seeking an objective intent? What the intent appears to be from the materials that are available? This standard is much more achievable and also has the virtue of putting the legislature on notice they should pay attention to what is being said. This standard also reflects the reality of the often combative legislative process.

To the extent there have been attempts to provide a standard they seem to lean toward the subjective standard. Many cases speak of legislative intent as finding the "collegial" view of the legislature – what the legislature as a group envisioned. Some cases go so far as to require that any statement be presented to the entire legislature in order to be considered as reflective of the collegial view. These cases seem to visualize a collegial view as something akin to a group sitting around discussing every ramification of some proposal in great detail until an agreement on all the possible issues is reached. This fiction is wildly unreflective of the legislative process.

In California in a two-year legislative session typically somewhere around 7000 to 9000 different bills will be introduced. Many, if not most of the bills will be amended, often many times over the course of legislative deliberations. Some bills are very short and concise but many bills are scores, or even hundreds of pages in length amending scores or hundreds of different code sections. It is an enormous volume of material, far beyond the capability of any single legislator to even thoroughly read once, given the myriad other demands on a legislator's time. Any particular legislator will have a relatively detailed knowledge of only a tiny fraction of the pending bills. Even as to that tiny fraction, there could be many possible ramifications from the language chosen which will not have occurred to anyone in the legislature.

Beyond the fact the sheer number of proposed changes in any legislative session is overwhelming large, the legislature virtually never meets collegially. Even within the Assembly or Senate the only time they meet as a body is when a bill comes up on the floor for final vote, and typically in California (and most states) the discussion on any particular bill is short, minimal and very general.

With some documents such as Federal Committee reports, or letters to the Journal in California the legislature is making explicit statements of what they intended – the "collegial view" can work in such situations involving direct statements of intent as long as one accepts the statements as putting other legislator's on notice of the stated intent.

But in the absence of direct statements of intent this formulation of the collegial view breaks down completely when applied to clarify specific details of how tiny parts of any legislation should be construed.

Some courts reject many potentially useful documents on the basis they were not viewed by all legislators. This is a particularly glaring fiction in California as virtually no document ever is viewed by all – or even substantially all - legislators. And it is doubtful all the legislators read the actual language of any given statute.

In fact both Congress and the California legislature operate largely by delegation, reliance on staff and colleagues, on reputation and trust, and by relying on people who do not like the legislation to voice their objections. The actual “collegial” view of an individual legislator at best usually does not extend beyond a general understanding of the problem addressed, the general nature of the proposed solutions, the knowledge the legislation is a negotiated agreement between stakeholders who agree that the legislation is probably a good idea and finally, that it has no provisions objectionable to anyone with the political clout to cause problems.

There is probably no theoretical formulation for legislative intent that will be above objection in all cases. One of the strengths of logic is criticism, but criticism doesn’t solve problems, and relying on “plain meaning” often means excluding consideration of other modes of thought that are important to human affairs. But moving from “plain meaning” to the “collegial view” is sometimes little improvement in finding a realistic mechanism to understand what the legislature intended. The “collegial view” simply substitutes a fictional view of reality that can lead courts to exclude probative legislative intent documents on the grounds not all legislators saw the document. The end result is not much different than relying on the plain meaning rule, excluding possibly valuable information to focus on parsing the specific words of the statute.

There are alternative theoretical frameworks that more accurately reflect the legislative process and could lead to more consistently realistic findings on legislative intent, particularly if viewed as alternative tools in ones toolbox rather than as a formula that always produces the correct answer. These alternative rationales are consistent with what many courts have actually done in finding legislative intent. Two examples of useful optional rationales that better reflect the reality of the legislative process and could be useful in particular situations are:

1. Seeking to extrapolate objectively what the legislature would have viewed as the result that is most consistent with their concerns. What would the legislature likely have done if it considered the particular issue before the court? The extrapolation is based on weighing what documents reveal to the be problem to be solved, the general concerns of the legislators, the proposed solutions and the legislative actions on the various alternatives before them, The goal is not to extrapolate what any particular legislator thought or knew, but to find the result that is most consistent with the expressed concerns to be addressed by the Statute.
2. Operating on a “notice” theory. This theory makes sense as a reflection of the enormous volume of materials a legislator is responsible for voting on. The only way a legislator can handle that volume of information is to downplay the details and focus on objections from other parties. In this theory any particular document might act as “notice” to the legislature of a particular detail or construction of the proposal. The probative value of the notice depends on how widely the particular document was distributed, or whether the same concept was presented in a number of documents from a number of sources. Even a document with a relatively low probative value could potentially be decisive if the document is consistent with other documents about how to address the broader goals of the legislation and there are no alternatives addressing the same issue.

Developing a Legislative Intent Argument

This document, along with other documents related to using legislative documents to find legislative intent, are posted at <https://www.legislativeintent.com/Web/Free.Library>

The first step in developing a legislative Intent argument may sometimes involve countering an argument the court should not even look at Legislative Intent.

I. Countering objections to the use of Legislative Documents

A. The plain meaning rule – (See the companion to this document on the plain meaning rule)

B. The Separation of Powers Doctrine Argument: Some commentators have argued that the separation of powers doctrine precludes courts from looking at legislative intent, on the basis it impinges on the courts role in interpreting the law. This argument seems to be grounded in the notion the courts have no obligation to seek the intended purpose of the law, their only obligation is to see what the words chosen mean to the court. On reflection this seems to make the separation of powers doctrine a doctrine of procedure rather than substance and in fact turns the doctrine on its head. In effect the argument requires the legislature cater to some future courts perceptions. Words are tools with which the legislature seeks to communicate the law; they are not in the end the law itself. If the chosen words do not convey the thought behind the words accurately and the means are available to clarify the meaning, the separation of powers doctrine would seem to oblige the court to seek to understand the actual intent.

C. Relying on Legislative Intent Makes the Law Less Predictable: Some cases and commentators have argued the courts should not try to ascertain legislative intent because it makes the law less accessible and precise than simply relying on the words of the statute. Beyond the fact this viewpoint dismisses the possibility of ambiguity in the language it seems to view symmetry and clear black lines in the law as more valuable than fairness to the parties before the court and underlying society. And if the law is ambiguous in a given situation to the court it will presumably be just as ambiguous to the public in that same situation.

D. There is No Definable Legislative Intent. Arguments of this sort often occur as part of an effort to assert the plain meaning rule should control. As noted in the companion publication “Defining Legislative Intent” it is probably not possible to formulate a theory of legislative intent that fits all circumstances all of the time because of the inherent complexity of the legislative process, and the difficulty of conveying complex thoughts in simple language. There will always be logical objections to the weaknesses of any solution to a construction problem. But we don’t look at legislative intent unless there is language construction problem to be solved and a simple basic rule of good decision-making is always applicable – if it is relevant, more information is better than less.

II. Basic principals applicable to both state and federal law.

Once the plain meaning rule has been hurdled, and the court is satisfied sufficient ambiguity exists to require resort to legislative intent, the next step is to develop a thorough understanding of how the legislation developed. Admittedly this takes time, the temptation to do a quick search for a nice quote can be strong. But the more you know about the legislative history, the better you understand the statute and your case. Often as you dig deeper into the legislative history it sparks a deeper understanding of the nuances of the statute that may lead to valuable new insights that go beyond legislative intent. Specific steps include:

1. Develop an understanding of the legislative process both –

- a. Procedurally – How did the language read as first proposed, what committees considered the proposal, when were amendments made and where was the proposal when it was amended
 - b. As an adversarial process – who was lobbying in support of the proposal and what were they trying to accomplish, who was active in opposition what were their objections, who was responsible for amendments to the proposal.
2. Become familiar with the documents available pertinent to your issue –
 3. Identify where in the process the changes you care about occurred – this provides a mechanism to narrow the scope of your search for explanations for why the language was changed.
 5. Be open to both direct and circumstantial evidence of intent. You not always going to find a statement directly on point to your issue, but patience and a thorough knowledge of how the proposal developed can often allow you to document who sponsored the language and why.

III. Factors Specific to California Law.

For details on the types of documents available in California see the publication regarding samples of California Legislative Documents at <https://www.legislativeintent.com/Web/Free.Library>

You take an enormous risk in California if you rely on a key word search and just start plugging quotes into your moving papers. Unlike Federal law, California legislative intent materials are primarily working documents, not after the fact statements of intent. You need to understand where in the process the document fits to judge it's probative value. The quote you pick out to rely upon may, for example, turn out to be from a document reflecting the proposal before major amendments revised exactly the language you need to explain, or be from a document that is in the nature of a minor background statement, rather than a highly persuasive official document developed as a formal part of the legislative process. With some documents you may need to use collections of documents with similar statements to corroborate one another.

In understanding California legislative enactments you have to begin by seeking a thorough understanding of who brought the idea to the legislature, and how they justified the proposal. You need to know who opposed the idea, and why. Once you have these factors in mind you need to study the evolution of the language of the proposal as it was amended by the legislature. Once you have identified the points in time that changes to the language you care about occurred you look for contemporaneous documents to help understand why that change occurred.

If the language was in the proposal as introduced, look to the explanations of the sponsors as to why the proposal was necessary. If the language appeared in an amendment to the proposal during the legislative process the changes are often reflective of a direct effort to mollify some party opposed to the proposal whose opposition is strong enough to put the proposals final approval at risk. If you can find why the objecting party was opposed to the bill, and compare that to the language of the bill as amended, you usually have documented the reason for the change.

IV. Factors Specific To Federal Law:

Federal documents are published documents often containing specific statements of intent, but also often containing discussion that is of value in developing arguments of "circumstantial" intent where a specific statement addressing your issue is not available. The following discusses both arguments and the documents ordinarily useful for determining legislative intent of Federal Statutes:

- a. Direct intent: The quick key word search to pull out a quote is less likely to expose you to serious loss of credibility in arguing Federal legislative intent, as many Federal documents are prepared as explicit statements of intent. However you still face the issue of being sure the language any quote

is addressing is the final version of the language key to your issue. The better practice with Federal law is to make sure you know when the language you care about was finalized in the proposal, so you can insure any quote you want to use is addressing the final language, or, if it is not addressing the final language, clarify why it is still pertinent. Published documents containing statements of intent commonly could include:

- i. Committee Reports – Explicit explanations by committees as to what they are trying to accomplish that accompany a particular proposal to the floor of the House or Senate.
 - ii. Congressional Record excerpts – Explicit statements for the record by members of Congress on the floor of the House or Senate explaining their thinking.
 - iii. Committee Prints – Published explanations of Committee actions on a particular proposal for more general distribution.
 - iv. Presidential signing statements
- b. Circumstantial intent: Despite the voluminous documentation often available on Federal enactments, on many occasions you won't find a quote squarely addressing your issue. In that circumstance you need to develop an understanding of the competing forces influencing the legislation so you can develop an argument on how the language you are focused upon fits into the broader policies Congress sought to achieve. The process described above for California law will leave you much better prepared to defend your position as the ground under your feet shifts during the normal give and take of litigation. The better you understand the legislative history the more prepared you will be to deal with new arguments or points raised by opposing counsel. Published documents containing other information that can be used to construct circumstantial evidence of intent:
- i. Committee Reports – Will also contain background discussion of how legislative developed, what prior proposals are pertinent and what hearings were held.
 - ii. Congressional Record excerpts – May sometimes contain background discussion of how legislative developed, what prior proposals are pertinent, what hearings were held, what problems are being addressed and what source outside the Congress might have generated a particular proposal.
 - iii. Committee Prints – May also contain background discussion of how legislative developed, what prior proposals are pertinent and what hearings were held.
 - iv. Committee hearing transcripts – contain testimony from interested parties about pending legislation. Frequently testimony identifying problems or making suggestions at committee hearings will spawn language drafted to address the problem or suggestion.
 - v. Bill copies – the changes in language made by amendments can raise inferences of intent, particularly when linked to other circumstances documenting the amendments were to address a particular issue or concern.

IDENTIFYING CALIFORNIA LEGISLATIVE DOCUMENTS

Introduction:

The purpose of this document is to provide assistance in identifying the types of legislative documents available in California, and placing documents in the context of the process that produces them.

The types of documents that are available for understanding legislative history and, ultimately, interpreting legislative intent, in California vary in format from year to year and decade to decade in response to changes in conditions and changes in legislative rules. In this survey we will not attempt to provide examples of every possible type of document one could encounter. Rather we will attempt to provide examples of types of documents that are regularly encountered along with examples of some of the types of documents that will be encountered more infrequently.

We have tried to include at least one example of types of legislative documents that are inherently highly probative, and provide just a few samples of others that are less probative by their nature. Link to our website or contact us for documents providing more detailed discussion of the probative value of individual types of legislative documents.

To make this survey somewhat less tedious we have in many cases chosen for our examples documents from some of the more entertaining legislative proposals we have encountered over the years, so we urge you to take a moment to read the documents from time to time.

If you have a document that seems to you to be different than the examples we include call or email and we will help you identify the document.

About the author

Jan Raymond is a 1979 Graduate of the King Hall School of Law at UC Davis. This document was written drawing on years of practice experience and two decades of recognized expertise on Legislative Intent issues. Legislative intent clients have included the Administrative Office of the Courts/Judicial Council, California Courts of Appeal, the Department of Justice, other California State agencies, and firms and attorneys from throughout the country. He was Amicus Counsel in Van DeKamp v. Gumbiner, (1990) 221 Cal. App. 3rd, 1260, holding in part that fees paid to obtain a commercial legislative history report can be claimed as costs under CCP 1033.5. He has authored many works on legislative intent, including an article "Bad Faith Storm Rising" in the March/April 1999 issue of Insurance Litigation. He has qualified and testified as an expert witness on legislative intent issues and frequently presents MCLE courses on legislative intent issues.

Thanks to the Editor

Special thanks to Ray LeBov for taking the time to review the text for content and make valuable suggestions.

Ray LeBov served as counsel to various legislative committees, including 12 years as counsel to the Assembly Judiciary Committee. He was the Director of the Office of Governmental Affairs for the California Judicial Council from 1991-2004 and currently is the owner of Ray LeBov and Associates lobbying and consulting firm. Ray also conducts the Lobbying 101 and Lobbying 201 seminars for Capitol Seminars. For further information: please consult raylebov.com

Table of Contents by Categories of Documents

I. Publications:	Page 4
A. Official publications documenting specific legislative proposals.	Page 4
1. Published Procedural Histories (Final History)	Page 4
2. Legislative Bills	Page 8
3. Assembly and Senate Journals	Page 16
4. Chaptered Statutes	Page 19
5. Legislative Counsel's Digest	Page 23
B. Official publications developed by or at the request of or by the legislature about specific topics of legislation.	Page 28
1. California Law Revision Commission Recommendations	Page 28
2. Interim Hearing Reports	Page 33
II. File Documents	
A. Legislative File Materials	Page 35
1. Documents prepared as part of the formal legislative process.	Page 36
a. Legislative Policy Committee analyses	Page 36
b. Legislative Fiscal Committee analyses	Page 40
c. Floor Analyses	Page 41
i. Assembly Floor Analyses	Page 42
ii. Senate Floor Analyses	Page 46
2. Analyses prepared by the executive branch	Page 58
3. Other common legislative file materials	Page 63
a. Assembly Republican Caucus	Page 63
b. Bill Analyses Worksheets	Page 68
c. Correspondence opposing or supporting legislation	Page 71
d. Statements about the proposed legislation	Page 76
e. Background documents collected by staff	Page 82
B. Executive Branch File Materials	
1. Governors Enrolled Bill File.	Page 88
a. Enrolled Bill Reports	Page 88
b. Correspondence	Page 91

I. Publications

A. Official Publications documenting specific legislative proposals

The legislative publications documenting the history of individual legislative proposals that are commonly useful for legislative intent purposes include:

1. Published procedural histories - “Final History” is a generic term we use for the compilations of brief procedural histories of each legislative bill (proposal) in a particular legislative session. Published procedural histories are developed or updated on a periodic basis throughout a legislative session as a Weekly History and at the end of each session since the 1881 are published in bound form as the Final History for that particular session.

These published final histories are widely available in law libraries and are also available in pdf form from <http://clerk.assembly.ca.gov/>. For legislation since 1993 an online version of the history is available for each legislative bill at the legislative counsel website, www.leginfo.ca.gov/bilinfo.html

This procedural history is primarily valuable for determining what committee’s considered the proposal, but is also valuable for documenting the link between that bill and the enacted statute, identifying the author of a bill, and for developing inferences about the evolution of a bill from the pattern of development.

In the next three pages we include an example of a published Final History and an online Bill History.

VOLUME 2
CALIFORNIA LEGISLATURE
AT SACRAMENTO

1987-88 REGULAR SESSION
1987-88 FIRST EXTRAORDINARY SESSION

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT,
JOINT, AND HOUSE RESOLUTIONS

Assembly Convened December 1, 1986
Recessed December 3, 1986
Recessed April 9, 1987
Recessed July 16, 1987
Recessed September 11, 1987
Recessed March 24, 1988
Recessed June 30, 1988
Reconvened January 5, 1987
Reconvened April 20, 1987
Reconvened August 17, 1987
Reconvened January 4, 1988
Reconvened April 4, 1988
Reconvened August 1, 1988
Adjourned September 1, 1988
Adjourned Sine Die November 30, 1988
Legislative Days..... 246

HON. WILLIE L. BROWN JR.
Speaker

HON. MIKE ROOS
Speaker pro Tempore

HON. PHILLIP ISENBERG
Assistant Speaker pro Tempore

HON. THOMAS HANNIGAN
Majority Floor Leader

HON. PAT NOLAN
Minority Floor Leader

Compiled Under the Direction of
R. BRIAN KIDNEY
Chief Clerk

GUNYOR ENGLE
History Clerk

A.B. No. 3007—Sher (Principal coauthor: Farr).

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

1988

- Feb. 4—Read first time. To print.
- Feb. 5—From printer. May be heard in committee March 6.
- Feb. 12—Referred to Com. on G.O.
- Mar. 7—From committee chairman, with author's amendments: Amend, and re-refer to Com. on G.O. Read second time and amended.
- Mar. 8—Re-referred to Com. on G.O. From committee: Do pass. (Ayes 11. Noes 4.) (March 8).
- Mar. 9—Read second time. To third reading.
- Mar. 17—Read third time, amended, and returned to third reading.
- Mar. 21—Read third time, passed, and to Senate. (Ayes 43. Noes 32. Page 6435.)
- Mar. 21—In Senate. Read first time. To Com. on RLS. for assignment.
- Mar. 24—Referred to Com. on RLS.
- May 5—From committee: Do pass. (Ayes 3. Noes 1.).
- May 9—Read second time. To third reading.
- May 27—Read third time, passage refused. (Ayes 18. Noes 13. Page 6194.) Motion to reconsider made by Senator Morgan. Reconsideration granted. (Ayes 37. Noes 0. Page 6194.)
- June 30—To inactive file - Senate Rule 29.
- Aug. 4—From inactive file. To second reading.
- Aug. 5—Read second time. To third reading.
- Aug. 11—Read third time, passed, and to Assembly. (Ayes 21. Noes 15. Page 7381.)
- Aug. 15—In Assembly. To enrollment.
- Aug. 17—Enrolled and to the Governor at 11 a.m.
- Aug. 29—Vetoed by Governor.
- Aug. 29—Consideration of Governor's veto pending.

A.B. No. 3008—Floyd.

An act to amend Section 203.5 of the Labor Code, relating to wages.

1988

- Feb. 4—Read first time. To print.
- Feb. 5—From printer. May be heard in committee March 6.
- Feb. 12—Referred to Com. on L. & E.
- April 6—In committee: Hearing postponed by committee.
- April 14—From committee: Do pass, and re-refer to Com. on W. & M. Re-referred. (Ayes 6. Noes 4.) (April 13).
- May 4—From committee: Do pass. (Ayes 13. Noes 10.) (May 3).
- May 5—Read second time. To third reading.
- May 31—Read third time, passage refused. (Ayes 39. Noes 31. Page 7865.)

COMPLETE BILL HISTORY

BILL NUMBER : A.B. No. 1007
 AUTHOR : Pavley
 TOPIC : Air quality: alternative fuels.

TYPE OF BILL :

Inactive
 Non-Urgency
 Non-Appropriations
 Majority Vote Required
 Non-State-Mandated Local Program
 Fiscal
 Non-Tax Levy

BILL HISTORY

2005

Sept. 29 Chaptered by Secretary of State - Chapter 371, Statutes of 2005.
 Sept. 29 Approved by the Governor.
 Sept. 14 Enrolled and to the Governor at 3:30 p.m.
 Sept. 7 In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To enrollment. (Ayes 51. Noes 28. Page 3469.)
 Sept. 6 Read third time, passed, and to Assembly. (Ayes 25. Noes 11. Page 2610.)
 Sept. 2 Read third time, amended, and returned to third reading. (Corrected September 6.)
 Aug. 30 Read second time, amended, and to third reading.
 Aug. 29 From committee: Amend, and do pass as amended. (Ayes 8. Noes 5.).
 Aug. 15 In committee: Placed on Appropriations suspense file.
 July 5 Read second time, amended, and re-referred to Com. on APPR.
 July 1 From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 5. Noes 2.).
 June 16 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.
 June 15 Referred to Com. on E.Q.
 June 6 In Senate. Read first time. To Com. on RLS. for assignment.
 June 2 Read third time, passage refused. (Ayes 35. Noes 33. Page 2063.) Motion to reconsider made by Assembly Member Pavley. Reconsideration granted. (Page 2131.) Read third time, passed, and to Senate. (Ayes 49. Noes 27. Page 2131.)
 May 31 Read second time. To third reading.
 May 27 From committee: Amend, and do pass as amended. (Ayes 13. Noes 5.) (May 25). Read second time and amended. Ordered returned to second reading.
 May 4 In committee: Set, first hearing. Referred to APPR. suspense file.
 Apr. 26 From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 4.) (April 25).
 Apr. 18 In committee: Set, first hearing. Hearing canceled at the request of author.
 Mar. 30 Referred to Com. on TRANS.
 Feb. 25 From printer. May be heard in committee March 27.
 Feb. 22 Read first time. To print.

2. Legislative Bills are the official published legislative proposals that are or were pending before the legislature. In the very early years of the State's existence they were handwritten, but printed bill copies are available for legislation beginning in about 1880.

There will often be numerous copies of a particular proposal. Each time a formal amendment is adopted modifying the bill it gets republished with the changes. On the first page, at the top of the page, will be the date of the most recent amendments. Within each published bill copy (other than in the very early days) language being deleted in that amended version is in strike out type and language being added is italicized.

Legislative bills are given numbers in the order in which they are introduced and the number is prefaced by the house of introduction, most commonly either Assembly Bill (AB) or Senate Bill (SB), but for some relatively less common types of proposal the preface may identify the nature of the proposal. Examples would be ACA (Assembly Constitutional Amendment), or Senate or Assembly Resolutions.

For legislation since 1993 an online version of the bill copies is available for each legislative bill at the legislative counsel website, <http://www.leginfo.legislature.ca.gov/> although for the 1993-94 legislative session only html versions are available, which are generally much less user friendly than the pdf copies of the actual published bills available from 1995 forward.

Bill copy example – Bill as introduced Page 9

Bill copy example – Bill as amended Page 10

Bill copy example – Bill as amended in Conference Committee (we include only an excerpt of the first few pages of this particular very large bill. Page 12

ASSEMBLY BILL

No. 3007

**Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)**

February 4, 1988

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as introduced, Sher. State Mollusk.

Existing law designates an official state flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official state mollusk.

This bill would designate the banana slug as the official state mollusk.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 425.8 is added to the
- 2 Government Code, to read:
- 3 425.8. The banana slug is the official State Mollusk.

AMENDED IN ASSEMBLY MARCH 7, 1988

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

ASSEMBLY BILL

No. 3007

Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)

February 4, 1988

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as amended, Sher. State Mollusk.

Existing law designates an official state flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official state mollusk.

This bill would designate the banana slug as the official state mollusk and would make specified legislative findings and declarations regarding that designation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 425.8 is added to the
2 Government Code, to read:
3 425.8. (a) *The Legislature finds and declares as*
4 *follows:*
5 (1) *The banana slug (Ariolimax) is an indigenous*
6 *species to California.*
7 (2) *Banana slugs are rich yellow in color, closely*
8 *resembling the California state color, gold.*
9 (3) *Banana slugs live among one of California's state*
10 *trees, the coastal redwood.*

1 (4) *Banana slugs are an important link in the redwood*
2 *forest ecosystem because they feed on leaves, stems,*
3 *bulbs, tubers, other plant parts, and other organic matter,*
4 *helping speed the natural decomposition of forest wastes.*

5 (5) *Banana slugs are important to humans in that they*
6 *consume poison oak.*

7 (6) *The existence of banana slugs is a measure of a*
8 *redwood forest's vitality, making the banana slug an*
9 *important indicator species.*

10 (7) *The banana slug has long served as an educational*
11 *species for all Californians, adults and children alike,*
12 *helping them toward a better understanding of their*
13 *environment.*

14 (b) *The banana slug (Ariolimax) is the official State*
15 *Mollusk.*

AMENDED IN CONFERENCE
ASSEMBLY AUGUST 17, 1982; SENATE AUGUST 17, 1982

AMENDED IN SENATE AUGUST 20, 1981

AMENDED IN SENATE AUGUST 10, 1981

AMENDED IN ASSEMBLY JUNE 4, 1981

AMENDED IN ASSEMBLY APRIL 23, 1981

CALIFORNIA LEGISLATURE—1981-82 REGULAR SESSION

ASSEMBLY BILL

No. 684

Introduced by Assemblyman Young

February 26, 1981

An act to amend Section 121 of, and to add Section 123.3 to, Sections 132a, 139.5, 3600, 3601, 3602, 4453, 4453.1, 4460, 4553, 4553.1, 4702, 5410, and 5803 of, and to add Sections 3202.5, 4558, and 5405.5 to, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Young. Workers' compensation.

(1) Existing law permits the chairman of the Workers' Compensation Appeals Board to authorize its secretary and any one assistant secretary to act as deputy appeals board members.

This bill would instead permit the chairman of the board to authorize its secretary and any 2 assistant secretaries to act as deputy appeals board members.

(2) Existing law requires that all oral testimony, objections, and rulings at hearings before the Workers' Compensation Appeals Board or a workers' compensation referee be taken down in shorthand by a competent phonographic reporter.

This bill would require that reporters employed by the

Administrative Director of the Division of Industrial Accidents shall render stenographic or clerical assistance as directed by the presiding workers' compensation referee of the office to which the reporter is assigned when that referee determines the reporter is not engaged in the performance of any other duty imposed by law.

(1) Existing law provides that the provisions of the workers' compensation law shall be liberally construed by the courts with the purpose of extending their benefits for the protection of persons injured in the course of their employment.

This bill would provide that nothing in this provision shall be construed as relieving a party from meeting the evidentiary burden of proof by a preponderance of the evidence, as defined.

(2) Existing law provides that the right to recover workers' compensation is the exclusive remedy for injury or death of an employee against the employer, with specified exceptions. The California courts have also permitted employees to bring an action at law against the employer in certain specified instances of dual capacity.

This bill would provide that the right to workers' compensation is the sole and exclusive remedy of the employee against the employer, and the fact that either party also occupied another or dual capacity shall not permit the employee to bring an action at law for damages against the employer. The bill would permit an employee to bring an action at law for damages against the employer in specified circumstances generally relating to willful physical assault by the employer, fraudulent concealment of the injury and its connection with the employment, injury caused by a defective product manufactured by the employer and provided to the employee by an independent third person, and injuries caused by the employer's knowing removal or failure to install specified safety devices.

(3) Existing law provides that the average weekly earnings, for purposes of workers' compensation temporary disability and permanent total disability, shall be not less than \$73.50, nor more than \$262.50.

This bill would instead provide that the average weekly

earnings for these purposes shall not be less than \$126, nor more than \$294, for injuries occurring in 1983, and not less than \$168, nor more than \$336, for injuries occurring on and after January 1, 1984.

(4) Existing law provides that the average weekly earnings, for purposes of workers' compensation permanent partial disability, shall be not less than \$45, nor more than \$105.

This bill would instead provide that the average weekly earnings for these purposes shall be not less than \$75, nor more than \$195, for injuries occurring in 1983, and not less than \$105, nor more than \$210, for injuries occurring on and after January 1, 1984.

(5) Existing law provides that the amount of workers' compensation shall be increased $\frac{1}{2}$ where the employee is injured by the serious and willful misconduct of the employer or specified representatives of the employer, but the increase shall not exceed \$10,000.

This bill would delete the limitation that this increase shall not exceed \$10,000.

(6) Existing law specifies findings the Workers' Compensation Appeals Board is required to make in order to support a holding of serious and willful misconduct by an employer based upon violation of a safety order.

This bill would revise the findings the appeals board is required to make in order to support such a holding.

(7) Existing law provides a workers' compensation death benefit of up to \$75,000, paid in the same manner and amount as temporary disability.

This bill would increase the maximum death benefit to \$85,000, if the injury resulting in death occurred in 1983, and \$95,000, if the injury resulting in death occurred on and after January 1, 1984.

(8) Existing law requires an employer to provide vocational rehabilitation benefits to qualified injured employees.

This bill would provide that the period within which an employee may request vocational rehabilitation benefits is one year from the date of the last finding of permanent disability by the appeals board, or one year from the date the

appeals board approved a compromise and release of other issues, and would provide that an injured employee may institute proceedings for the collection of workers' compensation within 5 years after the date of an injury upon the ground of the need for vocational rehabilitation benefits.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(10) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 121 of the Labor Code is~~
- 2 SECTION 1. Section 132a of the Labor Code is
- 3 amended to read:
- 4 132a. It is the declared policy of this state that there (
- 5 should not be discrimination against workers who are
- 6 injured in the course and scope of their employment.
- 7 (1) Any employer who discharges, or threatens to
- 8 discharge, or in any manner discriminates against any
- 9 employee because ~~the latter~~ he or she has filed or made
- 10 known his or her intention to file an application for
- 11 adjudication with the appeals board, or because the (

3. Assembly and Senate Journals are day-to-day summaries of the business that transpired in the legislature on each day. The published journals are available in law libraries and are also available in pdf form from <http://clerk.assembly.ca.gov/> (use the drop down menu to find your year).

Journals in some form are available from the earliest days of the California legislature, although from the legislative intent perspective they are of limited utility as the journals are primarily procedural, their entries are largely simply more detailed descriptions of the formal steps in the legislative process summarized much more succinctly in the bill histories.

However the appendices attached to the Journals can sometimes contain reports to the legislature by various State bodies with substantive value in interpreting legislative intent, particularly in the early part of the 20th century as to state agency involvement with legislation and the mid-twentieth century as to Legislative Interim Committee studies (which are discussed further at page 33 below).

Modernly, although rare, the occasional letters of intent published in the Journal are the most probative and direct statements of intent available on California legislation.

An example of a letter of intent published in the Assembly Journal can be found on the following two pages.

CALIFORNIA LEGISLATURE

2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, September 8, 2005

ONE HUNDRED TWENTY-FIRST SESSION DAY

TWO HUNDRED SEVENTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

(Please Direct Any Inquiries and Report Any Omissions or Errors to
Sue Parker, Minute Clerk: Phone 319-2360)

(Corrected: 9-14-2005)

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 1208**

At 11:24 p.m., on motion of Assembly Member Yee, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1208 by the following vote:

AYES—41

Baca	De La Torre	Leno	Ruskin
Bass	Dymally	Levine	Saldaña
Berg	Evans	Matthews	Salinas
Bermúdez	Frommer	Montañez	Torrico
Calderon	Goldberg	Mullin	Vargas
Canciamilla	Hancock	Nation	Wolk
Chan	Jones	Nava	Yee
Chavez	Karnette	Oropeza	Mr. Speaker
Chu	Klehs	Parra	
Cohn	Koretz	Pavley	
Coto	Laird	Ridley-Thomas	

NOES—35

Aghazarian	Garcia	La Suer	Runner
Arambula	Harman	Maze	Spitzer
Benoit	Haynes	McCarthy	Strickland
Blakeslee	Horton, Jerome	Mountjoy	Tran
Bogh	Horton, Shirley	Nakanishi	Umberg
Cogdill	Houston	Negrete McLeod	Villines
Daucher	Huff	Niello	Walters
DeVore	Keene	Plescia	Wyland
Emmerson	La Malfa	Richman	

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Frommer was granted unanimous consent that the following statements of legislative intent be printed in the Journal:

Legislative Intent—Assembly Bill No. 1595

September 8, 2005

*Mr. E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Mr. Wilson: This letter to the Journal serves as a clarification to my bill, AB 1595. I want to clarify that the list of elected and appointed officials in subdivision (f) of Section 6254.21 of the Government Code as amended by AB 1595 is a partial list and not intended to in any way limit the ability of officials not explicitly specified in the bill—such as County Auditors—to benefit from its provisions.

Sincerely,

NOREEN EVANS, Assembly Member
Seventh District

4. “Chaptered Statutes” are enacted legislative proposals as officially published by the State Printer. When an Assembly or Senate Bill is signed by the Governor it is forwarded to the Secretary of State who publishes the bills in book form, in the order signed by the Governor, with each proposal treated as a new ‘chapter’ in the book. Hence Chapter 1210 of 1990 is the 1210th bill signed by the Governor in 1990.

The published Statute books are widely available in law libraries and also available in pdf form from <http://clerk.assembly.ca.gov/>. For legislation since 1993 an online version of the chapter is available in the collection of documents applicable to each bill at the legislative counsel website, <http://www.leginfo.legislature.ca.gov/bilinfo.html>

An example of a cover for a chaptered statute volume and one specific chapter within the volume can be found at the following three pages.

Volume 3

STATUTES OF CALIFORNIA
AND DIGESTS OF MEASURES

1988

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Primary Election, June 7, 1988
and General Election, November 8, 1988

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature

1987-88 Regular Session



Compiled by
BION M. GREGORY
Legislative Counsel

is a Purple Heart recipient may apply for special license plates for vehicles which are not used for transportation for hire, compensation, or profit, under this article. The special plates assigned to the vehicle shall run in a separate numerical series, shall have inscribed on the plate the Purple Heart insignia, and shall contain the words "Combat Wounded" and "Purple Heart" or at least the letters "PH" as part of the numerical series. The department shall reserve and issue the special plates to all applicants providing the proof required by subdivision (b).

(b) The applicant shall, by satisfactory proof, show that the applicant is a Purple Heart recipient.

(c) Special plates may be issued pursuant to subdivision (a) only for a vehicle owned or coowned by a Purple Heart recipient and may not be transferred to any other person, including the coowner of the vehicle. The special plates shall be surrendered to the department upon the decease of the Purple Heart recipient.

(d) In addition to the regular fees for an original or renewal registration, a fee sufficient to cover all costs of this program shall be paid.

(e) When an applicant for the Purple Heart license plate qualifies as a disabled veteran as defined in subdivision (a) of Section 22511.9, the applicant may also apply for a distinguishing placard described in subdivision (d) of Section 22511.9 to be used in conjunction with the Purple Heart license plate for the purpose of allowing special parking privileges pursuant to subdivision (b) of Section 22511.9.

(f) Sections 5106 and 5108 do not apply.

SEC. 2. This act shall become operative on July 1, 1989.

CHAPTER 1645

An act to add Section 421.5 to the Government Code, relating to state dances.

[Became law without Governor's signature. Filed with Secretary of State October 1, 1988.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares, as follows:

(a) West Coast Swing Dancing, also known as Swing, Whip, or Jitterbug, came into being in the early 1930's in response to new musical forms then sweeping the land. It was created at the grassroots level of our people. Devotees of this art come from every conceivable ethnic, religious, racial, and economic background. Age is no factor, nor is gender. Among the ranks of swing dancers, one can find judges, schoolteachers, lawyers, waitresses, salesmen, doctors, students, and so on.

West Coast Swing Dancing is an intricate dance, requiring a great

deal of coordination, good timing, and intelligent application. It is a healthy and joyful activity that belongs to all our people. They created it, they nurtured it, and they have kept it alive.

West Coast Swing is an American dance which is danced to American music. It originated in California and is danced in competition nationally and internationally.

(b) Square Dancing is the American folk dance which is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, and heritage dances.

The Square Dance has a long and proud history. It is an exciting art form that is truly an original of our country, and has been danced continuously in California since "Gold Rush Days."

As our state's population has grown, so has the square dance activity. California leads the nation with more than 200,000 residents square dancing weekly. It conforms to our ever changing lifestyles and appeals to people of all ages, races, and creeds. Class distinction is forgotten when people join together to enjoy the true fellowship of the Square Dance.

SEC. 2. Section 421.5 is added to the Government Code, to read:

421.5. (a) West Coast Swing Dance is the official state dance.

(b) The Square Dance is the official state folk dance.

CHAPTER 1646

An act to amend Section 8710 of, and to add Section 9280 to, the Elections Code, relating to elections.

[Became law without Governor's signature. Filed with
Secretary of State October 1, 1988.]

The people of the State of California do enact as follows:

SECTION 1. Section 9280 is added to the Elections Code, to read:

9280. (a) The state central committee may prohibit or limit the power of county central committees established pursuant to Chapter 4 (commencing with Section 9320) to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

(b) The superior court, in any case brought before it by the state central committee or by any registered voter, may issue a temporary or permanent restraining order or injunction to prohibit the endorsement, support, or opposition by a county central committee of any candidate for nomination by the Republican Party for partisan office in the direct primary election, if the endorsement, support, or opposition is in violation of the bylaws or rules of the state central committee. All cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

5. Legislative Counsel Digests – Legislative Counsel is the lawyer to the legislature. The Legislative Counsel's office is responsible for all the myriad technical matters involved with drafting legislation.

Since the early 1920's Legislative Counsel has provided at least a brief summary of the subject matter of each bill. From approximately 1923 through 1957 the Legislative Counsels Digest summarized each bill introduced in the legislature in the first couple months of each legislative Session in one printed volume. In 1959 the old single volume Legislative Counsel's Digest of bills as introduced was dropped in favor of a Legislative Counsels Digest printed with each version of each legislative bill, a practice which still continues, (see the bill copy example at page 9).

Beginning in the 1930's the Legislative Counsel's Summary Digest began summarizing every bill that was signed by the Governor in a separately printed volume. In the 1970's the Summary Digest separate volumes were incorporated into the Statute books for each year, and can also be found in pdf form at <http://clerk.assembly.ca.gov/>.

Legislative Counsels Digest example

Page 24

Summary Digest example

Page 26

LEGISLATIVE DIGEST

AND TABLE OF SECTIONS AFFECTED

JANUARY 8 TO JANUARY 27, 1945

BILLS AND CONSTITUTIONAL
AMENDMENTS INTRODUCED PRIOR
TO THE CONSTITUTIONAL RECESS



CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

Compiled by
FRED B. WOOD
Legislative Counsel

JOSEPH A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

A.B. 937—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, re credit unions.

Eliminates \$3,000 limitation on loans, substituting 10 per cent of unimpaired capital or \$200, whichever is greater.

Requires newly elected officers or committeemen to reduce loans to them to amount of their investment.

Provides procedure for dissolution or merger with another credit union.

A.B. 938—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, to reduce fee for filing application to operate as credit union from \$35 to \$5.

A.B. 939—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, re credit unions.

Substitutes definite schedule of fees to be paid Corporation Commissioner for examinations and supervision for provision requiring Commissioner to determine and assess pro rata amounts.

Eliminates provision imposing \$5 per day penalty upon credit union failing to make report of its condition to Corporation Commissioner.

A.B. 940—JOHNSON AND OTHERS. (Fin. & Ins.) Adds Sec. 22.5, Act 1887, re credit unions.

Permits credit union to indicate by advertising that it will accept savings and deposits.

A.B. 941—JOHNSON AND OTHERS. (Soc. W.) Adds Sec. 6500.3, W. & I. C., to provide that State institution for epileptics, for which appropriation made by Ch. 28, 55th (4th Ex.) Sess., shall be used for epileptics, physically handicapped, and mentally retarded persons.

A.B. 942—JOHNSON. (Jud.) Amends Sec. 788, Prob. C., re sale of real property in probate.

Gives probate court control of manner of notice prior to its vacation of confirmation and order of resale of real property; notice of resale and proceedings thereafter to be taken in manner provided for sale in first instance.

A.B. 943—JOHNSON. (Jud.) Amends Sec. 199, C. C., re custody of children.

Permits either natural parent, rather than husband or wife, to bring action for exclusive control of children of marriage without application for divorce.

A.B. 944—JOHNSON AND OTHERS. (Jud.) Amends Sec. 3051, C. C., re liens.

Extends lien rights, dependent upon possession, to persons owning or conducting dry cleaning establishment for work done by them on property of customers.

A.B. 945—JOHNSON AND OTHERS. (Jud.) Adds Sec. 3066, C. C., re liens of cleaners and dyers.

Provides for time and terms upon which wearing apparel or household goods left with cleaners or dyers may be sold.

A.B. 946—JOHNSON AND OTHERS. (Jud.) Amends Sec. 261b, C. C. P., re phonographic reporters to lower from 900,000 or over to 275,000 or over, population of counties which may have salaried court reporters.

A.B. 947—JOHNSON AND OTHERS. (Jud.) Amends Sec. 274, C. C. P., re phonographic reporters, to change rate of compensation.

A.B. 948—JOHNSON. (Jud.) Adds new title, C. C. P., amends other statutes, re abandoned property.

Provides certain property, including bank deposits, certified negotiable instruments, deposits with public utilities and other property held for benefit of another is deemed abandoned after term of years. Requires report of such property to State Controller, and publication or posting in county where located or held. Requires delivery of such unclaimed property to State Controller. Permits Attorney General to bring action for possession of such property. Permits claimants to recover property on proper showing. Provides for action to declare unclaimed property abandoned and escheated.

CALIFORNIA LEGISLATURE

1987-88 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed
Constitutional Amendments) Adopted in 1988

and

1979-1988 Statutory Record

VOLUME ONE



DARRYL R. WHITE
Secretary of the Senate

R. BRIAN KIDNEY
Chief Clerk of the Assembly

Compiled by
BION M. GREGORY
Legislative Counsel

Ch. 1642 (AB 4083) Leslie. Business development.

Existing provisions of the Small Business Development Corporation Law provide for the creation of small business development corporations, urban development corporations, and rural development corporations.

This bill would generally revise and recast the above provisions and would delete the reference to Urban and Rural Development Corporations, instead referring to these corporations generally as Small Business Development Corporations.

Existing provisions of the Small Business Development Corporation Law become inoperative on July 1, 1989, and are repealed January 1, 1990.

This bill would extend these dates to July 1, 1991, and January 1, 1992, respectively.

This bill would also make technical clarifying changes.

Ch. 1643 (SB 2148) Rogers. Vehicles: Pearl Harbor Survivor license plates.

(1) Existing law authorizes the Department of Motor Vehicles to issue special license plates, as specified.

This bill would authorize any person who is a certified Pearl Harbor survivor, as specified, to be issued distinctive Pearl Harbor Survivor license plates, commencing July 1, 1989. The bill would require that the department charge a \$35 fee to cover costs related to issuance of the plates or for issuance of substitute plates. The bill would also provide that the plates may be transferred to another vehicle for a \$20 fee, but may not be transferred to other persons, and is required to be surrendered to the department upon the decease of the person to whom the plates were issued.

(2) The bill would require the Controller to transfer \$90,000 from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund, and would appropriate that amount from the account to the department to implement the bill.

Ch. 1644 (AB 3639) Campbell. License plates: Purple Heart recipients.

Under existing law, Congressional Medal of Honor recipients and prisoners of war may apply for special license plates for their vehicles.

This bill would permit Purple Heart recipients to apply for special license plates inscribed with the Purple Heart insignia upon payment of additional fees, as specified.

The bill would become operative on July 1, 1989.

Ch. 1645 (SB 2460) Kopp. Official state dances.

Existing law designates an official state flower and an official state tree, among other things.

This bill would designate the West Coast Swing Dance as the official state dance.

This bill would designate the Square Dance as the official state folk dance.

Ch. 1646 (AB 4187) Nolan. Political parties: direct primary election endorsements: State Central Committee Convention.

Existing law provides that the state convention, state central committee, and the county central committee in each county are the official governing bodies of a political party qualified to participate in the direct primary election. Existing law prohibits these entities of a political party from endorsing, supporting, or opposing any candidate for nomination by that party for partisan office in the direct primary election.

This bill would specifically authorize the state central committee of the Republican Party to prohibit or limit the power of Republican county central committees to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

Existing law requires the Democratic State Central Committee to convene in Sacramento in the January after a general election, on a weekend which shall be no later than the last full weekend of the month.

This bill would instead require this committee to convene in Sacramento after a general election between the first full weekend in January and the first full weekend in March.

NOTE: Superior numbers appear as a separate section at the end of the digests.

B. Official publications developed by or at the request of the legislature about specific topics of legislation.

1. California Law Revision Commission (CLRC) – The CLRC is an adjunct to the legislature charged with investigating and making recommendations on topics of law that the legislature requests they study. The CLRC was established in 1957.

The CLRC should not to be confused with a series of prior commissions with similar names. In the period 1868 to 1874 a Code Revision Commission produced the first California Civil Code, Code of Civil Procedure, Penal Code and a Political Code later absorbed into the Government Code. In the period 1898 to 1907 a Code Revision Commission revised the then existing four codes. From 1930 through 1954 a California Code Commission produced the vast majority of the current California Codes, but the Code Commissions charge was specifically to codify existing law without substantive change. The CLRC as created in 1957 was charged with studying and recommending substantive changes to California law.

The CLRC recommendations are published and available at the www.CLRC.ca.gov and also widely available in law libraries, we include a cover page from one of their recommendation at page 29.

In addition to the formal recommendations the CLRC process for developing recommendations relies upon staff memoranda that are presented to the Commission for approval, and the minutes of the Commission meetings considering the memoranda. The Staff memoranda (sample at page 30) and minutes of the Commission (sample at page 32) are generally available at the CLRC website or, sporadically, from some Law Library or archival collections. Be aware if you seek to use memoranda as evidence of intent that the question of whether they can be legally viewed as legislative intent is not settled, despite the fact courts have viewed them as such. The issue seems to flow from the old notion that views documenting legislative intent as requiring direct legislative comment rather than recognizing the CLRC is an agent of the legislature.

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

TENTATIVE RECOMMENDATION

proposing

The Enforcement of Judgments Law

October 1980

CALIFORNIA LAW REVISION COMMISSION
4000 Middlefield Road, Room D-2
Palo Alto, California 94306

6/30/81

Fourth Supplement to Memorandum 81-24

Subject: Study D-300 - Enforcement of Judgments (AB 707) (Leasehold Interests Subject to Enforcement)

A question has been raised concerning the operation of Section 695.030(b)(1) of Assembly Bill 707 which provides that a leasehold subject to a provision precluding assignment or transfer is subject to enforcement of a money judgment. As this provision stands, it would seem to permit an execution sale of a leasehold interest regardless of the terms of the lease or the qualifications of the purchaser at the execution sale. The staff believes that this provision is inadequate. The Bankruptcy Code contains a very detailed provision governing the disposition of unexpired leases that is indicative of the problems involved. (See Exhibit 1.) It is also interesting to note that a bill is before the Legislature that would permit an assignee for the benefit of creditors to occupy leased business premises of a debtor for a period of up to 90 days upon payment of rent when due, notwithstanding a lease provision for termination upon assignment or insolvency. (Assembly Bill 1582, as amended May 18, 1981.)

The staff recommends that AB 707 be amended to provide that the lessee's interest may be applied to the satisfaction of a money judgment if the lease permits the lessee to sublet the property or assign the lease. If the right to sublet or assign is subject to reasonable standards and conditions, the execution purchaser or other assignee must agree to such standards or conditions. If the right to sublet or assign is subject to the consent of the lessor, the lessor's consent may not be unreasonably withheld. If any of the foregoing conditions are satisfied, a lease may be applied to the satisfaction of a money judgment notwithstanding a lease provision for a forfeiture upon involuntary assignment. If the lease does not permit the lessee to sublet or assign, the lessee's interest should be subject to enforcement if the lessor consents in writing. Amendments to accomplish the staff recommendation are attached hereto as Exhibit 2.

This scheme is consistent with Civil Code Section 1951.4 which under certain conditions permits a lessor to continue to collect rent after the lessee has breached the lease and abandoned the property.

Respectfully submitted,

Stan G. Ulrich
Staff Counsel

MINUTES OF MEETING
of
CALIFORNIA LAW REVISION COMMISSION

SEPTEMBER 13 AND 14, 1979

LOS ANGELES

A meeting of the California Law Revision Commission was held in Los Angeles on September 13 and 14, 1979.

Law Revision Commission

Present: Beatrice P. Lawson, Chairperson
Judith Meisels Ashmann, Sept. 14

Jean C. Love
Warren M. Stanton

Absent: Omer L. Rains, Senate Member
Alister McAlister, Assembly Member
Ernest M. Hiroshige

Bion M. Gregory, Ex Officio
George Y. Chinn

Staff Members Present

John H. DeMouilly
Nathaniel Sterling

Robert J. Murphy III
Stan G. Ulrich

Consultant Present

Stefan A. Riesenfeld, Creditors' Remedies

Other Persons Present September 13

Edward Mizrahi, L.A. County District Attorney, Los Angeles
Earl Osadchey, L.A. County District Attorney's Dept. Los Angeles
Rene Paquin, Orange County District Attorney, Santa Ana
Bruce Patterson, Orange County Deputy District Attorney, Santa Ana
Bill Trueblood, San Bernardino County, Supervising Deputy District Attorney, San Bernardino
Albert L. Wells, San Diego County District Attorney's Office, Santa Ana

ADMINISTRATIVE MATTERS

MINUTES OF MAY MEETING

The Minutes of the May 11, 1979, Meeting were approved as submitted by the staff.

ELECTION OF NEW CHAIRPERSON

Beatrice P. Lawson was unanimously elected Chairperson to fill the unexpired term of Howard R. Williams whose term on the Commission had expired. The term ends on December 31, 1979.

2. Interim Hearing Reports – Prior to 1965 the legislature was a part time body that met from January through May of each year, and had little budget for staff assistance. This left little time for detailed study of the policy ramifications of proposed legislation, so the legislature developed a process whereby proposals judged to need further study were referred to hearings in the interim between legislative sessions.

The interim hearings were typically held in the fall of the year in public forums in a major metropolitan area. The hearings were often transcribed, and the interim hearing committee often produced a subsequent report that suggested a legislative solution prior to the opening of the following years legislative session. These reports have in many cases survived in library collections, or as attachments to the legislative journals.

The interim hearing process continued to exist after 1965 but as legislative staff increased the process became less necessary as subjects could be studied in adequate detail during the regular legislative session.

Generally the text of the Interim Hearing Report will provide adequate explanation of the development of the report to provide the context necessary for legislative intent use.

The following page provides a sample of the cover page of an interim hearing report.

FOURTH PROGRESS REPORT TO THE LEGISLATURE

BY THE

SENATE INTERIM JUDICIARY COMMITTEE

(1955-1957)

(Senate Resolution No. 146)

MEMBERS OF THE COMMITTEE

JAMES E. CUNNINGHAM, SR., *Chairman*

DONALD L. GRUNSKY

EDWIN J. REGAN

SENATE STANDING COMMITTEE ON JUDICIARY (1957)

MEMBERS OF THE COMMITTEE

EDWIN J. REGAN, *Chairman*

STANLEY ARNOLD
JOHN WILLIAM BEARD
JAMES E. BUSCH
CARL L. CHRISTENSEN, JR.
JAMES A. COBEY
NATHAN F. COOMBS

EARL D. DESMOND
RICHARD J. DOLWIG
JESS R. DORSEY
FRED S. FARR
DONALD L. GRUNSKY
RICHARD RICHARDS

JOHN A. BOHN, *Counsel*

Published by the
SENATE
OF THE STATE OF CALIFORNIA

HAROLD J. POWERS
President of the Senate

HUGH M. BURNS
President pro Tempore

JOSEPH A. BEEK
Secretary

II. File Documents

A. Legislative File materials

As a preliminary note, there is considerable old case law addressing whether courts can take judicial notice of various types of legislation file materials that developed over the years. The enactment of Government Code Section 9080 in 1996 probably overruled many of the cases finding file documents not judicially noticeable.

We discuss two types of file materials important to legislative intent, legislative files and executive branch files.

Legislative files can include the files on a particular proposal maintained by the committees that considered the proposal, by the organizations within the legislature charged with preparing analyses for use by the legislature on the floor of the Senate or Assembly, and files developed by the author of a particular proposal. Rarely it can also include subject matter files created by a committee as part of a broad study of a particular subject matter.

Executive branch files are primarily the Governor's file on legislation that arrives on the Governor's desk for signature, although on rare occasions an executive branch agency with an interest in the subject matter of particular legislation will have a legislative file that can be accessed.

A wide variety of types of documents can be found in any file relating to legislation, from documents developed as a formal part of the legislative process to handwritten notes or press clippings a legislative consultant thought were pertinent to understanding the substance or political ramifications of a proposal. We address this variety of documents by grouping items in order of their presumptive probative value.

1. Documents prepared as a part of the formal legislative process:

a. Legislative Policy Committee Analyses - The legislative process requires all proposals, as a first step in consideration by that house of the legislature, achieve passage through a committee composed of a small number of legislators of that house charged with responsibility for policy within a particular subject matter. For example, any proposed legislation dealing with legal matters would ordinarily be assigned to the Committee on the Judiciary in both the Assembly and the Senate.

Policy committee analyses of individual legislative proposals generally do not exist prior to 1970, although rarely a committee might have prepared some sort of analytical document. Since the early 1970's each policy committee has routinely prepared analyses of each piece of legislation scheduled to be considered in the committee.

These policy committee analyses customarily begin by identifying the Committee, the Chair of the Committee, the bill being addressed, the date the bill is scheduled for hearing and the amended version of the bill in the title or introductory portion of the analysis. In the body of the analysis they customarily summarize the proposal, summarize existing law, summarize the changes being proposed to existing law, comment on the purpose of the proposal and the arguments for and against the proposal and often conclude with a list of the persons or entities supporting or opposing the bill.

An example of a policy committee analysis can be found as the next three pages.

PROPERTY OF
ASSEMBLY REPUBLICAN CAUCUS
LIBRARY

Date of Hearing: March 8, 1988

AB 3007

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION
Richard E. Floyd, Chairman

AB 3007 (Sher) - As Proposed to Be Amended: March 8, 1988

SUBJECT

Should a slug be designated as State Mollusk?

DIGEST

Existing law designates a number of things as having exclusive official state status. These include: "Eureka" - State Motto; "The Golden State" - State Nickname; golden poppy (*Eschscholtzia*) - State Flower; California redwood (*Sequoia sempervirens*, *Sequoia gigantea*) - State Tree; California desert tortoise (*Gopherus agassizi*) - State Reptile; California valley quail (*Lophortyx californica*) - State Bird; gold and blue - State Colors; saber toothed cat (*Smilodon californicus*) - State Fossil; native gold - State Mineral; serpentine - State Rock; benitoite - State Gemstone; California gray whale (*Eschrichtius robustus*) as State Marine Mammal; California dog faced butterfly (*Zerene eurydice*) - State Insect; and the California grizzly bear (*Ursus californicus*) - State Animal.

This bill designates the banana slug as the official State Mollusk.

FISCAL EFFECT

None.

COMMENTS

1) Genesis

Naming the banana slug as State Mollusk was recommended to the author by a troop of Campfire Girls from his district. This particular slug, Ariolimax columbianus, is noteworthy because of its large size and brilliant yellow coloring. Found in damp coastal forest areas, the banana slug is indigenous to the Pacific Northwest. The banana slug is also the official school mascot of the University of California at Santa Cruz.

2) Mollusks

One of the largest groups of invertebrate animals, the phylum mollusk includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk

- continued -

classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalones.

3) Appropriateness

While there is usually a certain amount of discretionary license present in the designation of official state status, the general rule for such choices appears to have been centered on accepted custom and the particular uniqueness of the named object to the environs of the state. In the case of mollusks, there are a large number of different species indigenous to locales in the state, including the pismo clam (Tivela stultorum), the black abalone (Haliotis cracherodii), red abalone (Haliotis refesens), the turban shell (Tegula montereyi), the two spotted octopus (Octopus bimaculatus), common squid (Loligo opalescens), and a mussel (Mytilus californianus).

4) Which Slug Is The Right Slug?

The species Ariolimax columbianus was first identified by A. A. Gould in 1851 near the mouth of the Columbia River in Oregon. This particular banana slug has been found from Alaska to as far south as the Salinas Valley, and hence, cannot be considered indigenous to California. A subspecies, Ariolimax columbianus stramineus, however, is indigenous to central California and has been reported from Monterey to Ventura. Unfortunately, the only way a true California banana slug can be identified separately from other species is by dissecting the slug and mounting its ctenidia (respiratory organs) for examination.

Date of Hearing: March 8, 1988

AB 3007

SUPPORT

Campfire Girls of America

OPPOSITION

None registered

b. Legislative Fiscal Committee analyses – Once the applicable policy committee has passed a legislative bill that has ramifications on the State Budget it must pass a fiscal committee. Because the fiscal committee's charge is only to consider the budgetary ramifications, not the wider policy implications, and because very detailed fiscal analyses are often available from the Department of Finance and Legislative Analyst (discussed below) fiscal committee analyses are typically very brief and not ordinarily particularly useful for legislative intent purposes. However fiscal analysis may be the only analyses available from a legislative committee for older legislation.

Fiscal Committee analyses are to be distinguished from two other budget related agencies that provide fiscal analyses on legislation. The Governor's Department of Finance provides more detailed fiscal analysis of legislation for the executive branch and Department of Finance analyses are commonly found in legislative files. The legislature also has a fiscal agency that serves the Assembly and Senate, the Legislative Analyst. From the 1940's up until very recently Legislative Analyst analyses were prepared on all legislation with fiscal ramifications on the States budget.

Historically the Assembly Fiscal Committee was Ways and Means up to 1995. Since 1995 it has been the Committee on Appropriations.

Historically the Senate Fiscal Committee was Finance, it was renamed Appropriations in 1985.

Because all fiscal analyses are generally labeled with the name of the committee, or as Department of Finance or Legislative Analyst analyses, they are easily identified as a fiscal analyses, so we do not include examples of any fiscal analyses.

c. Floor Analyses – Since about 1970 the legislature has prepared analyses of all bills that make it to the floor of the Assembly or Senate for vote. Floor analyses generally do not exist on legislation considered prior to 1970. The analyses are available at each legislators desk on the floor on the date the bill comes up for vote. The analyses can have various titles.

A “Third Reading” analysis is prepared for the use of the legislators when a bill is up for final approval the first time it is considered in either the Senate or Assembly.

A “Concurrence” analysis is prepared when a bill has returned to the house of origin (where it was previously approved) with amendments by the other house.

When the house of origin does not concur in the amendments of the second house, a Conference Committee is appointed to negotiate a compromise between the two houses. The analysis of the product of the Conference Committee will be titled a “Conference Committee” analysis.

We separately address in the following pages:

- i. Assembly Floor analyses
- ii. Senate Floor Analyses

i. Assembly Floor Analyses – From the early 1970's into the mid 1980's floor analyses in the Assembly were prepared by the Assembly Office of Research as a non-partisan analysis. In the 1980's budgetary issues killed the Assembly Office of Research so the floor analysis function was handed off to the staff of the policy committee that had subject matter jurisdiction.

Confusingly, about the time the floor analysis responsibility was given to committee analyst's Assembly floor analyses addressing a Senate Bill began labeling the analyses "Senate Third Reading" suggesting to those outside the Assembly this is a document prepared for Senate deliberations, which it is not.

We include in the following three pages an example of an Assembly Office of Research floor analysis from 1982 and a Third Reading analysis of a Senate Bill from 1988 to illustrate the fact these Assembly analyses are often labeled "Senate Third Reading" when they address a Senate Bill.

ASSEMBLY THIRD READING

SB 1108 (Speraw) As Amended: April 1, 1982SENATE VOTE: 23-0

ASSEMBLY ACTIONS:

COMMITTEE H. & C. D. VOTE 7-0 COMMITTEE _____ VOTE _____

Ayes:

Ayes:

Nays:

Nays:

DIGESTThis bill:

- 1) Specifies that the Subdivision Map Act shall not apply to the conversion of a community apartment project to a condominium, if construction was complete and it was occupied on or before January 1, 1981.
- 2) Provides that a community apartment project shall not be converted to a condominium unless the required number of owners in the project, as specified in the bylaws or other organizational documents, have voted in favor of the conversion. If the bylaws or other organizational documents do not expressly specify the number of votes required to approve such a conversion, a majority vote of the owners in the project shall be required.

FISCAL EFFECT

According to Assembly Housing and Community Development Committee staff, the bill would have no fiscal impact on the state.

SENATE THIRD READING

SB 2460 (Kopp) - As Amended: August 22, 1988

SENATE VOTE: 21-9

ASSEMBLY ACTIONS:

COMMITTEE G. O. VOTE 10-4 COMMITTEE _____ VOTE _____Ayes: Cortese, Harris, Johnson,
Klehs, Polanco, Statham,
Tanner, M. Waters, N. Waters,
Floyd

Ayes:

Nays: Baker, Costa, Frizzelle,
Hill

Nays:

DIGESTExisting law designates the following official state items:

Gemstone: benitoite; Fish: California Golden Trout; Colors: blue and gold;
Insect: California dog-face butterfly; Nickname: The Golden State; Tree:
 California Redwood; Song: I Love you California; Bird: California Valley
 quail; Motto: "Eureka"; Flower: golden poppy; Mineral: native gold; Flag:
 the Bear Flag; Rock: serpentine; Fossil: saber-toothed cat; Animal:
 California Grizzly Bear; Reptile: desert tortoise; Marine mammal: California
 gray whale.

Currently there is no designation of an official state dance.

This bill designates the West Coast Swing Dance as California's official state
 dance and designates the square dance as California's official state folk
 dance.

FISCAL EFFECT

None

- continued -

COMMENTS

1) Background

The term "Swing" was used by jazz musicians to describe a particular character of music that was introduced by Louis Armstrong in 1924 when he joined the Fletcher Henderson Band. On August 21, 1935 at the Palomar Ballroom in Los Angeles, Benny Goodman's band played arrangements by Fletcher Henderson. This is considered to be the beginning of the "swing era." In the 30's, the "in dance" was the Shag or Balboa, then in 1936 the Jitterbug and Lindy Hop were created. In 1946 a smooth style of swing dancing came into fashion, commonly called West Coast Swing because it started in California.

- 2) Square dancing is the most popular form of American folk dance which is called, cued, or prompted to the dancers and includes squares, rounds, clogging, contra, line, and heritage dances. It is an exciting art form that is truly an original American dance and it has been danced continuously in California since Gold Rush Days.

Georgia King
445-3451
8/23/88:ago

SB 2460
Page 2

ii. Senate Floor Analyses: From the early 1970's through 1984 the Senate floor analyses were prepared by partisan caucus organizations, so there was usually a Senate Democratic Caucus and a Senate Republican Caucus analyses. The early Senate Republican Caucus analysis is normally the most difficult to identify, because it does not say who prepared the analysis.

Beginning in 1985 the Senate scrapped the partisan caucus analyses in favor of a non-partisan analysis prepared by a legislative office, the Office of Senate Floor Analyses.

The following 11 pages consist of two examples of a Senate Democratic Caucus analysis (first four pages), two examples of a Senate Republican Caucus (next four pages) including one early analysis without any identification of the source of the analysis, and an analysis from the Office of Senate Floor Analyses.

SENATE DEMOCRATIC CAUCUS

SENATOR OMER L. RAINS, *Chairman*

Bill No. AB 3222 (As Amended: Original)

Author: Deddeh (D)

Subject: Restraint of Trade: Standing to Sue

Policy Committee: Judiciary

Ayes (6) Beverly, Roberti, Sieroty, Wilson, Zenovich, Song

Noes (1) Dennis Carpenter

Assembly Floor Vote: 70 AYES; 0 NOES.

Summary of Legislation:

Under the Cartwright Act (California's version of the federal Sherman Act) a person injured in his business or property by antitrust violations may sue and recover treble damages, reasonable attorney's fees, and costs. AB 1162 (Chapter 543, Stats. 1977) authorized the Attorney General, as parens patriae, to bring civil suits on behalf of injured natural persons in the state for damages resulting from such antitrust violations.

This bill specified that an injured person has standing to sue in an antitrust action whether or not such person dealt directly or indirectly with a defendant.

Fiscal Effect:

None

Proponents:

California Trial Lawyers Association

County of Los Angeles District Attorney's Office

Attorney General's Office

San Diego District Attorney

San Diego City Attorney

Opponents:

Arguments in Support:

Proponents state that this bill will prevent a federal case interpretation of the Sherman Act precluding an indirect purchaser's standing to sue in antitrust actions from being applied to actions under the Cartwright Act.

Arguments in Opposition:

SENATE DEMOCRATIC CAUCUS SENATOR PAUL B. CARPENTER Chairman	Bill No.: SB 1108 Amended: 5-17-82 Author: Sperar (R) Vote Required: Majority Assembly Floor Vote: 61 - 1
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SUBJECT: Zoning appeals: Subdivision Map Act: community apartment projects
and stock cooperatives

POLICY COMMITTEE: Local Government

AYES: (6) Ayala, Craven, Robbins, Vuich, Doolittle, Marks

NOES: (0)

SUMMARY OF LEGISLATION:

As this bill left the Senate:

The existing Subdivision Map Act defines "subdivision" as including, among other things, a community apartment project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located on such land.

This bill would specify that the Subdivision Map Act shall not apply to the conversion of a community apartment project, the construction of which was complete and which was occupied on or before January 1, 1981, to a condominium.

According to the Author's office, the amendments introduced in Committee will be removed and the technical difficulties with this bill will be resolved in the Assembly.

The Assembly amendments: provide that not only community apartment projects but stock cooperatives also shall not be converted to a condominium unless the required number of owners in the project, as specified in the bylaws or other organizational documents, have voted in favor of the conversion.

The Assembly amendments further provide: That if the bylaws or other organizational documents do not expressly specify the number of votes required to approve such a conversion, a majority vote of the owners in the project shall be required.

Finally, the Assembly amendments provide that the existing 180-day statute of limitations on actions challenging local zoning decisions relating to applications for conditional uses or other permits shall apply except as otherwise provided by ordinance and expressly makes this limitation applicable to chartered cities.

CONTINUED

SUMMARY OF LEGISLATION, Continued:

The Conference Committee amendments:

- 1) Delete the provisions of the bill as passed by the Senate (#1 above) and the Assembly amendments (#2 above).
- 2) Specify that the Subdivision Map Act shall not apply to the conversion of a community apartment project, if certain requirements are met or the conversion of a stock cooperative if certain requirements are met.
- 3) Make minor technical changes.

FISCAL EFFECT: No state cost.

PROPOSERS: (Verified by author 1-25-82)

Department of Housing and Community Development
California Association of Realtors

OPPOSERS:

ARGUMENTS IN SUPPORT:

Proponents state this bill is necessary to allow a housing unit to change from a rental unit to a form of ownership without any review by a local agency under the Map Act.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alquist, Ayala, Beverly, Boatwright, Carpenter, Dills, Ellis, Foran, Marz Garcia, Holmdahl, Keene, Maddy, Marks, Mills, Nielsen, O'Keefe, Presley, Russell, Schmitz, Speraw, Stiern, Vuich, and Watson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

1-26-82

p. 1219

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (24)—Senators Beverly, Boatwright, Campbell, Craven, Davis, Dills, Foran, Alex Garcia, Marz Garcia, Greene, Johnson, Keene, Maddy, Marks, Mello, Montoya, Nielsen, Petris, Presley, Robbins, Schmitz, Sieroty, Speraw, and Vuich.

8-6-82

p. 12481

CONTINUED

Roll call

The roll was called and the Conference report was adopted by the following vote:

AYES (36)—Senators Alquist, Ayala, Beatty, Boatwright, Campbell, Carpenter, Craven, Davis, Dills, Doolittle, Ellis, Foran, Garamendi, Alex Garcia, Marz Garcia, Greene, Holmquist, Johnson, Keene, Maddy, Marks, Mills, Moroyan, Nielsen, O'Keefe, Petris, Presley, Rains, Robbins, Roberti, Seymour, Sieroty, Speraw, Stern, Vucich, and Watson.

NOES (0)—None.

8-31-82

11391

POSITIONS

DATE TYPED: 6/15/78

SOURCE: San Diego Attorneys

BILL NUMBER: AB 3222

SUPPORT: San Diego District Attorney
San Diego City District Attorney

AUTHOR: Deddeh

AMENDED COPY: Original

Committee Votes:

Senate Floor Vote:

COMMITTEE: JUDICIARY		
BILL NO.:	AB 3222	
DATE OF HEARING:	6-19-78	
SENATORS:	AYE	NO
Beverly		
D. Carpenter		
Robbing		
Roberti		
Sieroty		
Wilson		
Zenovich		
Zukerian (V.C.)		
Song (Chairman)		
TOTAL:	61	

Assembly Floor Vote: 70-0, P. 14682 (5/22/78)

DIGEST

Specifies that an injured person may bring an action for restraint of trade against a defendant regardless of whether the injured person dealt directly or indirectly with the defendant. Declares that such authorization is declarative of existing law.

FISCAL EFFECT: Appropriation, no. Fiscal Comm., no. Local, no.

COMMENTS:

Under the Cartwright Act (California's version of the federal Sherman Act) a person injured in his business or property by antitrust violations may sue and recover treble damages, reasonable attorney's fees, and costs. AB 1162 (Chap. 543, Stats. 1977) authorized the Attorney General, as parens patriae, to bring civil suits on behalf of injured natural persons in the state for damages resulting from such antitrust violations.

The Illinois Brick case

In Illinois Brick Co. v. Illinois (1977) 97 S. Ct. 2071, the U.S. Supreme Court held that an indirect purchaser (consumer) does not have standing to sue under federal antitrust law.

According to the Court, if the pass-on theory may not be used defensively by an antitrust violator (i.e., that the resulting illegal overcharge for consumer items was merely passed on through the distribution chain), then that theory may not be used offensively by an

-more-

DIGEST

BILL NUMBER: AB 3222

indirect purchaser against an alleged violator to gain standing to sue. In addition, the Court stated that the legislative purpose in creating a group of "private attorneys general" to enforce the antitrust laws is "better served by holding direct purchasers to be injured to the full extent of the overcharge paid by them than by attempting to apportion the overcharge among all that may have absorbed a part of it."

The U.S. Department of Justice has proposed legislation to clarify this issue at the federal level and restore consumer standing to sue.

Proponents state that the decision in Illinois Brick has caused confusion in California, since decisions interpreting the Sherman Act are considered "persuasive" in interpreting the provisions of the Cartwright Act. It would clarify matters if this bill were passed to guarantee the continuation of the consumer's remedy for antitrust violations.

Attorney General action

AB 1162 (Chap. 543, Stats. 1977) gave the Attorney General the power, as parens patriae, to bring civil suits under the Cartwright Act and recover monetary damages to injured natural persons, costs of suit, and reasonable attorney's fees. However, a necessary premise to such suits is that the class of persons who are to be represented by the Attorney General have standing to sue.

If indirect purchasers, or ultimate consumers, were held not to have standing to sue, as was found in Illinois Brick, the Attorney General's parens patriae status in antitrust cases would be jeopardized.

The purpose of the bill is to prevent a federal case interpretation of the Sherman Act precluding an indirect purchaser's standing to sue in antitrust actions from being applied to actions under the Cartwright Act.

FILE COPY

AMENDED COPY: Orig.
MAJORITY VOTE

Assembly Floor Vote:

53

condominium) without going through the conversion process under the Map Act. They argue that they already are regulated under the Map Act and therefore it should not be necessary to submit to conversion regulations for purposes of changing a grant deed. At the local level these may include parking regulations, noise and energy conservation standards, etc. The purpose for changing the grant deed form is to make the property attractive for loan purposes.

1/26/82:jc

THIRD READING

SENATE RULES COMMITTEE

Office of
Senate Floor Analyses
1100 J Street, Suite 120
445-6614

Bill No. AB 3007
Author: Sher (D)
Amended: 3/17/88
Vote Required: Majority

Committee Votes:

COMMITTEE: RULES		
BILL NO.:	AB 3007	
DATE OF HEARING:	5-4-88	
SENATORS:	AYE	NO
Ellis		✓
Mello	✓	
Petris		
Craven (VC)	✓	
Roberti (Ch)	✓	
TOTAL:	3	1

Senate Floor Vote: page 7381, 8/11/88

Assembly Bill 3007—An act to add Section 425.8 to the Government Code, relating to the state mollusk.

Bill read third time and presented by Senator Morgan.
The roll was called

Roll Call

The names of the absentees were called and AB 3007 was passed by the following vote:

AYES (21)—Senators Bergeson, Campbell, Craven, Davis, Deddeh, Dills, Bill Greene, Keene, Maddy, Marks, McCorquodale, Mello, Montoya, Morgan, Nielsen, Presley, Robbins, Roberti, Rosenthal, Torres, and Watson.

NOES (15)—Senators Alquist, Ayala, Beverly, Boatwright, Ellis, Garamendi, Cecil Green, Leroy Greene, Hart, Lockyer, Rogers, Royce, Russell, Seymour, and Vuich.

Bill ordered transmitted to the Assembly.

Assembly Floor Vote: 43-32, P. 6435, 3/21/88

SUBJECT: Official State Mollusk: Banana Slug

SOURCE: Dynamite Blue Bird Club of Campfire Boys and Girls of
Redwood City

DIGEST: This bill would designate the banana slug (Ariolimax) as California's official State Mollusk.

ANALYSIS: The following are California's official state items:

Gemstone: Benitoite, Fish: California Golden Trout, Colors: Blue and Gold Ribbons, Insect: California Dog-Face Butterfly, Nickname: The Golden State, Tree: California Redwood, Song: I Love You California, Bird: California Valley Quail, Motto: Eureka, Flower: Golden Poppy, Mineral: Gold, Flag: Bear Flag, Rock: Serpentine, Fossil: Saber-toothed Cat, Animal: Grizzly Bear, Reptile: Desert Tortoise, Marine mammal: California Gray Whale.

(Recently, the Senate approved, by a vote of 21-9, SB 2460 (Kopp) which, if enacted, would designate the West Coast Swing Dance as California's official State Dance.)

Currently there is no designation of an official State Mollusk.

One of the largest groups of invertebrate animals, the mollusk, includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalone.

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In the case of mollusks, there are a large number of different species indigenous to locales in the state, including the pismo clam, the black abalone, red abalone, the turban shell, the two spotted octopus, common squid, and a mussel (Mytilus californianus).

The banana slug species Ariolimax columbianus was first identified by in 1851 near the mouth of the Columbia River in Oregon. This particular banana slug has been found from Alaska to as far south as the Salinas Valley, and hence, cannot be considered indigenous to California. Subspecies, Ariolimax columbianus stramineus, Ariolimax californicus, Ariolimax californicus brachyphallus, and Ariolimax californicus dolichophallus however, are indigenous to central California and have been reported from Monterey to Ventura.

Among banana slugs' favorite foods are mushrooms, poison oak, ferns, and a variety of bulbs, leaves, tubers, twigs, and other organic matter found on the forest floor. Their strap-like tongue (radula) contains hundreds of tiny teeth, with which they grind their food. All this masticating helps speed the decomposition of a forest's wastes, and banana slugs' droppings make an excellent fertilizer for conifers.

The banana slug gets its name from its long body and its bright golden-yellow color. While most species in California have a gold tinge to them, others are spotted or even white. Scientists are not sure how long banana slugs live, but they are known to roam the woods for five years or longer.

The banana slug is the official school mascot of the University California, Santa Cruz.

AB 3007 makes various findings including:

- The banana slug is an indigenous species to California.
- The banana slug's color resembles the California state color, gold.
- Banana slugs live among California's redwoods and substantially contribute to the forest ecosystem.

This bill designates genus Ariolimax, banana slug, as the official State Mollusk without reference to a particular species or subspecies.

SUPPORT: (Verified 5-3-88)

Dynamite Blue Bird Club of Campfire Boys and Girls of Redwood
City (Sponsor)
Redwood City School District
County of Santa Cruz
Kiwanis Club of Redwood City

OPPOSITION: (Verified 5-3-88)

Conchological Club of Southern California

ARGUMENTS IN SUPPORT: According to the author, banana slugs are important to coniferous forests because the slugs can serve as indicators of the health of the forest. To live comfortably, slugs need the moist "micro-climate"

6769

CONTINUED

created at the forest floor by the massive redwoods and other trees. Natural disasters, such as fires, or human intervention, through tree cutting and other activities, can dry the forest floor. When this happens, banana slugs are likely to suffer, and their reduced numbers may indicate important changes in the forest ecosystem.

Banana slugs exemplify the endless diversity of animal and plant life in California. As forest dwellers, they are accessible to all. For years environmental educators have used banana slugs to teach basic lessons of ecology.

ARGUMENTS IN OPPOSITION: According to the Conchological Club of Southern California, the self proclaimed oldest shell club in America, "although some slugs can be beneficial to the environment, just the name "slug" carries certain bad connotations of behavior and attitude. "The red abalone, is by far the most logical and proper choice. It is the world's largest abalone and is most desirable commercially for its size and light meat color. It is also representative of both southern and northern California as it is found along the entire length of our coastline. The name "abalone" conjures up an image of a seashell with an appealing mother-of-pearl luster, as well as an image of a beautiful, surf-swept rocky coastline for which California is famous."

FISCAL EFFECT: Fiscal Committee: no

ASSEMBLY FLOOR VOTE:

Assembly Bill No. 3007 passed by the following vote:

AYES—48			
Allen	Cortese	Hausen	Polanco
Areias	Duplissac	Hill	Roos
Bader	Eastin	Hughes	Roybal-Allard
Bates	Eaves	Izenberg	Sher
Bradley	Farr	Johnston	Speier
Bronzan	Filante	Jones	Tanner
Calderon	Floyd	Killea	Tucker
Campbell	Frazee	Klehs	Waters, Maxine
Chacon	Friedman	Margolin	Waters, Norman
Condit	Hansen	Moore	Mr. Speaker
Connelly	Harvey	Peace	
NOES—32			
Baker	Frizzelle	Lancaster	O'Connell
Brown, Dennis	Graham	Leonard	Quackenbush
Chandler	Hannigan	Leslie	Seastrand
Clute	Harris	Lewis	Statham
Costa	Johnson	Longshore	Stirling
Elder	Katz	McClintock	Wright
Polanco	Kelley	Montjoy	Wyman
Ferguson	La Follette	Nolan	Zelmer

Bill ordered transmitted to the Senate.

RR:jk 5/5/88 Senate Floor Analyses

00770

2. Analyses by the Executive Branch – Executive branch agencies often analyze or take positions on proposed legislation that affect their delegated administrative responsibility.

Analyses prepared by Executive Branch agencies with Constitutional status, such as the Secretary of State, the Attorney General or the Public Utilities Commission typically use a letter format. An example from the Secretary of State follows this page.

Analyses that are prepared by all Executive Branch agencies under the direct control of the Governor generally follow the specific format exemplified by the Department of Forestry and Fire Protection analysis at pages 61 and 62. In some older bill analyses in this format careful scrutiny of the boxes at the top of the page is necessary to determine exactly which agency is the source.



Bill Jones
Secretary of State

1500 11th Street, 6th Floor
Sacramento, CA 95814

Legislative & Constituent Services
(916) 653-6774

April 17, 1996

BILL ANALYSIS

BILL NUMBER: SB 1507 (As Amended April 8, 1996)
AUTHOR: Petris
SUBJECT: Legislature: Public records:retention
POSITION: Neutral

EXISTING LAW:

Existing law provides that the public may inspect legislative records, as defined.

Existing law requires every agency of the state to maintain a file with specified documents related to the adoption, amendment, or repeal of a regulation, and requires that the rulemaking file be available to the public.

THIS BILL:

This bill would require each committee of each house of the Legislature, as specified, and each joint committee to preserve all legislative records, as defined, relating to legislation assigned to the committee that are in its custody or to lodge the records with the State Archives. Legislative records lodged with the State Archives pursuant to this bill would be open to inspection by the public.

This bill would specify when the rulemaking file would be available to the public and would require the agency to retain the file until it is sent to the State Archives for permanent retention. The bill would require agencies to transmit rulemaking files to the State Archives within 3 years following the filing of a regulation with the Secretary of State, but require rulemaking files related to regulations filed prior to January 1, 1997, to be sent to the State Archives by January 1, 2000, or a later date designated by the custodian of the State Archives.

ANALYSIS:

The bill, as it relates to transmitting the rulemaking files to the State Archives will add an undetermined volume of records to be cataloged and permanently retained at the Archives. Information provided by the Office of Administrative Law indicates an average of 45 boxes of rulemaking files are generated annually. However, it will be more difficult for Archives staff to determine, without an in-depth survey, the number and volume of rulemaking files currently retained by the agencies. It is expected to be substantial. In addition to the storage concern, the State Archives will be required to provide public access to this material, which may require additional resources for retrieval and copying.

The State Archives recommends the bill sunset after ten years if the Secretary of State certifies the continued buildup of volume is a storage problem. The certification shall be made by letter to the Governor and to the Legislature.

FISCAL ANALYSIS:

The workload created by the annual projected rate of 45 boxes of rulemaking files to be transmitted to the State Archives can be absorbed by using existing resources; however, the acquisition of all the rulemaking files currently retained by the agencies will substantially add to the processing backlog and has the potential of creating additional workload for the Reference program. We cannot determine at this time how much the Reference program will be impacted concerning public access to this material because we have no experience with rulemaking files and the number of requests they generate. Once the three-year time period is up and the files are transmitted to the State Archives, as specified in the bill, the public's interest may diminish to a point where there is little effect on the Reference program.

COMMENTS:

For further information regarding this analysis, please contact the Secretary of State's Legislative Director, Vickie Glaser at (916) 653-6774.

BILL ANALYSIS

.10 Rules

RESOURCES AGENCY

DEPARTMENT Forestry and Fire Protection (CDF)	AUTHOR Senator Monteith Assemblyman House	BILL NUMBER SB 389
SPONSORED BY Students at Martin Luther King, Jr. Middle School in Madera and the Professional Soil Scientists Association of California	RELATED BILLS None	AMENDED DATE As Introduced 2/14/97
SUBJECT State Soil		

A. SUMMARY

This bill would designate the San Joaquin soil series as the official State Soil

B. SPECIFIC FINDINGS

- History and Sponsorship:** This bill was introduced by Senator Monteith on February 14, 1997, and is sponsored by students at the Martin Luther King Middle School in Madera and the Professional Soil Scientists Association of California.
- Existing Law:** Government Code Sections 425 through 425.8 provides special recognition for unique natural features of California. This includes designation of an official state animal, mineral, rock, gemstone, marine mammal, fossil, and prehistoric artifact.
- Changes in Law Provided by This Bill:** This bill would add Section 425.9 to the Government Code to designate the San Joaquin Soil Series as the official State Soil.

For Information Contact: Carol Williams Bryant, Chief, Office of Legislation, 653-5333

Date: March 20, 1997

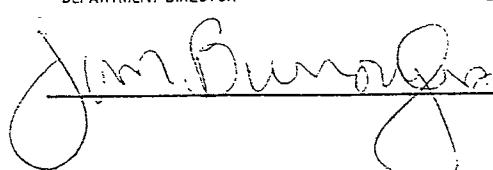
Prepared by: John Munn

DEPARTMENTS THAT MAY BE AFFECTED

Forestry and Fire Protection, Conservation, Food and Agriculture

STATE MANDATE []

GOVERNOR'S APPOINTMENT []

DEPARTMENT DIRECTOR POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input type="checkbox"/> N <input type="checkbox"/> NP <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> DEFER _____	AGENCY SECRETARY POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input checked="" type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> DEFER _____	GOVERNOR'S OFFICE USE Position Approved Position Disapproved Position Noted By: _____ Date: _____
DEPARTMENT DIRECTOR 	DATE: 4/13/97 AGENCY SECRETARY Original Signed By Julie A. MacDonald	DATE: APR 22 1997

4. **Discussion:** Soil is among California's most valuable resources. It supports the number one agricultural industry in the world and supplies food and fiber for millions of people in California and throughout the world. Soil is a complex resource, with many variations in conditions that affect its use and management. But it is also taken for granted by the great majority of Californians. Designating a State Soil will provide a focal point around which education efforts can be developed to increase awareness about the complexity of California's soils and the importance of conserving this non-renewable resource that supports our livelihood and our environment. Based on a review of the more than 1800 different soil series identified in California, the Professional Soil Scientists Association of California has recommended the San Joaquin soil series as the best example of the range of soil properties and uses occurring statewide. It is widely distributed, supports a large number of crops and other land uses, displays a wide variety of soil characteristics that can serve to illustrate soil processes, use, and management, and has a series distribution and name that is unique to California.

C. **FISCAL EFFECT**

None.

D. **ECONOMIC IMPACT**

No direct impact. Educational programs focused on the State Soil will indirectly promote the long-term viability of industries relying on conservation of soil resources.

E. **RECOMMENDATION** : Neutral if Amended

1. **Reasons for Position:** Amendments needed to correct errors and improper use of terms.
2. **Proponents:** Professional Soil Scientists Association of California, students and teachers at Martin Luther King, Jr. Middle School in Madera, California.
3. **Opponents:** None known

3. Other common file materials

a. Assembly Republican Caucus has prepared separate bill analyses for use by Assembly Republicans almost continuously since the early 1970's. These analyses are sometimes prepared for policy or fiscal committee hearings, sometimes for floor proceedings, and frequently show up in Governor's files. They have always been clearly identified as a Republican analysis. We provide a series of examples in the next four pages.

ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE
REPUBLICAN ANALYSIS

AB 3007 (Sher) -- STATE MOLLUSK: BANANA SLUG
Version: 3/17/88 Vice-chairperson: Frank Hill
Recommendation: Oppose Vote: Majority

Summary: Designates the banana slug as the official state mollusk. Fiscal effect: None.

Supported by "Dynamite" Blue Birds of Redwood City (sponsor).
Opposed by None on file. Governor's position: Unknown.

Comments: Why on earth do we need an official state mollusk? And the banana slug? Do we want to perpetuate our whacky image?

If we are going to have an official state mollusk, let's study the issue and choose a mollusk that enhances California's economic climate, such as the abalone.

Although some consider the banana slug useful because it eats poison oak and provides slime that helps in decomposition of the redwood forests, the slugs are truly repulsive. The banana slug also is the official mascot of U.C. Santa Cruz, bastion of liberal experimentation.

Assembly Republican Committee Vote
Governmental Organization -- 3/8/88

(11-4) Ayes: Frizzelle, Hill, Johnson, Mojonnier,
Mountjoy

Noes: Baker, Grisham, Statham

Assembly Republican Floor Vote -- 3/21/88

(43-32) Ayes: Allen, Bader, Bradley, Duplissee, Filante,
Frazee, Hansen, Harvey, Hill, Jones

Noes: All other Republicans present & voting

Senate Republican Committee Vote

Rules -- 5/4/88

(3-1) Ayes: Craven

Noes: Ellis

Senate Republican Floor Vote -- 5/27/88

FAILED PASSAGE -- Reconsideration Granted

Consultant: Susan Ricci

ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE
REPUBLICAN ANALYSIS

SB 2460 (Kopp) -- OFFICIAL STATE DANCE

Version: Original Vice-Chairman: Frank Hill
Recommendation: Oppose/abstain
Vote: Majority

Summary: Designates the West Coast Swing Dance as the official state dance. Fiscal effect: None.

Supported by U.S. Swing Dance Council (sponsor), Arthur Murray Dance Studios, CA Chamber of Commerce, Northern CA Black Chamber of Commerce, U.S. Open Swing Dance Championships, Rotary Club of San Francisco, Oakland Association of Insurance Agents, Coca-Cola USA, Alameda County Bar Assoc., International Molders & Allied Workers, Town of Colma, American Federation of Musicians. Opposed by Sacramento Square Dance Assoc. Governor's position: Unknown.

Comments: While this is infinitely less ridiculous than designating the banana slug as the official state mollusk, it is certainly no more needed. And even if we need an official state dance, there doesn't appear to be a consensus that this is the appropriate dance.

The author notes that exercise has become an integral component of life. True. He also maintains that focusing on exercise such as dance will reduce the abuse of alcohol and drugs, thereby saving tax dollars. Doubtful.

The West Coast Swing is billed as the only dance native to California that is still commonly performed. It is a wholesome family activity that all can enjoy. A 1984 effort to designate square dancing as the official state dance (SB 2146, Doolittle) died on the Senate floor.

Senate Republican Floor Vote -- 4/28/88

(21-9) Ayes: Craven, Davis, Nielsen, Royce
Noes: Beverly, Doolittle, Morgan, Rogers,
Russell, Seymour

Assembly Republican Committee Vote

Governmental Organization -- 5/24/88

(10-4) Ayes: Johnson, Statham
Noes: Baker, Frizzelle, Hill
N.V.: Grisham, Mojonier
Absent: Mountjoy

Consultant: Susan Ricci

ASSEMBLY CONSUMER PROTECTION, GOVERNMENTAL
EFFICIENCY AND ECONOMIC DEVELOPMENT COMMITTEE
REPUBLICAN ANALYSIS

SB 1507 (Petriss) -- LEGISLATURE: PUBLIC RECORDS: RETENTION.

Version: 5/20/96

Chair: Morrissey

Analyzed: 6/19/96

Vote: Majority

Recommendation: None

Tax/Fee: No

SUMMARY: Requires each committee of each house of the Legislature, and each joint committee to maintain legislative records, relating to legislation assigned to the committee in official committee files. Committees would be required to preserve those records that are in its custody or to store them with the State Archives. Committee files would be open to public inspection. Specifies that rulemaking files would be available to the public and would require the agency to retain the file until it is sent to the State Archives for permanent retention. Prohibits an agency from removing or altering, destroying, or otherwise disposing of any item contained in a rulemaking file. Requires agencies to transmit rulemaking files to the Archives within 3 years following the filing of the regulation with the Secretary of State. Requires rulemaking files related to regulations filed prior to 1/1/97 to be sent to the Archives by 1/1/2000, or such a date specified by the Archives.

FISCAL EFFECT: Unknown.

POTENTIAL EFFECTS: Codifies practices which should already be in place. Ensures that a record of legislative and regulatory decision making is maintained.

SUPPORT: Cal-Tax.

OPPOSITION: None on file.

GOVERNOR'S POSITION: Unknown

COMMENTS:

- o Existing law established the Legislative Open Records Act of 1975, providing for public access to legislative committees and floor analyses bill files but does not specifically mandate the preservation of such files. The Act declares that "access to information concerning the conduct of the people's business by the Legislature is a fundamental and necessary right of every citizen of the state.
- o The Administrative Procedures Act provides that when departments submit proposed regulations to the Office of Administrative Law for review, they must be accompanied by specific information used by the entity in developing the proposed rule. However, that data is also not specifically required to be permanently preserved.
- o The sponsors of the bill state that over the years the courts have come to increasingly rely upon legislative and rulemaking history. Documents such as analyses reports, correspondence, background materials, hearing transcripts, press releases, have become important to the interpretation of California statutes and regulations. This is especially important in the absence of any pertinent case law on the subject.
- o As drafted this measure permits the public access to records which are required in the frantic day to day operation of the houses. This measure should be amended to specify that the

public has access to documents only when they have been shipped to the archives. Committee offices do not have the space for the public to use them as reading rooms.

Senate Republican Floor vote -- 5/28/96

(27-7) Ayes: Beverly, Craven, Johannessen, Johnson, Lewis, Maddy, Wright

Noes: Hurtt, Kelley, Leslie, Monteith, Mountjoy, Rogers

Abs./N.V.: Haynes, Leonard, Russell

Assembly Republican Committee vote

CP, GE & ED -- 6/25/96

(>) Ayes: >

Noes: >

Abs.: >

N.V.: >

Consultant: Peter Renevitz

b. Bill Analysis Worksheets – The following document is representative of a category of documents that have similar titles, but are generally identifiable if you review the title and nature of the document. These documents are forms sent out by committee staff to each author who has a bill scheduled for consideration in that committee. The author of the bill is requested to return the worksheet with an explanation of the proposal. In the response the author will often include attachments from third parties, or other documents that explain the source and purpose of the bill. The following two pages provide an example of a bill analysis worksheet with attachment.

SENATE COMMITTEE ON JUDICIARY

BACKGROUND INFORMATION

AB 2852

1. Source

- (a) What group, organization, governmental agency, or other person, if any, requested the introduction of the bill? Please list the requestor's telephone number or, if unavailable, his address.

Pacific Telephone Company - Paul Henry, 325-7329

- (b) Which groups, organizations, or governmental agencies have contacted you in support of, or in opposition to, your bill?

General Telephone Company

- (c) If a similar bill has been introduced at a previous session of the Legislature, what was its number and the year of its introduction?

N/A

2. Purpose

What problem or deficiency under existing law does the bill seek to remedy?

See attached

If you have any further background information or material relating to the bill, please enclose a copy of it or state where the information or material is available.

Prior to introduction of the bill, a draft of the proposed legislation was given to Brent Barnhart, ACLU, and Tom Dunipace of Senator Pains' staff. ACLU suggested a minor revision and Mr. Dunipace concurred.

PLEASE COMPLETE THIS FORM AND RETURN IT TO THE SENATE COMMITTEE ON JUDICIARY, ROOM 2187 AS SOON AS POSSIBLE. THE COMMITTEE STAFF CANNOT SET THE BILL FOR A HEARING UNTIL THIS FORM HAS BEEN RETURNED.

**CRIMINAL SANCTIONS FOR
FRAUD BY WIRE**

Background

Telephone utilities are faced with a growing problem of skip tracers, "phone phreaks", and computer buffs accessing confidential and/or proprietary information by impersonating telephone company employees. These groups are becoming increasingly more sophisticated through a well organized exchange of detailed telephone system information. Not only are they able to access confidential customer records, they boast of being able to control or destroy entire telephone systems. They represent a serious threat to the integrity of all telecommunications systems, and also to national security which is heavily dependent on those systems. This threat is in addition to that posed to consumers whose confidential records are not secure.

Discussion

There is no prohibition against these types of fraudulent acts in the California Penal Code. The Federal law (Sec. 1343 of 18USC) does provide sanctions of up to \$1,000 or five years imprisonment for such acts if they are interstate in nature. However, attempts to convince the U.S. Attorney, Criminal Division, to prosecute even thoroughly investigated and well documented offenses have been fruitless. The U.S. Attorney's office has shown a clear preference to have state authorities handle such matters.

State authorities are unable to act in the absence of enabling legislation. Such legislation is urgently needed to effectively control unauthorized access to telecommunication system information and consumer records. A bill patterned on the federal law would have a broad base of support which is anticipated to include, for example, utilities, data transmitters, television broadcasters, the state attorney general, and other law enforcement agencies.

This Bill would add Section 538(f) to the Penal Code. Section 538(f) is similar to the Federal law (18USC1343), and provides California authorities with prosecutorial teeth to discourage abuse of telecommunication networks.

c. Correspondence opposing or supporting legislation – This form of correspondence is commonly found in many legislative files. The letters in opposition are often particularly useful in explaining the purpose for changes in a bill. These can be in many forms; the content is more instructive as to the category than the form. See examples in the following four pages.

UNIVERSITY OF CALIFORNIA STUDENT LOBBY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

926 J Street, Suite 616
Sacramento, California 95814

(916) 442-3827
ATSS: 8-494-3296
8-494-3299

March 23, 1984

*over
bill*

The Honorable John Doolittle
State Senate
State Capitol
Sacramento CA 95814

Dear Senator Doolittle:

After careful consideration and debate of SB 2146, which, if passed, "would specify that the square dance is the official State dance," the University of California Student Body Presidents' Council, acting on behalf of the 141,000 students of the University of California, have decided to actively oppose its passage.

While we respect the rights of the reported 250,000 people in California who practice and enjoy this specific type of american folk dancing, we do not feel that their pastime should be imposed upon the other 23 million residents of the state. We base our objections upon the fact that the square dance does not represent the ethnic and cultural diversity of our population. Nor does it in any way represent the historical background and development of the state.

As you know, the square dance is a representative art form of the white settlers who migrated here and under the banner of "manifest destiny" imposed their cultural values upon the Native Americans and Mexicans already living here. And, unlike the golden poppy, the California Redwoods, the grizzly bear, and the desert tortoise which are recognized as having special significance to the state, the square dance is not indigenous to California.

Thank you for your time and consideration on this important matter. If we can be of any assistance to you or your office in drafting legislation in this area that acknowledges the richness of California's unique cultural and ethnic diversity, please feel free to call upon us.

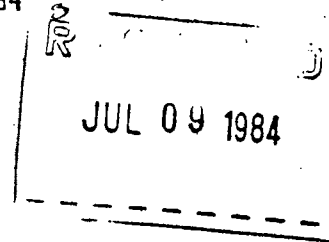
Sincerely,

Ron Balestrieri
Director

db
cc: Willie Brown, Speaker of the Assembly
David Roberti, President pro Tempore

30 June 1984

Senator Diane Watson, D-LA
California State Senate
State Capitol
Sacramento, California 95814



Dear Ms. Watson,

I read with amused interest your criticism of the proposed state adoption of square dancing as the official state dance. You opposed it, claiming that the dance is originally European, that your ancestors {black} were not from Europe and that you are but a part of California's mix of groups, many of whom are not European and none of whom would be culturally represented by square dancing.

How silly, shallow and culturally ignorant. The question of one's ancestry is nothing more than a question of bloodline, - a mere technicality, if you will. The question of culture, in contrast, is a question of historic heritage as contributory to present environment. You speak a European tongue {English}, serve in a legislative forum European in institutional origin {Roman Senate to the Magna Carta to the English Parliament to the US Constitution}, and live in the leading industrial nation of the Christian {a European creed} West. Simply stated, European civilization exists on both sides of the Atlantic and you, good woman, are a product of it.

You speak no African tongue, practice no African religion, and are fully clothed in the course of your business day. You wear no ring-like adornments on your very Western neck, and place none in your nose. You no doubt paint your face only with the most tastefully chosen products from Revlon as sold at the Broadway. Your ancestors may have come from Africa, but that is all you share with them; -- a mere technicality, if you will.

And yes, I know, this letter probably qualifies me as a racist in your non-European repository of definitions. Tsk, tsk. In my very European repository of definitions, such a response would be an argument ad hominem.

All my best,


Christopher J. Bakes, ESQ

Copy to {i} the equally silly, shallow and culturally ignorant
Senator Art Torres {European surname}, D-LA
{ii} Senator John Doolittle, R-Citrus Heights



NORTHERN CALIFORNIA ASSOCIATION OF LAW LIBRARIES

1800 Market Street
Box 109
San Francisco, CA 94102

April 16, 1996

Senator Ralph Dills
Chairman
Senate Committee on Governmental Organization
State Capitol
Sacramento, CA 95814

Dear Senator Dills:

The Northern California Association of Law Libraries (NOCALL) is the primary sponsor of Senate Bill 1507 (Petrus) which will be heard in your committee next Tuesday, April 23, 1996.

Existing law provides that the public shall have access to legislative and rulemaking files as specified (the Legislative Open Records Act, Government Code Section 9070 et seq, and Government Code Section 113473.3(c) of the Administrative Procedures Act). However, since the law does not specifically require the preservation of such historical records (although preservation is logically implied), it is not unusual for critical legislative and rulemaking files to be lost, destroyed or stored in an inaccessible manner. NOCALL is a professional librarian association of over 400 members and includes law librarians from private law firms, colleges and universities, and county law libraries. Our members' experiences in this area of research on behalf of businesses and other private citizens has prompted us to sponsor SB 1507 as belated "clean-up" legislation to existing law.

The primary purpose of SB 1507 is to strengthen public access to Assembly and Senate committee and floor legislative records and to agency rulemaking files by prohibiting the destruction of such files and by centrally maintaining agency rulemaking files with the State Archives.

Senator Ralph Dills

April 16, 1996

Page 2

Legislator's personal bill files would not be affected by this legislation. We are not aware of any opposition to the bill. The State Archives and the Office of Administrative Law have provided excellent consultation assistance in the drafting of the bill's terms. The enclosed "Backgrounder" on the April 8th amended bill version of SB 1507 provides an in-depth digest of information for your additional review.

We respectfully request your positive consideration of this measure.

Sincerely,



Donna L. Purvis
NOCALL President

DLP/dlp
Enclosures

cc: Members, Committee on Governmental Organizations
Senator Nicholas C. Petris

d. Statements about legislation – Statements from legislative files can take many forms. They are typically statements by the author of the bill or a person or organization from outside the legislature who has requested the introduction of the bill. In the following five pages we provide an example of a press release from the author, a written copy of a statement prepared for the author to make on the Assembly floor, a prepared handout about the legislation sent to other legislators and a letter to the author. Similar statements are all commonly dispersed in legislative files. Such statements can be used as evidence of how the legislation was represented to the legislature, but tread lightly around asserting they are direct statements of intent, in particular with the statements used for oral presentations, as it is difficult to sure the statement was presented as drafted.

**SUGGESTED PRESS RELEASE
STATE MOLLUSK RESOLUTION**

NEW CANDIDATE FOR STATE MOLLUSK

Assemblyman Trice Harvey (Rep., Bakersfield) announced today that he will introduce legislation to declare the abalone to be the Official State Mollusk of California. This proposal was in response to an effort to declare the banana slug to be the State Mollusk.

"It never occurred to me that we needed an Official State Mollusk," said Harvey, "but if we are going to have one it should be the right mollusk."

"Abalone makes a much better meal than does banana slug," Harvey noted. "And abalone shells make much better ashtrays than banana slug shells." When pressed Assemblyman Harvey admitted that banana slugs do not have shells.

"Banana slugs are slimy yellow worm-like creatures which live in the mountains eating innocent plants and leaves," Harvey explained. "Abalones are noble sea creatures which populate the coast providing food for people and animals."

Mollusks are animals, such as snails, that have no bones and travel on a single "foot muscle". Shellfish, such as clams and muscles, are also classified as mollusks.

ASSEMBLY FLOOR STATEMENT

S B 2460

AUGUST 1988

MR. SPEAKER AND MEMBERS:

SB 2460 WOULD DESIGNATE WEST COAST SWING DANCE AS THE OFFICIAL STATE DANCE.

WEST COAST SWING DANCING HAS BEEN A PART OF CALIFORNIA'S CULTURE SINCE WORLD WAR II. IT ENHANCED THE LIVES OF OUR SOLDIERS NO MATTER WHERE THEY WERE AND IT KEPT TEENAGERS OFF THE STREET AND OUT OF TROUBLE.

IN THE 1930'S, HOLLYWOOD AND THE SWING BANDS POPULARIZED THE JITTERBUG OR SWING. IN THE MID-40'S, DANCERS CREATED A SMOOTH-STYLE OF SWING DANCING EXECUTED IN A SLOTTED FORM, IT IS CALLED WEST COAST SWING BECAUSE IT STARTED IN CALIFORNIA.

WEST COAST SWING IS THE ONLY DANCE NATIVE TO CALIFORNIA WHICH HAS SURVIVED. IT IS A HEALTHY AND JOYFUL ACTIVITY THAT BELONGS TO ALL OUR PEOPLE. DEVOTEES OF THIS ART COME FROM EVERY CONCEIVABLE BACKGROUND, AMONG THE RANKS OF SWING DANCERS, ONE CAN FIND JUDGES, SCHOOL TEACHERS, WAITRESSES, SALESMEN, STUDENTS, DOCTORS---AND, YES, EVEN LEGISLATORS.

SWING MUSIC AND SWING DANCING BOOSTED THE MORALE OF THIS COUNTRY THROUGH A DEPRESSION AND WORLD WAR. OUR STATE IS PLAGUED WITH PROBLEMS OF ALCOHOL AND DRUG ABUSE; AND EXERCISE HAS BECOME AN IMPORTANT PART OF OUR HEALTH AND WAY OF LIFE, ESPECIALLY HERE IN CALIFORNIA. FOCUSING PUBLIC ATTENTION ON THIS TYPE OF WHOLESOME ACTIVITY MAY HELP REDUCE THE ABUSE OF ALCOHOL AND DRUGS, THEREBY SAVING TAX DOLLARS.

I URGE YOUR "AYE" VOTE.

NOTE: SQUARE DANCE IS THE OFFICIAL STATE DANCE OF EIGHT STATES AND ORIGINATES IN ENGLAND. THIS ALONE SUGGESTS THAT WEST COAST SWING IS A BETTER CANDIDATE FOR CALIFORNIA'S OFFICIAL STATE DANCE. THE ATTACHED LETTERS FROM ARTHUR MURRAY INTERNATIONAL, BRIGHAM YOUNG UNIVERSITY, THE GOLDEN STATE DANCE TEACHERS ASSOCIATION, AND OTHERS INCLUDE ADDITIONAL INFORMATION AND ARGUMENTS WITH RESPECT TO THE ISSUE OF WEST COAST SWING VERSUS SQUARE DANCE.

**SUGGESTED REQUEST FOR COAUTHORS
STATE MOLLUSK RESOLUTION**

Dear Fellow Assembly Members:

I was amazed to learn, recently, that California has no Official State Mollusk. Not that I really thought we needed one; I was just surprised we didn't have one.

After all, we have an Official State Nickname, an Official State Reptile, an Official State Rock, an Official State Mineral, an Official State Gemstone, an Official State Fish, an Official State Insect, and an Official State Fossil. How did mollusks escape this honor?

An effort is afoot to change this situation. And, while I have all the respect in the world for those who serve as advocates for the banana slug, I must respectfully disagree with the proposal to name the banana slug as the Official State Mollusk.

I cannot stand idly by and watch the wrong mollusk being designated the Official State Mollusk. Although the banana slug is certainly qualified, as a mollusk, for this honor, the abalone is a far superior candidate.

This is why I am seeking your coauthorship of the attached Concurrent Resolution to designate the abalone as the Official State Mollusk. The abalone has the dignity, the pride, and the disposition for this honor. Abalone tastes good too.

This promises to be a difficult battle. Our opponents are well organized and devoted to their cause. But I am ready to slug it out with them and I hope that you will join me.

I look forward to hearing from you.

Sincerely yours,

March 3, 1988

Mr. Stephen Magagnini
The Sacramento Bee
P.O. Box 15779
Sacramento, CA 95852

Dear Stephen:

It was a pleasure chatting with you at the Kings-Pistons game last week. Unfortunately, the performance of the Kings did not improve during the second half.

I think your Sunday Magazine readers would be interested in legislation I have introduced pertaining to West Coast Swing Dancing. Senate Bill 2460 would designate West Coast Swing as the Official State Dance.

Swing dancing is a healthy and joyful pastime which attracts a broad spectrum of Californians--even members of the Legislature. Focusing public attention on this wholesome activity can help reduce drug and alcohol abuse.

I have enclosed a copy of the bill and a compendium of information. Be of good cheer.

Sincerely yours,

QUENTIN L. KOPP

QLK:11
Enclosure

e. Background documents collected by staff – The staff persons responsible for preparing analyses or responding to questions about proposed legislation often collect materials that they find helpful in understanding the proposal in bill files relating to the particular proposal. Background documents could include many types of documents, such as copies of published cases, law review articles, media articles, studies, transcripts of various types of meetings or proceedings – the range of possible types of documents are as broad as the range of possible subjects of legislation. We include some (amusing) examples in the following five pages.

State Senate getting into step on California swing dance

By Kathy Zimmerman
The Tribune 4/29/88

SACRAMENTO — Swing is in, salsa's out and square dancing isn't even in the running.

That's the opinion of the California Senate, which approved legislation yesterday designating the West Coast swing dance the official state dance.

They voted for it 21-9.

Senate Bill 2460, which still needs approval of the California Assembly, would declare:

■ Dance clubs throughout the state are dedicated to the proposition that swing dancing is "the greatest of all social activities."

■ West Coast swing dancing has been a popular subculture activity for 50 years, yet remains relatively unknown to society.

■ Swing dancing is an intricate dance and a healthy and joyful activity, requiring "a great deal of coordination, good timing and intelligent applica-

The bill to establish the West Coast swing dance as the official state dance still needs Assembly approval.

tion."

"West Coast swing dancing is the only dance native to the state of California which has survived," said the bill's enthusiastic author, Sen. Quentin Kopp, I-San Francisco.

"Swing dancing boosted the morale of the country when it needed it," said Kopp. He declined repeated calls from his Senate colleagues for a demonstration of such dancing.

Supporters of his bill say that promoting the dance will help reduce the alcohol and drug

problems among youth.

"Among the ranks who enjoy swing dancing are judges, school teachers, salesmen and even senators," Kopp said.

The United States Swing Dance Council defines swing as an "all-American rhythm dance, consisting basically of six-beat and eight-beat patterns that cover either a circular or slot area on the dance floor."

Swing incorporates "under-arm turns, side passes, pushes and whips," according to the council.

At least one senator was suspicious of what those moves entail. Sen. Don Rogers, R-Bakersfield, said he wanted them demonstrated.

"How do we know they have anything to do with dance?" Rogers joked.

Opponents of Kopp's bill argued that other dances would be more appropriate as the state dance.

SB 2460

Sandoz Bee
8/28/88

Good question — The legislative sashaying over a bill to designate an official state dance is generating some of the more candid comments coming from lawmakers these days. For example, there was the question from Assemblyman Ross Johnson, R-La Habra, when the bill came up on the Assembly floor last week. "Do you think it might be appropriate to include an official legislative dance?" Johnson asked his colleagues. "The side step?"

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California Legislature

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 VICE CHAIR

May 4, 1984

Honorable John T. Doolittle
 Republican Whip
 California State Senate
 State Capitol Building
 Sacramento, California 95814

RECEIVED

MAY 10 1984

Dear John:

This is in response to your letter of May 2, 1984, requesting authorization for the CALIFORNIA SQUARE DANCE COUNCIL to perform on the West Steps of the State Capitol Building on Tuesday, May 8, 1984 from 11:30 a.m. until 12:30 p.m.

Please be advised, your request has been approved by the Joint Rules Committee. It is my understanding you have contacted the State Police Office, located in the Room 1149 of the Capitol building (445-2895), with regard to a permit.

Your letter is being forwarded to Mr. Denny Artz of the Rules Committee staff for processing your request for the table and electrical equipment.

Sincerely,



LOUIS J. PAPAN, Chairman
 Joint Rules Committee

LJP:bar

cc: Denny Artz
 Lt. Steve Weston
 Julie Williams
 Rose Nagao
 Everett Jones

ASSEMBLY JOINT RESOLUTION No. 29

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Assemblyman BORNHEIMER

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

A JOINT RESOLUTION designating the Square Dance as the American
Folk Dance of the State of New Jersey.

- 1 WHEREAS, Love of State and professions is enhanced by traditions
2 that have become a part of our way of life and the customs of
3 the American people; and,
- 4 WHEREAS, We have distinctive and meaningful symbols of our
5 ideals in our State's flag and in many cultural endeavors, but no
6 official designation of a State Folk Dance; and,
- 7 WHEREAS, The Square Dance, which was first associated with the
8 American people and recorded in history since 1651, has con-
9 sistently been the one dance traditionally recognized by the
10 American people as a dignified and enjoyable expression of
11 American folk dancing; and,
- 12 WHEREAS, Official recognition of the Square Dance will enhance
13 the cultural stature of New Jersey both nationally and inter-
14 nationally; and,
- 15 WHEREAS, National and international prestige is the best interest
16 of all Americans; now, therefore,

1 BE IT RESOLVED by the Senate and General Assembly of the State
2 of New Jersey:

- 1 1. That the dance known as the Square Dance is designated the
2 American Folk Dance of the State of New Jersey.
1 2. That this joint resolution shall take effect immediately.

STATEMENT

The purpose of this joint resolution is expressed in its title.

Note - SJ Res. #19 approved Jan. 19, 1983

HJR 50 DESIGNATING THE SQUARE DANCE AS THE AMERICAN
FOLK DANCE OF THE STATE OF ALABAMA.

WHEREAS, love of state and professions is enhanced
by traditions that have become a part of our way of life
and the customs of the American people; and


WHEREAS, we have distinctive and meaningful
symbols of our ideals in our state's flag and in many
cultural endeavors, but no official designation of a
State Folk Dance; and

WHEREAS, the Square Dance, which was first
associated with the American people and recorded in history
since 1651, has consistently been the one dance recognized
by the American people as a dignified and enjoyable
expression of American folk dancing; and

WHEREAS, official recognition of the Square
Dance will enhance the cultural stature of Alabama both
nationally and internationally; and

WHEREAS, national and international prestige is in
the best interest of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That the dance known as
the Square Dance is designated the American Folk Dance
of the State of Alabama.


Speaker of the House of Representatives


President and Presiding Officer of the Senate

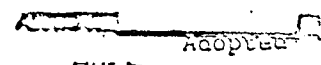
House of Representatives

I hereby certify that the within House Joint Resolution originated
in and was adopted by the House February 17, 1981.

John W. Pemberton
Clerk

Senate

FEB 17 1981


Adopted

B. Executive Branch File Materials

1. Governors Enrolled Bill File - Within the executive branch the Governor has a formal process for developing information on legislation that arrives on his desk for signature. The Governor's office will receive an "Enrolled Bill Report" from every agency with a possible interest in the legislation and the office will collect correspondence from other interested parties regarding the legislation before the Governor makes a decision on signing or vetoing the bill. We discuss two primary categories of documents from the Governor's Enrolled Bill file that commonly appear in the files and are useful for legislative intent purposes.

a. Enrolled Bill Reports – Enrolled bill reports are recommendations to the Governor concerning the legislation from agencies under the Governor's jurisdiction. The current formal report evolved over many years. In the 1940's and 1950's agencies reported in letter format. But for the last 50 years or so the Enrolled Bill Reports have evolved to a very specific format (including the words "Enrolled Bill Report" at the top). The two pages following this page are an example of an Enrolled Bill Report.

ENROLLED BILL REPORT

AGENCY	RESOURCES	BILL NUMBER AB 3007
DEPARTMENT, BOARD OR COMMISSION Department of Fish and Game		AUTHOR Sher

I. SUBJECT:

Designate the banana slug as the official State mollusk.

II. SPONSOR:

Bay Area environmentalists and the Camp Fire Kids Club of Redwood City.

III. SUMMARY:

Existing law designates an official State flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official State mollusk.

IV. ANALYSIS:

A. Specific Findings: Bay Area environmentalists and the Redwood City Camp Fire Kids Club have recommended that the banana slug be designated by the Legislature as the official State mollusk. The slug is common in old growth redwood forests, but disappears when such areas are logged by the clear-cut method. It requires considerable moisture and is considered a good indicator species of the health of old growth forests.

B. Fiscal Impact: None.

V. ARGUMENTS PRO & CON:

A. Arguments in Support of the Bill: The banana slug requires considerable moisture and is considered a good indicator species of the health of old growth forests. Many such forests are being logged which is impacting associated flora and fauna. Publicity for the banana slug helps focus attention on the plight of old growth forests. Environmental groups support the passage of AB 3007.

B. Arguments in Opposition to the Bill: The Abalone Ad Hoc Committee, representing commercial fishing, recreational fishing, mariculture, and scientific interests concerned with the abalone resource, previously endorsed, at its February 21, 1987 meeting, designating the red abalone (another mollusk) as the State shellfish. The Committee noted that the red abalone is found from border to border in

Contact: Vern Goehring
445-9889 (day)
687-7704 (night)

RECOMMENDATION:

~~SIGN~~ VETO

DEPARTMENT HEAD <i>[Signature]</i>	DATE 89 8/14/89	AGENCY HEAD <i>[Signature]</i>	DATE
---------------------------------------	--------------------	-----------------------------------	------

California and almost nowhere else; grows to the largest size of any abalone in the world; has a beautiful shell that has been used in trade and jewelry for thousands of years; and is the subject of important recreational and commercial fisheries in the State.

VI. LEGISLATIVE ACTION:

Senate Floor vote: Unavailable. 8-11-88 Ayes-21 - Noes 15

Assembly Floor vote: 3-1-88 P 43-32

VII. RECOMMENDATION:

The Department recommends SIGN because:

1. The designation of the banana slug as the State mollusk will help focus attention on the need to safeguard old growth forest habitat in California.
2. Other mollusks, the red abalone in particular, have special attributes that warrant such designation. However, the habitat problem facing the flora and fauna of old growth forests is of greater significance.

b. Correspondence - This category is primarily correspondence to the Governor, but can also include correspondence from the Governor, usually to the legislature, most commonly in the form of a veto of legislation. Almost every Governor's enrolled bill file will contain a letter from the author of the legislation requesting the Governor's signature, but many other interested parties may submit letters to the Governor urging signature or veto.

We include a sample author letter to the Governor and a veto letter in the following three pages.

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California Legislature

Assembly Natural Resources Committee

BYRON D. SHER
CHAIRMAN

August 22, 1988

Honorable George Deukmejian
Governor
State Capitol
Sacramento, California 95814

Dear Governor Deukmejian:

Assembly Bill 3007 is before you for your signature. This measure names the Banana Slug as California's Official State Mollusk.

The sponsors of this bill are the members of the Dynamite Blue Bird Club of Campfire Boys and Girls from Redwood City. Through an environmental education program, the Blue Birds came to know and respect Banana Slugs as unique members of California's environment. AB 3007 reflects the Blue Birds' efforts to recognize the special character of this animal.

Naming the Banana Slug the official State Mollusk is most appropriate. California is the only state where all five species and sub-species of Banana Slugs are found. Only one species also exists outside of the state, and its range extends to Alaska. This bill names the genus Ariolimax as the State Mollusk, without respect to a particular species or sub-species. The Banana Slug is found in coastal forests from Ventura County to the Oregon border.

Banana slugs are easy to look down on, but when you learn a little about them, you see that they are important to the well-being of the forests. Some species of Banana Slugs are colored bright yellow-gold, reminiscent of our state color. Banana Slugs grow largest, up to 12 inches, among one of our state trees, the Coast Redwoods. They have a symbiotic relationship with the Redwoods. Banana Slugs rely on the cool, moist environment at the forest floor created by mature Redwoods and, in turn, Banana Slugs consume all growth around Redwood seedlings. Further, Banana Slugs produce nitrogen, essential to Redwood growth, in a form which is readily absorbed by the trees.

Banana Slugs consume nearly any organic matter on the forest floor, including poison oak, which human beings can well do without. Banana Slugs do not leave their forest environment to attack commercial croplands.

Banana Slugs exemplify the endless diversity of animal and plant life in California. As forest dwellers, they are accessible to all.

For years, environmental educators have used Banana Slugs to teach basic lessons of ecology. AB 3007 has served to educate young people from my district and elsewhere in the state about the legislative process. An educational packet to help children learn about ecology and the legislative process was sent to 70 educators and others, from Sacramento to Los Angeles. For these reasons, I believe the bill is already a success.

I can tell from the enclosed press photograph that you are not totally unfamiliar with the virtues of the Banana Slug. They have warmed my heart as well.

Your signature will both complete the education of the Redwood City Dynamite Blue Birds, and confer recognition on an important member of our ecological community.

I respectfully request that you sign into law AB 3007, designating the Banana Slug as California's official State Mollusk.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Sher". The signature is fluid and cursive, with the first name "Byron" and last name "Sher" clearly distinguishable.

BYRON D. SHER
Assemblyman, 21st District

BDS:jmjh
Enclosure



GEORGE DEUKMEJIAN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

August 29, 1988

To the Members of the California Assembly:

I am returning Assembly Bill No. 3007 without my signature.

This bill would designate the banana slug (*Ariolimax*) as California's official state mollusk.

The mollusk is one of the largest groups of invertebrate animals and includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, mussels, scallops, snails and slugs are all subclasses of the mollusk classification. There are a large number of different mollusk species indigenous to locales in the state, including the pismo clam, the black abalone, the red abalone, the turban shell, the two spotted octopus, common squid and a mussel (*mytilus californianus*).

The banana slug species *ariolimax* was first identified near the mouth of the Columbia River in Oregon and has been found from Alaska to as far south as the Salinas Valley.

It appears, that to the extent possible, official state items are indigenous to California. Thus, the state fish is the California Golden Trout, the insect is the California Dog-Face Butterfly, the bird is the California Valley Quail and so forth. If there is a need to designate a state mollusk, it would be more appropriate to select one that is indigenous to California and perhaps one that is more representative of the international reputation that California enjoys.

Cordially,

George Deukmejian

Thank you for viewing this overview of the types of legislative documents available for documenting legislative intent in California.

If you have questions or comments please feel free to call or email.

The Plain Meaning Rule

This document, along with other documents related to using legislative documents to find legislative intent, are posted at <https://www.legislativeintent.com/Web/Free.Library>

I. The Plain Meaning Rule

This discussion is applicable to both Federal and State Statutes. (See Sutherland on Statutory Construction and Cal Jur on Statutes for extensive general authorities on the “plain meaning” rule).

In any contested issue involving Legislative Intent the threshold question is usually going to involve the plain meaning rule. Many cases over the years have discussed the “plain meaning rule”, usually as a condition precedent to the court considering legislative intent. The underlying rationale of the rule is if the meaning of the statute is clear, there is no need to resort to legislative intent. Although not explicitly discussed in any case, undoubtedly an appealing characteristic of the “plain meaning” rule to overburdened courts is that choosing to apply the “plain meaning” rule will greatly simplify the amount of data they need to absorb.

On close inspection the diverse body of “plain meaning” case law is much more nuanced, courts often look at legislative intent even while stating the meaning is plain. Some courts and commentators have noted that legislative intent should control over the letter of the law if there is a conflict, which makes some sense as a logical extension of the separation of powers doctrine.

In California CCP Section 1858 is as close as one gets to a statutory version of the plain meaning rule. One can argue Section 1858 is itself in need of construction as the Section provides the Judge’s task with regard to statutes is to “ascertain and declare what is in terms **or in substance** contained therein...” (emphasis added). The phrase “or in substance” seems to impose a duty to seek the intent of the enactment as coequal with parsing the words.

The following Section, CCP Section 1859, states explicitly “In the construction of a statute the intention of the legislature...is to be pursued, if possible...”

The recent enactment of Government Code Section 9080(a) adds additional explicit legislative approval of the use of legislative documents to find legislative intent, so the “plain meaning rule” has perhaps less vitality in California than in other jurisdictions. But beyond issues of the vitality of the rule, “plain meaning” is a slippery concept in practice.

A. Problems with the Plain Meaning Rule: Some underlying theoretical issues raised by the plain meaning rule include:

1. Words are imprecise instruments: The apparent simplicity of this rule glosses over the fact words are elusive and imprecise instruments, dependent for meaning on context, and often what might appear as “plain” on first reading becomes less plain the more you think about the context and ramifications of the language. Words the legislature chose with one particular factual circumstance in mind may produce an entirely different result when applied to factual circumstances other than the one the legislature anticipated.

A typical approach to arguing whether the meaning of a statute is “plain” is to resort to dictionary definitions. In the real world this approach sometimes has limited utility. Since the meaning of words can vary according to the context, dictionaries typically provide an “average” meaning. Many of us have had the experience of going to the dictionary for a word we use regularly and found what the dictionary describes as the meaning is different than the way we often use the word.

For an interesting case that faced the problem of the legislature choosing language that had consequences many of the legislator’s who voted for the bill probably would have objected to see Unzueta v. Ocean View School District, 8 Cal Rptr 2d 614 (1992)

2. Words change in meaning over time: Words evolve. They take on fashionable nuances in different periods of history, so the common meaning of a word today might be significantly different than when the word was used by the legislature drafting the statute. The changes can be documented in some cases by comparisons of present dictionary definitions with old dictionary definitions. Many large libraries maintain copies of old dictionaries, if dictionary definitions become an issue in a plain meaning controversy, it would be wise to try to get a dictionary published roughly contemporaneously with the enactment of the statute to compare with current definitions.

3. Words are a tool of language and logic and don’t reflect the full human experience. Words are not ends in themselves, they are tools to achieve communication of thought, but we have modes of thinking that do not operate on the same program as words, for which words are a poor substitute. It is rather like using a word program on your computer to substitute for a picture, or a spreadsheet, or a piece of music. Words just cannot always do the job without reference to other modes of thought. This is perhaps best illustrated by the creation of courts of equity in England many years ago. The law had grown so reliant on words forming a symmetrical and logical body of law as an end in itself, and unwilling to compromise that symmetry with input from other modes of thought, that an entire separate body of courts had to be created to accomplish just results in many areas of the law.

B. Tools for Addressing Plain Meaning Rule Arguments:

1. What other words might the legislature have chosen? A useful tool to determining if the meaning is plain or ambiguous is to consider what other words the legislature might have used that would clarify your particular issue. While the same issues with the evolving nature of language are at work when you undertake to consider other words the legislature might have used, this process is very useful for developing a sense of whether the meaning is really as clear as it might seem at first blush.

2. Consider who actually chose the word. In some circumstance the source of the language in question can arguably influence the level of scrutiny the legislature applied to any particular term. For example, if the language comes out of the deliberations of a committee it suggests a higher level of scrutiny in choosing the term in question, whereas if the legislature simply accepts language brought by some sponsoring agency as part of a larger proposal it suggests a “first impression” meaning could be more applicable.

Using Legislative History to Find Legislative Intent

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TABLE OF CONTENTS

PART 1. BASIC THEORETICAL ISSUES

I. The Plain Meaning Rule.	Page 2
A. Problems with the Plain Meaning Rule	Page 2
1. Words are imprecise instruments	Page 2
2. Words change meaning over time.	Page 3
3. Words are a tool of logic and don't reflect the full human experience.	Page 3
B. Tools to Address Plain Meaning Arguments	Page 3
1. What other words might have been chosen?	Page 3
2. Consider who actually chose the word.	Page 3
II. The Problem of Defining Legislative Intent – Subjective or Objective intent?	Page 3
III. Countering Objections to the Use of Legislative Intent Materials.	Page 5
A. The Separation of Powers Doctrine Argument.	Page 5
B. Relying on Legislative Intent Makes the Law Less Predictable.	Page 5
C. There is No Definable Legislative Intent.	Page 5

PART 2. BASIC PRINCIPLES IN DEVELOPING A LEGISLATIVE INTENT ARGUMENT

II. Basic principals common to both State and Federal Law.	Page 6
III. Factors specific to California Law.	Page 6
IV. Factors specific to Federal Law	Page 7

PART 3. BASIC AUTHORITIES ON USING LEGISLATIVE INTENT

I. Legislative Intent is a matter of Law	Page 9
II. Jurisdictional Considerations	Page 9
III. California Courts	Page 9
A. General Authorities	Page 9
<u>B. Authentication</u>	Page 10
<u>C. Probative Value</u>	Page 10
1. Primary Sources	Page 11
2. Secondary Sources	Page 11
3. Author Statements	Page 11
4. Agency Analyses	Page 12
5. Legislative Counsel Opinions	Page 12
6. Tertiary Sources	Page 12
<u>D. Claiming Costs for Obtaining Legislative History Documents</u>	Page 13
<u>E. Selected Code References Pertinent to Legislative Intent</u>	Page 13
<u>F. Citing California Legislative Documents</u>	Page 13
IV. Federal Courts	Page 13
A. Federal Court Applying State Law	Page 13
B. Federal Court Applying Federal Law	Page 13
V. Other Jurisdictions	Page 14

PART 1. BASIC THEORETICAL ISSUES

This discussion is intended to provide a quick and concise set of suggestions for the underlying theories pertinent to arguing legislative intent. It is aimed at raising possible issues rather than attempting a full treatment on the subject, as a full treatment could easily fill volumes. Please feel free to contact the author if you have questions, comments or suggestions, or would like additional references to authorities addressing various aspects of the topic in more detail.

For a general overview and authorities on Statutory Construction see the wikipedia annotation at http://en.wikipedia.org/wiki/Canons_of_statutory_construction

More traditional treatises that are valuable for older settled law include Sutherland on Statutory Construction, the annotations in Am Jur and Cal Jur 3rd annotation on Statutes.

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B. Tools for Addressing Plain Meaning Rule Arguments:

1. What other words might the legislature have chosen? A useful tool to determining if the meaning is plain or ambiguous is to consider what other words the legislature might have used that would clarify your particular issue. While the same issues with the evolving nature of language are at work when you undertake to consider other words the legislature might have used, this process is very useful for developing a sense of whether the meaning is really as clear as it might seem at first blush.

2. Consider who actually chose the word. In some circumstance the source of the language in question can arguably influence the level of scrutiny the legislature applied to any particular term. For example, if the language comes out of the deliberations of a committee it suggests a higher level of scrutiny in choosing the term in question, whereas if the legislature simply accepts language brought by some sponsoring agency as part of a larger proposal it suggests a “first impression” meaning could be more applicable.

II. The problem of defining legislative intent – subjective or objective intent?

The case law relating to using legislative documents to determine legislative intent is abundant, but often wildly inconsistent. For many different kinds of legislative documents one can find cases relying on that particular type of document and cases rejecting the particular type of document. The inconsistency is in part a reflection of the fact that there is no consistently applied standard clarifying what factually to look for to find “legislative intent.” Is a legislative intent inquiry seeking to determine what each individual legislator subjectively understood and intended? Clearly a virtually impossible task. Is it then seeking an objective intent? What the intent appears to be from the materials that are available? This standard is much more achievable and also has the virtue of putting the legislature on notice they should pay attention to what is being said. This standard also reflects the reality of the often combative legislative process.

To the extent there have been attempts to provide a standard they seem to lean toward the subjective standard. Many cases speak of legislative intent as finding the “collegial” view of the legislature – what the legislature as a group envisioned. Some cases go so far as to require that any statement be presented to the entire legislature in order to be considered as reflective of the collegial view. These cases seem to visualize a collegial view as something akin to a group sitting around discussing every ramification of some proposal in great detail until an agreement on all the possible issues is reached. This fiction is wildly unreflective of the legislative process.

In California in a two-year legislative session typically somewhere around 7000 to 9000 different bills will be introduced. Many, if not most of the bills will be amended, often many times over the course of legislative deliberations. Some bills are very short and concise but many bills are scores, or even hundreds of pages in length amending scores or hundreds of different code sections. It is an enormous volume of material, far beyond the capability of any single legislator to even thoroughly read once, given the myriad other demands on a legislator’s time. Any particular legislator will have a relatively detailed knowledge of only a tiny fraction of the pending bills. Even as to that tiny fraction, there could be many possible ramifications from the language chosen which will not have occurred to anyone in the legislature.

Beyond the fact the sheer number of proposed changes in any legislative session is overwhelming large, the legislature virtually never meets collegially. Even within the Assembly or Senate the only time they meet as a body is when a bill comes up on the floor for final vote, and typically in California (and most states) the discussion on any particular bill is short, minimal and very general.

With some documents such as Federal Committee reports, or letters to the Journal in California the legislature is making explicit statements of what they intended – the “collegial view” can work in such situations involving direct statements of intent as long as one accepts the statements as putting other legislator’s on notice of the stated intent.

But in the absence of direct statements of intent this formulation of the collegial view breaks down completely when applied to clarify specific details of how tiny parts of any legislation should be construed. Some courts reject many potentially useful documents on the basis they were not viewed by all legislators. This is a particularly glaring fiction in California as virtually no document ever is viewed by all – or even substantially all - legislators. And it is doubtful all the legislators read the actual language of any given statute.

In fact both Congress and the California legislature operate largely by delegation, reliance on staff and colleagues, on reputation and trust, and by relying on people who do not like the legislation to voice their objections. The actual “collegial” view of an individual legislator at best usually does not extend beyond a general understanding of the problem addressed, the general nature of the proposed solutions, the knowledge the legislation is a negotiated agreement between stakeholders who agree that the legislation is probably a good idea and finally, that it has no provisions objectionable to anyone with the political clout to cause problems.

There is probably no theoretical formulation for legislative intent that will be above objection in all cases. One of the strengths of logic is criticism, but criticism doesn’t solve problems, and relying on “plain meaning” often means excluding consideration of other modes of thought that are important to human affairs. But moving from “plain meaning” to the “collegial view” is sometimes little improvement in finding a realistic mechanism to understand what the legislature intended. The “collegial view” simply substitutes a fictional view of reality that can lead courts to exclude probative legislative intent documents on the grounds not all legislators saw the document. The end result is not much different than relying on the plain meaning rule, excluding possibly valuable information to focus on parsing the specific words of the statute.

There are alternative theoretical frameworks that more accurately reflect the legislative process and could lead to more consistently realistic findings on legislative intent, particularly if viewed as alternative tools in ones toolbox rather than as a formula that always produces the correct answer. These alternative

rationales are consistent with what many courts have actually done in finding legislative intent. Two examples of useful optional rationales that better reflect the reality of the legislative process and could be useful in particular situations are:

1. Seeking to extrapolate objectively what the legislature would have viewed as the result that is most consistent with their concerns. What would the legislature likely have done if it considered the particular issue before the court? The extrapolation is based on weighing what documents reveal to the be problem to be solved, the general concerns of the legislators, the proposed solutions and the legislative actions on the various alternatives before them, The goal is not to extrapolate what any particular legislator thought or knew, but to find the result that is most consistent with the expressed concerns to be addressed by the Statute.
2. Operating on a “notice” theory. This theory makes sense as a reflection of the enormous volume of materials a legislator is responsible for voting on. The only way a legislator can handle that volume of information is to downplay the details and focus on objections from other parties. In this theory any particular document might act as “notice” to the legislature of a particular detail or construction of the proposal. The probative value of the notice depends on how widely the particular document was distributed, or whether the same concept was presented in a number of documents from a number of sources. Even a document with a relatively low probative value could potentially be decisive if the document is consistent with other documents about how to address the broader goals of the legislation and there are no alternatives addressing the same issue.

III. Countering Objections to the Use of Legislative Documents

A. The Separation of Powers Doctrine Argument: Some commentators have argued that the separation of powers doctrine precludes courts from looking at legislative intent, on the basis it impinges on the courts role in interpreting the law. This argument seems to be grounded in the notion the courts have no obligation to seek the intended purpose of the law, their only obligation is to see what the words chosen mean to the court. On reflection this seems to make the separation of powers doctrine a doctrine of procedure rather than substance and in fact turns the doctrine on its head. In effect the argument requires the legislature cater to some future courts perceptions. Words are tools with which the legislature seeks to communicate the law; they are not in the end the law itself. If the chosen words do not convey the thought behind the words accurately and the means are available to clarify the meaning, the separation of powers doctrine would seem to oblige the court to seek to understand the actual intent.

B. Relying on Legislative Intent Makes the Law Less Predictable: Some cases and commentators have argued the courts should not try to ascertain legislative intent because it makes the law less accessible and precise than simply relying on the words of the statute. Beyond the fact this viewpoint dismisses the possibility of ambiguity in the language it seems to view symmetry and clear black lines in the law as more valuable than fairness to the parties before the court and underlying society. And if the law is ambiguous in a given situation to the court it will presumably be just as ambiguous to the public in that same situation.

C. There is No Definable Legislative Intent. Arguments of this sort often occur as part of an effort to assert the plain meaning rule should control. As noted above it is probably not possible to formulate a theory of legislative intent that fits all circumstances all of the time because of the inherent complexity of the legislative process, and the difficulty of conveying complex thoughts in simple language. There will always be logical objections to the weaknesses of any solution to a construction problem. But we don't look at legislative intent unless there is language construction problem to be solved and a simple basic rule of good decision-making is always applicable – if it is relevant, more information is better than less.

PART 2. BASIC PRINCIPALS IN DEVELOPING A LEGISLATIVE INTENT ARGUMENT

I. Basic principals applicable to both state and federal law.

Once the plain meaning rule has been hurdled, and the court is satisfied sufficient ambiguity exists to require resort to legislative intent, the next step is to develop a thorough understanding of how the legislation developed. Admittedly this takes time, the temptation to do a quick search for a nice quote can be strong. But the more you know about the legislative history, the better you understand the statute and your case. Often as you dig deeper into the legislative history it sparks a deeper understanding of the nuances of the statute that may lead to valuable new insights that go beyond legislative intent. Specific steps include:

1. Develop an understanding of the legislative process both –
 - a. Procedurally – How did the language read as first proposed, what committees considered the proposal, when were amendments made and where was the proposal when it was amended
 - b. As an adversarial process – who was lobbying in support of the proposal and what were they trying to accomplish, who was active in opposition what were their objections, who was responsible for amendments to the proposal.
2. Become familiar with the documents available pertinent to your issue –
3. Identify where in the process the changes you care about occurred – this provides a mechanism to narrow the scope of your search for explanations for why the language was changed.
4. Be prepared to address the plain meaning rule.
5. Be open to both direct and circumstantial evidence of intent. Your not always going to find a statement directly on point to your issue, but patience and a thorough knowledge of how the proposal developed can often allow you to document who sponsored the language and why.

II. Factors Specific to California Law.

You take an enormous risk in California if you rely on a key word search and just start plugging quotes into your moving papers. Unlike Federal law, California legislative intent materials are primarily working documents, not after the fact statements of intent. You need to understand where in the process the document fits to judge it's probative value. The quote you pick out to rely upon may, for example, turn out to be from a document reflecting the proposal before major amendments revised exactly the language you need to explain, or be from a document that is in the nature of a minor background statement, rather than a highly persuasive official document developed as a formal part of the legislative process. With some documents you may need to use collections of documents with similar statements to corroborate one another.

In understanding California legislative enactments you have to begin by seeking a thorough understanding of who brought the idea to the legislature, and how they justified the proposal. You need to know who opposed the idea, and why. Once you have these factors in mind you need to study the evolution of the language of the proposal as it was amended by the legislature. Once you have identified the points in time that changes to the language you care about occurred you look for contemporaneous documents to help understand why that change occurred.

If the language was in the proposal as introduced, look to the explanations of the sponsors as to why the proposal was necessary. If the language appeared in an amendment to the proposal during the legislative process the changes are often reflective of a direct effort to mollify some party opposed to the proposal whose opposition is strong enough to put the proposals final approval at risk. If you can find why the

objecting party was opposed to the bill, and compare that to the language of the bill as amended, you usually have documented the reason for the change.

III. Factors Specific To Federal Law:

Federal documents are published documents often containing specific statements of intent, but also often containing discussion that is of value in developing arguments of “circumstantial” intent where a specific statement addressing your issue is not available. The following discusses both arguments and the documents ordinarily useful for determining legislative intent of Federal Statutes:

- a. Direct intent: The quick key word search to pull out a quote is less likely to expose you to serious loss of credibility in arguing Federal legislative intent, as many Federal documents are prepared as explicit statements of intent. However you still face the issue of being sure the language any quote is addressing is the final version of the language key to your issue. The better practice with Federal law is to make sure you know when the language you care about was finalized in the proposal, so you can insure any quote you want to use is addressing the final language, or, if it is not addressing the final language, clarify why it is still pertinent. Published documents containing statements of intent commonly could include:
 - i. Committee Reports – Explicit explanations by committees as to what they are trying to accomplish that accompany a particular proposal to the floor of the House or Senate.
 - ii. Congressional Record excerpts – Explicit statements for the record by members of Congress on the floor of the House or Senate explaining their thinking.
 - iii. Committee Prints – Published explanations of Committee actions on a particular proposal for more general distribution.
 - iv. Presidential signing statements
- b. Circumstantial intent: Despite the voluminous documentation often available on Federal enactments, on many occasions you won't find a quote squarely addressing your issue. In that circumstance you need to develop an understanding of the competing forces influencing the legislation so you can develop an argument on how the language you are focused upon fits into the broader policies Congress sought to achieve. The process described above for California law will leave you much better prepared to defend your position as the ground under your feet shifts during the normal give and take of litigation. The better you understand the legislative history the more prepared you will be to deal with new arguments or points raised by opposing counsel. Published documents containing other information that can be used to construct circumstantial evidence of intent:
 - i. Committee Reports – Will also contain background discussion of how legislative developed, what prior proposals are pertinent and what hearings were held.
 - ii. Congressional Record excerpts – May sometimes contain background discussion of how legislative developed, what prior proposals are pertinent, what hearings were held, what problems are being addressed and what source outside the Congress might have generated a particular proposal.
 - iii. Committee Prints – May also contain background discussion of how legislative developed, what prior proposals are pertinent and what hearings were held.
 - iv. Committee hearing transcripts – contain testimony from interested parties about pending legislation. Frequently testimony identifying problems or making suggestions at committee hearings will spawn language drafted to address the problem or suggestion.

- v. Bill copies – the changes in language made by amendments can raise inferences of intent, particularly when linked to other circumstances documenting the amendments were to address a particular issue or concern.

PART 3. BASIC AUTHORITIES ON USING LEGISLATIVE INTENT MATERIALS

I. Legislative Intent is a matter of Law

Legislative Intent is a matter of law that is often resolved by a factual inquiry. Because it is a factual inquiry many lawyers instinctively think in terms admissibility. But as a matter of law decided by the court, rules of evidence developed to protect juries should have no applicability. Factual inquiries into Legislative Intent need only address two issues, the authenticity of the information relied upon and the probative value of the information.

II. Jurisdictional Considerations

Each state court has its own rules and procedures for inquiring into Legislative Intent, although virtually all jurisdictions treat legislative history documentation as matter to be judicially noticed by the court, rather than as material to be introduced as evidence. Federal Courts look to the law of the particular State for inquiries into the meaning of statutes from that State. The Federal Rules of Civil Procedure govern inquiries into the legislative history of Federal law.

III. California Courts

A. General Authorities

California Code of Civil Procedure 1859 states in pertinent part: "In the construction of a statute the intention of the legislature ... is to be pursued, if possible . . ."

California Government Code Section 9080, enacted by Chapter 928 of the Statutes of 1996, is an explicit statement that the documents generated in legislative deliberations are evidence of the intent of the legislature. Section 9080 begins with the following statement:

"(a) The Legislature finds and declares that legislative records relating to bills, resolutions, or proposed constitutional amendments before the Legislature provide evidence of legislative intent that may be important in the subsequent interpretation of laws enacted in the Legislature..."

Section 9080 discusses specific types of legislative committee documents appropriate for determining legislative intent in Section 9080(d), which provides:

- (d) *"Legislative records," for purposes of this section, means records contained in an official committee file, including, but not limited to, all of the following:*
- (1) Committee staff analyses.*
 - (2) Written testimony.*
 - (3) Background material submitted to the committee.*
 - (4) Press releases.*
 - (5) Written commentary submitted to the committee on a bill, resolution, or proposed constitutional amendment. For purposes of this paragraph, "written commentary" does not include the following:*
 - (A) Material not utilized by the staff of a fiscal committee in the preparation of any analysis for the members of that committee.*
 - (B) Communications determined by the committee or its staff to be confidential.*
 - (6) Versions of bills, resolutions, or proposed constitutional amendments assigned to the committee.*
 - (7) Relevant interim hearing materials, studies, case materials, and articles.*

That list, while clearly stating some types of documents that can be considered for legislative intent purpose, is not intended to exclude consideration of other types of documents not listed is evidenced by the phrase *"but not limited to"* in the introductory clause. A partial purpose for the list seems to be to guide

legislative staff in interpreting the scope of their obligation to maintain records and grant public access to legislative records.

There are hundreds of California cases addressing the judicial notice of legislative history documents, the vast majority of which predate the enactment of Government Code Section 9080. None of the more recent cases cite or take note of Section 9080, and as of June of 2012 no case is listed in the annotated codes as citing Section 9080. Prior to the enactment of Section 9080 a leading authority for the general proposition that it is appropriate to take judicial notice of legislative history documents, and a decision with significant discussion about the purpose of and authority for relying upon legislative history, is the Supreme Court decision in **California Teachers Association v. San Diego Community College District, (1981) 28 Cal. 3d 692**. For a discussion in some depth see the annotation regarding "Statutes" in 58 CAL JUR Third. The discussion regarding extrinsic aids commences with Section 177.

B. Authentication

The most common mechanism for bringing legislative history documents to the attention of the court is through the Judicial Notice provisions contained in Evidence Code Sections 450 through 458. These Evidence Code Sections were enacted in 1965 by legislation sponsored by the California Law Revision Commission (CLRC). You will find in the annotated codes that some of the sections have explicit statements of intent from the CLRC that were adopted by the California Legislature.

Key provisions include:

Evidence Code Section 452: "Judicial Notice may be taken of the following matters... (c) Official acts of the legislative, executive or judicial departments of the United States and of any state of the United States."

Evidence Code Section 453: "The trial Court shall take judicial notice of any matter specified in Section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and, (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter."

Evidence Code Section 454: "(a) In determining the propriety of taking judicial notice of a matter, or the tenor thereof: (1) Any source of pertinent information, including the advice of persons learned in the subject matter, may be consulted or used... (b) Exclusionary rules of evidence do not apply except Section 352 and the rules of privilege."

A leading case citing Evidence Code Section 452(c) as authority for a court to take judicial notice of legislative documents is **Post v. Prati, (1979) 90 Cal. App. 3d 626, 153 Cal Rptr. 511**. The court relied upon a variety of legislative documents, including correspondence to the Governor from state agencies and individual legislators.

Although a formal request for judicial notice is probably better practice, in **Lafayette Morehouse, Inc. v. Chronicle Publishing Co. (1995) 39 Cal. App. 4th 1379**, the court accepted and relied upon legislative documents simply appended to a brief, apparently with no formal request for judicial notice. The court did extend to each party an opportunity to submit additional briefs, presumably to allow objections to the offered documents. Simple forms to get you started on a Request for Judicial Notice and Points and Authorities can be found at <https://www.legislativeintent.com/Web/Free.Library>

C. Probative Value

There are many types of documents that can be relevant to interpreting a particular statute, but not all documents are of equal persuasive value. Identifying three categories of documents, primary, secondary and tertiary documents, is useful for discussion purposes, (although case law has not generally categorized documents in this manner). The following discussion addresses a selection of specific categories and documents, beginning with primary sources.

*Note regarding proceedings in the Third District Court of Appeal: A recent 3rd district decision sets forth very stringent rules about what documents can be considered as well as the proper way to present documents to the court. The case is **Kaufman and Broad Communities Inc v. Performance Plastering Inc**, 133 Cal. App. 4th 26 (2005) and will impact many of the topics discussed below for those in the Third Appellate District. Two requests for depublication of the October 2005 decision were filed with the Supreme Court. They were denied without explanation, but could be useful for responding to arguments relying on Kaufman in other districts. The Los Angeles Law Firm of Gianelli and Morris request focused primarily on conflicts between the Kaufman and Broad opinion and pre-existing case law. The depublication request of this office argued the opinion was inconsistent with Constitutional and statutory provisions did not reflect the reality of the legislative process and created inappropriate procedural hurdles.*

1. Primary Sources

Documents that are formally developed during the legislative process, pursuant to procedural rules and legislative procedures, might be viewed as primary sources of legislative intent. Primary documents could include the actual legislative bill, in all its amended versions, Legislative Counsel's digests, committee analyses prepared for committee hearings on the bill, floor analyses given to the legislators when the bill is up for vote on the floor of the Assembly or Senate, fiscal analyses prepared by the Legislative Analysts Office and various other official publications. Cases have often treated primary documents as presumptively probative due to their formal status within the legislative process. (See for example, **Wiley v. So. Pacific Trans. Co.** (1990) 220 Cal. App. 3rd 177 relying on amended versions of a bill, **Five v. Chaffey Joint Union School District**, (1990) 225 Cal.App.3rd, 1548 and **Quelimane Co. v. Steward Title Guar.Co.**, (1998) 960 P.2d 513 Cal. (1998) and **California Teachers' Ass'n v. Governing Bd. of Hilmar Unified School Dist.**, 95 Cal.App.4th 183, 192, 115 Cal.Rptr.2d 323 (2002), relying upon a Legislative Counsel digest, **Hutnick v. Fidelity and Guaranty Co.** (1988) 47 Cal. 3d 456, relying upon an analysis of the Assembly Committee on Judiciary, and **Youngblood v. Gates** (1988) 200 Cal. App. 3d 1302, relying upon floor analyses.)

2. Secondary Sources

Documents not part of the formal legislative process, but developed in response to the legislation and contained in the files of the legislative or executive branch relating to the legislation, can be viewed as secondary sources. Secondary sources might include items such as documents from the Governor's file, the legislative committee files, the files of the author of the bill, the files of organizations within the legislature that prepare third reading analyses or the files of state agencies. While probably not entitled to the same level of automatic presumptive weight as primary documents, individual secondary source documents can be very probative in particular circumstances, as circumstantial evidence of intent. (See for example **People v. Superior Court (Memorial Medical Center)** (1991) 234 Cal. App. 3d 363 relying upon documents from a legislative committee file, **In re York**, (1995) 9 Cal.4th 1133 relying on a letter from the Attorney General found in many legislative bill files, **Kern v. County of Imperial**, (1990) 226 Cal. App. 3d 391 relying on a statement by the sponsor of the legislation.) Additionally, sponsor statements have been found to be helpful sources of legislative intent, see **Quarterman v. Kefauver**, 55 Cal.App.4th 1366, 1373, 64 Cal.Rptr.2d 741 (1997).

3. Author Statements

One common secondary source, statements about the intent of legislation by the author of the bill, has been subject to relatively extensive discussion in appellate decisions. Author's statements are often found in many legislative files, and in particular in the author's bill file. A series of cases from early in this century found author statements not entitled to consideration. These cases were typically addressing situations where the author of a bill, after the bill was passed, appeared in litigation to testify as to the legislative intent in enacting the bill, or made other statements about the legislative intent outside legislative deliberations. These older cases often refused to consider these statements as reflective of the intent of the entire legislature. A line of lower court cases has built upon the evidentiary approach of the rule in the older cases, taking a restrictive view that many legislative documents must always be disregarded. (See for a recent example **People v. Patterson**, 72 Cal. App. 4th 438 (1999)). The underlying rationale of these cases is not consistent with Government Code Section 9080, so their continued vitality as precedent is doubtful. These cases seem to test documents for admissibility standard rather than for probative value.

This approach tends to require that the document stand alone as unimpeachable direct evidence of intent, and if it cannot then the document is discarded. They thus discard the circumstantial value of documents that provide background and context to the legislative deliberations.

The evolving modern understanding of the law seems to be represented by cases, in some cases decisions of the Supreme Court, recognizing that author statements made during the legislative process are probative. In some cases this finding is supported by explicit discussion, more broadly support can be found in the sheer number of cases relying upon a statement by the author. See, for issue discussion, **California Teachers Association v. San Diego Community College District, (1981) 28 Cal 3d 692**. The guidelines set forth in this 1981 case are much more restrictive than the rule one would distill from the many subsequent appellate decisions that have relied on author's statements. For an example see the Supreme Court decision of the following year, **Commodore Home Systems, Inc. v. Superior Court (1982) 32 Cal. 3d 211**. For a recent case exemplifying what seems to be the evolving mechanism to harmonize the cases see **Estate of Sanders, 2 Cal. App. 4th, 462 (1992), 474, footnote 15**, which states that author statements "...that cast light on the history of the measure and the arguments before the legislature when it considered the matter - as opposed to the personal beliefs of the legislator (which may not reflect the collective view of the enacting legislative body) - are indicia of legislative intent."

4. Agency Analyses

Bill analyses by executive branch agencies do not fit easily into this primary/secondary source categorization. They are not a primary document in that they usually have no official status in legislative rules. However, some executive branch documents, particularly when an agency is directly involved as a sponsor or opponent of the bill, should be viewed as more probative than other secondary documents. The "evolution of legislation from its introduction to its final form may provide some insight into underlying legislative intent; statements by sponsor of legislation are instructive, as are legislative committee reports on proposed legislation" **Quarterman v. Kefauver, 55 Cal.App.4th 1366, 1373, 64 Cal.Rptr.2d 741, (1997)**. Even in those circumstances where the agency was not directly involved in the legislation the official nature of agency analyses gives additional indicia of reliability beyond the fact that they appear in legislative or executive bill files.

One type of state agency document that has generated challenges in past decisions is enrolled bill reports submitted to the Governor. A 2004 decision of the Supreme Court has resolved the question. In **Elsner v. Uveges (2004) 34 Cal. 4th 915**, the Supreme Court took judicial notice of an enrolled bill report from the Department of Industrial Relations (id. at p. 934). The court stated at footnote 19 "Uveges challenges Elsner'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.)"

5. Legislative Counsel's Opinions

Opinions by Legislative Counsel are also difficult to classify as primary or secondary. Legislative Counsel opinions are opinions addressing specific interpretation questions about particular legislation. They often are found in legislative bill files. The opinions are prepared in response to a formal request by a legislator. Legislative Counsel views their opinions as subject to the Attorney client privilege. Thus they are ordinarily provided only to the requesting legislator, who may or may not disseminate the opinion. Despite the inability to be certain if anyone actually saw the opinion, other than the legislator who requested the opinion, courts have viewed Legislative Counsel opinions as highly probative in assessing legislative intent, presumably because of the Legislative Counsel's key role in drafting legislation, and their presumed impartiality, (See **North Hollywood Project Area Committee v. City of Los Angeles (1998) 71 Cal. Rptr.2d 675**), **Zipton v. W.C.A.B., 218 Cal.App.3rd 980 (1990)**.

6. Tertiary Sources

The third category of documents relating to legislative history is documents from outside the legislative process. Examples could include files from lobbying organizations, media articles about the legislation, trade publication discussion of the legislation, Law Review articles, Treatises, or other materials providing

background on the law. These types of documents are typically used to confirm legislative intent suggested by other documents, or to place legislation in historical context.

D. Claiming Costs for Obtaining Legislative Intent Documents

Costs expended to obtain legislative history documentation from a commercial service have been found to qualify as costs under CCP 1033.5. **Van DeKamp v. Gumbiner (1990) 221 Cal.App.3rd 1260.**

E. Selected Code References Pertinent to Legislative Intent

The code sections governing the legislature and legislation are primarily in the Government Code in the 8000 to 11,000 sequence of sections. The two sections that become pertinent to legislative intent most frequently are 9600, which governs the date statutes become effective, and 9605, which governs the effect of two or more pieces of legislation affecting one code section in one legislative session.

Provisions in the Constitution also govern the effective date of statutes, primarily in Article IV, Section 8. Some knowledgeable practitioners find Government Code Section 9600 not altogether in harmony with the Constitution. When questions arise about the effective date of statutes it is wise to go to the Constitution first. See also the discussion on effective dates in the preliminary pages of the annotated codes.

In the Government Code Section 8000 to 11000 sequence you will also find the statutory authorization for many of the organizations associated with the legislature, such as the Legislative Counsel (Sections 10200 et seq) and the California Law Revision Commission (Sections 8280 et seq).

F. Citing California Legislative Documents

The Supreme Court Citation booklet provides the form for a few legislative documents, such as Chaptered Statutes, Bills and other basic documents. But many of the most useful legislative documents are not specifically discussed. The Supreme Court also provides general citation guidelines for documents not specifically covered. As the guidelines apply to legislative documents your citation usually should include all the information necessary for the court to determine the source, subject and nature of the document.

IV. Federal Courts

A. Federal Court Applying State Law

A Federal Court exercising diversity jurisdiction and seeking to determine the intent of a State legislative enactment will look to the law of that state to determine how the State statute is to be interpreted, as the federal court is bound to render the same decision as would a state court. (See, generally, 28 USC Section 1652, **Erie v. Tompkins**, 304 U.S. 64, (1938), and **Guaranty Trust Co. v. York**, 326 U.S. 99 (1945)). Generally state procedural rules will be followed as long as there is no direct conflict with the federal rules. (**Hanna v. Plummer**, 380 U.S. 460 (1965)) If the state and federal law do not directly supercede one another, the courts should try to follow both. (See **Gasperini v. Center for Humanities, Inc.**, 518 U.S. 415 (1996))

B. Federal Court Applying Federal Law

Federal Courts have the power under Federal Rule of Evidence Section 201 to take judicial notice of adjudicative facts. (See generally Sutherland on Statutory Construction, Section 48.04) A number of courts have relied on Section 201(b) to judicially notice documents relating to local, state and federal legislative and administrative enactments. (See for example **Carey v. Population Services, Int'l**, 431 U.S. 678 (1977), **Green v. Bock Laundry Machine Co.**, 490 U.S. 504 (1989), **Rabkin v. Dean**, 856 F.Supp. 543 (N.D. Cal., 1994), **Heck v. Reed**, 529 N.W. 2d 155 (1995)) Rule 201 (b) (2) allows judicial notice of facts that are "capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned." Under this rule, judicial notice of the legislative history of a statute may be taken. (See **Levy v. Scranton** 780 F.Supp. 897, 900 (1991))

V. Other Jurisdictions

Detailed general discussion of the importance and use of legislative intent in State and Federal Courts is available in a number of treatises and law review articles widely available in law libraries and/or on line. Good sources to start a search for more detailed information on the applicable law in an individual jurisdiction include AM JUR, Sutherland on Statutory Construction, and ALR. The discussion in AM JUR 2d is in Volume 73, the annotation regarding "Statutes", beginning at Section 145. A pertinent annotation in ALR is the annotation at 70 ALR 5.

Finding Legislative History

FINDING LEGISLATIVE HISTORY

This Handbook is intended to provide an overview of basic facts regarding the legislative process and basic information on how to research legislative history.

For information and citations relating to using legislative documents to document legislative intent see our publication "Documenting Legislative Intent" at <http://www.legislativeintent.com/Web/Free.Library/>

If you have questions not answered by this document call or e-mail.

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Table of Contents

Preliminary concepts – Statutes, Codes and Regulations	Page 2
I. Researching California Law	
A. Statutes	Page 3
1. Defining Some Common Legislative Terms	Page 3
2. A Short Summary of the Legislative Process	Page 3
3. Researching California Statutory Legislative History	Page 4
4. Overview on Determining the Effective Date of Statutes	Page 9
5. A Short History of the California Legislature	Page 10
6. Overview – The History of the California Codes	Page 11
7. A Brief Overview of Selected California Statutes	Page 17
B. Researching California Regulatory History	Page 19
II. Researching Federal Law	Page 20
A. Federal Statutes	Page 20
1. Defining Some Common Federal Legislative Terms	Page 20
2. A Short Summary of the Federal Legislative Process	Page 21
3. Researching Federal Statutes	Page 22
B. Code of Federal Regulations	Page 23
III. Researching the Law of Other Jurisdictions	Page 23
A. Other States	Page 23
B. Local Governments	Page 23
Useful Links	Page 24
Appendix - Sample Code Annotations	Page 225

Preliminary concepts – Distinguishing Statutes, Codes and Regulations -

Statutes are the published laws enacted by the legislature each year organized in the order signed by the Governor (or President) into Statute books for each year.

Codes are an organizational scheme developed by legislatures that effectively allows statutes to be deconstructed and reassembled in the various logical locations with other laws on the subject.

Regulations are laws adopted by Regulatory agencies pursuant to delegations of authority by a legislature.

I. Researching California Law

A. Statutes

1. Defining Some Common California Legislative Terms

Assembly Bill/Senate Bill - A formal proposal to add, amend or repeal some provision of statutory law. Historically printed on newsprint in a roughly 5x7 format, the bill is reprinted each time amendments are adopted. Thus, when the Legislature speaks of an "amended version" of a bill, they refer to the bill as it existed after the changes adopted on a particular date.

Chaptered Statute - Each year, the state publishes the bills enacted in that year, organized according to the order in which the Governor signed the bill, rather than by subject matter, in the Statutes of (year). The first bill signed by the Governor in that year is Chapter 1, the second is Chapter 2, etc. While a single bill may be changing many different provisions of many codes, the overall bill becomes Chapter (xx) of the Statutes of (xxxx). In the annotated codes, following each section, the history will typically refer to the chaptered statutes that affected the section by a small c with a period and then a number. For example, c.123 of 1995 refers to Chapter 123 of the Statutes of 1995.

Concurrence - After the second house approves a bill, it goes back to the floor of the house of origin for concurrence in the other house amendments.

Consent - When a bill is considered uncontroversial, it may be presented on the floor as part of a package of bills presented simultaneously on what is called the "Consent Calendar." Floor analyses for bills on the Consent Calendar are termed consent analyses.

Fiscal Committee - Each house maintains one or more committees whose charge is to consider all bills that might impact the state budget. Fiscal committees are not charged with make decisions on policy; their task is budgetary.

Floor - Shorthand for Assembly floor, or Senate floor; refers to matters under consideration by the entire Assembly or Senate, as opposed to matters being considered by committees composed of some portion of the entire body.

Floor analysis - When a bill is up for approval on the floor of the Senate or Assembly, each legislator receives an analysis of the bill, either a Senate Floor analysis, or an Assembly Floor analysis. Confusing matters in recent years, Assembly floor analyses of Senate bills are titled "Senate Third Reading" even though the analysis is prepared by the Assembly for use by Assembly members. The three primary forms of floor analyses are Third Reading, Concurrence and Conference Committee analyses.

Legislative Analyst - The Legislature's budget arm, counterpoint to the Governor's Department of Finance. Legislative Analyst analyses are very common in legislative files. (Interesting historical sidelight - for many years the Legislature felt it was disadvantaged in budget negotiations by the lack of trained staff, since the Governor had his Department of Finance to rely upon. But the legislative attempts to create a Legislative Analyst were repeatedly vetoed by the Governor. The Legislature finally crafted an office using Legislative Rules. Later, the Governor's relented and the office is now statutory). The Legislative Analyst focuses on the state budget, which limits the utility of these analyses for legislative intent questions of substantive law.

Legislative Counsel – Attorneys to the Legislature, the Office of the Legislative Counsel drafts the language of bills, prepares summaries of legislation, and renders legal opinions on questions of law posed by legislators. Legislative Counsel regards their relationship with the Legislature as an attorney-client relationship, so opinions rendered to individual legislators are confidential. However, the legislators sometimes release the opinions, or deposit them in legislative files, where they become accessible to the public.

Policy Committee - Committee focusing on specific topics in the law to make the initial police investigation into legislative bills. As an example, bills dealing with local government issues will be assigned to the Local Government Committee. The Assembly and Senate both maintain numerous standing committees on different topics that continue from session to session, and also appoint shorter-term committees from time to time to address particular topics.

Third Reading - Legislative rules require that each bill must be read on the floor of each house three times before it can be approved. Thus when a bill is up for third reading, it is at the point of a vote on approval/rejection in that house.

Third Reading Analysis - The floor analysis prepared for a bill up for final vote in the Assembly or Senate.

Uncodified Statute - A bill approved by the legislature and signed by the governor that, organizationally, has not been formatted for incorporation into a Code. Originally, all statutory law was uncodified statutes (See definition for Chaptered Statute above). Codes were created to provide a secondary organizational structure to make the law more accessible.

2. A Short Summary of the Legislative Process in California

Authority - The legislative process is controlled by provisions of Article IV of the Constitution, by statutes primarily contained in Sections 9000 et sequence of the Government Code, and by rules of procedure adopted by the Assembly and Senate at the start of each legislative session.

The Process - The California Legislature consists of the Assembly and the Senate. All California legislation is enacted by legislative and gubernatorial approval of either an Assembly Bill, or a Senate Bill. Bills introduced in the Assembly by members of the Assembly are Assembly Bills (AB), while bills introduced in the Senate by members of the Senate are Senate Bills (SB).

The process followed by both Assembly Bills and Senate Bills is similar. Throughout the process, a bill can be amended by vote on the floor of the house in which the bill is then pending. If the bill fails to get the necessary votes for approval, either in committee or on the floor, the bill dies.

Using an Assembly Bill as an example of the process, once an AB has been introduced it is sent to a policy committee in the Assembly for consideration. If the committee approves the bill, it is sent to the Assembly floor for consideration by all the members of the Assembly, unless the bill has fiscal ramifications for the state budget, in which case it may be sent to an Assembly fiscal committee before being sent to the floor. The bill may also be sent from committee to the floor with a recommended amendment and request for referral back to the committee for further deliberations. Once on the floor, at the completion of committee deliberations, the members vote on final approval. If approved, the bill is then sent from the Assembly to the Senate, where it will be considered by a Senate policy committee, fiscal committee and then on the Senate floor.

If approved by the Senate in the same form as approved by the Assembly, an AB will then go to the Governor. If the Senate amended the bill, the Assembly must approve the changes before the bill is sent to the Governor. If the Assembly does not accept the Senate changes, the Senate and Assembly will form a conference committee composed of a few members of each house to negotiate language acceptable to both houses. If the negotiation is successful and both houses accept the negotiated language, the bill is then sent to the Governor.

An SB will follow the same process, but will proceed through the Senate first, then go to the Assembly.

3. Researching California Statutory Legislative History

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

Step One: Identifying the Pertinent Legislation

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

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

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

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

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

Generally, as noted above, for amendments since the most recent enactment of a section, the code will provide notes on the changes made by each amendment, which allows researchers to determine the relevance of the changes to their research project. However, once the research

project has been traced back beyond the most recent reenactment of the entire section, one must usually physically review each chaptered statute listed in the derivation and compare language to determine the changes made with each piece of legislation.

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

Step Two: Finding the Documents

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

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

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

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

On some legislation, recommendations of the California Law Revision Commission (CLRC) may be pertinent to legislative intent. CLRC recommendations are published and are widely

available in law libraries. Background memos and minutes of the CLRC are also pertinent in many cases. These materials are sporadically available in law libraries or other archival sources, and are also available through the CLRC at their web site, <http://www.clrc.ca.gov>.

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

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

1943 to 1969: The materials available in this era, while reliably providing information on the source and purpose of legislation, are not as varied as those for more modern legislation. Procedural histories, bill copies, summaries by legislative counsel, and Governors and executive branch files are reliably available. Committee materials are sometimes available after 1960, but floor analyses are very rare.

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

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

1900 to 1942: For this era, probably more than any other era, the amount of material available is unpredictable. Procedural histories and bill copies are always available. For the latter part of this era summaries by legislative counsel are generally available, and (rarely) detailed

committee reports were published for some very controversial topics. For many bills, once you get beyond these basics, there is little legislative documentation. Executive branch publications may provide comment, and reviewing trade publications, newspapers, or other media of the time can provide valuable historical context.

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

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

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

D. Overview on Determining the Effective Date of Statutes

The law regarding the effective date of Statutes is contained primarily in Government Code Section 9600 and Constitution Article IV Section 8. Under the current general rule, in effect since 1974, statutes take effect on January 1 of the following year, unless the statute specifically states some

other effective date. There are exceptions for tax levies, budget appropriations and urgency statutes that go into effect immediately. Prior to 1974, the rule varied as one goes back in time, but generally statutes took effect 60 to 90 days after the Governor signed them.

E. A Short History of the California Legislature

For more discussion, visit the Legislative Counsel website set forth in our list of links

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

2). A Brief Historical Summary (see also the historical discussion in the section below regarding the California Codes, beginning at page 8)

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

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

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

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

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

The late 1920s and early 1930s saw a major legislative revision of the California General Corporation Law. In large part, this was in response to the negative consequences on the state's economy of the prior law, and this effort abandoned the antipathy toward corporations reflected in early statutes and the 1879 Constitution.

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

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

F. Overview - The History of California Codes

The primary purpose of this section is to provide a general background on the historical development of specific California Codes to help alert you to bodies of law whose historical development may be more complex than a quick review of the codes would suggest. A secondary

purpose of this section is to provide a bit of the historical context for selected provisions in California law.

When California became a state in 1850, the Legislature commenced enacting laws. All early laws were organized simply in the order in which the Governor signed bills, rather than by subject matter. As these uncodified statutes increased in number over the years, the lack of topical organization made it increasingly difficult to find the law on any particular issue. To address this organizational difficulty, the first four California Codes were created in 1872. They were the Civil Code, the Code of Civil Procedure, the Penal Code, and the Political Code. They were inspired by, and largely modeled on, the codification efforts of David Dudley Field in New York. For five decades, these remained the only California codes. Topics enacted on subjects not appropriate for one of these codes continued to be enacted as uncodified statutes.

As the volume of California law contained in uncodified statutes continued to expand, along with the attendant difficulty in gathering all the law on any particular subject, the Legislature began considering adding additional codes. They first created a School Code. Then, in the late 1920s, the Legislature created a commission, the California Code Commission, to completely review all California law and organize it into codes.

From 1930 through the early 1950s, the Code Commission labored to create most of the California Codes with which we presently deal. A few codes, such as the Family Code and the Public Contracts Code, have been created more recently, but the bulk of the present California Codes trace their origins to the Code Commission efforts during this period.

The Code Commission expressly sought to consolidate existing law without making substantive changes. In the discussions of individual codes that follow, we will generally briefly note the chaptered statute that created the code under discussion. Identifying the chaptered statute that created a particular code can be helpful in recognizing the need to look back into prior law for the source of particular statutory language.

Business & Professions Code - Primarily created by a series of small Code Commission enactments in the 1940s. Much of the licensing law contained in the first part of the code, such as the Real Estate, Contractor and Detective licensing laws, were first enacted between 1915 and 1935. The unfair practices portions of the Code, commencing with Section 16000, also largely date from the 1930s, although some small portions go back as far as the 1890s.

Civil Code - One of the original codes of 1872, much of the Civil Code derives from New York law, and in particular the New York Civil Code developed by David Dudley Field. A few of the more noteworthy bodies of law contained in the modern Civil Code, from a legislative history standpoint, include the following:

The basic consumer protection provisions contained in Sections 1750 through 1800 were first enacted in the 1970s. It is often important to review their code annotations carefully, as these

sections have been frequently amended over the last couple of decades. The Mechanic's lien provisions (3097 et seq) are noteworthy due to their extraordinarily complex history. The current organization of the Mechanic's lien law was enacted in 1969, but Mechanic's lien provisions can be traced back to the 1849 Constitution, with many reorganizations over the intervening years. Most of the current language in the law predates the 1969 enactment by many decades.

Code of Civil Procedure - The CCP was also one of the original 1872 codes, but the law has changed so much since that time it is fairly rare for the 1872 code to be pertinent to a modern CCP section. However, be alert to the fact that some of the Arbitration provisions (Sections 1280 et seq.) have language that can be traced back to 1850. In addition, much of the present Civil Discovery Act (Sections 2016 et seq.) derives from an earlier Civil Discovery Act in 1957.

Commercial Code - The California adoption of the UCC first occurred in 1963, with periodic adoptions and amendments since that time.

Corporations Code - The general corporation law in Sections 1 to 2200 was adopted in 1975. That adoption was a major overhaul of the prior law that had been largely developed between 1929 and 1933 in old Civil Code sections, then pulled out of the Civil Code by the Code Commission to create the Corporations Code in 1947. California has had general corporation laws since the 1850s, but the law prior to 1929 has so little in common with present law that it is seldom pertinent to questions of legislative intent.

The non-profit corporation law in Section 5000 to 10,000 was enacted in 1979. Prior to that time, the general corporation law largely governed non-profit corporations, with a few minor provisions in a separate non-profit law. Again, the 1979 changes were so comprehensive that the prior law is seldom pertinent.

Some parts of the Partnership/Limited Partnership law in Sections 15000 et seq go back to the 1920s. Although the law was extensively revised in the 1980s and 1990s, the older law is still sometimes pertinent, so careful tracing of language is important when researching these provisions. LLC's (Sections 17000 et seq) were created in 1994. The first Corporate Securities law (Sections 25000 et seq) in California was enacted more than 80 years ago, but the Legislature essentially threw out the old law and enacted a completely new law in 1968, so the old law is largely little more than a historical curiosity. The Franchise Investment law in Sections 30000 et seq was enacted in 1970. There was no prior law.

Education Code - Some of the language is very old, and tracing the history can be confusing. In the 1800s, the law governing schools could be found scattered in various uncoded statutes and in the Political Code. Early in the twentieth century, the legislature created a School Code. A few years later the School Code was reorganized. A few years after the School Code reorganization, the Code Commission reorganized the law again, creating the first Education Code. Since the first Education Code, various parts of the Code have been repeatedly reorganized, and in 1976 the entire code was reorganized and recodified by Chapter 1010 of the

Statutes of 1976. Be alert to the fact that no new substantive law was intended by Chapter 1010, so any Section the annotated codes cite as enacted by that Chapter is simply a re-enactment of some preexisting law.

Elections Code - The Elections Code was created in 1939, in part from the former Political Code. Since 1939, the Elections Code has been extensively reorganized, in 1962, 1975-76, and most recently in 1994. Much of the law is derived from the mid-1970s, when the Fair Political Practices Act was created.

Evidence Code - The Evidence Code was created in 1965, at the recommendation of the California Law Revision Commission. Although some sections of the CCP repealed at that time are pertinent to the history of some modern Evidence Code Sections, the Law Revision Commission comments published in the annotated codes generally identify the pertinent sections.

Family Code - Created in 1992, primarily from provisions formerly in Civil Code Sections 4000 et seq. The Civil Code Sections sometimes had histories dating back into the 1800s, but family law has changed so fundamentally since the Family Law Act in 1969 that the older law is seldom pertinent.

Financial Code – in large part based on the 1909 Bank Act, the Code Commission created the Financial Code in 1951. However, two years prior to the Code Commission effort, in 1949, a coalition of banking interests had achieved their own codification of the Bank Act as a Bank Code. Unlike the Code Commission efforts, the 1949 Bank Code made some substantive changes, and so is a potentially useful legislative history source in some cases.

Fish & Game Code – Much of this code developed long ago, when fish and game issues were much more economically important in that less technologically advanced time. Codified in 1933 and recodified in 1957. The endangered species provisions were a significant 1970 addition to the Code.

Food & Agriculture Code - Like the Fish & Game Code, much of this body of law was well-developed many decades ago, in particular the still economically important lien provisions. Codified in 1933 as the Agriculture Code, the Code was recodified in 1967, and again as the Food and Agriculture Code in 1972.

Government Code - First codified in 1943, but many portions were added piecemeal over the following couple of years, as the Code Commission struggled with the large body of law relating to Government. Provisions about which tracing questions frequently come up include:

The Fair Employment and Housing provisions. These were added to the Government Code in 1980, but that enactment was simply moving over provisions that previously were in the Labor Code and Health and Safety Code. The Fair Employment Practices Act goes back to 1959, while the Fair Housing provisions were first enacted in the early 1960s.

The Civil Service and Retirement provisions. Much of the civil service law dates back to the progressive era during Hiram Johnson's governorship, beginning in 1911. The Retirement provisions began to develop in the late 1920s.

The planning and zoning law originated as two bodies of law. The first zoning laws appeared during Hiram Johnson's term, while the first planning law appeared in the mid-1920s. The planning and zoning law was consolidated in the early 1950s, and extensively reorganized in the early 1960s. Caution: The annotated codes often do not cite a source for language in the planning and zoning law prior to the reorganization in the mid-1960s. In fact, almost all of the language was derived from the prior planning and zoning law. Compounding the difficulty, in the four-year period between 1949 and 1953, when the two laws were consolidated, the law was significantly amended or reorganized almost yearly, sometimes by more than one bill in a session. Tracing language through this time period can be very difficult.

The subdivision map act enacted in 1974 (Sections 66400 et seq) was a major reorganization and amendment of a body of law that had existed since the 1920s, and was first codified in the Business and Professions Code before being moved to the Government Code in 1974. The 1974 effort was the product of a contentious 4-year legislative battle, and during that time some changes were made to the old B&P code sections, which were then incorporated, with little comment, into the bill moving the whole works into the Government Code. This can create difficulties in tracing language to its substantive source.

Harbors & Navigation Code - Codified by Chapter 368, Statutes of 1937. Much of this code is based on law that predates 1937, so careful reading of the code annotations is important.

Health & Safety Code - Codified by Chapter 60 of 1939, and extensively reorganized and renumbered in 1997. The 1997 reorganization was so extensive the annotated codes have had difficulty providing historical derivation notes under all sections, so you may have to refer to the tables at the front of the Code. The hazardous waste provisions are a particularly complex portion of the Code simply because there were so many changes being made by the Legislature in the space of a few years. The redevelopment provisions date back to the 1940s, but have been revised and expanded repeatedly over the years.

Insurance Code - Codified by c. 145, Statutes of 1935, much of the Insurance Code was pulled out of the 1872 Civil Code, so frequently legislative research efforts will take you back to the 1872 Civil Code. The provisions regarding priorities of auto insurance in Sections 11580 et seq are a portion of the Insurance Code noteworthy for the complexity of the development of the law. The codes sometimes lead one to believe portions of the law were enacted in 1970, when in fact some language may date back as far as 1959.

Labor Code - Codified by Chapter 90, Statutes of 1937, much of the Labor Code was also pulled out of the 1872 Civil Code. The basic workers' compensation law was developed during the

progressive era from 1911 to 1915, and many of the provisions regarding payment of wages, child labor and working hours also date from this time period.

Military & Veterans Code - Codified by Chapter 389, Statutes of 1935, much of this law dates from the WWII era.

Penal Code - One of the original codes from 1872, much of this law has changed so significantly that the 1872 provisions are seldom pertinent. Much of the law regarding drugs and firearms developed in the period between 1925 and 1935. The law regarding computer crimes (Section 502) first began to develop in the late 1970s.

Probate Code - Although codified in 1931 as the first effort of the Code Commission, the California Law Revision Commission has presented bills to the legislature in the last twenty-five years that have completely rewritten the Probate Law, culminating with the recodification of Chapter 79 of 1990. Relatively few provisions of the present Probate Code contain language or concepts that trace back to the law prior to 1975. However, take care in tracing the recent history of language, as the CLRC effort sometimes involved a couple of different bills affecting the same language or concepts almost simultaneously.

Public Contract Code - First codified by c. 306 of 1981. The vast majority of the sections in this Code are derived from provisions pulled primarily from the Government Code, or from previously uncoded statutes that applied to a particular district or entity.

Public Resources Code – Codified in 1939, the PRC was a low-profile collection of old bodies of law until the early 1970s, when the environmental provisions, such as CEQA and the Coastal Act, began to appear. Portions of CEQA have been amended so frequently, and repealed and re-enacted so many times, that code annotations can suggest an enactment date much later than the actual substantive appearance of particular language. In tracing CEQA language, always look carefully at any language to ensure that the language does not, in fact, trace back to the 1970s or older law.

Public Utilities Code - Created in 1951 as a Code Commission Codification of the Public Utilities Act. The annotated codes often list a 1915 reenactment of the 1911x Act as the derivation of modern sections. This can be misleading, as most of the language actually appears in the 1911x legislation, or in some cases, in early statutes applicable only to railroads.

Revenue & Taxation Code - California has had tax laws since 1850. Most old tax laws were property-based taxes. The declining property values during the Depression of the 1930s so threatened the State's fiscal integrity that the Legislature largely threw out all existing tax law and enacted the modern scheme of income, sales, and business franchise taxes. Even as the Legislature was enacting the laws, the Code Commission began working on a Revenue and Taxation Code, which was adopted in 1939 by Chapter 154. Some reorganizations have occurred

since that time, most notably the recent consolidation of similar provisions of the individual and corporate income tax law.

Streets & Highways Code - Codified by Chapter 29, Statutes of 1935, some of the provisions are old law, but generally the code annotations are not particularly complex or difficult to trace to a single source provision.

Unemployment Insurance Code - Based on an uncoded statute, c. 352 of 1935, the code was not actually created until c. 308 of 1953.

Vehicle Code - The small, simple uncoded statutes to control motor vehicles that characterized the first twenty years of the twentieth century were replaced with a much more comprehensive and complex statute in 1924. That 1924 enactment was the foundation of the Vehicle Code codified by c. 27, Statutes of 1935. The Vehicle code was extensively reorganized and recodified on a couple of occasions, most recently and comprehensively by c.3 of the Statutes of 1959, a non-substantive legislative act.

Water Code - Codified by Chapter 368 of 1943. Much of the law regarding water quality was developed in two major enactments, in 1949 and 1969 respectively.

Welfare & Institutions Code - Codified in 1937, most of the provisions regarding care institutions date from social legislation enacted in the 1960's and 1970's. The provisions regarding elder and dependent abuse began to develop in the early 1980's.

G. A Brief Overview of Selected California Statutes

Many California statutes have long on complex histories that are not immediately apparent in a quick review of the current Codes. As an aid to your research, on this page we identify some code provisions with complex amendment histories that frequently are important to attorneys. The Code Sections discussed on this page are organized in alphabetical order by Code. For a few we summarize the history but for most of the sections listed we simply identify the original derivation. For all the sections listed detailed breakdowns are available by Fax or e-mail upon request.

Business and Professions Code Section 7031 – This section governing contractor's right to sue to enforce their contracts has a long and complex history that dates back to the first Contractors licensing law in 1929.

Business and Professions Code Sections 16700 to 16758 – The Cartwright Act - These sections were enacted in 1941 but parts of this body of law can be traced back to the original Cartwright Act in 1907. Numerous amendments have affected one or more of these sections since 1941.

Business and Professions Code Sections 17000 to 17101 – The Unfair Practices Act – These sections were enacted in 1941 based on law that began evolving with a 1913 enactment. Much of the basic law evolved in the 1930's, and many amendments have occurred since 1941.

Business and Professions Code Sections 17200 to 17209 – Most of these sections were enacted in 1977, but 17208 was enacted as new law at that time. 17200 to 17207 were all simply moved over from Civil Code Sections. The basic law was first enacted in 1933. The law was explicitly expanded to include the unfair practices act in 1949. The word "unlawful" was added in 1963. In 1972 "deceptive advertising" was explicitly included in the act and DA's were authorized to bring actions. In 1974 City Attorneys of large cities were authorized to bring actions. In 1976 DA's were authorized to bring Civil actions, and the remedies were expanded beyond simple injunctive relief. 17209 was enacted in 1992.

Business and Professions Code Sections 17500 to 17539 – False Advertising – These sections were enacted in 1941 based on law that began evolving with a 1905 enactment. Many amendments have occurred since 1941.

Civil Code Section 52– This basic provision of the Unruh Act derives from 1905 legislation with many amendments over the intervening years.

Civil Code Sections 1750 to 1785 - These sections were enacted in 1970, and the definitional section and a few other sections have been significantly amended since that time.

Civil Code Section 2941 – Derived from legislation originally enacted in 1850 with a number of subsequent amendments.

Civil Code 3342 - The basic language in the California Dog Bite statute was enacted in 1931, and the language regarding dog bites by police dogs was added in 1988.

CCP 1021.5 - This statute authorizing attorney fees in cases resulting in a public benefit was enacted in 1977 and amended in 1993.

CCP 1280 et sequence -These arbitration provisions were largely enacted in 1961, but much of the language was drawn from earlier arbitration statutes in the 1850's and 1920's. Some amendments have occurred since 1961.

Government Code Section 6254(f) –This law regarding disclosure of law enforcement records has been subject to many amendments since Section 6254 first appeared in 1968.

Government Code Sections 12650 to 12655 –The false claims act was enacted in 1987 and has since been amended seven times and was subject to an unsuccessful voter initiative on one occasion.

Health and Safety Code Sections 33459 to 33459.8 – The Polanco Redevelopment Act derives from 1990 legislation and has been amended substantively four times, and technically amended on a couple of additional times.

Labor Code - Workers Compensation Act - The first workers compensation act in California was enacted in 1911. It was a toothless (voluntary) effort, so the Legislature in 1913 enacted a much stronger measure that forms the basis for our modern workers compensation laws, with amendments in 1915 and 1917 further strengthening the act. Much of the language of the modern law derives from these early twentieth century enactments.

B. Researching California Regulatory History

Historical Overview: The first statute that created a mechanism for collecting and publishing all regulatory actions by California State agencies was enacted in 1941. Prior to 1941 agencies engaged in making regulatory law (often as rules or orders) but each individual agency determined the form and extent of publication for their regulations. Modern records of what rules or orders existed prior to 1941 are spotty. After the 1941 statute the first Code of Regulations was finally published as the California Administrative Code beginning in 1945. The official name changed from the California Administrative Code to the California Code of Regulations in the late 1980's.

Research Sources: The office of administrative law provides the CCR online with annotations at <http://www.oal.ca.gov/> (link in the upper left hand corner). If you don't have access to the web page Barclay's publications can provide the text of the sections and some historical annotations, although many sections have long histories that predate the Barclay annotations, which often only cover activity from the early 1990's forward. Once you have the annotations only the most basic research on sections from the California Code of Regulations can be done in most law libraries. Some law libraries may contain the weekly administrative registers where regulations have been published since 1945 but even the registers provide only the text of the changes in language. For older regulatory enactments (pre – 1970) some information may be available at the State Archives, the California State Library, or from the agency, although it is rare to find much. From 1970 to 1979 the amount of documentation from these sources improves, but is still spotty. However for research from this era the agencies often published summaries of the changes they proposed in the notice (Z) register. Since 1979 promulgating agencies have been required to develop and maintain formal rulemaking files when promulgating regulations and those files are supposed to be available from the agency. However it took a couple of years for many agencies to establish protocols to retain the records, so often files that should be available for the early 1980's have been lost.

Research process: Generally the first, and often most difficult step, is to determine when the particular language you are focusing upon was adopted. CCR annotations can be of some help, and there are some indexes available, but often you simply have to track backward in the

administrative registers until you find the date the language was adopted. From there you can begin your search with the various potential sources. The original regulatory filing at the California State Archives can often help with finding the date for notice (Z-register) publication, finding the exact language changes in that regulatory filing and finding the exact name of the regulatory promulgating agency. Generally the most detailed substantive materials are going to come from the files of the promulgating agency, where available. The first step is to call the particular agency legal or legislative office to find the person who handles rulemaking file archives. Occasionally the agency may copy the file for you, but more often you or a representative will have to go to the agencies offices in Sacramento (or occasionally San Francisco or Los Angeles) to review the file. The files are sometimes very voluminous, and much of the material is often redundant or not substantively useful.

II. Researching Federal Law

A. Defining Some Common Federal Legislative Terms

Chaptered Statute – (See also the definition of Public Law below). Each year, the Congress publishes the bills enacted in that year, organized according to the order in which the President signed the bill, rather than by subject matter, in the Statutes of (year). The first bill signed by the President in that year is Chapter 1, the second is Chapter 2, etc. While the bill's provisions may be changing many different provisions of many codes, the overall bill text becomes Chapter (xx) of the Statutes of (xxxx).

Committee Hearing Transcripts – Recorded proceedings of Committee hearings, typically on one bill or a group of bills on a particular subject matter.

Committee Prints – Reports published by Congressional Committees addressing topics of legislation.

Committee Reports – Reports published by Congressional Committees at the time they send a bill out to the floor setting forth the background behind the bill and the purpose of its provisions.

Congressional Record – Recorded proceedings of the Congress that occur on the floor of the House and Senate.

Floor - Shorthand for House floor, or Senate floor; refers to matters under consideration by the entire House or Senate, as opposed to matters being considered by committees composed of some portion of the entire body.

House/Senate Bill - A formal proposal to add, amend or repeal some provision of existing Federal statutory law. Abbreviated H.R. or S, Congressional bills are reprinted each time amendments are adopted.

Public Law – Federal law allows two types of actions by Congress. Private laws affect only specified persons. Public Laws are laws of general applicability. So the Chaptered Statutes for each Congressional Session will contain both private and public laws. Since very few people have an interest in any particular private law, Congress publishes compilations of only the public

laws. The public law number is named by the letters PL followed by the Congressional Session (i.e. 99 for the 99th Congress) followed by the number assigned to this public law among all public laws. Public Law number is often a more accessible tool to use in researching Federal statutory intent.

Uncodified Statute - A bill approved by the legislature and signed by the governor that, organizationally, has not been formatted for incorporation into a Code. Originally, all statutory law was uncodified statutes (See definition for Chaptered Statute above). Codes were created to provide a secondary organizational structure to make the law more accessible.

C. A Short Summary of the Federal Legislative Process

The Process - The Congress consists of the House and the Senate. All Federal legislation is enacted by Congressional and Presidential approval (or veto override) of either a House Bill (H.R.), or a Senate Bill (S.). Bills introduced in the House by members of the House are House Bills, while bills introduced in the Senate by members of the Senate are Senate Bills (S).

The process followed by both House Bills and Senate Bills is similar. Throughout the process, a bill can be amended by vote on the floor of the house in which the bill is then pending. If the bill fails to get the necessary votes for approval, either in committee or on the floor, the bill dies.

Using a House Bill as an example of the process, once a House Bill has been introduced it is sent to a policy committee in the House for consideration. If the committee approves the bill, it is sent to the House floor for consideration by all the members of the House, unless the bill has fiscal ramifications for the state budget, in which case it may also be sent to an House fiscal committee before being sent to the floor. Once on the floor, at the completion of committee deliberations, the members vote on final approval. If approved, the bill is then sent from the House to the Senate, where it will be considered by a Senate policy committee, fiscal committee and then on the Senate floor.

If approved by the Senate in the same form as approved by the House, the bill will then go to the President. If the Senate amended the bill, the House must accept the changes before the bill is sent to the President. If the House does not accept the Senate changes, the Senate and House will form a conference committee composed of a few members of each house to negotiate language acceptable to both houses. If the negotiation is successful and both houses accept the negotiated language, the bill is then sent to the President.

An SB will follow the same process, but will proceed through the Senate first, then go to the House.

The real process: Congress tends not to act on individual bills, but instead to clump bills together into larger and larger omnibus proposals, then pass an 800 page monster as the year draws to a close. The lumping together process usually occurs in Committees where individual bills die and

their provisions are reincarnated in new bills with many provisions. This death and reincarnation process may happen repeatedly before any particular provision is finally approved by Congress, so finding the history of any particular part of the final product can often be rather like trying to trace a single leaf of a huge tree down to a source deep in the roots.

- C. **Researching Federal Statutes:** Many of the definitions and basic legislative procedures discussed above for California law are broadly similar to the terminology and process used by Congress. However the nature of the documents available are significantly different. For example, while California publishes committee reports before legislative hearings for use by the legislators, Congressional committee reports are after the fact statements of intent. In general the Congressional legislative process is much more voluminously documented than State legislative deliberations. The primary sources for Congressional legislative intent can be found in the Congressional Record, applicable committee reports, or committee prints, and committee hearing transcripts.

Quick research tips: The difficulty with performing legislative intent research on federal statutes comes from two factors. First, there is an enormous amount of material published by Congress that may be potentially useful to any particular statutory language. Second, as discussed above, Congress has a tendency to move concepts from bill to bill and then throw scores, or even hundreds of different proposals into one omnibus bill and enact the whole package. Good federal research often depends on your ability to track language back from the omnibus bill that enacted the language through the prior proposals to the original proposal where the concepts were actually developed or discussed. Reviewing actual bill copies for the language in which you are interested is the primary mechanism to track back in time. (You can often determine the bills by reviewing the Congressional indexes prepared by various services) Once you have identified the first time the language appeared in a bill you can look for the committee deliberations that produced the bill, or the author's statement when he introduced the bill. Keep in mind you may be going back 4, 6, eight, perhaps even 10 years, as concepts may be pending in Congress for many years before being finally enacted.

Source of documents: Large portions of research on many Federal statutes enacted in the last couple decades can be found from various online sources. The most comprehensive source for historical documents is found at the Library of Congress web site, <https://www.congress.gov>. The materials found at this site will usually include the text and procedural histories of the bills, committee reports and Congressional record excerpts. Hearing transcripts and other publications are not always as available on line, but are usually available either in print or microfilm at any Federal Depository library. Older Federal research materials can be found at a Federal Depository Library near you. Other for profit organizations such as Lexis, Westlaw, Heinonline and others have already compiled collections regarding particular public laws. Be cautious in your expectations from these pre-compiled collections as they typically consist of only the proposal that was passed and much of the development of the language may have occurred in prior unsuccessful bills and be little discussed in the materials on the enacted bill.

D. Code of Federal Regulations: Research on the Code of Federal Regulations begins with the Code itself, and the annotations to the Federal Register found in the Code. Use the annotations to track down the publications relating to the adoption in the Federal Register. When you locate adoption publications in the Federal Register they often must be read carefully for references to other earlier publication dates on the same topic. For later years the CFR does have fairly extensive indexing that can often be helpful in determining the location of pertinent provisions.

III. Research on the Law of Other Jurisdictions

A. Other States: Few other States are similar to California in the types of materials available for legislative history. For many other states the primary source of legislative history are actual minutes of the committee deliberations. For many states one can only go back a couple of decades, due to the relatively small size of the legislative staffs in small states.

Each State is different, but for almost all States the best way to start is do a quick web search for the Statutes of that State to find a link to the State's Legislature. Some materials may be available on line but you will almost always want to contact other organizations within the state, depending on the subject matter of the research. You will almost always want to contact the State Library, State Archives and the Governor's office.

B. Local Governments - Local Government ordinances generally require a visit to the jurisdiction in question to review archival and library sources, or, if you have lots of time, persistent and creative work with your phone and email. For recent ordinances there may be some audio, video and documentary materials available online from the jurisdictions legislative body, but often the most detailed reports and discussion are found in the files of the jurisdictions administrative departments and legislative body. Even in the largest jurisdictions the research can be slow, tedious, and the amount of useful material may be limited, particularly as one moves back in time researching older provisions.

Some Online Sources and Contacts Useful for Legislative Intent Research

California Legislative Counsel Web Site: <http://leginfo.legislature.ca.gov/>

Includes information on legislative bills, as well as the official California Codes

California State Assembly Chief Clerk: <http://clerk.assembly.ca.gov/>

Includes digital access to Journals and Final Histories and other historical information

California Law Revision Commission: www.clrc.ca.gov

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

State agency index – Link on government link from: www.ca.gov/state/portal/myca_homepage.jsp

Acts of Congress: <https://www.congress.gov/>

Includes Congressional Record, bill histories, bill copies, committee reports

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

Code of Federal Regulations and Federal Register: <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>

Our webpages:

<http://www.legislativeintent.com>

For our project specific research service

<http://www.Lehili.info>

For access to our public digital archive

Attachment A

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

Item	Sample language typical to code annotations	Comments
1.	<p>Sample Code Section 1947 -</p> <p>It shall be unlawful to do this, that or the other thing, or to do that, this or the other thing. Any violation of the section shall be a misdemeanor, unless you are a Dodger's fan, in which case it will be a felony.</p> <p>(a) Any person damaged by a violation of this section shall have a private right of action for damages. Damages shall include the fair value of:</p> <ul style="list-style-type: none"> (1) lost profits; (2) lost wages; (3) lost car keys; and/or (4) any other reasonable or unreasonable claim that arises from your fertile imagination. <p>(b) Actions under this section shall be commenced within three years of the date of injury, except that actions by a person whose last name begins with R shall be tolled until such person decides they want to sue.</p> <p>(Added by Stats.1955 c. 1200, p.4444, Section 2, amended by Stats. 1975 c. 1100, p. 3333, Section 1, Stats. 1998 c. 12, p. 344, Section 2)</p>	<p>1. At the end of the actual text of the section are legislative history annotations. When a section is repealed and reenacted rather than simply amended, the annotated codes start this history list from the most recent reenactment.</p> <p>2. The digital and bound volumes of Deerings and West's annotated codes usually follow with historical notes where they summarize changes made since the most recent enactment or reenactment.</p> <p>3. Code maintenance references signify the amendment was making technical corrections to the Codes. Code Maintenance bills are expressly stated to have no substantive effect.</p> <p>4. Distinguish between "Former Section" which are annotations regarding (usually) statutory text on a different subject previously using the same section number, and "Derivation" which is the history of the actual language of the present section.</p>
2.	Historical and Statutory Notes	
3.	<p>1975: Added subdivision designations, in subdivision (a) added (2). 1998: Code maintenance.</p>	
4.	Former Section: Stats. 1949 c. 2222, p. 2222, Section 1, amended by Stats. 1950 c.1100, p.3333, Section 2.	

5.	Derivation: Former Sample Code Section 2174 added by Stats. 1943, c. 90, p. 1111, Section 4.	5. Low chapter number from 1930 through 1950 – may be Codification bill without substantive effect.
6.	Former Civil Code Section 9999, amended by 1907 c. 444, p. 555, Section 1	6. Absence of enactment annotation signifies it was enacted in 1872 Code.
7.	Stats. 1917 c. 3553, p. 5335, Section 1, Stats 1923, c.6666, p. 5555, Section 4, Stats. 1929 c. 232, p. 232, Section 1, Stats 1935 c. 323, p. 232, Section 2.	7. Annotations typical for pre-codification statutes. The language of Section 1 of the 1917 statute will be what later bills amend, but each bill has its own internal section numbering, so Section 4 of 1923 will be amending Section 1 of the 1917 act.
8.	Stats. 1850 c. 123, p. 343, Section 4.	8. Very little typically available on enactments pre 1872.
9.	California Law Revision Commission Comment: We proposed this because we think it is a good idea.	9. California Law Revision Commission Comments are comments of the CLRC that have been formally adopted as legislative intent by the legislature through some form of official publication in the Assembly or Senate Journal.
10.	Legislative Committee Comment: We do to.	10. Legislative Committee Comment is a reproduction of reports printed in the Journal of the Senate or Assembly. They are rare, most often appearing as revisions to CLRC comments.

IDENTIFYING CALIFORNIA LEGISLATIVE DOCUMENTS

Introduction:

The purpose of this document is to provide assistance in identifying the types of legislative documents available in California, and placing documents in the context of the process that produces them.

The types of documents that are available for understanding legislative history and, ultimately, interpreting legislative intent, in California vary in format from year to year and decade to decade in response to changes in conditions and changes in legislative rules. In this survey we will not attempt to provide examples of every possible type of document one could encounter. Rather we will attempt to provide examples of types of documents that are regularly encountered along with examples of some of the types of documents that will be encountered more infrequently.

We have tried to include at least one example of types of legislative documents that are inherently highly probative, and provide just a few samples of others that are less probative by their nature. Link to our website or contact us for documents providing more detailed discussion of the probative value of individual types of legislative documents.

To make this survey somewhat less tedious we have in many cases chosen for our examples documents from some of the more entertaining legislative proposals we have encountered over the years, so we urge you to take a moment to read the documents from time to time.

If you have a document that seems to you to be different than the examples we include call or email and we will help you identify the document.

About the author

Jan Raymond is a 1979 Graduate of the King Hall School of Law at UC Davis. This document was written drawing on years of practice experience and two decades of recognized expertise on Legislative Intent issues. Legislative intent clients have included the Administrative Office of the Courts/Judicial Council, California Courts of Appeal, the Department of Justice, other California State agencies, and firms and attorneys from throughout the country. He was Amicus Counsel in Van DeKamp v. Gumbiner, (1990) 221 Cal. App. 3rd, 1260, holding in part that fees paid to obtain a commercial legislative history report can be claimed as costs under CCP 1033.5. He has authored many works on legislative intent, including an article "Bad Faith Storm Rising" in the March/April 1999 issue of Insurance Litigation. He has qualified and testified as an expert witness on legislative intent issues and frequently presents MCLE courses on legislative intent issues.

Thanks to the Editor

Special thanks to Ray LeBov for taking the time to review the text for content and make valuable suggestions.

Ray LeBov served as counsel to various legislative committees, including 12 years as counsel to the Assembly Judiciary Committee. He was the Director of the Office of Governmental Affairs for the California Judicial Council from 1991-2004 and currently is the owner of Ray LeBov and Associates lobbying and consulting firm. Ray also conducts the Lobbying 101 and Lobbying 201 seminars for Capitol Seminars. For further information: please consult raylebov.com

Table of Contents by Categories of Documents

I. Publications:	Page 4
A. Official publications documenting specific legislative proposals.	Page 4
1. Published Procedural Histories (Final History)	Page 4
2. Legislative Bills	Page 8
3. Assembly and Senate Journals	Page 16
4. Chaptered Statutes	Page 19
5. Legislative Counsel's Digest	Page 23
B. Official publications developed by or at the request of or by the legislature about specific topics of legislation.	Page 28
1. California Law Revision Commission Recommendations	Page 28
2. Interim Hearing Reports	Page 33
II. File Documents	
A. Legislative File Materials	Page 35
1. Documents prepared as part of the formal legislative process.	Page 36
a. Legislative Policy Committee analyses	Page 36
b. Legislative Fiscal Committee analyses	Page 40
c. Floor Analyses	Page 41
i. Assembly Floor Analyses	Page 42
ii. Senate Floor Analyses	Page 46
2. Analyses prepared by the executive branch	Page 58
3. Other common legislative file materials	Page 63
a. Assembly Republican Caucus	Page 63
b. Bill Analyses Worksheets	Page 68
c. Correspondence opposing or supporting legislation	Page 71
d. Statements about the proposed legislation	Page 76
e. Background documents collected by staff	Page 82
B. Executive Branch File Materials	
1. Governors Enrolled Bill File.	Page 88
a. Enrolled Bill Reports	Page 88
b. Correspondence	Page 91

I. Publications

A. Official Publications documenting specific legislative proposals

The legislative publications documenting the history of individual legislative proposals that are commonly useful for legislative intent purposes include:

1. Published procedural histories - “Final History” is a generic term we use for the compilations of brief procedural histories of each legislative bill (proposal) in a particular legislative session. Published procedural histories are developed or updated on a periodic basis throughout a legislative session as a Weekly History and at the end of each session since the 1881 are published in bound form as the Final History for that particular session.

These published final histories are widely available in law libraries and are also available in pdf form from <http://clerk.assembly.ca.gov/>. For legislation since 1993 an online version of the history is available for each legislative bill at the legislative counsel website, www.leginfo.ca.gov/bilinfo.html

This procedural history is primarily valuable for determining what committee’s considered the proposal, but is also valuable for documenting the link between that bill and the enacted statute, identifying the author of a bill, and for developing inferences about the evolution of a bill from the pattern of development.

In the next three pages we include an example of a published Final History and an online Bill History.

VOLUME 2
CALIFORNIA LEGISLATURE
AT SACRAMENTO

1987-88 REGULAR SESSION
1987-88 FIRST EXTRAORDINARY SESSION

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT,
JOINT, AND HOUSE RESOLUTIONS

Assembly Convened December 1, 1986
Recessed December 3, 1986
Recessed April 9, 1987
Recessed July 16, 1987
Recessed September 11, 1987
Recessed March 24, 1988
Recessed June 30, 1988
Reconvened January 5, 1987
Reconvened April 20, 1987
Reconvened August 17, 1987
Reconvened January 4, 1988
Reconvened April 4, 1988
Reconvened August 1, 1988
Adjourned September 1, 1988
Adjourned Sine Die November 30, 1988
Legislative Days..... 246

HON. WILLIE L. BROWN JR.
Speaker

HON. MIKE ROOS
Speaker pro Tempore

HON. PHILLIP ISENBERG
Assistant Speaker pro Tempore

HON. THOMAS HANNIGAN
Majority Floor Leader

HON. PAT NOLAN
Minority Floor Leader

Compiled Under the Direction of
R. BRIAN KIDNEY
Chief Clerk

GUNYOR ENGLE
History Clerk

A.B. No. 3007—Sher (Principal coauthor: Farr).

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

1988

- Feb. 4—Read first time. To print.
- Feb. 5—From printer. May be heard in committee March 6.
- Feb. 12—Referred to Com. on G.O.
- Mar. 7—From committee chairman, with author's amendments: Amend, and re-refer to Com. on G.O. Read second time and amended.
- Mar. 8—Re-referred to Com. on G.O. From committee: Do pass. (Ayes 11. Noes 4.) (March 8).
- Mar. 9—Read second time. To third reading.
- Mar. 17—Read third time, amended, and returned to third reading.
- Mar. 21—Read third time, passed, and to Senate. (Ayes 43. Noes 32. Page 6435.)
- Mar. 21—In Senate. Read first time. To Com. on RLS. for assignment.
- Mar. 24—Referred to Com. on RLS.
- May 5—From committee: Do pass. (Ayes 3. Noes 1.).
- May 9—Read second time. To third reading.
- May 27—Read third time, passage refused. (Ayes 18. Noes 13. Page 6194.) Motion to reconsider made by Senator Morgan. Reconsideration granted. (Ayes 37. Noes 0. Page 6194.)
- June 30—To inactive file - Senate Rule 29.
- Aug. 4—From inactive file. To second reading.
- Aug. 5—Read second time. To third reading.
- Aug. 11—Read third time, passed, and to Assembly. (Ayes 21. Noes 15. Page 7381.)
- Aug. 15—In Assembly. To enrollment.
- Aug. 17—Enrolled and to the Governor at 11 a.m.
- Aug. 29—Vetoed by Governor.
- Aug. 29—Consideration of Governor's veto pending.

A.B. No. 3008—Floyd.

An act to amend Section 203.5 of the Labor Code, relating to wages.

1988

- Feb. 4—Read first time. To print.
- Feb. 5—From printer. May be heard in committee March 6.
- Feb. 12—Referred to Com. on L. & E.
- April 6—In committee: Hearing postponed by committee.
- April 14—From committee: Do pass, and re-refer to Com. on W. & M. Re-referred. (Ayes 6. Noes 4.) (April 13).
- May 4—From committee: Do pass. (Ayes 13. Noes 10.) (May 3).
- May 5—Read second time. To third reading.
- May 31—Read third time, passage refused. (Ayes 39. Noes 31. Page 7865.)

COMPLETE BILL HISTORY

BILL NUMBER : A.B. No. 1007
 AUTHOR : Pavley
 TOPIC : Air quality: alternative fuels.

TYPE OF BILL :

Inactive
 Non-Urgency
 Non-Appropriations
 Majority Vote Required
 Non-State-Mandated Local Program
 Fiscal
 Non-Tax Levy

BILL HISTORY

2005

Sept. 29 Chaptered by Secretary of State - Chapter 371, Statutes of 2005.
 Sept. 29 Approved by the Governor.
 Sept. 14 Enrolled and to the Governor at 3:30 p.m.
 Sept. 7 In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To enrollment. (Ayes 51. Noes 28. Page 3469.)
 Sept. 6 Read third time, passed, and to Assembly. (Ayes 25. Noes 11. Page 2610.)
 Sept. 2 Read third time, amended, and returned to third reading. (Corrected September 6.)
 Aug. 30 Read second time, amended, and to third reading.
 Aug. 29 From committee: Amend, and do pass as amended. (Ayes 8. Noes 5.).
 Aug. 15 In committee: Placed on Appropriations suspense file.
 July 5 Read second time, amended, and re-referred to Com. on APPR.
 July 1 From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 5. Noes 2.).
 June 16 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.
 June 15 Referred to Com. on E.Q.
 June 6 In Senate. Read first time. To Com. on RLS. for assignment.
 June 2 Read third time, passage refused. (Ayes 35. Noes 33. Page 2063.) Motion to reconsider made by Assembly Member Pavley. Reconsideration granted. (Page 2131.) Read third time, passed, and to Senate. (Ayes 49. Noes 27. Page 2131.)
 May 31 Read second time. To third reading.
 May 27 From committee: Amend, and do pass as amended. (Ayes 13. Noes 5.) (May 25). Read second time and amended. Ordered returned to second reading.
 May 4 In committee: Set, first hearing. Referred to APPR. suspense file.
 Apr. 26 From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 4.) (April 25).
 Apr. 18 In committee: Set, first hearing. Hearing canceled at the request of author.
 Mar. 30 Referred to Com. on TRANS.
 Feb. 25 From printer. May be heard in committee March 27.
 Feb. 22 Read first time. To print.

2. Legislative Bills are the official published legislative proposals that are or were pending before the legislature. In the very early years of the State's existence they were handwritten, but printed bill copies are available for legislation beginning in about 1880.

There will often be numerous copies of a particular proposal. Each time a formal amendment is adopted modifying the bill it gets republished with the changes. On the first page, at the top of the page, will be the date of the most recent amendments. Within each published bill copy (other than in the very early days) language being deleted in that amended version is in strike out type and language being added is italicized.

Legislative bills are given numbers in the order in which they are introduced and the number is prefaced by the house of introduction, most commonly either Assembly Bill (AB) or Senate Bill (SB), but for some relatively less common types of proposal the preface may identify the nature of the proposal. Examples would be ACA (Assembly Constitutional Amendment), or Senate or Assembly Resolutions.

For legislation since 1993 an online version of the bill copies is available for each legislative bill at the legislative counsel website, <http://www.leginfo.legislature.ca.gov/> although for the 1993-94 legislative session only html versions are available, which are generally much less user friendly than the pdf copies of the actual published bills available from 1995 forward.

Bill copy example – Bill as introduced Page 9

Bill copy example – Bill as amended Page 10

Bill copy example – Bill as amended in Conference Committee (we include only an excerpt of the first few pages of this particular very large bill. Page 12

ASSEMBLY BILL

No. 3007

Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)

February 4, 1988

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as introduced, Sher. State Mollusk.

Existing law designates an official state flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official state mollusk.

This bill would designate the banana slug as the official state mollusk.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 425.8 is added to the
- 2 Government Code, to read:
- 3 425.8. The banana slug is the official State Mollusk.

AMENDED IN ASSEMBLY MARCH 7, 1988

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

ASSEMBLY BILL

No. 3007

Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)

February 4, 1988

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as amended, Sher. State Mollusk.

Existing law designates an official state flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official state mollusk.

This bill would designate the banana slug as the official state mollusk and would make specified legislative findings and declarations regarding that designation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 425.8 is added to the
2 Government Code, to read:
3 425.8. (a) *The Legislature finds and declares as*
4 *follows:*
5 (1) *The banana slug (Ariolimax) is an indigenous*
6 *species to California.*
7 (2) *Banana slugs are rich yellow in color, closely*
8 *resembling the California state color, gold.*
9 (3) *Banana slugs live among one of California's state*
10 *trees, the coastal redwood.*

1 (4) *Banana slugs are an important link in the redwood*
2 *forest ecosystem because they feed on leaves, stems,*
3 *bulbs, tubers, other plant parts, and other organic matter,*
4 *helping speed the natural decomposition of forest wastes.*

5 (5) *Banana slugs are important to humans in that they*
6 *consume poison oak.*

7 (6) *The existence of banana slugs is a measure of a*
8 *redwood forest's vitality, making the banana slug an*
9 *important indicator species.*

10 (7) *The banana slug has long served as an educational*
11 *species for all Californians, adults and children alike,*
12 *helping them toward a better understanding of their*
13 *environment.*

14 (b) *The banana slug (Ariolimax) is the official State*
15 *Mollusk.*

AMENDED IN CONFERENCE
ASSEMBLY AUGUST 17, 1982; SENATE AUGUST 17, 1982

AMENDED IN SENATE AUGUST 20, 1981

AMENDED IN SENATE AUGUST 10, 1981

AMENDED IN ASSEMBLY JUNE 4, 1981

AMENDED IN ASSEMBLY APRIL 23, 1981

CALIFORNIA LEGISLATURE—1981-82 REGULAR SESSION

ASSEMBLY BILL

No. 684

Introduced by Assemblyman Young

February 26, 1981

An act to amend Section 121 of, and to add Section 123.3 to, Sections 132a, 139.5, 3600, 3601, 3602, 4453, 4453.1, 4460, 4553, 4553.1, 4702, 5410, and 5803 of, and to add Sections 3202.5, 4558, and 5405.5 to, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Young. Workers' compensation.

(1) Existing law permits the chairman of the Workers' Compensation Appeals Board to authorize its secretary and any one assistant secretary to act as deputy appeals board members.

This bill would instead permit the chairman of the board to authorize its secretary and any 2 assistant secretaries to act as deputy appeals board members.

(2) Existing law requires that all oral testimony, objections, and rulings at hearings before the Workers' Compensation Appeals Board or a workers' compensation referee be taken down in shorthand by a competent phonographic reporter.

This bill would require that reporters employed by the

Administrative Director of the Division of Industrial Accidents shall render stenographic or clerical assistance as directed by the presiding workers' compensation referee of the office to which the reporter is assigned when that referee determines the reporter is not engaged in the performance of any other duty imposed by law.

(1) Existing law provides that the provisions of the workers' compensation law shall be liberally construed by the courts with the purpose of extending their benefits for the protection of persons injured in the course of their employment.

This bill would provide that nothing in this provision shall be construed as relieving a party from meeting the evidentiary burden of proof by a preponderance of the evidence, as defined.

(2) Existing law provides that the right to recover workers' compensation is the exclusive remedy for injury or death of an employee against the employer, with specified exceptions. The California courts have also permitted employees to bring an action at law against the employer in certain specified instances of dual capacity.

This bill would provide that the right to workers' compensation is the sole and exclusive remedy of the employee against the employer, and the fact that either party also occupied another or dual capacity shall not permit the employee to bring an action at law for damages against the employer. The bill would permit an employee to bring an action at law for damages against the employer in specified circumstances generally relating to willful physical assault by the employer, fraudulent concealment of the injury and its connection with the employment, injury caused by a defective product manufactured by the employer and provided to the employee by an independent third person, and injuries caused by the employer's knowing removal or failure to install specified safety devices.

(3) Existing law provides that the average weekly earnings, for purposes of workers' compensation temporary disability and permanent total disability, shall be not less than \$73.50, nor more than \$262.50.

This bill would instead provide that the average weekly

earnings for these purposes shall not be less than \$126, nor more than \$294, for injuries occurring in 1983, and not less than \$168, nor more than \$336, for injuries occurring on and after January 1, 1984.

(4) Existing law provides that the average weekly earnings, for purposes of workers' compensation permanent partial disability, shall be not less than \$45, nor more than \$105.

This bill would instead provide that the average weekly earnings for these purposes shall be not less than \$75, nor more than \$195, for injuries occurring in 1983, and not less than \$105, nor more than \$210, for injuries occurring on and after January 1, 1984.

(5) Existing law provides that the amount of workers' compensation shall be increased $\frac{1}{2}$ where the employee is injured by the serious and willful misconduct of the employer or specified representatives of the employer, but the increase shall not exceed \$10,000.

This bill would delete the limitation that this increase shall not exceed \$10,000.

(6) Existing law specifies findings the Workers' Compensation Appeals Board is required to make in order to support a holding of serious and willful misconduct by an employer based upon violation of a safety order.

This bill would revise the findings the appeals board is required to make in order to support such a holding.

(7) Existing law provides a workers' compensation death benefit of up to \$75,000, paid in the same manner and amount as temporary disability.

This bill would increase the maximum death benefit to \$85,000, if the injury resulting in death occurred in 1983, and \$95,000, if the injury resulting in death occurred on and after January 1, 1984.

(8) Existing law requires an employer to provide vocational rehabilitation benefits to qualified injured employees.

This bill would provide that the period within which an employee may request vocational rehabilitation benefits is one year from the date of the last finding of permanent disability by the appeals board, or one year from the date the

appeals board approved a compromise and release of other issues, and would provide that an injured employee may institute proceedings for the collection of workers' compensation within 5 years after the date of an injury upon the ground of the need for vocational rehabilitation benefits.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(10) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 121 of the Labor Code is~~
- 2 SECTION 1. Section 132a of the Labor Code is
- 3 amended to read:
- 4 132a. It is the declared policy of this state that there (
- 5 should not be discrimination against workers who are
- 6 injured in the course and scope of their employment.
- 7 (1) Any employer who discharges, or threatens to
- 8 discharge, or in any manner discriminates against any
- 9 employee because ~~the latter~~ he or she has filed or made
- 10 known his or her intention to file an application for
- 11 adjudication with the appeals board, or because the (

3. Assembly and Senate Journals are day-to-day summaries of the business that transpired in the legislature on each day. The published journals are available in law libraries and are also available in pdf form from <http://clerk.assembly.ca.gov/> (use the drop down menu to find your year).

Journals in some form are available from the earliest days of the California legislature, although from the legislative intent perspective they are of limited utility as the journals are primarily procedural, their entries are largely simply more detailed descriptions of the formal steps in the legislative process summarized much more succinctly in the bill histories.

However the appendices attached to the Journals can sometimes contain reports to the legislature by various State bodies with substantive value in interpreting legislative intent, particularly in the early part of the 20th century as to state agency involvement with legislation and the mid-twentieth century as to Legislative Interim Committee studies (which are discussed further at page 33 below).

Modernly, although rare, the occasional letters of intent published in the Journal are the most probative and direct statements of intent available on California legislation.

An example of a letter of intent published in the Assembly Journal can be found on the following two pages.

CALIFORNIA LEGISLATURE

2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, September 8, 2005

ONE HUNDRED TWENTY-FIRST SESSION DAY

TWO HUNDRED SEVENTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

(Please Direct Any Inquiries and Report Any Omissions or Errors to
Sue Parker, Minute Clerk: Phone 319-2360)

(Corrected: 9-14-2005)

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 1208**

At 11:24 p.m., on motion of Assembly Member Yee, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1208 by the following vote:

AYES—41

Baca	De La Torre	Leno	Ruskin
Bass	Dymally	Levine	Saldaña
Berg	Evans	Matthews	Salinas
Bermúdez	Frommer	Montañez	Torrico
Calderon	Goldberg	Mullin	Vargas
Canciamilla	Hancock	Nation	Wolk
Chan	Jones	Nava	Yee
Chavez	Karnette	Oropeza	Mr. Speaker
Chu	Klehs	Parra	
Cohn	Koretz	Pavley	
Coto	Laird	Ridley-Thomas	

NOES—35

Aghazarian	Garcia	La Suer	Runner
Arambula	Harman	Maze	Spitzer
Benoit	Haynes	McCarthy	Strickland
Blakeslee	Horton, Jerome	Mountjoy	Tran
Bogh	Horton, Shirley	Nakanishi	Umberg
Cogdill	Houston	Negrete McLeod	Villines
Daucher	Huff	Niello	Walters
DeVore	Keene	Plescia	Wyland
Emmerson	La Malfa	Richman	

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Frommer was granted unanimous consent that the following statements of legislative intent be printed in the Journal:

Legislative Intent—Assembly Bill No. 1595

September 8, 2005

*Mr. E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Mr. Wilson: This letter to the Journal serves as a clarification to my bill, AB 1595. I want to clarify that the list of elected and appointed officials in subdivision (f) of Section 6254.21 of the Government Code as amended by AB 1595 is a partial list and not intended to in any way limit the ability of officials not explicitly specified in the bill—such as County Auditors—to benefit from its provisions.

Sincerely,

NOREEN EVANS, Assembly Member
Seventh District

4. “Chaptered Statutes” are enacted legislative proposals as officially published by the State Printer. When an Assembly or Senate Bill is signed by the Governor it is forwarded to the Secretary of State who publishes the bills in book form, in the order signed by the Governor, with each proposal treated as a new ‘chapter’ in the book. Hence Chapter 1210 of 1990 is the 1210th bill signed by the Governor in 1990.

The published Statute books are widely available in law libraries and also available in pdf form from <http://clerk.assembly.ca.gov/>. For legislation since 1993 an online version of the chapter is available in the collection of documents applicable to each bill at the legislative counsel website, <http://www.leginfo.legislature.ca.gov/bilinfo.html>

An example of a cover for a chaptered statute volume and one specific chapter within the volume can be found at the following three pages.

Volume 3

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1988

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Primary Election, June 7, 1988
and General Election, November 8, 1988

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature

1987–88 Regular Session



Compiled by
BION M. GREGORY
Legislative Counsel

is a Purple Heart recipient may apply for special license plates for vehicles which are not used for transportation for hire, compensation, or profit, under this article. The special plates assigned to the vehicle shall run in a separate numerical series, shall have inscribed on the plate the Purple Heart insignia, and shall contain the words "Combat Wounded" and "Purple Heart" or at least the letters "PH" as part of the numerical series. The department shall reserve and issue the special plates to all applicants providing the proof required by subdivision (b).

(b) The applicant shall, by satisfactory proof, show that the applicant is a Purple Heart recipient.

(c) Special plates may be issued pursuant to subdivision (a) only for a vehicle owned or coowned by a Purple Heart recipient and may not be transferred to any other person, including the coowner of the vehicle. The special plates shall be surrendered to the department upon the decease of the Purple Heart recipient.

(d) In addition to the regular fees for an original or renewal registration, a fee sufficient to cover all costs of this program shall be paid.

(e) When an applicant for the Purple Heart license plate qualifies as a disabled veteran as defined in subdivision (a) of Section 22511.9, the applicant may also apply for a distinguishing placard described in subdivision (d) of Section 22511.9 to be used in conjunction with the Purple Heart license plate for the purpose of allowing special parking privileges pursuant to subdivision (b) of Section 22511.9.

(f) Sections 5106 and 5108 do not apply.

SEC. 2. This act shall become operative on July 1, 1989.

CHAPTER 1645

An act to add Section 421.5 to the Government Code, relating to state dances.

[Became law without Governor's signature. Filed with Secretary of State October 1, 1988.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares, as follows:

(a) West Coast Swing Dancing, also known as Swing, Whip, or Jitterbug, came into being in the early 1930's in response to new musical forms then sweeping the land. It was created at the grassroots level of our people. Devotees of this art come from every conceivable ethnic, religious, racial, and economic background. Age is no factor, nor is gender. Among the ranks of swing dancers, one can find judges, schoolteachers, lawyers, waitresses, salesmen, doctors, students, and so on.

West Coast Swing Dancing is an intricate dance, requiring a great

deal of coordination, good timing, and intelligent application. It is a healthy and joyful activity that belongs to all our people. They created it, they nurtured it, and they have kept it alive.

West Coast Swing is an American dance which is danced to American music. It originated in California and is danced in competition nationally and internationally.

(b) Square Dancing is the American folk dance which is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, and heritage dances.

The Square Dance has a long and proud history. It is an exciting art form that is truly an original of our country, and has been danced continuously in California since "Gold Rush Days."

As our state's population has grown, so has the square dance activity. California leads the nation with more than 200,000 residents square dancing weekly. It conforms to our ever changing lifestyles and appeals to people of all ages, races, and creeds. Class distinction is forgotten when people join together to enjoy the true fellowship of the Square Dance.

SEC. 2. Section 421.5 is added to the Government Code, to read:

421.5. (a) West Coast Swing Dance is the official state dance.

(b) The Square Dance is the official state folk dance.

CHAPTER 1646

An act to amend Section 8710 of, and to add Section 9280 to, the Elections Code, relating to elections.

[Became law without Governor's signature. Filed with
Secretary of State October 1, 1988.]

The people of the State of California do enact as follows:

SECTION 1. Section 9280 is added to the Elections Code, to read:

9280. (a) The state central committee may prohibit or limit the power of county central committees established pursuant to Chapter 4 (commencing with Section 9320) to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

(b) The superior court, in any case brought before it by the state central committee or by any registered voter, may issue a temporary or permanent restraining order or injunction to prohibit the endorsement, support, or opposition by a county central committee of any candidate for nomination by the Republican Party for partisan office in the direct primary election, if the endorsement, support, or opposition is in violation of the bylaws or rules of the state central committee. All cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

5. Legislative Counsel Digests – Legislative Counsel is the lawyer to the legislature. The Legislative Counsel's office is responsible for all the myriad technical matters involved with drafting legislation.

Since the early 1920's Legislative Counsel has provided at least a brief summary of the subject matter of each bill. From approximately 1923 through 1957 the Legislative Counsels Digest summarized each bill introduced in the legislature in the first couple months of each legislative Session in one printed volume. In 1959 the old single volume Legislative Counsel's Digest of bills as introduced was dropped in favor of a Legislative Counsels Digest printed with each version of each legislative bill, a practice which still continues, (see the bill copy example at page 9).

Beginning in the 1930's the Legislative Counsel's Summary Digest began summarizing every bill that was signed by the Governor in a separately printed volume. In the 1970's the Summary Digest separate volumes were incorporated into the Statute books for each year, and can also be found in pdf form at <http://clerk.assembly.ca.gov/>.

Legislative Counsels Digest example

Page 24

Summary Digest example

Page 26

LEGISLATIVE DIGEST

AND TABLE OF SECTIONS AFFECTED

JANUARY 8 TO JANUARY 27, 1945

BILLS AND CONSTITUTIONAL
AMENDMENTS INTRODUCED PRIOR
TO THE CONSTITUTIONAL RECESS



CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

Compiled by
FRED B. WOOD
Legislative Counsel

JOSEPH A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

A.B. 937—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, re credit unions.

Eliminates \$3,000 limitation on loans, substituting 10 per cent of unimpaired capital or \$200, whichever is greater.

Requires newly elected officers or committeemen to reduce loans to them to amount of their investment.

Provides procedure for dissolution or merger with another credit union.

A.B. 938—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, to reduce fee for filing application to operate as credit union from \$35 to \$5.

A.B. 939—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, re credit unions.

Substitutes definite schedule of fees to be paid Corporation Commissioner for examinations and supervision for provision requiring Commissioner to determine and assess pro rata amounts.

Eliminates provision imposing \$5 per day penalty upon credit union failing to make report of its condition to Corporation Commissioner.

A.B. 940—JOHNSON AND OTHERS. (Fin. & Ins.) Adds Sec. 22.5, Act 1887, re credit unions.

Permits credit union to indicate by advertising that it will accept savings and deposits.

A.B. 941—JOHNSON AND OTHERS. (Soc. W.) Adds Sec. 6500.3, W. & I. C., to provide that State institution for epileptics, for which appropriation made by Ch. 28, 55th (4th Ex.) Sess., shall be used for epileptics, physically handicapped, and mentally retarded persons.

A.B. 942—JOHNSON. (Jud.) Amends Sec. 788, Prob. C., re sale of real property in probate.

Gives probate court control of manner of notice prior to its vacation of confirmation and order of resale of real property; notice of resale and proceedings thereafter to be taken in manner provided for sale in first instance.

A.B. 943—JOHNSON. (Jud.) Amends Sec. 199, C. C., re custody of children.

Permits either natural parent, rather than husband or wife, to bring action for exclusive control of children of marriage without application for divorce.

A.B. 944—JOHNSON AND OTHERS. (Jud.) Amends Sec. 3051, C. C., re liens.

Extends lien rights, dependent upon possession, to persons owning or conducting dry cleaning establishment for work done by them on property of customers.

A.B. 945—JOHNSON AND OTHERS. (Jud.) Adds Sec. 3066, C. C., re liens of cleaners and dyers.

Provides for time and terms upon which wearing apparel or household goods left with cleaners or dyers may be sold.

A.B. 946—JOHNSON AND OTHERS. (Jud.) Amends Sec. 261b, C. C. P., re phonographic reporters to lower from 900,000 or over to 275,000 or over, population of counties which may have salaried court reporters.

A.B. 947—JOHNSON AND OTHERS. (Jud.) Amends Sec. 274, C. C. P., re phonographic reporters, to change rate of compensation.

A.B. 948—JOHNSON. (Jud.) Adds new title, C. C. P., amends other statutes, re abandoned property.

Provides certain property, including bank deposits, certified negotiable instruments, deposits with public utilities and other property held for benefit of another is deemed abandoned after term of years. Requires report of such property to State Controller, and publication or posting in county where located or held. Requires delivery of such unclaimed property to State Controller. Permits Attorney General to bring action for possession of such property. Permits claimants to recover property on proper showing. Provides for action to declare unclaimed property abandoned and escheated.

CALIFORNIA LEGISLATURE

1987-88 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed
Constitutional Amendments) Adopted in 1988

and

1979-1988 Statutory Record

VOLUME ONE



DARRYL R. WHITE
Secretary of the Senate

R. BRIAN KIDNEY
Chief Clerk of the Assembly

Compiled by
BION M. GREGORY
Legislative Counsel

Ch. 1642 (AB 4083) Leslie. Business development.

Existing provisions of the Small Business Development Corporation Law provide for the creation of small business development corporations, urban development corporations, and rural development corporations.

This bill would generally revise and recast the above provisions and would delete the reference to Urban and Rural Development Corporations, instead referring to these corporations generally as Small Business Development Corporations.

Existing provisions of the Small Business Development Corporation Law become inoperative on July 1, 1989, and are repealed January 1, 1990.

This bill would extend these dates to July 1, 1991, and January 1, 1992, respectively.

This bill would also make technical clarifying changes.

Ch. 1643 (SB 2148) Rogers. Vehicles: Pearl Harbor Survivor license plates.

(1) Existing law authorizes the Department of Motor Vehicles to issue special license plates, as specified.

This bill would authorize any person who is a certified Pearl Harbor survivor, as specified, to be issued distinctive Pearl Harbor Survivor license plates, commencing July 1, 1989. The bill would require that the department charge a \$35 fee to cover costs related to issuance of the plates or for issuance of substitute plates. The bill would also provide that the plates may be transferred to another vehicle for a \$20 fee, but may not be transferred to other persons, and is required to be surrendered to the department upon the decease of the person to whom the plates were issued.

(2) The bill would require the Controller to transfer \$90,000 from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund, and would appropriate that amount from the account to the department to implement the bill.

Ch. 1644 (AB 3639) Campbell. License plates: Purple Heart recipients.

Under existing law, Congressional Medal of Honor recipients and prisoners of war may apply for special license plates for their vehicles.

This bill would permit Purple Heart recipients to apply for special license plates inscribed with the Purple Heart insignia upon payment of additional fees, as specified.

The bill would become operative on July 1, 1989.

Ch. 1645 (SB 2460) Kopp. Official state dances.

Existing law designates an official state flower and an official state tree, among other things.

This bill would designate the West Coast Swing Dance as the official state dance.

This bill would designate the Square Dance as the official state folk dance.

Ch. 1646 (AB 4187) Nolan. Political parties: direct primary election endorsements: State Central Committee Convention.

Existing law provides that the state convention, state central committee, and the county central committee in each county are the official governing bodies of a political party qualified to participate in the direct primary election. Existing law prohibits these entities of a political party from endorsing, supporting, or opposing any candidate for nomination by that party for partisan office in the direct primary election.

This bill would specifically authorize the state central committee of the Republican Party to prohibit or limit the power of Republican county central committees to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

Existing law requires the Democratic State Central Committee to convene in Sacramento in the January after a general election, on a weekend which shall be no later than the last full weekend of the month.

This bill would instead require this committee to convene in Sacramento after a general election between the first full weekend in January and the first full weekend in March.

NOTE: Superior numbers appear as a separate section at the end of the digests.

B. Official publications developed by or at the request of the legislature about specific topics of legislation.

1. California Law Revision Commission (CLRC) – The CLRC is an adjunct to the legislature charged with investigating and making recommendations on topics of law that the legislature requests they study. The CLRC was established in 1957.

The CLRC should not to be confused with a series of prior commissions with similar names. In the period 1868 to 1874 a Code Revision Commission produced the first California Civil Code, Code of Civil Procedure, Penal Code and a Political Code later absorbed into the Government Code. In the period 1898 to 1907 a Code Revision Commission revised the then existing four codes. From 1930 through 1954 a California Code Commission produced the vast majority of the current California Codes, but the Code Commissions charge was specifically to codify existing law without substantive change. The CLRC as created in 1957 was charged with studying and recommending substantive changes to California law.

The CLRC recommendations are published and available at the www.CLRC.ca.gov and also widely available in law libraries, we include a cover page from one of their recommendation at page 29.

In addition to the formal recommendations the CLRC process for developing recommendations relies upon staff memoranda that are presented to the Commission for approval, and the minutes of the Commission meetings considering the memoranda. The Staff memoranda (sample at page 30) and minutes of the Commission (sample at page 32) are generally available at the CLRC website or, sporadically, from some Law Library or archival collections. Be aware if you seek to use memoranda as evidence of intent that the question of whether they can be legally viewed as legislative intent is not settled, despite the fact courts have viewed them as such. The issue seems to flow from the old notion that views documenting legislative intent as requiring direct legislative comment rather than recognizing the CLRC is an agent of the legislature.

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

TENTATIVE RECOMMENDATION

proposing

The Enforcement of Judgments Law

October 1980

CALIFORNIA LAW REVISION COMMISSION
4000 Middlefield Road, Room D-2
Palo Alto, California 94306

6/30/81

Fourth Supplement to Memorandum 81-24

Subject: Study D-300 - Enforcement of Judgments (AB 707) (Leasehold Interests Subject to Enforcement)

A question has been raised concerning the operation of Section 695.030(b)(1) of Assembly Bill 707 which provides that a leasehold subject to a provision precluding assignment or transfer is subject to enforcement of a money judgment. As this provision stands, it would seem to permit an execution sale of a leasehold interest regardless of the terms of the lease or the qualifications of the purchaser at the execution sale. The staff believes that this provision is inadequate. The Bankruptcy Code contains a very detailed provision governing the disposition of unexpired leases that is indicative of the problems involved. (See Exhibit 1.) It is also interesting to note that a bill is before the Legislature that would permit an assignee for the benefit of creditors to occupy leased business premises of a debtor for a period of up to 90 days upon payment of rent when due, notwithstanding a lease provision for termination upon assignment or insolvency. (Assembly Bill 1582, as amended May 18, 1981.)

The staff recommends that AB 707 be amended to provide that the lessee's interest may be applied to the satisfaction of a money judgment if the lease permits the lessee to sublet the property or assign the lease. If the right to sublet or assign is subject to reasonable standards and conditions, the execution purchaser or other assignee must agree to such standards or conditions. If the right to sublet or assign is subject to the consent of the lessor, the lessor's consent may not be unreasonably withheld. If any of the foregoing conditions are satisfied, a lease may be applied to the satisfaction of a money judgment notwithstanding a lease provision for a forfeiture upon involuntary assignment. If the lease does not permit the lessee to sublet or assign, the lessee's interest should be subject to enforcement if the lessor consents in writing. Amendments to accomplish the staff recommendation are attached hereto as Exhibit 2.

This scheme is consistent with Civil Code Section 1951.4 which under certain conditions permits a lessor to continue to collect rent after the lessee has breached the lease and abandoned the property.

Respectfully submitted,

Stan G. Ulrich
Staff Counsel

MINUTES OF MEETING
of
CALIFORNIA LAW REVISION COMMISSION

SEPTEMBER 13 AND 14, 1979

LOS ANGELES

A meeting of the California Law Revision Commission was held in Los Angeles on September 13 and 14, 1979.

Law Revision Commission

Present: Beatrice P. Lawson, Chairperson
Judith Meisels Ashmann, Sept. 14

Jean C. Love
Warren M. Stanton

Absent: Omer L. Rains, Senate Member
Alister McAlister, Assembly Member
Ernest M. Hiroshige

Bion M. Gregory, Ex Officio
George Y. Chinn

Staff Members Present

John H. DeMouilly
Nathaniel Sterling

Robert J. Murphy III
Stan G. Ulrich

Consultant Present

Stefan A. Riesenfeld, Creditors' Remedies

Other Persons Present September 13

Edward Mizrahi, L.A. County District Attorney, Los Angeles
Earl Osadchey, L.A. County District Attorney's Dept. Los Angeles
Rene Paquin, Orange County District Attorney, Santa Ana
Bruce Patterson, Orange County Deputy District Attorney, Santa Ana
Bill Trueblood, San Bernardino County, Supervising Deputy District Attorney, San Bernardino
Albert L. Wells, San Diego County District Attorney's Office, Santa Ana

ADMINISTRATIVE MATTERS

MINUTES OF MAY MEETING

The Minutes of the May 11, 1979, Meeting were approved as submitted by the staff.

ELECTION OF NEW CHAIRPERSON

Beatrice P. Lawson was unanimously elected Chairperson to fill the unexpired term of Howard R. Williams whose term on the Commission had expired. The term ends on December 31, 1979.

2. Interim Hearing Reports – Prior to 1965 the legislature was a part time body that met from January through May of each year, and had little budget for staff assistance. This left little time for detailed study of the policy ramifications of proposed legislation, so the legislature developed a process whereby proposals judged to need further study were referred to hearings in the interim between legislative sessions.

The interim hearings were typically held in the fall of the year in public forums in a major metropolitan area. The hearings were often transcribed, and the interim hearing committee often produced a subsequent report that suggested a legislative solution prior to the opening of the following years legislative session. These reports have in many cases survived in library collections, or as attachments to the legislative journals.

The interim hearing process continued to exist after 1965 but as legislative staff increased the process became less necessary as subjects could be studied in adequate detail during the regular legislative session.

Generally the text of the Interim Hearing Report will provide adequate explanation of the development of the report to provide the context necessary for legislative intent use.

The following page provides a sample of the cover page of an interim hearing report.

FOURTH PROGRESS REPORT TO THE LEGISLATURE

BY THE

SENATE INTERIM JUDICIARY COMMITTEE

(1955-1957)

(Senate Resolution No. 146)

MEMBERS OF THE COMMITTEE

JAMES E. CUNNINGHAM, SR., *Chairman*

DONALD L. GRUNSKY

EDWIN J. REGAN

SENATE STANDING COMMITTEE ON JUDICIARY (1957)

MEMBERS OF THE COMMITTEE

EDWIN J. REGAN, *Chairman*

STANLEY ARNOLD
JOHN WILLIAM BEARD
JAMES E. BUSCH
CARL L. CHRISTENSEN, JR.
JAMES A. COBEY
NATHAN F. COOMBS

EARL D. DESMOND
RICHARD J. DOLWIG
JESS R. DORSEY
FRED S. FARR
DONALD L. GRUNSKY
RICHARD RICHARDS

JOHN A. BOHN, *Counsel*

Published by the
SENATE
OF THE STATE OF CALIFORNIA

HAROLD J. POWERS
President of the Senate

HUGH M. BURNS
President pro Tempore

JOSEPH A. BEEK
Secretary

II. File Documents

A. Legislative File materials

As a preliminary note, there is considerable old case law addressing whether courts can take judicial notice of various types of legislation file materials that developed over the years. The enactment of Government Code Section 9080 in 1996 probably overruled many of the cases finding file documents not judicially noticeable.

We discuss two types of file materials important to legislative intent, legislative files and executive branch files.

Legislative files can include the files on a particular proposal maintained by the committees that considered the proposal, by the organizations within the legislature charged with preparing analyses for use by the legislature on the floor of the Senate or Assembly, and files developed by the author of a particular proposal. Rarely it can also include subject matter files created by a committee as part of a broad study of a particular subject matter.

Executive branch files are primarily the Governor's file on legislation that arrives on the Governor's desk for signature, although on rare occasions an executive branch agency with an interest in the subject matter of particular legislation will have a legislative file that can be accessed.

A wide variety of types of documents can be found in any file relating to legislation, from documents developed as a formal part of the legislative process to handwritten notes or press clippings a legislative consultant thought were pertinent to understanding the substance or political ramifications of a proposal. We address this variety of documents by grouping items in order of their presumptive probative value.

1. Documents prepared as a part of the formal legislative process:

a. Legislative Policy Committee Analyses - The legislative process requires all proposals, as a first step in consideration by that house of the legislature, achieve passage through a committee composed of a small number of legislators of that house charged with responsibility for policy within a particular subject matter. For example, any proposed legislation dealing with legal matters would ordinarily be assigned to the Committee on the Judiciary in both the Assembly and the Senate.

Policy committee analyses of individual legislative proposals generally do not exist prior to 1970, although rarely a committee might have prepared some sort of analytical document. Since the early 1970's each policy committee has routinely prepared analyses of each piece of legislation scheduled to be considered in the committee.

These policy committee analyses customarily begin by identifying the Committee, the Chair of the Committee, the bill being addressed, the date the bill is scheduled for hearing and the amended version of the bill in the title or introductory portion of the analysis. In the body of the analysis they customarily summarize the proposal, summarize existing law, summarize the changes being proposed to existing law, comment on the purpose of the proposal and the arguments for and against the proposal and often conclude with a list of the persons or entities supporting or opposing the bill.

An example of a policy committee analysis can be found as the next three pages.

PROPERTY OF
ASSEMBLY REPUBLICAN CAUCUS
LIBRARY

Date of Hearing: March 8, 1988

AB 3007

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION
Richard E. Floyd, Chairman

AB 3007 (Sher) - As Proposed to Be Amended: March 8, 1988

SUBJECT

Should a slug be designated as State Mollusk?

DIGEST

Existing law designates a number of things as having exclusive official state status. These include: "Eureka" - State Motto; "The Golden State" - State Nickname; golden poppy (*Eschscholtzia*) - State Flower; California redwood (*Sequoia sempervirens*, *Sequoia gigantea*) - State Tree; California desert tortoise (*Gopherus agassizi*) - State Reptile; California valley quail (*Lophortyx californica*) - State Bird; gold and blue - State Colors; saber toothed cat (*Smilodon californicus*) - State Fossil; native gold - State Mineral; serpentine - State Rock; benitoite - State Gemstone; California gray whale (*Eschrichtius robustus*) as State Marine Mammal; California dog faced butterfly (*Zerene eurydice*) - State Insect; and the California grizzly bear (*Ursus californicus*) - State Animal.

This bill designates the banana slug as the official State Mollusk.

FISCAL EFFECT

None.

COMMENTS

1) Genesis

Naming the banana slug as State Mollusk was recommended to the author by a troop of Campfire Girls from his district. This particular slug, Ariolimax columbianus, is noteworthy because of its large size and brilliant yellow coloring. Found in damp coastal forest areas, the banana slug is indigenous to the Pacific Northwest. The banana slug is also the official school mascot of the University of California at Santa Cruz.

2) Mollusks

One of the largest groups of invertebrate animals, the phylum mollusk includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk

- continued -

classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalones.

3) Appropriateness

While there is usually a certain amount of discretionary license present in the designation of official state status, the general rule for such choices appears to have been centered on accepted custom and the particular uniqueness of the named object to the environs of the state. In the case of mollusks, there are a large number of different species indigenous to locales in the state, including the pismo clam (Tivela stultorum), the black abalone (Haliotis cracherodii), red abalone (Haliotis refesens), the turban shell (Tegula montereyi), the two spotted octopus (Octopus bimaculatus), common squid (Loligo opalescens), and a mussel (Mytilus californianus).

4) Which Slug Is The Right Slug?

The species Ariolimax columbianus was first identified by A. A. Gould in 1851 near the mouth of the Columbia River in Oregon. This particular banana slug has been found from Alaska to as far south as the Salinas Valley, and hence, cannot be considered indigenous to California. A subspecies, Ariolimax columbianus stramineus, however, is indigenous to central California and has been reported from Monterey to Ventura. Unfortunately, the only way a true California banana slug can be identified separately from other species is by dissecting the slug and mounting its ctenidia (respiratory organs) for examination.

Date of Hearing: March 8, 1988

AB 3007

SUPPORT

Campfire Girls of America

OPPOSITION

None registered

b. Legislative Fiscal Committee analyses – Once the applicable policy committee has passed a legislative bill that has ramifications on the State Budget it must pass a fiscal committee. Because the fiscal committee's charge is only to consider the budgetary ramifications, not the wider policy implications, and because very detailed fiscal analyses are often available from the Department of Finance and Legislative Analyst (discussed below) fiscal committee analyses are typically very brief and not ordinarily particularly useful for legislative intent purposes. However fiscal analysis may be the only analyses available from a legislative committee for older legislation.

Fiscal Committee analyses are to be distinguished from two other budget related agencies that provide fiscal analyses on legislation. The Governor's Department of Finance provides more detailed fiscal analysis of legislation for the executive branch and Department of Finance analyses are commonly found in legislative files. The legislature also has a fiscal agency that serves the Assembly and Senate, the Legislative Analyst. From the 1940's up until very recently Legislative Analyst analyses were prepared on all legislation with fiscal ramifications on the States budget.

Historically the Assembly Fiscal Committee was Ways and Means up to 1995. Since 1995 it has been the Committee on Appropriations.

Historically the Senate Fiscal Committee was Finance, it was renamed Appropriations in 1985.

Because all fiscal analyses are generally labeled with the name of the committee, or as Department of Finance or Legislative Analyst analyses, they are easily identified as a fiscal analyses, so we do not include examples of any fiscal analyses.

c. Floor Analyses – Since about 1970 the legislature has prepared analyses of all bills that make it to the floor of the Assembly or Senate for vote. Floor analyses generally do not exist on legislation considered prior to 1970. The analyses are available at each legislators desk on the floor on the date the bill comes up for vote. The analyses can have various titles.

A “Third Reading” analysis is prepared for the use of the legislators when a bill is up for final approval the first time it is considered in either the Senate or Assembly.

A “Concurrence” analysis is prepared when a bill has returned to the house of origin (where it was previously approved) with amendments by the other house.

When the house of origin does not concur in the amendments of the second house, a Conference Committee is appointed to negotiate a compromise between the two houses. The analysis of the product of the Conference Committee will be titled a “Conference Committee” analysis.

We separately address in the following pages:

- i. Assembly Floor analyses
- ii. Senate Floor Analyses

i. Assembly Floor Analyses – From the early 1970's into the mid 1980's floor analyses in the Assembly were prepared by the Assembly Office of Research as a non-partisan analysis. In the 1980's budgetary issues killed the Assembly Office of Research so the floor analysis function was handed off to the staff of the policy committee that had subject matter jurisdiction.

Confusingly, about the time the floor analysis responsibility was given to committee analyst's Assembly floor analyses addressing a Senate Bill began labeling the analyses "Senate Third Reading" suggesting to those outside the Assembly this is a document prepared for Senate deliberations, which it is not.

We include in the following three pages an example of an Assembly Office of Research floor analysis from 1982 and a Third Reading analysis of a Senate Bill from 1988 to illustrate the fact these Assembly analyses are often labeled "Senate Third Reading" when they address a Senate Bill.

ASSEMBLY THIRD READING

SB 1108 (Speraw) As Amended: April 1, 1982SENATE VOTE: 23-0

ASSEMBLY ACTIONS:

COMMITTEE H. & C. D. VOTE 7-0 COMMITTEE _____ VOTE _____

Ayes:

Ayes:

Nays:

Nays:

DIGESTThis bill:

- 1) Specifies that the Subdivision Map Act shall not apply to the conversion of a community apartment project to a condominium, if construction was complete and it was occupied on or before January 1, 1981.
- 2) Provides that a community apartment project shall not be converted to a condominium unless the required number of owners in the project, as specified in the bylaws or other organizational documents, have voted in favor of the conversion. If the bylaws or other organizational documents do not expressly specify the number of votes required to approve such a conversion, a majority vote of the owners in the project shall be required.

FISCAL EFFECT

According to Assembly Housing and Community Development Committee staff, the bill would have no fiscal impact on the state.

SENATE THIRD READING

SB 2460 (Kopp) - As Amended: August 22, 1988

SENATE VOTE: 21-9

ASSEMBLY ACTIONS:

COMMITTEE G. O. VOTE 10-4 COMMITTEE _____ VOTE _____Ayes: Cortese, Harris, Johnson,
Klehs, Polanco, Statham,
Tanner, M. Waters, N. Waters,
Floyd

Ayes:

Nays: Baker, Costa, Frizzelle,
Hill

Nays:

DIGESTExisting law designates the following official state items:

Gemstone: benitoite; Fish: California Golden Trout; Colors: blue and gold;
Insect: California dog-face butterfly; Nickname: The Golden State; Tree:
 California Redwood; Song: I Love you California; Bird: California Valley
 quail; Motto: "Eureka"; Flower: golden poppy; Mineral: native gold; Flag:
 the Bear Flag; Rock: serpentine; Fossil: saber-toothed cat; Animal:
 California Grizzly Bear; Reptile: desert tortoise; Marine mammal: California
 gray whale.

Currently there is no designation of an official state dance.

This bill designates the West Coast Swing Dance as California's official state
 dance and designates the square dance as California's official state folk
 dance.

FISCAL EFFECT

None

- continued -

COMMENTS

1) Background

The term "Swing" was used by jazz musicians to describe a particular character of music that was introduced by Louis Armstrong in 1924 when he joined the Fletcher Henderson Band. On August 21, 1935 at the Palomar Ballroom in Los Angeles, Benny Goodman's band played arrangements by Fletcher Henderson. This is considered to be the beginning of the "swing era." In the 30's, the "in dance" was the Shag or Balboa, then in 1936 the Jitterbug and Lindy Hop were created. In 1946 a smooth style of swing dancing came into fashion, commonly called West Coast Swing because it started in California.

- 2) Square dancing is the most popular form of American folk dance which is called, cued, or prompted to the dancers and includes squares, rounds, clogging, contra, line, and heritage dances. It is an exciting art form that is truly an original American dance and it has been danced continuously in California since Gold Rush Days.

Georgia King
445-3451
8/23/88:ago

SB 2460
Page 2

ii. Senate Floor Analyses: From the early 1970's through 1984 the Senate floor analyses were prepared by partisan caucus organizations, so there was usually a Senate Democratic Caucus and a Senate Republican Caucus analyses. The early Senate Republican Caucus analysis is normally the most difficult to identify, because it does not say who prepared the analysis.

Beginning in 1985 the Senate scrapped the partisan caucus analyses in favor of a non-partisan analysis prepared by a legislative office, the Office of Senate Floor Analyses.

The following 11 pages consist of two examples of a Senate Democratic Caucus analysis (first four pages), two examples of a Senate Republican Caucus (next four pages) including one early analysis without any identification of the source of the analysis, and an analysis from the Office of Senate Floor Analyses.

SENATE DEMOCRATIC CAUCUS

SENATOR OMER L. RAINS, *Chairman*

Bill No. AB 3222 (As Amended: Original)

Author: Deddeh (D)

Subject: Restraint of Trade: Standing to Sue

Policy Committee: Judiciary

Ayes (6) Beverly, Roberti, Sieroty, Wilson, Zenovich, Song

Noes (1) Dennis Carpenter

Assembly Floor Vote: 70 AYES; 0 NOES.

Summary of Legislation:

Under the Cartwright Act (California's version of the federal Sherman Act) a person injured in his business or property by antitrust violations may sue and recover treble damages, reasonable attorney's fees, and costs. AB 1162 (Chapter 543, Stats. 1977) authorized the Attorney General, as parens patriae, to bring civil suits on behalf of injured natural persons in the state for damages resulting from such antitrust violations.

This bill specified that an injured person has standing to sue in an antitrust action whether or not such person dealt directly or indirectly with a defendant.

Fiscal Effect:

None

Proponents:

California Trial Lawyers Association

County of Los Angeles District Attorney's Office

Attorney General's Office

San Diego District Attorney

San Diego City Attorney

Opponents:

Arguments in Support:

Proponents state that this bill will prevent a federal case interpretation of the Sherman Act precluding an indirect purchaser's standing to sue in antitrust actions from being applied to actions under the Cartwright Act.

Arguments in Opposition:

SENATE DEMOCRATIC CAUCUS SENATOR PAUL B. CARPENTER Chairman	Bill No.: SB 1108 Amended: 5-17-82 Author: Sperar (R) Vote Required: Majority Assembly Floor Vote: 61 - 1
--	--

SUBJECT: Zoning appeals: Subdivision Map Act: community apartment projects
and stock cooperatives

POLICY COMMITTEE: Local Government

AYES: (6) Ayala, Craven, Robbins, Vuich, Doolittle, Marks

NOES: (0)

SUMMARY OF LEGISLATION:

As this bill left the Senate:

The existing Subdivision Map Act defines "subdivision" as including, among other things, a community apartment project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located on such land.

This bill would specify that the Subdivision Map Act shall not apply to the conversion of a community apartment project, the construction of which was complete and which was occupied on or before January 1, 1981, to a condominium.

According to the Author's office, the amendments introduced in Committee will be removed and the technical difficulties with this bill will be resolved in the Assembly.

The Assembly amendments: provide that not only community apartment projects but stock cooperatives also shall not be converted to a condominium unless the required number of owners in the project, as specified in the bylaws or other organizational documents, have voted in favor of the conversion.

The Assembly amendments further provide: That if the bylaws or other organizational documents do not expressly specify the number of votes required to approve such a conversion, a majority vote of the owners in the project shall be required.

Finally, the Assembly amendments provide that the existing 180-day statute of limitations on actions challenging local zoning decisions relating to applications for conditional uses or other permits shall apply except as otherwise provided by ordinance and expressly makes this limitation applicable to chartered cities.

CONTINUED

SUMMARY OF LEGISLATION, Continued:

The Conference Committee amendments:

- 1) Delete the provisions of the bill as passed by the Senate (#1 above) and the Assembly amendments (#2 above).
- 2) Specify that the Subdivision Map Act shall not apply to the conversion of a community apartment project, if certain requirements are met or the conversion of a stock cooperative if certain requirements are met.
- 3) Make minor technical changes.

FISCAL EFFECT: No state cost.

PROPOSERS: (Verified by author 1-25-82)

Department of Housing and Community Development
California Association of Realtors

OPPOSERS:

ARGUMENTS IN SUPPORT:

Proponents state this bill is necessary to allow a housing unit to change from a rental unit to a form of ownership without any review by a local agency under the Map Act.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alquist, Ayala, Beverly, Boatwright, Carpenter, Dills, Ellis, Foran, Marz Garcia, Holmdahl, Keene, Maddy, Marks, Mills, Nielsen, O'Keefe, Presley, Russell, Schmitz, Speraw, Stiern, Vuich, and Watson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

1-26-82

p. 1219

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (24)—Senators Beverly, Boatwright, Campbell, Craven, Davis, Dills, Foran, Alex Garcia, Marz Garcia, Greene, Johnson, Keene, Maddy, Marks, Mello, Montoya, Nielsen, Petris, Presley, Robbins, Schmitz, Sieroty, Speraw, and Vuich.

8-6-82

p. 12481

CONTINUED

Roll call

The roll was called and the Conference report was adopted by the following vote:

AYES (36)—Senators Alquist, Ayala, Beatty, Boatwright, Campbell, Carpenter, Craven, Davis, Dills, Doolittle, Ellis, Foran, Garamendi, Alex Garcia, Marz Garcia, Greene, Holmquist, Johnson, Keene, Maddy, Marks, Mills, Moroye, Nielsen, O'Keefe, Petris, Presley, Rains, Robbins, Roberti, Seymour, Sieroty, Speraw, Stern, Vucich, and Watson.

NOES (0)—None.

8-31-82

11391

POSITIONS

DATE TYPED: 6/15/78

SOURCE: San Diego Attorneys

BILL NUMBER: AB 3222

SUPPORT: San Diego District Attorney
San Diego City District Attorney

AUTHOR: Deddeh

AMENDED COPY: Original

Committee Votes:

Senate Floor Vote:

COMMITTEE: JUDICIARY		
BILL NO.:	AB 3222	
DATE OF HEARING:	6-19-78	
SENATORS:	AYE	NO
Beverly		
D. Carpenter		
Robbing		
Roberti		
Sieroty		
Wilson		
Zenovich		
Zaukajian (V.C.)		
Song (Chairman)		
TOTAL:	61	

Assembly Floor Vote: 70-0, P. 14682 (5/22/78)

DIGEST

Specifies that an injured person may bring an action for restraint of trade against a defendant regardless of whether the injured person dealt directly or indirectly with the defendant. Declares that such authorization is declarative of existing law.

FISCAL EFFECT: Appropriation, no. Fiscal Comm., no. Local, no.

COMMENTS:

Under the Cartwright Act (California's version of the federal Sherman Act) a person injured in his business or property by antitrust violations may sue and recover treble damages, reasonable attorney's fees, and costs. AB 1162 (Chap. 543, Stats. 1977) authorized the Attorney General, as parens patriae, to bring civil suits on behalf of injured natural persons in the state for damages resulting from such antitrust violations.

The Illinois Brick case

In Illinois Brick Co. v. Illinois (1977) 97 S. Ct. 2071, the U.S. Supreme Court held that an indirect purchaser (consumer) does not have standing to sue under federal antitrust law.

According to the Court, if the pass-on theory may not be used defensively by an antitrust violator (i.e., that the resulting illegal overcharge for consumer items was merely passed on through the distribution chain), then that theory may not be used offensively by an

-more-

DIGEST

BILL NUMBER: AB 3222

indirect purchaser against an alleged violator to gain standing to sue. In addition, the Court stated that the legislative purpose in creating a group of "private attorneys general" to enforce the antitrust laws is "better served by holding direct purchasers to be injured to the full extent of the overcharge paid by them than by attempting to apportion the overcharge among all that may have absorbed a part of it."

The U.S. Department of Justice has proposed legislation to clarify this issue at the federal level and restore consumer standing to sue.

Proponents state that the decision in Illinois Brick has caused confusion in California, since decisions interpreting the Sherman Act are considered "persuasive" in interpreting the provisions of the Cartwright Act. It would clarify matters if this bill were passed to guarantee the continuation of the consumer's remedy for antitrust violations.

Attorney General action

AB 1162 (Chap. 543, Stats. 1977) gave the Attorney General the power, as parens patriae, to bring civil suits under the Cartwright Act and recover monetary damages to injured natural persons, costs of suit, and reasonable attorney's fees. However, a necessary premise to such suits is that the class of persons who are to be represented by the Attorney General have standing to sue.

If indirect purchasers, or ultimate consumers, were held not to have standing to sue, as was found in Illinois Brick, the Attorney General's parens patriae status in antitrust cases would be jeopardized.

The purpose of the bill is to prevent a federal case interpretation of the Sherman Act precluding an indirect purchaser's standing to sue in antitrust actions from being applied to actions under the Cartwright Act.

FILE COPY

AMENDED COPY: Orig.
MAJORITY VOTE

Senate Floor Vote:

[illegible]

Assembly Floor Vote:

1 This bill, relating to the Subdivision Map Act removes community
2 apartment projects from the provisions of the Subdivision Map
3 Act.
4
5 See comments for important information regarding this bill.
6
7 FISCAL EFFECT: Appropriation, no. Fiscal Committee, no. Local, no.

10 The purpose of this bill is to provide that in situations where
11 community apartment projects more commonly called own-your-own
12 apartments are converted to condominiums, the conversion can be
13 made without going through the lengthy requirements of the
14 Subdivision Map Act.
15
16
17 Amendments were accepted in the Senate Local Government Committee
18 to tighten up the language but because of a technical problem,
19 Legislative Counsel determined that the amended bill was a
20 subject for Finance Committee review. Because of the deadline
21 for moving 1981 bills out of Finance and the house of origin
22 the amendments are being held until the bill reaches the Assembly.
23
24
25 There are some 400-600 people, mostly senior citizens who are
26 owners in community apartment projects of the City of Long Beach.
27 The concern of these constituents is in making a change in the
form of their grant deed (from a community apartment project to a

53

condominium) without going through the conversion process under the Map Act. They argue that they already are regulated under the Map Act and therefore it should not be necessary to submit to conversion regulations for purposes of changing a grant deed. At the local level these may include parking regulations, noise and energy conservation standards, etc. The purpose for changing the grant deed form is to make the property attractive for loan purposes.

1/26/82:jc

THIRD READING

SENATE RULES COMMITTEE

Office of
Senate Floor Analyses
1100 J Street, Suite 120
445-6614

Bill No. AB 3007
Author: Sher (D)
Amended: 3/17/88
Vote Required: Majority

Committee Votes:

COMMITTEE: RULES		
BILL NO.:	AB 3007	
DATE OF HEARING:	5-4-88	
SENATORS:	AYE	NO
Ellis		✓
Mello	✓	
Petris		
Craven (VC)	✓	
Roberti (Ch)	✓	
TOTAL:	3	1

Senate Floor Vote: page 7381, 8/11/88

Assembly Bill 3007—An act to add Section 425.8 to the Government Code, relating to the state mollusk.

Bill read third time and presented by Senator Morgan.
The roll was called

Roll Call

The names of the absentees were called and AB 3007 was passed by the following vote:

AYES (21)—Senators Bergeson, Campbell, Craven, Davis, Deddeh, Dills, Bill Greene, Keene, Maddy, Marks, McCorquodale, Mello, Montoya, Morgan, Nielsen, Presley, Robbins, Roberti, Rosenthal, Torres, and Watson.

NOES (15)—Senators Alquist, Ayala, Beverly, Boatwright, Ellis, Garamendi, Cecil Green, Leroy Greene, Hart, Lockyer, Rogers, Royce, Russell, Seymour, and Vuich.

Bill ordered transmitted to the Assembly.

Assembly Floor Vote: 43-32, P. 6435, 3/21/88

SUBJECT: Official State Mollusk: Banana Slug

SOURCE: Dynamite Blue Bird Club of Campfire Boys and Girls of Redwood City

DIGEST: This bill would designate the banana slug (Ariolimax) as California's official State Mollusk.

ANALYSIS: The following are California's official state items:

Gemstone: Benitoite, Fish: California Golden Trout, Colors: Blue and Gold Ribbons, Insect: California Dog-Face Butterfly, Nickname: The Golden State, Tree: California Redwood, Song: I Love You California, Bird: California Valley Quail, Motto: Eureka, Flower: Golden Poppy, Mineral: Gold, Flag: Bear Flag, Rock: Serpentine, Fossil: Saber-toothed Cat, Animal: Grizzly Bear, Reptile: Desert Tortoise, Marine mammal: California Gray Whale.

(Recently, the Senate approved, by a vote of 21-9, SB 2460 (Kopp) which, if enacted, would designate the West Coast Swing Dance as California's official State Dance.)

Currently there is no designation of an official State Mollusk.

One of the largest groups of invertebrate animals, the mollusk, includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalone.

CONTINUED

In the case of mollusks, there are a large number of different species indigenous to locales in the state, including the pismo clam, the black abalone, red abalone, the turban shell, the two spotted octopus, common squid, and a mussel (Mytilus californianus).

The banana slug species Ariolimax columbianus was first identified by in 1851 near the mouth of the Columbia River in Oregon. This particular banana slug has been found from Alaska to as far south as the Salinas Valley, and hence, cannot be considered indigenous to California. Subspecies, Ariolimax columbianus stramineus, Ariolimax californicus, Ariolimax californicus brachyphallus, and Ariolimax californicus dolichophallus however, are indigenous to central California and have been reported from Monterey to Ventura.

Among banana slugs' favorite foods are mushrooms, poison oak, ferns, and a variety of bulbs, leaves, tubers, twigs, and other organic matter found on the forest floor. Their strap-like tongue (radula) contains hundreds of tiny teeth, with which they grind their food. All this masticating helps speed the decomposition of a forest's wastes, and banana slugs' droppings make an excellent fertilizer for conifers.

The banana slug gets its name from its long body and its bright golden-yellow color. While most species in California have a gold tinge to them, others are spotted or even white. Scientists are not sure how long banana slugs live, but they are known to roam the woods for five years or longer.

The banana slug is the official school mascot of the University California, Santa Cruz.

AB 3007 makes various findings including:

- The banana slug is an indigenous species to California.
- The banana slug's color resembles the California state color, gold.
- Banana slugs live among California's redwoods and substantially contribute to the forest ecosystem.

This bill designates genus Ariolimax, banana slug, as the official State Mollusk without reference to a particular species or subspecies.

SUPPORT: (Verified 5-3-88)

Dynamite Blue Bird Club of Campfire Boys and Girls of Redwood
City (Sponsor)
Redwood City School District
County of Santa Cruz
Kiwanis Club of Redwood City

OPPOSITION: (Verified 5-3-88)

Conchological Club of Southern California

ARGUMENTS IN SUPPORT: According to the author, banana slugs are important to coniferous forests because the slugs can serve as indicators of the health of the forest. To live comfortably, slugs need the moist "micro-climate"

6769

CONTINUED

created at the forest floor by the massive redwoods and other trees. Natural disasters, such as fires, or human intervention, through tree cutting and other activities, can dry the forest floor. When this happens, banana slugs are likely to suffer, and their reduced numbers may indicate important changes in the forest ecosystem.

Banana slugs exemplify the endless diversity of animal and plant life in California. As forest dwellers, they are accessible to all. For years environmental educators have used banana slugs to teach basic lessons of ecology.

ARGUMENTS IN OPPOSITION: According to the Conchological Club of Southern California, the self proclaimed oldest shell club in America, "although some slugs can be beneficial to the environment, just the name "slug" carries certain bad connotations of behavior and attitude. "The red abalone, is by far the most logical and proper choice. It is the world's largest abalone and is most desirable commercially for its size and light meat color. It is also representative of both southern and northern California as it is found along the entire length of our coastline. The name "abalone" conjures up an image of a seashell with an appealing mother-of-pearl luster, as well as an image of a beautiful, surf-swept rocky coastline for which California is famous."

FISCAL EFFECT: Fiscal Committee: no

ASSEMBLY FLOOR VOTE:

Assembly Bill No. 3007 passed by the following vote:

AYES—48			
Allen	Cortese	Hauser	Polanco
Areias	Duplissac	Hill	Roos
Bader	Eastin	Hughes	Roybal-Allard
Bates	Eaves	Izenberg	Sher
Bradley	Farr	Johnston	Speier
Bronzan	Filante	Jones	Tanner
Calderon	Floyd	Killea	Tucker
Campbell	Frazee	Klehs	Waters, Maxine
Chacon	Friedman	Margolin	Waters, Norman
Condit	Hansen	Moore	Mr. Speaker
Connelly	Harvey	Peace	
NOES—32			
Baker	Frizzelle	Lancaster	O'Connell
Brown, Dennis	Graham	Leonard	Quackenbush
Chandler	Hannigan	Leslie	Seastrand
Clute	Harris	Lewis	Statham
Costa	Johnson	Longshore	Stirling
Elder	Katz	McClintock	Wright
Polanco	Kelley	Montjoy	Wyman
Ferguson	La Follette	Nolan	Zelmer

Bill ordered transmitted to the Senate.

RR:jk 5/5/88 Senate Floor Analyses

00770

2. Analyses by the Executive Branch – Executive branch agencies often analyze or take positions on proposed legislation that affect their delegated administrative responsibility.

Analyses prepared by Executive Branch agencies with Constitutional status, such as the Secretary of State, the Attorney General or the Public Utilities Commission typically use a letter format. An example from the Secretary of State follows this page.

Analyses that are prepared by all Executive Branch agencies under the direct control of the Governor generally follow the specific format exemplified by the Department of Forestry and Fire Protection analysis at pages 61 and 62. In some older bill analyses in this format careful scrutiny of the boxes at the top of the page is necessary to determine exactly which agency is the source.



Bill Jones
Secretary of State

1500 11th Street, 6th Floor
Sacramento, CA 95814

Legislative & Constituent Services
(916) 653-6774

April 17, 1996

BILL ANALYSIS

BILL NUMBER: SB 1507 (As Amended April 8, 1996)
AUTHOR: Petris
SUBJECT: Legislature: Public records:retention
POSITION: Neutral

EXISTING LAW:

Existing law provides that the public may inspect legislative records, as defined.

Existing law requires every agency of the state to maintain a file with specified documents related to the adoption, amendment, or repeal of a regulation, and requires that the rulemaking file be available to the public.

THIS BILL:

This bill would require each committee of each house of the Legislature, as specified, and each joint committee to preserve all legislative records, as defined, relating to legislation assigned to the committee that are in its custody or to lodge the records with the State Archives. Legislative records lodged with the State Archives pursuant to this bill would be open to inspection by the public.

This bill would specify when the rulemaking file would be available to the public and would require the agency to retain the file until it is sent to the State Archives for permanent retention. The bill would require agencies to transmit rulemaking files to the State Archives within 3 years following the filing of a regulation with the Secretary of State, but require rulemaking files related to regulations filed prior to January 1, 1997, to be sent to the State Archives by January 1, 2000, or a later date designated by the custodian of the State Archives.

ANALYSIS:

The bill, as it relates to transmitting the rulemaking files to the State Archives will add an undetermined volume of records to be cataloged and permanently retained at the Archives. Information provided by the Office of Administrative Law indicates an average of 45 boxes of rulemaking files are generated annually. However, it will be more difficult for Archives staff to determine, without an in-depth survey, the number and volume of rulemaking files currently retained by the agencies. It is expected to be substantial. In addition to the storage concern, the State Archives will be required to provide public access to this material, which may require additional resources for retrieval and copying.

The State Archives recommends the bill sunset after ten years if the Secretary of State certifies the continued buildup of volume is a storage problem. The certification shall be made by letter to the Governor and to the Legislature.

FISCAL ANALYSIS:

The workload created by the annual projected rate of 45 boxes of rulemaking files to be transmitted to the State Archives can be absorbed by using existing resources; however, the acquisition of all the rulemaking files currently retained by the agencies will substantially add to the processing backlog and has the potential of creating additional workload for the Reference program. We cannot determine at this time how much the Reference program will be impacted concerning public access to this material because we have no experience with rulemaking files and the number of requests they generate. Once the three-year time period is up and the files are transmitted to the State Archives, as specified in the bill, the public's interest may diminish to a point where there is little effect on the Reference program.

COMMENTS:

For further information regarding this analysis, please contact the Secretary of State's Legislative Director, Vickie Glaser at (916) 653-6774.

BILL ANALYSIS

.10 Rules

RESOURCES AGENCY

DEPARTMENT Forestry and Fire Protection (CDF)	AUTHOR Senator Monteith Assemblyman House	BILL NUMBER SB 389
SPONSORED BY Students at Martin Luther King, Jr. Middle School in Madera and the Professional Soil Scientists Association of California	RELATED BILLS None	AMENDED DATE As Introduced 2/14/97
SUBJECT State Soil		

A. SUMMARY

This bill would designate the San Joaquin soil series as the official State Soil

B. SPECIFIC FINDINGS

- History and Sponsorship:** This bill was introduced by Senator Monteith on February 14, 1997, and is sponsored by students at the Martin Luther King Middle School in Madera and the Professional Soil Scientists Association of California.
- Existing Law:** Government Code Sections 425 through 425.8 provides special recognition for unique natural features of California. This includes designation of an official state animal, mineral, rock, gemstone, marine mammal, fossil, and prehistoric artifact.
- Changes in Law Provided by This Bill:** This bill would add Section 425.9 to the Government Code to designate the San Joaquin Soil Series as the official State Soil.

For Information Contact: Carol Williams Bryant, Chief, Office of Legislation, 653-5333

Date: March 20, 1997

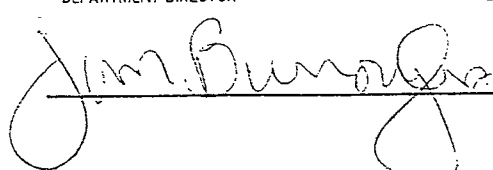
Prepared by: John Munn

DEPARTMENTS THAT MAY BE AFFECTED

Forestry and Fire Protection, Conservation, Food and Agriculture

STATE MANDATE []

GOVERNOR'S APPOINTMENT []

DEPARTMENT DIRECTOR POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input type="checkbox"/> N <input type="checkbox"/> NP <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> DEFER _____	AGENCY SECRETARY POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input checked="" type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> DEFER _____	GOVERNOR'S OFFICE USE Position Approved Position Disapproved Position Noted By: _____ Date: _____
DEPARTMENT DIRECTOR 	DATE: 4/13/97 AGENCY SECRETARY Original Signed By Julie A. MacDonald	DATE: APR 22 1997

4. **Discussion:** Soil is among California's most valuable resources. It supports the number one agricultural industry in the world and supplies food and fiber for millions of people in California and throughout the world. Soil is a complex resource, with many variations in conditions that affect its use and management. But it is also taken for granted by the great majority of Californians. Designating a State Soil will provide a focal point around which education efforts can be developed to increase awareness about the complexity of California's soils and the importance of conserving this non-renewable resource that supports our livelihood and our environment. Based on a review of the more than 1800 different soil series identified in California, the Professional Soil Scientists Association of California has recommended the San Joaquin soil series as the best example of the range of soil properties and uses occurring statewide. It is widely distributed, supports a large number of crops and other land uses, displays a wide variety of soil characteristics that can serve to illustrate soil processes, use, and management, and has a series distribution and name that is unique to California.

C. **FISCAL EFFECT**

None.

D. **ECONOMIC IMPACT**

No direct impact. Educational programs focused on the State Soil will indirectly promote the long-term viability of industries relying on conservation of soil resources.

E. **RECOMMENDATION** : Neutral if Amended

1. **Reasons for Position:** Amendments needed to correct errors and improper use of terms.
2. **Proponents:** Professional Soil Scientists Association of California, students and teachers at Martin Luther King, Jr. Middle School in Madera, California.
3. **Opponents:** None known

3. Other common file materials

a. Assembly Republican Caucus has prepared separate bill analyses for use by Assembly Republicans almost continuously since the early 1970's. These analyses are sometimes prepared for policy or fiscal committee hearings, sometimes for floor proceedings, and frequently show up in Governor's files. They have always been clearly identified as a Republican analysis. We provide a series of examples in the next four pages.

ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE
REPUBLICAN ANALYSIS

AB 3007 (Sher) -- STATE MOLLUSK: BANANA SLUG
Version: 3/17/88 Vice-chairperson: Frank Hill
Recommendation: Oppose Vote: Majority

Summary: Designates the banana slug as the official state mollusk. Fiscal effect: None.

Supported by "Dynamite" Blue Birds of Redwood City (sponsor).
Opposed by None on file. Governor's position: Unknown.

Comments: Why on earth do we need an official state mollusk? And the banana slug? Do we want to perpetuate our whacky image?

If we are going to have an official state mollusk, let's study the issue and choose a mollusk that enhances California's economic climate, such as the abalone.

Although some consider the banana slug useful because it eats poison oak and provides slime that helps in decomposition of the redwood forests, the slugs are truly repulsive. The banana slug also is the official mascot of U.C. Santa Cruz, bastion of liberal experimentation.

Assembly Republican Committee Vote
Governmental Organization -- 3/8/88

(11-4) Ayes: Frizzelle, Hill, Johnson, Mojonnier,
Mountjoy

Noes: Baker, Grisham, Statham

Assembly Republican Floor Vote -- 3/21/88

(43-32) Ayes: Allen, Bader, Bradley, Duplissee, Filante,
Frazee, Hansen, Harvey, Hill, Jones

Noes: All other Republicans present & voting

Senate Republican Committee Vote

Rules -- 5/4/88

(3-1) Ayes: Craven

Noes: Ellis

Senate Republican Floor Vote -- 5/27/88

FAILED PASSAGE -- Reconsideration Granted

Consultant: Susan Ricci

ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE
REPUBLICAN ANALYSIS

SB 2460 (Kopp) -- OFFICIAL STATE DANCE

Version: Original Vice-Chairman: Frank Hill
Recommendation: Oppose/abstain
Vote: Majority

Summary: Designates the West Coast Swing Dance as the official state dance. Fiscal effect: None.

Supported by U.S. Swing Dance Council (sponsor), Arthur Murray Dance Studios, CA Chamber of Commerce, Northern CA Black Chamber of Commerce, U.S. Open Swing Dance Championships, Rotary Club of San Francisco, Oakland Association of Insurance Agents, Coca-Cola USA, Alameda County Bar Assoc., International Molders & Allied Workers, Town of Colma, American Federation of Musicians. Opposed by Sacramento Square Dance Assoc. Governor's position: Unknown.

Comments: While this is infinitely less ridiculous than designating the banana slug as the official state mollusk, it is certainly no more needed. And even if we need an official state dance, there doesn't appear to be a consensus that this is the appropriate dance.

The author notes that exercise has become an integral component of life. True. He also maintains that focusing on exercise such as dance will reduce the abuse of alcohol and drugs, thereby saving tax dollars. Doubtful.

The West Coast Swing is billed as the only dance native to California that is still commonly performed. It is a wholesome family activity that all can enjoy. A 1984 effort to designate square dancing as the official state dance (SB 2146, Doolittle) died on the Senate floor.

Senate Republican Floor Vote -- 4/28/88

(21-9) Ayes: Craven, Davis, Nielsen, Royce
Noes: Beverly, Doolittle, Morgan, Rogers,
Russell, Seymour

Assembly Republican Committee Vote

Governmental Organization -- 5/24/88

(10-4) Ayes: Johnson, Statham
Noes: Baker, Frizzelle, Hill
N.V.: Grisham, Mojonnier
Absent: Mountjoy

Consultant: Susan Ricci

ASSEMBLY CONSUMER PROTECTION, GOVERNMENTAL
EFFICIENCY AND ECONOMIC DEVELOPMENT COMMITTEE
REPUBLICAN ANALYSIS

SB 1507 (Petrus) -- LEGISLATURE: PUBLIC RECORDS: RETENTION.

Version: 5/20/96

Chair: Morrissey

Analyzed: 6/19/96

Vote: Majority

Recommendation: None

Tax/Fee: No

SUMMARY: Requires each committee of each house of the Legislature, and each joint committee to maintain legislative records, relating to legislation assigned to the committee in official committee files. Committees would be required to preserve those records that are in its custody or to store them with the State Archives. Committee files would be open to public inspection. Specifies that rulemaking files would be available to the public and would require the agency to retain the file until it is sent to the State Archives for permanent retention. Prohibits an agency from removing or altering, destroying, or otherwise disposing of any item contained in a rulemaking file. Requires agencies to transmit rulemaking files to the Archives within 3 years following the filing of the regulation with the Secretary of State. Requires rulemaking files related to regulations filed prior to 1/1/97 to be sent to the Archives by 1/1/2000, or such a date specified by the Archives.

FISCAL EFFECT: Unknown.

POTENTIAL EFFECTS: Codifies practices which should already be in place. Ensures that a record of legislative and regulatory decision making is maintained.

SUPPORT: Cal-Tax.

OPPOSITION: None on file.

GOVERNOR'S POSITION: Unknown

COMMENTS:

- o Existing law established the Legislative Open Records Act of 1975, providing for public access to legislative committees and floor analyses bill files but does not specifically mandate the preservation of such files. The Act declares that "access to information concerning the conduct of the people's business by the Legislature is a fundamental and necessary right of every citizen of the state.
- o The Administrative Procedures Act provides that when departments submit proposed regulations to the Office of Administrative Law for review, they must be accompanied by specific information used by the entity in developing the proposed rule. However, that data is also not specifically required to be permanently preserved.
- o The sponsors of the bill state that over the years the courts have come to increasingly rely upon legislative and rulemaking history. Documents such as analyses reports, correspondence, background materials, hearing transcripts, press releases, have become important to the interpretation of California statutes and regulations. This is especially important in the absence of any pertinent case law on the subject.
- o As drafted this measure permits the public access to records which are required in the frantic day to day operation of the houses. This measure should be amended to specify that the

public has access to documents only when they have been shipped to the archives. Committee offices do not have the space for the public to use them as reading rooms.

Senate Republican Floor vote -- 5/28/96

(27-7) Ayes: Beverly, Craven, Johannessen, Johnson, Lewis, Maddy, Wright

Noes: Hurtt, Kelley, Leslie, Monteith, Mountjoy, Rogers

Abs./N.V.: Haynes, Leonard, Russell

Assembly Republican Committee vote

CP, GE & ED -- 6/25/96

(>) Ayes: >

Noes: >

Abs.: >

N.V.: >

Consultant: Peter Renevitz

b. Bill Analysis Worksheets – The following document is representative of a category of documents that have similar titles, but are generally identifiable if you review the title and nature of the document. These documents are forms sent out by committee staff to each author who has a bill scheduled for consideration in that committee. The author of the bill is requested to return the worksheet with an explanation of the proposal. In the response the author will often include attachments from third parties, or other documents that explain the source and purpose of the bill. The following two pages provide an example of a bill analysis worksheet with attachment.

SENATE COMMITTEE ON JUDICIARY

BACKGROUND INFORMATION

AB 2852

✓
1/1

1. Source

- (a) What group, organization, governmental agency, or other person, if any, requested the introduction of the bill? Please list the requestor's telephone number or, if unavailable, his address.

Pacific Telephone Company - Paul Henry, 325-7329

- (b) Which groups, organizations, or governmental agencies have contacted you in support of, or in opposition to, your bill?

General Telephone Company

- (c) If a similar bill has been introduced at a previous session of the Legislature, what was its number and the year of its introduction?

N/A

2. Purpose

What problem or deficiency under existing law does the bill seek to remedy?

See attached

If you have any further background information or material relating to the bill, please enclose a copy of it or state where the information or material is available.

Prior to introduction of the bill, a draft of the proposed legislation was given to Brent Barnhart, ACLU, and Tom Dunipace of Senator Pains' staff. ACLU suggested a minor revision and Mr. Dunipace concurred.

PLEASE COMPLETE THIS FORM AND RETURN IT TO THE SENATE COMMITTEE ON JUDICIARY, ROOM 2187 AS SOON AS POSSIBLE. THE COMMITTEE STAFF CANNOT SET THE BILL FOR A HEARING UNTIL THIS FORM HAS BEEN RETURNED.

**CRIMINAL SANCTIONS FOR
FRAUD BY WIRE**

Background

Telephone utilities are faced with a growing problem of skip tracers, "phone phreaks", and computer buffs accessing confidential and/or proprietary information by impersonating telephone company employees. These groups are becoming increasingly more sophisticated through a well organized exchange of detailed telephone system information. Not only are they able to access confidential customer records, they boast of being able to control or destroy entire telephone systems. They represent a serious threat to the integrity of all telecommunications systems, and also to national security which is heavily dependent on those systems. This threat is in addition to that posed to consumers whose confidential records are not secure.

Discussion

There is no prohibition against these types of fraudulent acts in the California Penal Code. The Federal law (Sec. 1343 of 18USC) does provide sanctions of up to \$1,000 or five years imprisonment for such acts if they are interstate in nature. However, attempts to convince the U.S. Attorney, Criminal Division, to prosecute even thoroughly investigated and well documented offenses have been fruitless. The U.S. Attorney's office has shown a clear preference to have state authorities handle such matters.

State authorities are unable to act in the absence of enabling legislation. Such legislation is urgently needed to effectively control unauthorized access to telecommunication system information and consumer records. A bill patterned on the federal law would have a broad base of support which is anticipated to include, for example, utilities, data transmitters, television broadcasters, the state attorney general, and other law enforcement agencies.

This Bill would add Section 538(f) to the Penal Code. Section 538(f) is similar to the Federal law (18USC1343), and provides California authorities with prosecutorial teeth to discourage abuse of telecommunication networks.

c. Correspondence opposing or supporting legislation – This form of correspondence is commonly found in many legislative files. The letters in opposition are often particularly useful in explaining the purpose for changes in a bill. These can be in many forms; the content is more instructive as to the category than the form. See examples in the following four pages.

UNIVERSITY OF CALIFORNIA STUDENT LOBBY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

926 J Street, Suite 616
Sacramento, California 95814

(916) 442-3827
ATSS: 8-494-3296
8-494-3299

March 23, 1984

*over
bill*

The Honorable John Doolittle
State Senate
State Capitol
Sacramento CA 95814

Dear Senator Doolittle:

After careful consideration and debate of SB 2146, which, if passed, "would specify that the square dance is the official State dance," the University of California Student Body Presidents' Council, acting on behalf of the 141,000 students of the University of California, have decided to actively oppose its passage.

While we respect the rights of the reported 250,000 people in California who practice and enjoy this specific type of american folk dancing, we do not feel that their pastime should be imposed upon the other 23 million residents of the state. We base our objections upon the fact that the square dance does not represent the ethnic and cultural diversity of our population. Nor does it in any way represent the historical background and development of the state.

As you know, the square dance is a representative art form of the white settlers who migrated here and under the banner of "manifest destiny" imposed their cultural values upon the Native Americans and Mexicans already living here. And, unlike the golden poppy, the California Redwoods, the grizzly bear, and the desert tortoise which are recognized as having special significance to the state, the square dance is not indigenous to California.

Thank you for your time and consideration on this important matter. If we can be of any assistance to you or your office in drafting legislation in this area that acknowledges the richness of California's unique cultural and ethnic diversity, please feel free to call upon us.

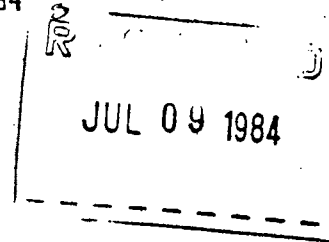
Sincerely,

Ron Balestrieri
Director

db
cc: Willie Brown, Speaker of the Assembly
David Roberti, President pro Tempore

30 June 1984

Senator Diane Watson, D-LA
California State Senate
State Capitol
Sacramento, California 95814



Dear Ms. Watson,

I read with amused interest your criticism of the proposed state adoption of square dancing as the official state dance. You opposed it, claiming that the dance is originally European, that your ancestors {black} were not from Europe and that you are but a part of California's mix of groups, many of whom are not European and none of whom would be culturally represented by square dancing.

How silly, shallow and culturally ignorant. The question of one's ancestry is nothing more than a question of bloodline, - a mere technicality, if you will. The question of culture, in contrast, is a question of historic heritage as contributory to present environment. You speak a European tongue {English}, serve in a legislative forum European in institutional origin {Roman Senate to the Magna Carta to the English Parliament to the US Constitution}, and live in the leading industrial nation of the Christian {a European creed} West. Simply stated, European civilization exists on both sides of the Atlantic and you, good woman, are a product of it.

You speak no African tongue, practice no African religion, and are fully clothed in the course of your business day. You wear no ring-like adornments on your very Western neck, and place none in your nose. You no doubt paint your face only with the most tastefully chosen products from Revlon as sold at the Broadway. Your ancestors may have come from Africa, but that is all you share with them; -- a mere technicality, if you will.

And yes, I know, this letter probably qualifies me as a racist in your non-European repository of definitions. Tsk, tsk. In my very European repository of definitions, such a response would be an argument ad hominem.

All my best,


Christopher J. Bakes, ESQ

Copy to {i} the equally silly, shallow and culturally ignorant
Senator Art Torres {European surname}, D-LA
{ii} Senator John Doolittle, R-Citrus Heights



NORTHERN CALIFORNIA ASSOCIATION OF LAW LIBRARIES

1800 Market Street
Box 109
San Francisco, CA 94102

April 16, 1996

Senator Ralph Dills
Chairman
Senate Committee on Governmental Organization
State Capitol
Sacramento, CA 95814

Dear Senator Dills:

The Northern California Association of Law Libraries (NOCALL) is the primary sponsor of Senate Bill 1507 (Petrus) which will be heard in your committee next Tuesday, April 23, 1996.

Existing law provides that the public shall have access to legislative and rulemaking files as specified (the Legislative Open Records Act, Government Code Section 9070 et seq, and Government Code Section 113473.3(c) of the Administrative Procedures Act). However, since the law does not specifically require the preservation of such historical records (although preservation is logically implied), it is not unusual for critical legislative and rulemaking files to be lost, destroyed or stored in an inaccessible manner. NOCALL is a professional librarian association of over 400 members and includes law librarians from private law firms, colleges and universities, and county law libraries. Our members' experiences in this area of research on behalf of businesses and other private citizens has prompted us to sponsor SB 1507 as belated "clean-up" legislation to existing law.

The primary purpose of SB 1507 is to strengthen public access to Assembly and Senate committee and floor legislative records and to agency rulemaking files by prohibiting the destruction of such files and by centrally maintaining agency rulemaking files with the State Archives.

Senator Ralph Dills

April 16, 1996

Page 2

Legislator's personal bill files would not be affected by this legislation. We are not aware of any opposition to the bill. The State Archives and the Office of Administrative Law have provided excellent consultation assistance in the drafting of the bill's terms. The enclosed "Backgrounder" on the April 8th amended bill version of SB 1507 provides an in-depth digest of information for your additional review.

We respectfully request your positive consideration of this measure.

Sincerely,



Donna L. Purvis
NOCALL President

DLP/dlp
Enclosures

cc: Members, Committee on Governmental Organizations
Senator Nicholas C. Petris

d. Statements about legislation – Statements from legislative files can take many forms. They are typically statements by the author of the bill or a person or organization from outside the legislature who has requested the introduction of the bill. In the following five pages we provide an example of a press release from the author, a written copy of a statement prepared for the author to make on the Assembly floor, a prepared handout about the legislation sent to other legislators and a letter to the author. Similar statements are all commonly dispersed in legislative files. Such statements can be used as evidence of how the legislation was represented to the legislature, but tread lightly around asserting they are direct statements of intent, in particular with the statements used for oral presentations, as it is difficult to sure the statement was presented as drafted.

**SUGGESTED PRESS RELEASE
STATE MOLLUSK RESOLUTION**

NEW CANDIDATE FOR STATE MOLLUSK

Assemblyman Trice Harvey (Rep., Bakersfield) announced today that he will introduce legislation to declare the abalone to be the Official State Mollusk of California. This proposal was in response to an effort to declare the banana slug to be the State Mollusk.

"It never occurred to me that we needed an Official State Mollusk," said Harvey, "but if we are going to have one it should be the right mollusk."

"Abalone makes a much better meal than does banana slug," Harvey noted. "And abalone shells make much better ashtrays than banana slug shells." When pressed Assemblyman Harvey admitted that banana slugs do not have shells.

"Banana slugs are slimy yellow worm-like creatures which live in the mountains eating innocent plants and leaves," Harvey explained. "Abalones are noble sea creatures which populate the coast providing food for people and animals."

Mollusks are animals, such as snails, that have no bones and travel on a single "foot muscle". Shellfish, such as clams and muscles, are also classified as mollusks.

ASSEMBLY FLOOR STATEMENT

S B 2460

AUGUST 1988

MR. SPEAKER AND MEMBERS:

SB 2460 WOULD DESIGNATE WEST COAST SWING DANCE AS THE OFFICIAL STATE DANCE.

WEST COAST SWING DANCING HAS BEEN A PART OF CALIFORNIA'S CULTURE SINCE WORLD WAR II. IT ENHANCED THE LIVES OF OUR SOLDIERS NO MATTER WHERE THEY WERE AND IT KEPT TEENAGERS OFF THE STREET AND OUT OF TROUBLE.

IN THE 1930'S, HOLLYWOOD AND THE SWING BANDS POPULARIZED THE JITTERBUG OR SWING. IN THE MID-40'S, DANCERS CREATED A SMOOTH-STYLE OF SWING DANCING EXECUTED IN A SLOTTED FORM, IT IS CALLED WEST COAST SWING BECAUSE IT STARTED IN CALIFORNIA.

WEST COAST SWING IS THE ONLY DANCE NATIVE TO CALIFORNIA WHICH HAS SURVIVED. IT IS A HEALTHY AND JOYFUL ACTIVITY THAT BELONGS TO ALL OUR PEOPLE. DEVOTEES OF THIS ART COME FROM EVERY CONCEIVABLE BACKGROUND, AMONG THE RANKS OF SWING DANCERS, ONE CAN FIND JUDGES, SCHOOL TEACHERS, WAITRESSES, SALESMEN, STUDENTS, DOCTORS---AND, YES, EVEN LEGISLATORS.

SWING MUSIC AND SWING DANCING BOOSTED THE MORALE OF THIS COUNTRY THROUGH A DEPRESSION AND WORLD WAR. OUR STATE IS PLAGUED WITH PROBLEMS OF ALCOHOL AND DRUG ABUSE; AND EXERCISE HAS BECOME AN IMPORTANT PART OF OUR HEALTH AND WAY OF LIFE, ESPECIALLY HERE IN CALIFORNIA. FOCUSING PUBLIC ATTENTION ON THIS TYPE OF WHOLESOME ACTIVITY MAY HELP REDUCE THE ABUSE OF ALCOHOL AND DRUGS, THEREBY SAVING TAX DOLLARS.

I URGE YOUR "AYE" VOTE.

NOTE: SQUARE DANCE IS THE OFFICIAL STATE DANCE OF EIGHT STATES AND ORIGINATES IN ENGLAND. THIS ALONE SUGGESTS THAT WEST COAST SWING IS A BETTER CANDIDATE FOR CALIFORNIA'S OFFICIAL STATE DANCE. THE ATTACHED LETTERS FROM ARTHUR MURRAY INTERNATIONAL, BRIGHAM YOUNG UNIVERSITY, THE GOLDEN STATE DANCE TEACHERS ASSOCIATION, AND OTHERS INCLUDE ADDITIONAL INFORMATION AND ARGUMENTS WITH RESPECT TO THE ISSUE OF WEST COAST SWING VERSUS SQUARE DANCE.

**SUGGESTED REQUEST FOR COAUTHORS
STATE MOLLUSK RESOLUTION**

Dear Fellow Assembly Members:

I was amazed to learn, recently, that California has no Official State Mollusk. Not that I really thought we needed one; I was just surprised we didn't have one.

After all, we have an Official State Nickname, an Official State Reptile, an Official State Rock, an Official State Mineral, an Official State Gemstone, an Official State Fish, an Official State Insect, and an Official State Fossil. How did mollusks escape this honor?

An effort is afoot to change this situation. And, while I have all the respect in the world for those who serve as advocates for the banana slug, I must respectfully disagree with the proposal to name the banana slug as the Official State Mollusk.

I cannot stand idly by and watch the wrong mollusk being designated the Official State Mollusk. Although the banana slug is certainly qualified, as a mollusk, for this honor, the abalone is a far superior candidate.

This is why I am seeking your coauthorship of the attached Concurrent Resolution to designate the abalone as the Official State Mollusk. The abalone has the dignity, the pride, and the disposition for this honor. Abalone tastes good too.

This promises to be a difficult battle. Our opponents are well organized and devoted to their cause. But I am ready to slug it out with them and I hope that you will join me.

I look forward to hearing from you.

Sincerely yours,

March 3, 1988

Mr. Stephen Magagnini
The Sacramento Bee
P.O. Box 15779
Sacramento, CA 95852

Dear Stephen:

It was a pleasure chatting with you at the Kings-Pistons game last week. Unfortunately, the performance of the Kings did not improve during the second half.

I think your Sunday Magazine readers would be interested in legislation I have introduced pertaining to West Coast Swing Dancing. Senate Bill 2460 would designate West Coast Swing as the Official State Dance.

Swing dancing is a healthy and joyful pastime which attracts a broad spectrum of Californians--even members of the Legislature. Focusing public attention on this wholesome activity can help reduce drug and alcohol abuse.

I have enclosed a copy of the bill and a compendium of information. Be of good cheer.

Sincerely yours,

QUENTIN L. KOPP

QLK:11
Enclosure

e. Background documents collected by staff – The staff persons responsible for preparing analyses or responding to questions about proposed legislation often collect materials that they find helpful in understanding the proposal in bill files relating to the particular proposal. Background documents could include many types of documents, such as copies of published cases, law review articles, media articles, studies, transcripts of various types of meetings or proceedings – the range of possible types of documents are as broad as the range of possible subjects of legislation. We include some (amusing) examples in the following five pages.

State Senate getting into step on California swing dance

By Kathy Zimmerman
The Tribune 4/29/88

SACRAMENTO — Swing is in, salsa's out and square dancing isn't even in the running.

That's the opinion of the California Senate, which approved legislation yesterday designating the West Coast swing dance the official state dance.

They voted for it 21-9.

Senate Bill 2460, which still needs approval of the California Assembly, would declare:

■ Dance clubs throughout the state are dedicated to the proposition that swing dancing is "the greatest of all social activities."

■ West Coast swing dancing has been a popular subculture activity for 50 years, yet remains relatively unknown to society.

■ Swing dancing is an intricate dance and a healthy and joyful activity, requiring "a great deal of coordination, good timing and intelligent applica-

The bill to establish the West Coast swing dance as the official state dance still needs Assembly approval.

tion."

"West Coast swing dancing is the only dance native to the state of California which has survived," said the bill's enthusiastic author, Sen. Quentin Kopp, I-San Francisco.

"Swing dancing boosted the morale of the country when it needed it," said Kopp. He declined repeated calls from his Senate colleagues for a demonstration of such dancing.

Supporters of his bill say that promoting the dance will help reduce the alcohol and drug

problems among youth.

"Among the ranks who enjoy swing dancing are judges, school teachers, salesmen and even senators," Kopp said.

The United States Swing Dance Council defines swing as an "all-American rhythm dance, consisting basically of six-beat and eight-beat patterns that cover either a circular or slot area on the dance floor."

Swing incorporates "under-arm turns, side passes, pushes and whips," according to the council.

At least one senator was suspicious of what those moves entail. Sen. Don Rogers, R-Bakersfield, said he wanted them demonstrated.

"How do we know they have anything to do with dance?" Rogers joked.

Opponents of Kopp's bill argued that other dances would be more appropriate as the state dance.

SB 2460

Sandoz Bee
8/28/88

Good question — The legislative sashaying over a bill to designate an official state dance is generating some of the more candid comments coming from lawmakers these days. For example, there was the question from Assemblyman Ross Johnson, R-La Habra, when the bill came up on the Assembly floor last week. "Do you think it might be appropriate to include an official legislative dance?" Johnson asked his colleagues. "The side step?"

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GRACE YEE
 COMMITTEE SECRETARY

California Legislature

Joint Committee on Rules

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 VICE CHAIR

May 4, 1984

Honorable John T. Doolittle
 Republican Whip
 California State Senate
 State Capitol Building
 Sacramento, California 95814

RECEIVED

MAY 10 1984

Dear John:

This is in response to your letter of May 2, 1984, requesting authorization for the CALIFORNIA SQUARE DANCE COUNCIL to perform on the West Steps of the State Capitol Building on Tuesday, May 8, 1984 from 11:30 a.m. until 12:30 p.m.

Please be advised, your request has been approved by the Joint Rules Committee. It is my understanding you have contacted the State Police Office, located in the Room 1149 of the Capitol building (445-2895), with regard to a permit.

Your letter is being forwarded to Mr. Denny Artz of the Rules Committee staff for processing your request for the table and electrical equipment.

Sincerely,



LOUIS J. PAPAN, Chairman
 Joint Rules Committee

LJP:bar

cc: Denny Artz
 Lt. Steve Weston
 Julie Williams
 Rose Nagao
 Everett Jones

ASSEMBLY JOINT RESOLUTION No. 29

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Assemblyman BORNHEIMER

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

A JOINT RESOLUTION designating the Square Dance as the American
Folk Dance of the State of New Jersey.

- 1 WHEREAS, Love of State and professions is enhanced by traditions
2 that have become a part of our way of life and the customs of
3 the American people; and,
- 4 WHEREAS, We have distinctive and meaningful symbols of our
5 ideals in our State's flag and in many cultural endeavors, but no
6 official designation of a State Folk Dance; and,
- 7 WHEREAS, The Square Dance, which was first associated with the
8 American people and recorded in history since 1651, has con-
9 sistently been the one dance traditionally recognized by the
10 American people as a dignified and enjoyable expression of
11 American folk dancing; and,
- 12 WHEREAS, Official recognition of the Square Dance will enhance
13 the cultural stature of New Jersey both nationally and inter-
14 nationally; and,
- 15 WHEREAS, National and international prestige is the best interest
16 of all Americans; now, therefore,

1 BE IT RESOLVED by the Senate and General Assembly of the State
2 of New Jersey:

- 1 1. That the dance known as the Square Dance is designated the
2 American Folk Dance of the State of New Jersey.
- 1 2. That this joint resolution shall take effect immediately.

STATEMENT

The purpose of this joint resolution is expressed in its title.

Note - SJ Res. #19 approved Jan. 19, 1983

HJR 50 DESIGNATING THE SQUARE DANCE AS THE AMERICAN
FOLK DANCE OF THE STATE OF ALABAMA.

WHEREAS, love of state and professions is enhanced
by traditions that have become a part of our way of life
and the customs of the American people; and

WHEREAS, we have distinctive and meaningful
symbols of our ideals in our state's flag and in many
cultural endeavors, but no official designation of a
State Folk Dance; and

WHEREAS, the Square Dance, which was first
associated with the American people and recorded in history
since 1651, has consistently been the one dance recognized
by the American people as a dignified and enjoyable
expression of American folk dancing; and

WHEREAS, official recognition of the Square
Dance will enhance the cultural stature of Alabama both
nationally and internationally; and

WHEREAS, national and international prestige is in
the best interest of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That the dance known as
the Square Dance is designated the American Folk Dance
of the State of Alabama.


Speaker of the House of Representatives


President and Presiding Officer of the Senate

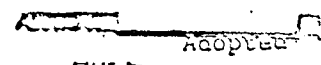
House of Representatives

I hereby certify that the within House Joint Resolution originated
in and was adopted by the House February 17, 1981.

John W. Pemberton
Clerk

Senate

FEB 17 1981


Adopted

B. Executive Branch File Materials

1. Governors Enrolled Bill File - Within the executive branch the Governor has a formal process for developing information on legislation that arrives on his desk for signature. The Governor's office will receive an "Enrolled Bill Report" from every agency with a possible interest in the legislation and the office will collect correspondence from other interested parties regarding the legislation before the Governor makes a decision on signing or vetoing the bill. We discuss two primary categories of documents from the Governor's Enrolled Bill file that commonly appear in the files and are useful for legislative intent purposes.

a. Enrolled Bill Reports – Enrolled bill reports are recommendations to the Governor concerning the legislation from agencies under the Governor's jurisdiction. The current formal report evolved over many years. In the 1940's and 1950's agencies reported in letter format. But for the last 50 years or so the Enrolled Bill Reports have evolved to a very specific format (including the words "Enrolled Bill Report" at the top). The two pages following this page are an example of an Enrolled Bill Report.

ENROLLED BILL REPORT

AGENCY	RESOURCES	BILL NUMBER AB 3007
DEPARTMENT, BOARD OR COMMISSION Department of Fish and Game		AUTHOR Sher

I. SUBJECT:

Designate the banana slug as the official State mollusk.

II. SPONSOR:

Bay Area environmentalists and the Camp Fire Kids Club of Redwood City.

III. SUMMARY:

Existing law designates an official State flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official State mollusk.

IV. ANALYSIS:

A. Specific Findings: Bay Area environmentalists and the Redwood City Camp Fire Kids Club have recommended that the banana slug be designated by the Legislature as the official State mollusk. The slug is common in old growth redwood forests, but disappears when such areas are logged by the clear-cut method. It requires considerable moisture and is considered a good indicator species of the health of old growth forests.

B. Fiscal Impact: None.

V. ARGUMENTS PRO & CON:

A. Arguments in Support of the Bill: The banana slug requires considerable moisture and is considered a good indicator species of the health of old growth forests. Many such forests are being logged which is impacting associated flora and fauna. Publicity for the banana slug helps focus attention on the plight of old growth forests. Environmental groups support the passage of AB 3007.

B. Arguments in Opposition to the Bill: The Abalone Ad Hoc Committee, representing commercial fishing, recreational fishing, mariculture, and scientific interests concerned with the abalone resource, previously endorsed, at its February 21, 1987 meeting, designating the red abalone (another mollusk) as the State shellfish. The Committee noted that the red abalone is found from border to border in

Contact: Vern Goehring
445-9889 (day)
687-7704 (night)

RECOMMENDATION:

~~SIGN~~ VETO

DEPARTMENT HEAD <i>[Signature]</i>	DATE 89 8/14/89	AGENCY HEAD <i>[Signature]</i>	DATE
---------------------------------------	--------------------	-----------------------------------	------

California and almost nowhere else; grows to the largest size of any abalone in the world; has a beautiful shell that has been used in trade and jewelry for thousands of years; and is the subject of important recreational and commercial fisheries in the State.

VI. LEGISLATIVE ACTION:

Senate Floor vote: Unavailable. 8-11-88 Ayes-21 - Noes 15

Assembly Floor vote: 3-1-88 P 43-32

VII. RECOMMENDATION:

The Department recommends SIGN because:

1. The designation of the banana slug as the State mollusk will help focus attention on the need to safeguard old growth forest habitat in California.
2. Other mollusks, the red abalone in particular, have special attributes that warrant such designation. However, the habitat problem facing the flora and fauna of old growth forests is of greater significance.

b. Correspondence - This category is primarily correspondence to the Governor, but can also include correspondence from the Governor, usually to the legislature, most commonly in the form of a veto of legislation. Almost every Governor's enrolled bill file will contain a letter from the author of the legislation requesting the Governor's signature, but many other interested parties may submit letters to the Governor urging signature or veto.

We include a sample author letter to the Governor and a veto letter in the following three pages.

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California Legislature

Assembly Natural Resources Committee

BYRON D. SHER
CHAIRMAN

August 22, 1988

Honorable George Deukmejian
Governor
State Capitol
Sacramento, California 95814

Dear Governor Deukmejian:

Assembly Bill 3007 is before you for your signature. This measure names the Banana Slug as California's Official State Mollusk.

The sponsors of this bill are the members of the Dynamite Blue Bird Club of Campfire Boys and Girls from Redwood City. Through an environmental education program, the Blue Birds came to know and respect Banana Slugs as unique members of California's environment. AB 3007 reflects the Blue Birds' efforts to recognize the special character of this animal.

Naming the Banana Slug the official State Mollusk is most appropriate. California is the only state where all five species and sub-species of Banana Slugs are found. Only one species also exists outside of the state, and its range extends to Alaska. This bill names the genus Ariolimax as the State Mollusk, without respect to a particular species or sub-species. The Banana Slug is found in coastal forests from Ventura County to the Oregon border.

Banana slugs are easy to look down on, but when you learn a little about them, you see that they are important to the well-being of the forests. Some species of Banana Slugs are colored bright yellow-gold, reminiscent of our state color. Banana Slugs grow largest, up to 12 inches, among one of our state trees, the Coast Redwoods. They have a symbiotic relationship with the Redwoods. Banana Slugs rely on the cool, moist environment at the forest floor created by mature Redwoods and, in turn, Banana Slugs consume all growth around Redwood seedlings. Further, Banana Slugs produce nitrogen, essential to Redwood growth, in a form which is readily absorbed by the trees.

Banana Slugs consume nearly any organic matter on the forest floor, including poison oak, which human beings can well do without. Banana Slugs do not leave their forest environment to attack commercial croplands.

Banana Slugs exemplify the endless diversity of animal and plant life in California. As forest dwellers, they are accessible to all.

For years, environmental educators have used Banana Slugs to teach basic lessons of ecology. AB 3007 has served to educate young people from my district and elsewhere in the state about the legislative process. An educational packet to help children learn about ecology and the legislative process was sent to 70 educators and others, from Sacramento to Los Angeles. For these reasons, I believe the bill is already a success.

I can tell from the enclosed press photograph that you are not totally unfamiliar with the virtues of the Banana Slug. They have warmed my heart as well.

Your signature will both complete the education of the Redwood City Dynamite Blue Birds, and confer recognition on an important member of our ecological community.

I respectfully request that you sign into law AB 3007, designating the Banana Slug as California's official State Mollusk.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Sher". The signature is fluid and cursive, with the first name "Byron" and last name "Sher" clearly distinguishable.

BYRON D. SHER
Assemblyman, 21st District

BDS:jmh
Enclosure



GEORGE DEUKMEJIAN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

August 29, 1988

To the Members of the California Assembly:

I am returning Assembly Bill No. 3007 without my signature.

This bill would designate the banana slug (*Ariolimax*) as California's official state mollusk.

The mollusk is one of the largest groups of invertebrate animals and includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, mussels, scallops, snails and slugs are all subclasses of the mollusk classification. There are a large number of different mollusk species indigenous to locales in the state, including the pismo clam, the black abalone, the red abalone, the turban shell, the two spotted octopus, common squid and a mussel (*mytilus californianus*).

The banana slug species *ariolimax* was first identified near the mouth of the Columbia River in Oregon and has been found from Alaska to as far south as the Salinas Valley.

It appears, that to the extent possible, official state items are indigenous to California. Thus, the state fish is the California Golden Trout, the insect is the California Dog-Face Butterfly, the bird is the California Valley Quail and so forth. If there is a need to designate a state mollusk, it would be more appropriate to select one that is indigenous to California and perhaps one that is more representative of the international reputation that California enjoys.

Cordially,

George Deukmejian

Thank you for viewing this overview of the types of legislative documents available for documenting legislative intent in California.

If you have questions or comments please feel free to call or email.

Sample Code Section 1947 -

It shall be unlawful to do this, that or the other thing, or to do that, this or the other thing. Any violation of the section shall be a misdemeanor, unless you are a Dodger's fan, in which case it will be a felony.

(a) Any person damaged by a violation of this section shall have a private right of action for damages. Damages shall include the fair value of (1) lost profits; (2) lost wages; (3) lost car keys; and/or (4) any other reasonable or unreasonable claim that arises from your fertile imagination.

(b) Actions under this section shall be commenced within three years of the date of injury, except that actions by a person whose last name begins with R shall be tolled until such person decides they want to sue.

Added by Stats.1955 c. 1200, p.4444, Section 2, amended by Stats. 1975 c. 1100, p. 3333, Section 1, Stats. 1998 c. 12, p. 344, Section 2 *This text at the end of the actual text of the section are legislative history annotations. When a section is repealed and reenacted rather than simply amended, the annotated codes start this history list from the most recent reenactment.*

Deerings and West's usually follow with historical notes where they summarize changes made since the most recent enactment or reenactment

Historical and Statutory Notes

1975: Added subdivision designations, in subdivision (a) added (2).

1998: Code maintenance. *Code maintenance references signify the amendment was making technical corrections to the Codes and are expressly stated to have no substantive effect.*

Former Section: Stats. 1949 c. 2222, p. 2222, Section 1, amended by Stats. 1950 c.1100, p.3333, Section 2 *Distinguish between "Former Section" which are annotations regarding (usually) statutory text on a different subject previously using the same section number, and "Derivation" which is the history of the actual language of the present section.*

Derivation: Former Sample Code Section 2174 added by Stats. **1943, c. 90**, p. 1111, Section 4 *Low chapter number from 1930 through 1950 – may be Codification bill without substantive effect.*

Former Civil Code Section 9999, amended by 1907 c. 444, p. 555, Section 1
The absence of enactment annotation signifies it was enacted in 1872 Code.

Stats. 1917 c. 3553, p. 5335, Section 1, Stats 1923, c.6666, p. 5555, Section 4, Stats. 1929 c. 232, p. 232, Section 1, Stats 1935 c. 323, p. 232, Section 2. *This string of annotations is typical for pre-codification statutes. The language of Section 1 of the 1917 statute will be what later bills amend, but each bill has its own internal section numbering, so Section 4 of 1923 will be amending Section 1 of the 1917 act.*

Stats. 1850 c. 123, p. 343, Section 4. *Very little available on enactments pre 1872.*

California Law Revisions Commission Comment: We proposed this because we think it is a good idea.

California Law Revision Commission Comments (CLRC) are comments of the CLRC that have been formally adopted as legislative intent by the legislature through some form of official publication in the Assembly or Senate Journal.

Legislative Committee Comment: We do to.

Legislative Committee Comments reflect official comments by a committee printed in the Journal of the Senate or Assembly. They are rare, most often appearing as revisions to CLRC comments.

Regulatory Law

§ 11030. Order Regulating Wages, Hours, and Working Conditions in the Canning, Freezing, and Pr...
8 CA ADC § 11030

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 8. Industrial Relations

Division 1. Department of Industrial Relations

Chapter 5. Industrial Welfare Commission

Group 2. Industry and Occupation Orders

Article 3. Canning, Freezing, and Preserving Industry (Refs & Annos)

8 CCR § 11030

§ 11030. Order Regulating Wages, Hours, and Working Conditions in the Canning, Freezing, and Preserving Industry.

(Wage Order 3-2001, Effective 1-1-2001)

1. Applicability of Order This order shall apply to all persons employed in the canning, freezing, and preserving industry whether paid on a time, piece rate, commission, or other basis, except that:

(A) Provisions of sections 3 through 12 of this order shall not apply to persons employed in administrative, executive, or professional capacities. The following requirements shall apply in determining whether an employee's duties meet the test to qualify for an exemption from those sections:

(1) Executive Exemption A person employed in an executive capacity means any employee:

(a) Whose duties and responsibilities involve the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretion and independent judgment; and

(e) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such items are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.102, 541.104-111, and 541.115-116. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

(f) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in California Labor Code Section 515(c) as 40 hours per week.

(2) Administrative Exemption A person employed in an administrative capacity means any employee:

(a) Whose duties and responsibilities involve either:

(i) The performance of office or non-manual work directly related to management policies or general business operations of his/her employer or his/her employer's customers; or

(ii) The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

21. Separability

If the application of any provision of this order, or any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this order should be held invalid or unconstitutional or unauthorized or prohibited by statute, the remaining provisions thereof shall not be affected thereby, but shall continue to be given full force and effect as if the part so held invalid or unconstitutional had not been included herein.

22. Posting of Order

Every employer shall keep a copy of this order posted in an area frequented by employees where it may be easily read during the workday. Where the location of work or other conditions make this impractical, every employer shall keep a copy of this order and make it available to every employee upon request.

Note: Authority cited: Section 1173, Labor Code; and California Constitution, Article XIV, Section 1.
Reference: Sections 1182 and 1184, Labor Code.

HISTORY

1. Amendment filed 4-22-88; operative 7-1-88 (Register 88, No. 15).
2. Repealer of subsection 4(3) filed 1-11-89; operative 1-11-89 (Register 89, No. 4).
3. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations repealing subsection 8 (last sentence only) filed 4-24-89 (Register 89, No. 17).
4. Editorial corrections of printing errors (Register 91, No. 32).
5. Amendment of subsection 4.(A) filed 9-19-96; operative 10-1-96. Submitted to OAL for printing only (Register 96, No. 38).
6. Amendment of subsection 4.(A) filed 1-14-97; operative 3-1-97. Submitted to OAL for printing only (Register 97, No. 3).
7. Amendment of order number and subsection 10.(B) filed 8-5-97; operative 1-1-98. Submitted to OAL for printing only (Register 97, No. 32).
8. Repealer and new section filed 2-22-2002; operative 1-1-2001. Supplemental filing providing parenthetical information below article heading filed 4-15-2002. Submitted to OAL for printing only pursuant to Labor Code section 517 (Register 2002, No. 16).

Regulatory Law History and Process

This document, along with other documents related to using enactment documents to find intent, is posted at <https://www.legislativeintent.com/Web/Free.Library/>

TABLE OF CONTENTS

Page 1. Historical Overview – Federal and California Regulations

Page 3. The Federal Regulatory Process

Page 5. Federal Regulatory Research Sources and Process

Page 6. California Regulatory Process

Page 6. Researching the California Code of Regulations

Historical Overview – Federal and California Regulations:

The basic concept of regulations – a delegation of legislative power to an agency for enforcement – has probably been around as long as there have been governments. But the expansive regulatory scheme in our current legal environment in the United States at both the Federal and State level is largely a product of sporadic periods of political unrest in the last century.

The oldest still existing Federal Regulatory agency is the Office of the Comptroller of the Currency created in 1863. In the late 1800's and into the first few years of the 1900's there was a widespread sense that large corporations were controlling government for their benefit to the detriment of ordinary citizens. At this time the primary villain in the public mind was the railroads, although banks and large manufacturing concerns were also popular targets of public animosity. The progressive political movement, which crossed political lines at that time, was the anti-big business political response.

Economics was a key driver for the progressive movement. A serious depression from 1893 to 1897, and financial panic in 1907, and continuing retreat in real wages and employment created a critical mass of voters who rejected the hands off approach to business regulation that

characterized the previous decades. The progressives believed government should intercede to control private business.

At the Federal level the Interstate Commerce Commission, created in 1887 is often viewed as the first regulatory agency in the modern sense, followed by the Sherman Antitrust Act in 1890. The Federal Trade Commission and Food and Drug Administration were created as the Progressive influence spread. As the progressive movement expanded, and particularly when progressive sympathizing President's Teddy Roosevelt and Woodrow Wilson came to power, Progressives through the Executive branch and Congress created many of the Federal Regulatory agencies now in existence and gave existing agencies more teeth and ambition.

In California the big break through for progressives came with the election of Hiram Johnson in 1910. The first Johnson administration in 1911 created the Public Utilities Commission, the first workers compensation law and in the next few years many of the other regulatory agencies now in existence in California.

From the beginning agencies created rules to enforce the powers delegated by the jurisdictions legislature. But each individual agency determined the form and extent of publication for their regulations. Often the regulations were called rules, and were numbered, or renumbered in whatever manner the agency choose, and distributed or published in the manner the agency thought appropriate.

This hodge-podge of agencies and agency rules made knowing the law somewhat challenging but it took another period of intense financial instability to trigger the more formal regulatory scheme we know today.

At the Federal level Republicans who advocated free market solutions to all problems controlled both the Presidency and Congress leading up to and after the stock market crash in 1929. They tried to use free market mechanisms to pull the country out of the growing depression, but the market mechanisms they chose did not work. By the time Franklin Roosevelt was elected late in 1932 around 5000 banks had failed and unemployment was nearing 25%. The country was ready for a more activist government and Roosevelt provided it, creating extensive new regulatory authorities, most notably in the financial sector and in labor practices.

As the influence of agencies expanded in the 1930's Congress began to recognize that it was very difficult for people to know what the law was in the system of uncoordinated regulations that had developed. A particularly embarrassing episode involved a suit by the Attorney General against two Texas oil companies which ended up with the assistant AG being grilled by the Supreme Court in December of 1934 over the fact the regulations the oil companies were charged with violating technically did not exist at the time the companies were charged.

Public Law 74-220 signed by President Roosevelt on July 26, 1935 created the Federal Register to require publication of regulations in a central source. The first issue of the Federal Register was published March 14, 1936 (It was 16 pages and was sent out by mail). The Federal Register is has been published every Federal Business Day since its creation.

Even before the first issue of the Federal Register was published the realization mere notice of regulatory adoption was not enough spawned development of a proposed system of codes to organize Federal Regulatory law. Public Law 75-158 signed by President Roosevelt in June 19, 1937 created the Code of Federal Regulations.

In California the waves of new agency responsibilities, most prominently in labor, insurance and mortgage law, coupled with the fact the financially strapped state had little money for individual agencies to advertise or publish their rules, provided fertile ground for following the Federal example. The first statute that created a mechanism for collecting and publishing all regulatory actions by California State agencies was enacted in 1941. After the 1941 statute the first Code of Regulations was finally published as the California Administrative Code beginning in 1945. The official name changed from the California Administrative Code to the California Code of Regulations in the late 1980's.

The Federal Regulatory Process

The adoption of Federal Regulations is subject to detailed process and content controls. The 1935 and 1937 acts addressed only the problem of providing access to the actual text of regulations. No limitations as to process existed. On July 11, 1946 the Administrative Procedure Act was approved to place the rulemaking process in the public domain. Generally the act requires publication of proposed regulations, followed by a period of some months for public hearings and public comments, followed by publication of the adopted regulation.

On November 10, 1947, in Federal Crop Insurance Corp. v. Merrill, (332 U.S.380) the court held that the appearance of rules in the Federal Register was constructive notice of the existence and content of the regulation. On March 22, 1954 the 9th Circuit Court of Appeals in Hatch v. the United States held that a regulation that had not been published in the Federal Register could not be enforced against a party even though the party had actual notice of the regulation.

Over the years the publications that agencies submitted for publication became more sophisticated and detailed. Beginning in the mid-1960's a trend for longer preambles to proposed and adopted regulations provided more in depth discussion of the purpose of the regulations. The Freedom of Information Act of 1967 (PL 89-487) increased the number of documents published in the Federal Register, but also reduced the volume of publications to some degree by allowing incorporation by reference for certain documents.

A formal requirement for agencies to summarize the action being taken, state its intended effect and supply the name and contact information of the agency person responsible for responding to questions or comments about proposed regulation was first promulgated 1976, effective April 1, 1977. This change created the modern format of seven headings for the content:

1. Agency,
2. Action,
3. Summary,
4. Dates,
5. Addresses,
6. For Further Information Contact,
7. Supplementary Information.

Beginning in 1977 agencies were required to pay the Government Printing Office to publish in the Federal Register. This led to a trend toward publishing fewer information only documents and create some tension between the agencies desire to minimize the size of their publications and the need to meet the legal sufficiency of the regulations.

The 1974 Privacy Act (5 USC 552a) required that personal information in agency publications be digested rather than publishing the actual records. In 1980 a rule creating standardized indexing terms became applicable to agencies submitting publications to the Federal Register. One of the largest documents ever printed in the Federal Register was a 6,653 page Justice Department Report on the Microsoft Anti-Trust case on May 3, 2002.

Federal Regulatory Research Sources and Process:

The first step in researching the history and purpose of any Section of the Code of Federal Regulations is to go to the Code of Federal Regulations and note the historical annotations that follow the text of the Section. The CFR volumes are widely available in Federal Depository Libraries, but most of us will never see them anymore since a quick trip to your desktop search engine for “Code of Federal Regulations” will bring up a link to the online version of the Code of Federal Regulations provided by GPO access. The Federal Register became available online at the GPO website in 1994 and the Code of Regulations in 1995.

As an example of a CFR annotation assume you are interested in Title 16, Section 1009.9, a regulation relating to the Consumer Product Safety Commission titled “Policy regarding the granting of emergency exemptions from Commission regulations.” This Section contains the following annotation at the end of the Section: **(16 U.S.C. 1191, 1261, 1471, 2051, 2111)**. This part of the annotation cites the statutory authority which authorized the agency to adopt the regulation. The annotation then states: **[44 FR 40639, July 12, 1979]**. This part of the Regulation cites the Federal Register where this regulation was adopted.

The next step is to go to the Federal Register. If this regulation was adopted after 1994 we could go to the GPO access page for the Federal Register to view the adoption publication. But since this predates the digital versions we need to go to a Federal Depository Library to look for the Federal Register for July 12, 1979.

When we pull the Federal Register for that date (Volume 44) and go to page 40639 and we find the Consumer Product Safety Commission adopting publication. Since this adoption is after 1977 we can count on finding significant discussion of the overall purpose of this regulation.

Next we want to find out what else the agency might have said about this regulation, so we check under the “dates” heading, which often will provide us with the dates that the proposed

regulation was first published for comment in the Federal Register, as well as any interim publications between the first proposal and the final adoption. We then pull those Federal Register volumes and review those comments.

We have now done the easy part. There is potentially much more detail available concerning any particular Federal Register adoption, but more detail is in the files of the agency. For very recent adoptions there may be publications available at the agencies website. For older adoptions you must make a public records request to the agency. An applicable statute is 5 USC Section 552, but this section is long, complex and in broadly worded, so agencies seem to have broad discretion in responding to public records requests.

The California Regulatory Process

Although California's version of the Administrative Procedure Act was enacted in 1947 finding substantive discussion about California regulatory adoptions is a much more difficult proposition than research on Federal Regulations. Although California's act created the same general structure for adoption – published notice, consideration and hearing during a public comment period, published final adoption – the California publications were in general simple notice without any substantive explanation, and there was no records retention requirement for documenting an agencies compliance for many decades.

A 1973 enactment created a requirement that the agency providing a brief summary of the purpose of the regulation in the notice.

A 1979 adoption created the current requirement that the agency submit a rulemaking file to the Office of Administrative Law. The rulemaking file must meet rigid process and documentation standards before a regulation could be adopted, and agencies are required to retain the rulemaking file for future public access.

Researching the California Code of Regulations

As a preliminary note, researching California regulations can be incredibly difficult because up until the last decade or two there was no effort to document how sections developed over the years, or to develop indexes for register publications. A basic rule for any California regulatory research is be skeptical about the annotations the Administrative Code, they are more often than not incomplete. Cultivate your knowledge of history since a good rule of thumb is to

ask yourself when the subject matter of your regulation first became a public issue, and be dubious if the regulation source notes say it was enacted decades later.

The first step is to review the source notes for the regulation in question. The office of administrative law provides the CCR online with annotations at <http://www.oal.ca.gov/> (link in the upper left hand corner). If you don't have access to the web page Barclay's publications can be found in most law libraries which provide the text of the sections and some historical annotations, although many sections have long histories that predate the Barclay annotations, which often only cover activity from the early 1990's forward.

They historical annotations will typically cite the California Administrative Register number that adopted or amended the regulation. If there are no source notes following the section go up to the heading for that subchapter, or chapter, or division until you hit the point where the register that enacted the series of sections is identified.

Next you can contact the State Archives to get a copy of the actual regulatory filing. To access the Secretary of State file you need the name of the adopting agency and the date of the adoption. The Secretary of State regulatory filing provides the text in strike out and italicized type to identify what is being deleted and added. More importantly the cover sheet for the regulatory filing will identify the contact within the agency who was the public information source for that particular regulatory adoption, and the face sheet will often provide the date that notice was first published in the Z-Register (Notice register). This will allow you to track down the initial published notice of the regulatory proposal, which (for adoptions since 1974) will provide at least a very terse explanation of the reason for the adoption.

Next, for each regulatory change that is making some pertinent change you can contact the agency to review the rulemaking file. As noted above, the requirement that agencies maintain and retain a rulemaking file was enacted in 1979, but many agencies did not get a retention regime in place for some years, so files from the early 1980's are sometimes not available. Often the most difficult step in getting at a rulemaking file is finding someone in the agency that knows what you are talking about. A call to the agencies legal department may be necessary to get directed to the correct person to process your request.

Agencies vary greatly in their responsiveness to rulemaking file requests. Some may require that you come to their offices (generally in Sacramento, Oakland or San Francisco) and

sit down to review the file in a room with someone watching over you. Others may not want to grant you access to the file, they are only willing to copy the file and send you a copy and the bill. Since rulemaking files are often very voluminous, and mind numbingly duplicative, review by someone who knows the issues you are seeking to resolve can be very cost effective in the long run.

If the regulatory adoption was prior to 1980 there was no requirement the agency keep records of their rulemaking. The further back in time your regulation can be traced the less likely you will find much. But for some topics there can be very significant materials even for regulatory adoptions from the early part of the last century.

Once you have done what you can as to all the annotations under the Section you are interested in, review the materials on the initial regulatory adoption carefully for clues that might suggest the basic language and concepts might have existed in a prior regulation. If you suspect that might be the case look for a note stating substantially the following: "For prior history see Register...." The absence of a comment of this nature doesn't mean there was no prior history for the language and concepts of the Section, but it is very helpful if that note is present as the cited register will provide a new set of historical annotations taking you further back in time.

The biggest problem with tracking a regulation back in time is that only the most basic research on sections from the California Code of Regulations can be done in most law libraries. Often even the law libraries that retained all the supplements and changes from the 1940's through the 1980's just have them all in binders so it is very difficult to figure out what a section read at any point in time. It is worth traveling some distance to find a library that has bound copies of the registers for all the years back to 1945.

Once you have tracked a regulation back into adoptions prior to 1973, beyond contacting the agency about all you can do is look for publications by the agency in the State Archives, the California State Library, or from publication collections at other large libraries around the State, although for many topics it is rare to find much.

California Specific Documents

California Specific Documents

Points and Authorities

California Specific Documents

Points and Authorities

Kaufman & Broad Arguments

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

KAUFMAN & BROAD COMMUNITIES, INC.
et al.,

Cross-Complainants and
Respondents,

v.

PERFORMANCE PLASTERING, INC.,

Cross-Defendant and
Appellant.

C049391

(Super. Ct. No. 03AS03133)

OPINION ON REHEARING OF RULING
ON MOTION FOR JUDICIAL NOTICE
OF LEGISLATIVE HISTORY DOCUMENTS

Pursuant to rule 22(a) of the California Rules of Court, appellant Performance Plastering, Inc., has moved this court to take judicial notice of various documents that, in the view of appellant, constitute cognizable legislative history of a 1998 amendment to Revenue and Taxation Code section 19719 (Assembly Bill 1950 (AB 1950)). (Stats. 1998, ch. 856, § 2.)

I

Legislative History Generally

Before turning to the specifics of appellant's request for judicial notice, we have some general comments about requests for judicial notice of legislative history received by this court.

Many attorneys apparently believe that every scrap of paper that is generated in the legislative process constitutes the proper subject of judicial notice. They are aided in this view by some professional legislative intent services. Consequently, it is not uncommon for this court to receive motions for judicial notice of documents that are tendered to the court in a form resembling a telephone book.¹ The various documents are not segregated and no attempt is made in a memorandum of points and authorities to justify each request for judicial notice. This must stop. And the purpose of this opinion is to help attorneys to better understand the role of legislative history and to encourage them to request judicial notice only of documents that constitute cognizable legislative history.

Preliminarily, we note that resort to legislative history is appropriate only where statutory language is ambiguous. As the California Supreme Court has said, "Our role in construing a statute is to ascertain the Legislature's intent so as to

¹ Appellant's motion was not one of these; rather, each document was separately tabbed.

effectuate the purpose of the law. [Citation.] In determining intent, we look first to the words of the statute, giving the language its usual, ordinary meaning. If there is no ambiguity in the language, we presume the Legislature meant what it said, and the plain meaning of the statute governs. [Citation.]”

(*Hunt v. Superior Court* (1999) 21 Cal.4th 984, 1000, followed in *Curle v. Superior Court* (2001) 24 Cal.4th 1057, 1063; accord: *Hoechst Celanese Corp. v. Franchise Tax Bd.* (2001) 25 Cal.4th 508, 519.) Thus, “[o]nly when the language of a statute is susceptible to more than one reasonable construction is it appropriate to turn to extrinsic aids, including the legislative history of the measure, to ascertain its meaning.” (*Diamond Multimedia Systems, Inc. v. Superior Court* (1999) 19 Cal.4th 1036, 1055, followed in *People v. Farell* (2002) 28 Cal.4th 381, 394; accord: *Esberg v. Union Oil Co.* (2002) 28 Cal.4th 262, 269; *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1119-1120, and authorities cited therein; *Professional Engineers in Cal. Government v. State Personnel Bd.* (2001) 90 Cal.App.4th 678, 688-689, but see *Kulshrestha v. First Union Commercial Corp.* (2004) 33 Cal.4th 601, 613, fn. 7.)

Nonetheless, we will not require a party moving for judicial notice of legislative history materials to demonstrate the ambiguity of the subject statute at this juncture. This is so for two reasons. First, the ambiguity *vel non* of a statute will often be the central issue in a case, and parties would incur needless expense briefing the issue twice--once in a

motion for judicial notice and again in a party's brief on the merits. Second, motions for judicial notice of legislative history materials are decided by writ panels of three justices who may not be the justices later adjudicating the case on the merits. The panel adjudicating the case on the merits should not be stuck with an earlier determination, by a different panel, as to the ambiguity *vel non* of a statute.

Even though we will grant motions for judicial notice of legislative history materials without a showing of statutory ambiguity, we do so with the understanding that the panel ultimately adjudicating the case may determine that the subject statute is unambiguous, so that resort to legislative history is inappropriate.

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*. (See *California Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal.3d 692, 701.) 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.]" (*Quintano v. Mercury Casualty Co.* (1995) 11 Cal.4th 1049, 1062.)

In order to help this court determine what constitutes properly cognizable legislative history, and what does not, in the future motions for judicial notice of legislative history materials in this court should be in the following form:²

1. The motion shall identify each separate document for which judicial notice is sought as a separate exhibit;

2. The moving party shall submit a memorandum of points and authorities citing authority why each such exhibit constitutes cognizable legislative history.

To aid counsel in this respect, we shall now set forth a list of legislative history documents that have been recognized by the California Supreme Court or this court as constituting cognizable legislative history together with a second list of documents that do *not* constitute cognizable legislative history in this court.

**DOCUMENTS CONSTITUTING COGNIZABLE LEGISLATIVE HISTORY IN THE
COURT OF APPEAL FOR THE THIRD APPELLATE DISTRICT**

A. Ballot Pamphlets: Summaries and Arguments/Statement of Vote

(*Robert L. v. Superior Court* (2003) 30 Cal.4th 894, 903; *Jahr v. Casebeer* (1999) 70 Cal.App.4th 1250, 1255-1256, 1259; *Aguimatang v. California State Lottery* (1991) 234 Cal.App.3d 769, 790-791.)

B. Conference Committee Reports (*Crowl v. Commission on Professional Competence* (1990) 225 Cal.App.3d 334, 347.)

² The correct way to request judicial notice of a document is by motion. (Cal. Rules of Court, rule 22(a).)

C. Different Versions of the Bill (*Quintano v. Mercury Casualty Co.*, *supra*, 11 Cal.4th at p. 1062, fn. 5; *People v. Watie* (2002) 100 Cal.App.4th 866, 884; *San Rafael Elementary School Dist v. State Bd. of Education* (1999) 73 Cal.App.4th 1018, 1025, fn. 8; *People v. Patterson* (1999) 72 Cal.App.4th 438, 442-443.)

D. Floor Statements (*Dowhal v. SmithKline Beecham Consumer Healthcare* (2004) 32 Cal.4th 910, 926, fn. 6; *People v. Drennan* (2000) 84 Cal.App.4th 1349, 1357-1358; *In re Marriage of Siller* (1986) 187 Cal.App.3d 36, 46, fn. 6.)

E. House Journals and Final Histories (*People v. Patterson*, *supra*, 72 Cal.App.4th at pp. 442-443 [procedural history of bill from Assembly final history]; *Joyce G. v. Superior Court* (1995) 38 Cal.App.4th 1501, 1509; *Natural Resources Defense Council v. Fish & Game Com.* (1994) 28 Cal.App.4th 1104, 1117, fn. 11 [House Conference Report]; *Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754, 760 [appendix to Journal of the Assembly]; *Rollins v. State of California* (1971) 14 Cal.App.3d 160, 165, fn. 8 [appendix to Journal of the Senate].)

F. Reports of the Legislative Analyst (*Heavenly Valley v. El Dorado County Bd. of Equalization* (2000) 84 Cal.App.4th 1323, 1339-1340; *People v. Patterson*, *supra*, 72 Cal.App.4th at p. 443; *Board of Administration v. Wilson* (1997) 52 Cal.App.4th 1109, 1133; *Aguimatang v. California State Lottery*, *supra*, 234 Cal.App.3d at p. 788; *People v. Gulbrandsen* (1989) 209 Cal.App.3d 1547, 1562.)

G. Legislative Committee Reports and Analyses (*Hutnick v. United States Fidelity & Guaranty Co.* (1988) 47 Cal.3d 456, 465, fn. 7.)

Assembly Committee on Criminal Law and Public Safety
(*People v. Baniqued* (2000) 85 Cal.App.4th 13, 27, fn. 13.)

Assembly Committee on Finance, Insurance and Commerce
(*Martin v. Wells Fargo Bank* (2001) 91 Cal.App.4th 489, 496.)

Assembly Committee on Governmental Organization
(*Aguimatang v. California State Lottery, supra*, 234 Cal.App.3d at p. 788.)

Assembly Committee on Health (*Kaiser Foundation Health Plan, Inc. v. Zingale* (2002) 99 Cal.App.4th 1018, 1025; *Khajavi v. Feather River Anesthesia Medical Group* (2000) 84 Cal.App.4th 32, 50; *Zabetian v. Medical Board* (2000) 80 Cal.App.4th 462, 468; *Clemente v. Amundson* (1998) 60 Cal.App.4th 1094, 1106.)

Assembly Committee on Human Services (*Golden Day Schools, Inc. v. Department of Education* (1999) 69 Cal.App.4th 681, 692.)

Assembly Committee on Insurance (*Santangelo v. Allstate Ins. Co.* (1998) 65 Cal.App.4th 804, 814, fn. 8.)

Assembly Committee on Judiciary (*Guillemin v. Stein* (2002) 104 Cal.App.4th 156, 166; *CalFarm Ins. Co. v. Wolf* (2001) 86 Cal.App.4th 811, 816, fn. 8, 820, fns. 27-28; *In re Marriage of Perry* (1998) 61 Cal.App.4th 295, 309, fn. 3; *Peltier v. McCloud River R.R. Co.* (1995) 34 Cal.App.4th 1809, 1819, fn. 5.)

Assembly Committee on Labor, Employment and Consumer Affairs (*Jensen v. BMW of North America, Inc.* (1995) 35 Cal.App.4th 112, 138.)

Assembly Committee on Public Employees and Retirement (*Board of Administration v. Wilson, supra*, 52 Cal.App.4th at p. 1133.)

Assembly Committee on Public Safety (*People v. Blue Chevrolet Astro* (2000) 83 Cal.App.4th 322, 329; *People v. Johnson* (2000) 77 Cal.App.4th 410, 419; *People v. Sewell* (2000) 80 Cal.App.4th 690, 695; *People v. Patterson, supra*, 72 Cal.App.4th at pp. 442-443; *Sommerfield v. Helmick* (1997) 57 Cal.App.4th 315, 319; *Ream v. Superior Court* (1996) 48 Cal.App.4th 1812, 1819, fn. 5, 1820-1821 [interim hearing report and analysis of assembly bill]; *People v. Frye* (1994) 21 Cal.App.4th 1483, 1486.)

Assembly Committee on Retirement (*Praiser v. Biggs Unified School Dist.* (2001) 87 Cal.App.4th 398, 407, fn. 16.)

Assembly Committee on Revenue and Tax (*Sunrise Retirement Villa v. Dear* (1997) 58 Cal.App.4th 948, 959.)

Assembly Committee on Water, Parks and Wildlife (*Natural Resources Defense Council v. Fish & Game Com., supra*, 28 Cal.App.4th at p. 1118 [bill analysis work sheet].)

Assembly Committee on Ways and Means (*People v. Patterson, supra*, 72 Cal.App.4th at pp. 442-443; *Clemente v. Amundson, supra*, 60 Cal.App.4th at p. 1106.)

Assembly Interim Committee on Municipal and County Government (*Board of Trustees v. Leach* (1968) 258 Cal.App.2d 281, 286.)

Assembly Office of Research (*Forty-Niner Truck Plaza, Inc. v. Union Oil Co.* (1997) 58 Cal.App.4th 1261, 1273.

Assembly Staff Analysis (*Clemente v. Amundson, supra*, 60 Cal.App.4th at p. 1107).

Assembly Subcommittee on Health, Education and Welfare Services (*A. H. Robins Co. v. Department of Health* (1976) 59 Cal.App.3d 903, 908-909.)

Senate Committee on Appropriations Fiscal Summary of Bill (*People v. Patterson, supra*, 72 Cal.App.4th at p. 443.)

Senate Committee on Business and Professions (*Hassan v. Mercy American River Hospital* (2003) 31 Cal.4th 709, 722 [Senate committee staff analysis]; *Khajavi v. Feather River Anesthesia Medical Group, supra*, 84 Cal.App.4th at p. 50; *Forty-Niner Truck Plaza, Inc. v. Union Oil Co., supra*, 58 Cal.App.4th at p. 1273 [bill analysis work sheet].)

Senate Committee on Criminal Procedure (*People v. Blue Chevrolet Astro, supra*, 83 Cal.App.4th at p. 329.)

Senate Committee on Education (*Praiser v. Biggs Unified School Dist., supra*, 87 Cal.App.4th at p. 407, fn. 15; *Golden Day Schools, Inc. v. Department of Education, supra*, 69 Cal.App.4th at p. 692.)

Senate Committee on Health and Human Services (*In re Raymond E.* (2002) 97 Cal.App.4th 613, 617.)

Senate Committee on Health and Welfare (*Zabetian v. Medical Board, supra*, 80 Cal.App.4th at p. 468; *Clemente v. Amundson, supra*, 60 Cal.App.4th at p. 1105 [request for approval of Senate bill].)

Senate Committee on Judiciary (*Martin v. Szeto* (2004) 32 Cal.4th 445, 450 [background information]; *Boehm & Associates v. Workers' Comp. Appeals Bd.* (2003) 108 Cal.App.4th 137, 146; *Westly v. U. S. Bancorp* (2003) 114 Cal.App.4th 577, 583; *Wood v. County of San Joaquin* (2003) 111 Cal.App.4th 960, 970; *People v. Robinson* (2002) 104 Cal.App.4th 902, 905; *Guillemin v. Stein, supra*, 104 Cal.App.4th at p. 167; *In re Michael D.* (2002) 100 Cal.App.4th 115, 122-123; *In re Raymond E., supra*, 97 Cal.App.4th at p. 617; *People v. Patterson, supra*, 72 Cal.App.4th at p. 443; *In re Marriage of Perry, supra*, 61 Cal.App.4th at p. 309, fn. 3.)

Senate Committee on Revenue and Taxation (*Heavenly Valley v. El Dorado County Bd. of Equalization, supra*, 84 Cal.App.4th at p. 1340; *Sacramento County Fire Protection Dist. v. Sacramento County Assessment Appeals Bd.* (1999) 75 Cal.App.4th 327, 335; *Sunrise Retirement Villa v. Dear, supra*, 58 Cal.App.4th at p. 959.)

Senate Rules Committee (*Guillemin v. Stein, supra*, 104 Cal.App.4th at p. 166.)

Senate Conference Committee (*Golden Day Schools, Inc. v. Department of Education, supra*, 69 Cal.App.4th at p. 692.)

Senate Interim Committee on Fish and Game (*California Trout, Inc. v. State Water Resources Control Bd.* (1989) 207 Cal.App.3d 585, 597.)

Senate Subcommittee on Mental Health (*Clemente v. Amundson, supra*, 60 Cal.App.4th at p. 1104, fn. 10.)

H. Legislative Counsel's Digest (*Pacific Gas & Electric Co. v. Department of Water Resources* (2003) 112 Cal.App.4th 477, 482-483; *People v. Allen* (2001) 88 Cal.App.4th 986, 995; *Heavenly Valley v. El Dorado County Bd. of Equalization, supra*, 84 Cal.App.4th at p. 1339; *People v. Harper* (2000) 82 Cal.App.4th 1413, 1418; *Alt v. Superior Court* (1999) 74 Cal.App.4th 950, 959, fn. 4; *Construction Industry Force Account Council v. Amador Water Agency* (1999) 71 Cal.App.4th 810, 813; *People v. Prothero* (1997) 57 Cal.App.4th 126, 133, fn. 7; *Peltier v. McCloud River R.R. Co., supra*, 34 Cal.App.4th at p. 1819, fn. 5.)

I. Legislative Counsel's Opinions/Supplementary Reports
(*Trinkle v. California State Lottery* (2003) 105 Cal.App.4th 1401, 1410, fn. 7; *Trinkle v. Stroh* (1997) 60 Cal.App.4th 771, 778, fn. 4; *People v. \$31,500 United States Currency* (1995) 32 Cal.App.4th 1442, 1460-1461.)

J. Legislative Party Floor Commentaries

Senate Republican Floor Commentaries (*Pacific Gas & Electric Co. v. Department of Water Resources, supra*, 112 Cal.App.4th at p. 498.)

K. Official Commission Reports and Comments

California Constitution Revision Commission (*Katzberg v. Regents of University of California* (2002) 29 Cal.4th 300, 319, fn. 18 [proposed revision].)

California State Government Organization and Economy Commission (*Department of Personnel Administration v. Superior Court* (1992) 5 Cal.App.4th 155, 183.)

Law Revision Commission (*Estate of Dye* (2001) 92 Cal.App.4th 966, 985; *Estate of Della Sala* (1999) 73 Cal.App.4th 463, 469; *Estate of Reeves* (1991) 233 Cal.App.3d 651, 656; *In re Marriage of Schenck* (1991) 228 Cal.App.3d 1474, 1480, fn. 2.

L. Predecessor Bills (*City of Richmond v. Commission on State Mandates* (1998) 64 Cal.App.4th 1190, 1199.)

M. Statements by Sponsors, Proponents and Opponents Communicated to the Legislature as a Whole

Assembly Bill Digest by Assembly Speaker (*People v. Drennan, supra*, 84 Cal.App.4th at p. 1357.)

Floor Statement by Sponsoring Legislator (*In re Marriage of Siller, supra*, 187 Cal.App.3d at p. 46, fn. 6.)

N. Transcripts of Committee Hearings *Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 376; *Hoechst Celanese Corp. v. Franchise Tax Bd.* (2001) 25 Cal.4th 508, 519, fn. 5.)

O. Analyses by Legislative Party Caucuses (e.g. Senate

Democratic and Republican) (*People v. Allen, supra*, 88 Cal.App.4th at p. 995, fn. 16; *Golden Day Schools, Inc. v. Department of Education, supra*, 69 Cal.App.4th at p. 691-692;

Forty-Niner Truck Plaza, Inc. v. Union Oil Co., *supra*, 58 Cal.App.4th at p. 1273.)

Assembly Office of Research Report (*Crowl v. Commission on Professional Competence*, *supra*, 225 Cal.App.3d at pp. 346-347 [staff report].)

Assembly Committee on Judiciary (*Wood v. County of San Joaquin*, *supra*, 111 Cal.App.4th at p. 969; *Rieger v. Arnold* (2002) 104 Cal.App.4th 451, 463; *Guillemin v. Stein*, *supra*, 104 Cal.App.4th at p. 167.)

Office of Assembly Floor Analyses (*People v. Patterson*, *supra*, 72 Cal.App.4th at p. 443.)

Office of Senate Floor Analyses (*Pacific Gas & Electric Co. v. Department of Water Resources*, *supra*, 112 Cal.App.4th at p. 497; *People v. Robinson*, *supra*, 104 Cal.App.4th at p. 905; *In re Raymond E.*, *supra*, 97 Cal.App.4th at pp. 616-617; *Khajavi v. Feather River Anesthesia Medical Group*, *supra*, 84 Cal.App.4th at p. 50; *People v. Chavez* (1996) 44 Cal.App.4th 1144, 1155-1156.)

P. Enrolled Bill Reports (*Elsner v. Uveges* (2004) 34 Cal.4th 915, 934, fn. 19.)

**DOCUMENTS NOT CONSTITUTING LEGISLATIVE HISTORY IN THE COURT OF
APPEAL FOR THE THIRD APPELLATE DISTRICT**

**A. Authoring Legislator's Files, Letters, Press Releases and
Statements Not Communicated to the Legislature as a Whole**

Files (*People v. Patterson*, *supra*, 72 Cal.App.4th at p. 444.)

General (*People v. Garcia* (2002) 28 Cal.4th 1166, 1176, fn. 5.)

Letters from Bill's Author to Governor Without An Indication the Author's Views Were Made Known to the Legislature as a Whole (*Heavenly Valley v. El Dorado County Bd. of Equalization*, *supra*, 84 Cal.App.4th at p. 1340-1341; *People v. Patterson*, *supra*, 72 Cal.App.4th at pp. 443-444.)

Statements By Bill's Author About Bill's Intended Purpose (*People v. Patterson*, *supra*, 72 Cal.App.4th at p. 443.)

B. Documents with Unknown Author and Purpose (*State Compensation Ins. Fund v. Workers' Comp. Appeals Bd.* (1985) 40 Cal.3d 5, 10, fn. 3.)

C. Handwritten Document Copies, without Author, Contained in Assemblymember's Files (*Amwest Surety Ins. Co. v. Wilson* (1995) 11 Cal.4th 1243, 1263, fn. 13.)

D. Letter from Consultant to the State Bar Taxation Section to Governor (*Heavenly Valley v. El Dorado County Bd. of Equalization*, *supra*, 84 Cal.App.4th at pp. 1340-1341.)

E. Letter from the Family Law Section of the State Bar of California to Assemblymember or Senator (*In re Marriage of Pendleton & Fireman* (2000) 24 Cal.4th 39, 47.)

F. Letters to Governor Urging Signing of Bill (*California Teachers Assn. v. San Diego Community College Dist.*, *supra*, 28 Cal.3d at p. 701; *Heavenly Valley v. El Dorado County Bd. of Equalization*, *supra*, 84 Cal.App.4th at p. 1327, fn. 2.)

G. Letters to Particular Legislators, Including Bill's Author (*Quintano v. Mercury Casualty Co.*, *supra*, 11 Cal.4th at p. 1062,

fn. 5; *Heavenly Valley v. El Dorado County Bd. of Equalization*,
supra, 84 Cal.App.4th at p. 1327, fn. 2.)

H. Magazine Articles (*Cortez v. Purolator Air Filtration
Products Co.* (2000) 23 Cal.4th 163, 168.)

**I. Memorandum from a Deputy District Attorney to Proponents of
Assembly Bill** (*People v. Garcia, supra*, 28 Cal.4th at p. 1176,
fn. 5.)

J. Proposed Assembly Bill Which Was Withdrawn by Author
(*Heavenly Valley v. El Dorado County Bd. of Equalization, supra*,
84 Cal.App.4th at p. 1342.)

K. State Bar's View of the Meaning of Proposed Legislation
(*Peltier v. McCloud River R.R. Co., supra*, 34 Cal.App.4th at p.
1820.)

**L. Subjective Intent Reflected by Statements of Interested
Parties and Individual Legislators, Including Bill's Author,
Not Communicated to Legislature as a Whole** (*Quintano v. Mercury
Casualty Co., supra*, 11 Cal.4th at p. 1062; *Collins v.
Department of Transportation* (2003) 114 Cal.App.4th 859, 870,
fn. 11.)

**M. Views of Individual Legislators, Staffers, and Other
Interested Persons**

Document Related to Bill from File of Assembly Committee on
Ways and Means

Material on Bill from File of Assembly Committee on Public
Safety

Material on Bill from File of Assembly Republican Caucus

Material on Bill from File of Author

Material on Bill from File of Office of Senate Floor

Analyses

Material on Bill from File of Senate Committee on

Appropriations

Material on Bill from File of Senate Committee on the

Judiciary

Postenrollment Documents Regarding Bill (*People v. Patterson, supra*, 72 Cal.App.4th at pp. 442-443.)

II

Appellant's Specific Requests

We now turn to the documents for which judicial notice is sought.

A. The first document is entitled "AB 1950 (Torlakson) Construction Defect Litigation Reform [¶] Fact Sheet." Nothing in appellant's motion suggests this document was made available to the Legislature as a whole. Rather, it appears to reflect the personal view of Assemblymember Tom Torlakson. Appellant argues that judicial notice is appropriate because the document was located in the file of a legislative committee. We acknowledge that in *James v. St. Elizabeth Community Hospital* (1994) 30 Cal.App.4th 73 at page 81, this court considered the contents of a document simply because it was found in the files of a committee. But, upon reflection, we now conclude that this practice should not be further condoned. Many pieces of paper that are never seen by members of the committee, let alone by

the Legislature as a whole, find their way into committee files. Unlike committee reports, which are routinely available to the Legislature as a whole, these random documents are not reliable indicia of legislative intent. Because there is no showing that Assemblymember Torlakson's "Fact Sheet" was communicated to the Legislature as a whole, it does not constitute cognizable legislative history, and the request for judicial notice of this document is denied. (See *Quintano v. Mercury Casualty Co.*, *supra*, 11 Cal.4th at p. 1062; *People v. Patterson*, *supra*, 72 Cal.App.4th at p. 444.)

B. Next is the Assembly Judiciary Committee Report dated April 21, 1998, pertaining to AB 1950. The request for judicial notice is granted with respect to this document. (*Guillemin v. Stein*, *supra*, 104 Cal.App.4th at p. 166, and authorities cited at p. 7 of this opinion, *ante*.)

C. Next is the Senate Judiciary Committee Report pertaining to AB 1950. The request for judicial notice is granted with respect to this document. (*Martin v. Szeto*, *supra*, 32 Cal.4th at p. 450, and authorities cited at p. 10 of this opinion, *ante*.)

D. Next, and finally, are three enrolled bill reports on AB 1950, prepared respectively by the Office of Insurance Advisor, the Department of Real Estate, and the Franchise Tax Board.

Generally, "enrolled bill" refers to a bill that has passed both houses of the Legislature and that has been signed by the

presiding officers of the two houses. (1 Sutherland, Statutes and Statutory Construction (6th ed. 2002) § 15:1, p. 814.) In some states, enrollment also includes signature by the Governor (*ibid.*), but not in California.

California law provides that bills ordered enrolled by the Senate or Assembly are delivered to the clerk of the house ordering the enrollment. (Gov. Code, § 9502.)³ The clerk delivers the bills to the State Printer. (§ 9503.) The State Printer shall "engross"⁴ or enroll (print) them" and return them to the clerk. (§§ 9504-9505.) "If the enrolled copy of a bill or other document is found to be correct, [it shall be presented] to the proper officers for their signatures. When the officers sign their names thereon, as required by law, *it is enrolled.*" (§ 9507, italics added.) Enrolled bills are then transmitted to the Governor for his approval. (§ 9508.) If the Governor approves it and deposits it with the Secretary of State, it becomes the official record and is given a chapter number. (§ 9510.)

Thus, an enrolled bill is one that has been passed by the Senate and Assembly but has not yet been signed by the Governor.

An "enrolled bill report" is prepared by a department or agency in the executive branch that would be affected by the

³ Further statutory references are to the Government Code.

⁴ Traditionally, engrossing meant the process of final authentication in a single house. (Sutherland, *supra*, § 15:1, p. 814.)

legislation. Enrolled bill reports are typically forwarded to the Governor's office before the Governor decides whether to sign the enrolled bill.

In *McDowell v. Watson* (1997) 59 Cal.App.4th 1155 at pages 1161 through 1162, footnote 3 (*McDowell*), the Fourth Appellate District opined that enrolled bill reports should not be considered for legislative intent: "[I]t is not reasonable to infer that enrolled bill reports prepared by the executive branch for the Governor were ever read by the Legislature.

"We recognize that courts have sometimes cited the latter materials as indicia of legislative intent. [Numerous citations.] However, none of those opinions address[es] the propriety of doing so. Accordingly, we decline to follow their example. 'Such a departure from past rules of statutory construction, we believe, should be effected only after full discussion and exposure of the issue.' (*California Teachers Assn. v. San Diego Community College Dist.* [(1981)] 28 Cal.3d [692] 701.)

"We also note that *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211 at pages 218 through 219, has been relied upon as authority for considering enrolled bill reports to determine legislative intent. [Citations.] However, that reliance is misplaced, because the Supreme Court in *Commodore* specifically noted that it had been requested to take notice of those reports and that the opposing party had not objected.

[Citation.] Moreover, while *Commodore* cites authority for taking judicial notice of such executive acts, it does not address the relevance of that evidence to determining legislative intent." (*McDowell*, *supra*, 59 Cal.App.4th at p. 1162, fn. 3; see also *Whaley v. Sony Computer Entertainment America, Inc.* (2004) 121 Cal.App.4th 479, 487, fn. 4 [following *McDowell*].)

This court has twice followed *McDowell*, *supra*, 59 Cal.App.4th 1155, in declining judicial notice of enrolled bill reports. (See *Lewis v. County of Sacramento* (2001) 93 Cal.App.4th 107, 121, fn. 4; *People v. Patterson*, *supra*, 72 Cal.App.4th at p. 444.)

On the other hand, in *People v. Allen* (2001) 88 Cal.App.4th 986, this court said, "While enrolled bill reports prepared by the executive branch for the Governor do not necessarily demonstrate the Legislature's intent [citation], they can corroborate the Legislature's intent, as reflected in legislative reports, by reflecting a contemporaneous common understanding shared by participants in the legislative process from both the executive and legislative branches." (*Id.* at p. 995, fn. 19.)

And in *People v. Carmony* (2005) 127 Cal.App.4th 1066, this court recently took judicial notice of an enrolled bill report without discussion. (*Id.* at p. 1078.)

For practical purposes, these inconsistencies have been resolved by a 2004 decision of our Supreme Court in *Elsner v.*

Uveges, supra, 34 Cal.4th 915. There, the court took judicial notice of an enrolled bill report prepared by the Department of Industrial Relations. (*Id.* at p. 934.) The court said, "Uveges challenges Elsner'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.]" (*Id.* at p. 934, fn. 19.)

We are obligated to follow *Elsner*. (*Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455.) We hereby grant appellant's motion for judicial notice of the enrolled bill reports, and we leave it to the panel deciding this case to determine the extent to which these reports may be "instructive."

Nonetheless, we respectfully add that we continue to find the logic of *McDowell, supra*, 59 Cal.App.4th 1155, unassailable. In fact, enrolled bill reports cannot reflect the intent of the Legislature because they are prepared by the executive branch, and then not until after the bill has passed the Legislature and has become "enrolled." Moreover, to permit consideration of enrolled bill reports as cognizable legislative history gives the executive branch an unwarranted opportunity to determine the meaning of statutes. That is the proper and exclusive duty of the judicial branch of government. "[T]he determination of the

meaning of statutes is a judicial function'

[Citation.]" (*People v. Franklin* (1999) 20 Cal.4th 249, 256.)

But we do not write on a clean slate.

SIMS, J.

We concur:

SCOTLAND, P.J.

DAVIS, J.

JAN RAYMOND

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October 31, 2005

Via Federal Express – Proof of service to follow by mail

Chief Justice Ronald M. George and Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-3600

Re: Kaufman and Broad Communities, Inc. et al, v. Performance Plastering, Inc.
Third Appellate District Case number C049391, October 3, 2005
Request for depublication (Cal Rules of Court rule 979(a))

Dear Chief Justice George and Associate Justices:

Although I note the firm of Gianelli & Morris has previously requested depublication of the Court of Appeal's opinion in Kaufman and Broad Communities, Inc. et al, v. Performance Plastering, Inc. Third Appellate District Case number C049391, October 3, 2005 (hereafter Kaufman) as an attorney who has specialized in legislative intent research and issues for nearly 20 years I also request the court consider depublication. I do so in the hope my years of experience with legislative documents will offer some insight from the viewpoint of a specialist in the subject. For the court's convenience, a copy of the opinion as published is attached.

My background: I am an attorney, admitted to practice in California. For the last two decades I have devoted substantially all of my professional life to researching and analyzing legislative intent of State and Federal statutes and regulations. The vast majority of my work addresses California Statutes, I estimate I have researched and/or analyzed 20 to 40 thousand individual California legislative enactments. I currently own a business devoted to legislative intent research. I do not write because of any anticipated effect of this opinion on my business, I don't think this Kaufman opinion will impact my business in any discernable way. I write because over the years I have developed concern over the lack of underlying philosophical coherence in the law regarding the interpretation of legislative intent, and I believe proper use of legislative intent tools to be crucial to the proper development of the law.

1. The opinion fails to give due weight to the fundamental constitutional primacy of the necessity for inquiry into legislative intent.

Although CCP Section 1859 explicitly provides "In the construction of a statute the intention of the Legislature ... is to be pursued, if possible" I submit the need to ascertain legislative intent is even more fundamental than a statutory directive. Although I am aware of no case that addresses the issue the need for a court to find legislative intent is rooted in the separation of powers doctrine that underlies our system of government constructed of checks and balances.

To honor the delegation of the power to make law to the legislative branch it is the courts obligation to try to understand the language of a law within the context of the goals the legislature sought to accomplish and the means they chose to achieve those goals.

This opinion undermines the importance of seeking legislative intent by drastically limiting the information the court can take into account in seeking legislative intent, in two ways:

a. It essentially precludes consideration of the whole body of documents pertaining to the legislative history of a particular enactment, in favor of a procedure that imposes rigid requirements upon each individual document submitted. In my experience relying upon a few selected documents can be misleading. In many cases a review of all documents will provide a much more thorough understanding of how the legislation developed, what problems arose and were solved and what concerns were never addressed. This approach will often provide a much firmer foundation for resolving interpretation issues in a manner consistent with what the legislature was trying to accomplish than relying on any single document or selection of documents.

b. It sets up arbitrary categories of documents that can never be considered for legislative intent purposes. The categories appear to be based on documents that have been excluded from consideration in prior decisions. I submit this is a prime example of the old adage ‘bad facts make bad law’. In many of these cases I submit the court may well have been entitled, in the context of the issues being addressed, to find the documents in question were not relevant or probative to the issue. But with a different issue the same category of document could well be both relevant and probative, and may in fact be the most relevant and probative documents available to clarify what was intended.

2. The opinion is inconsistent with and contrary to the underlying statutory provisions.

This opinion takes a very constrictive view of what documents can be judicially noticed for determining legislative intent. It creates complex categories of documents and then finds that documents in a number of the categories do not “... constitute legislative history...”

There exists no statutory justification for this “admissible/inadmissible” approach, and in fact this approach seems to be clearly contrary to the applicable statutes.

CCP Section 1859 explicitly provides “In the construction of a statute the intention of the Legislature ... is to be pursued, if possible”. (emphasis added)

Evidence Code Section 351 provides “*Except as otherwise provided by statute, all relevant evidence is admissible.*” Although legislative history documents are not evidence, in the ordinary use of the term in legal proceedings, the underlying principle is persuasive – the legislature has determined the common sense proposition more information is generally better than less. Evidence Code Section 352, which provides “*The court in its discretion may exclude evidence if its probative value is substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury*” also seems somewhat applicable on principle, as to the consumption of time and confusing the issues concerns, but this principle cannot be taken as support for excluding categories of documents from consideration sight unseen in matters not yet before the court.

Evidence Code Section 454(a) provides that in taking judicial notice “*Any source of pertinent information...may be consulted or used..*” and 454(b) provides “*Exclusionary rules of evidence do not apply except Section 352 and the rules of privilege*”.

From construing CCP Section 1859's statement “In the construction of a statute the intention of the Legislature... is to be pursued, if possible” with these Evidence Code Sections it would appear under the applicable statutes each document from legislative (or executive) files should be judged on its individual merits for probative value - or in the words of Evidence Code Section 454, its pertinence. A court is entitled to conclude in the individual case that the document has low or no probative value and therefore not take judicial notice. Perhaps the finding in this opinion that “*documents with unknown author or purpose*” or “*handwritten document copies, without author, contained in Assembly members files*” would be a category where useful documents would seldom be found, so might be subject to a presumption. But can we say the factual circumstance will never arise where they might be relevant and probative? Each legislative intent issue is different, what is irrelevant for one issue may be pertinent for another issue.

3. The opinion’s approach to identifying documents as legislative history through categorizing the documents is built on a view of the legislative process that has no relationship to reality.

This opinion relies on California Teachers Assn. v. San Diego Community College Dist. (1981) 28 Cal. 3d. 692, 701, for the proposition that legislative history documents must shed light on the collegial view of the legislature to be useful. Then this opinion, in the discussion on documents that are not legislative history, cites as a further test that documents must relate to statements communicated to the legislature as a whole. The first part of this two-part formulation is idealistic measured against the reality of the legislative process, but is useful as a sort of simple representation of a complex notion. But the second test takes this simple representation to a specific rule that defies reality.

In the last completed session the California legislature considered approximately 7000 legislative bills introduced during the two-year session, with tens of thousands of amendments proposed to various bills during the process. Meanwhile each individual legislator must address all the other duties and responsibilities that go with being a member of the legislature. The demands on the time of legislators are crushing. In order to survive, legislators delegate. As one who has retrospectively looked at thousands of legislative enactments it is clear that most legislators have no “collegial view” of the details of most legislation. Legislators paint in broad strokes, for any given legislative enactment the majority of the legislature may have only a broad idea of the purpose and intent of the legislation and very little knowledge of the finer points of the proposal. They rely on their colleagues, their staff, lobbying groups and the public to alert them to any problems with the legislation. The only true “collegial view” is that the individual legislator’s trust in their colleagues who have a particular interest in an issue, in their staff, in the interest groups and public participants in the legislation, to identify issues and resolve problems so they don’t have to think about it. The collegial view, realistically, is more akin to “everyone did their job so this enactment makes sense”

The notion that for a statement to be legislative history it must be “communicated to the legislature as a whole” is a particularly glaring fiction. For the vast majority of legislative enactments in California there is literally not one single document that would meet the literal language of this test. Even broadening the test to statements to the “Assembly as a whole” or the “Senate as a whole” would mean there could often be no document that qualified. Beyond

this practical reality, the simple fact is if something is important enough to be addressed to the legislature as a whole, it will usually be reflected in the language of the Statute – so the plain meaning rule will make resort to legislative history unnecessary. Legislative history issues typically arise because the facts of a case present a fine detail, or a novel twist out of the realm of the broader legislative discussion.

To properly use the documentary legislative history that is typical for California legislation you have to understand these legislative realities. Amendments are usually driven by opposition to the bill, the reason for the opposition is usually found in letters, memos and other correspondence in the legislative files, in other words, many of the types of documents this decision excludes by category.

This opinion judicially notices a state agency enrolled bill report only after reconsideration, and then expresses reluctance to accept that enrolled bill reports should generally be considered. I submit this reluctance fails to appreciate the potential importance of enrolled bill reports. The whole purpose of these reports is to provide a particular agency's unvarnished view of a bill to the Governor so the governor can make a decision whether to veto the bill or sign it. They are formal, official documents subject to careful scrutiny and review. The enrolled bill reports are commonly developed by the legislative staff of the agency interacting with legislative staff and legislators to develop an understanding of the purpose of the bill. They are grounded in an understanding of the consensus - at least as to subjects in the bill that will impact the agency. In many cases the agency may be sponsoring the legislation and be the very voice the legislature is most relying upon to understand what is intended.

In this opinions list of "good documents" are analyses by the Legislative Analyst. These analyses are prepared by an official legislative source and are ubiquitous in legislative files for legislation for many decades. But the function of the Legislative Analyst analysis is to address the effect legislation has on the state budget, the Legislative Analyst has no policy responsibility beyond the budget. I from time to time encounter Legislative Analyst analyses that are clearly wrong or misleading on non-budget policy ramifications, presumably because the policy that we lawyers usually care about is outside the scope of responsibility of the analyst concerned with the budgetary implications. Yet they are automatically acceptable under this opinion.

The underlying reality this opinion misses is that each legislative intent issue is different, and what is probative to one issue may be irrelevant to another. By focusing on relevance and probative value, the good gets kept and the useless discarded. By focusing on classes of documents the most probative may be discarded while the retained may be so general as to be functionally irrelevant, or worse, misleading.

4. The opinion is built on the implicit assumption only direct statements of intent are of value in determining legislative intent.

This opinions underlying rational for what is appropriate for the court to review to try to understand legislative intent is the test, repeatedly cited in the opinion, that in order to be considered by the court a document must contain some explicit statement communicated to the legislature as a whole. This test has little bearing on the reality of how the legislature works (discussed in point 3). Beyond the impracticality of the test, it ignores concepts fundamental to the way the law has traditionally understood intent in criminal or civil context. Usually the very reason the courts turn to legislative intent is because a particular issue was far enough from the main body of the legislative discussion that it was not reflected in drafting the language of the statute (the plain meaning rule). In that circumstance there will seldom be a "statement

communicated to the legislature as a whole” directly on point. To resolve a legislative intent issue the courts goal must be to try to understand the totality of the discussions about the pertinent part of the legislation to put in context what was being discussed, what was not being discussed, and thereby be in a position to make an informed judgment about what decision will most effectively forward the goals the legislature sought to accomplish.

This opinion is grounded in a notion that crept into the cases back in the days when legislative intent was argued by putting a legislator on the stand to testify as to the intent – that the only way to find legislative intent is to find a direct statement of intent. The proposition that a legislator cannot testify (after the fact) as to "the intent" is absolutely correct - legislative intent is a distillation of the consensus of a lot of disparate opinions. But the rule that has evolved to its expression in this opinion tosses many, if not most, of the potential voices out of the distillation process. As with any factual inquiry, more information is a more reliable tool than less information. In my work over the years direct statements addressing the issue I was researching are far more rare than answers found from, for example, letters of opposition stating a reason for the opposition coupled with responding amendments thereafter.

5. The opinion is contrary to prior decisions of this court and of other appellate districts.

As a preliminary point, I submit the prior case law has evolved in a haphazard manner due to the peculiar nature of legislative intent inquiry. Most areas of the law are either of common law derivation, where hundreds of years of case law has smoothed out the inconsistency before the law was moved into codes, or it is based on statutes where a deliberative body has examined an area of the law and developed a comprehensive and coherent body of law. The law regarding determining legislative intent fits in neither category. It has developed within the last century through courts improvising rules to fit the particular case and documents before the court. I submit it reflects an idealistic and unrealistic view of the legislative process and a broad judicial failure to appreciate the impact of the adversarial nature of the legislative process on the reliability of documents. But even beyond my belief the law needs a fundamental rethinking, this opinion is contrary to many prior decisions in important ways.

This opinion cites scores of opinions for many different categories of documents. Given the space limitations inherent in a request for depublication it is not possible to address all the conflicts in the opinions citations. This letter will focus on one particular type of document the writer perceives as particularly subject to contradictory decisions under prior case law, which contradictions are resolved under this opinion in a manner that does not make sense in the context of how the legislature works - statements and documents by the author.

Statements about the intent of legislation by the author of the bill have been subject to relatively extensive discussion in appellate decisions. Author's statements are often found in many legislative files, and in particular in the author's bill file. A series of cases from early in this century found author statements not entitled to consideration. These cases were typically addressing situations where the author of a bill, after the bill was passed, appeared in litigation after the fact to testify as to the legislative intent in enacting the bill, or made other statements about the legislative intent outside legislative deliberations. These older cases often refused to consider these statements as reflective of the intent of the entire legislature. A line of lower court cases has built upon the evidentiary approach of the rule in the older cases, taking a restrictive view that many legislative documents must always be disregarded. (See for a recent example People v. Patterson, 72 Cal. App. 4th 438 (1999)). More recent cases, in come cases decisions of this Supreme Court, recognize that author statements made during the legislative process are probative. In some cases this finding is supported by explicit discussion, more

broadly support can be found in the sheer number of cases relying upon a statement by the author. See, for issue discussion, California Teachers Association v. San Diego Community College District, (1981) 28 Cal 3d 692. The guidelines set forth in this 1981 case are much more restrictive than the rule one would distill from the many subsequent appellate decisions that have relied on author's statements. For an example see the Supreme Court decision of the following year, Commodore Home Systems, Inc. v. Superior Court (1982) 32 Cal. 3d 211. For a recent case exemplifying what seems to be the evolving mechanism to harmonize the cases see Estate of Sanders, 2 Cal. App. 4th, 462 (1992), 474, footnote 15, which states that author statements "...that cast light on the history of the measure and the arguments before the legislature when it considered the matter - as opposed to the personal beliefs of the legislator (which may not reflect the collective view of the enacting legislative body) - are indicia of legislative intent."

This opinion, following the rule that grew out of the old cases, refused to take judicial notice of the author's (Torlakson) fact sheet on the bill. This opinion makes no distinction between statements after the fact and author statements during the process. This is a glaring failing when one considers how the legislature actually works.

I submit that statements during the process are inherently reliable since the legislative process is highly adversarial - a legislator cannot make a statement during the process that is inconsistent with the legislative consensus without risking killing his bill. A press release is a good example. If that press release makes a statement that is not consistent with the consensus view of what the bill ought to be, the bill will invariably die or be amended. Typically the purpose of fact sheets such as what the court discards in this case is distribution to interested parties (and to committee staff) to explain the bill. If it makes a statement inconsistent with the consensus someone will make sure it is widely distributed - as a tool to kill the bill. If it was found in the author's file one must consider the possibility it might have been buried rather than distributed, but if it comes out of a committee file, it almost certainly was distributed. After the fact there is no way to prove the extent of distribution, all we can ever know about the document for sure is that it was sitting in a legislative file (or files), and that documents of this class are in general for the purpose of marketing the bill. But we can know, with confidence, that the adversarial nature of the legislative process makes statements by the author that are not consistent with the legislative consensus extremely unlikely during the process.

6. The procedures this opinion requires for applications for Judicial notice of legislative history documents will often be counterproductive to accurately determining legislative intent of the statute at issue.

Early in this opinion the court states "it is not uncommon for this court to receive motions for judicial notice that are tendered to the court in a form resembling a telephone book. The various documents are not segregated and no attempt is made in the memoranda of points and authorities to justify each request for judicial notice." The opinion then sets up a requirement that each individual document be identified as a separate exhibit and that points and authorities address the legal authority for judicial notice for each individual document.

The procedure set up in this opinion is clearly designed as an outgrowth of the courts premise that the types of documents of which the court will take judicial notice is severely circumscribed, which, as discussed above, is not, I submit, consistent with law or logic. While the opinion reflects an understandable frustration with poorly organized and presented legislative history compilations, the procedure the court adopts relegates determining legislative intent to

something akin to a procedural process where the courts convenience is of equal or greater weight to the underlying problem of finding the legislative intent. The procedure dumps a very heavy burden on the litigant who wants to demonstrate a complete view of how legislation developed as part of understanding the probable intent and encourages "cherry picking" - picking out documents that support a contention and hiding documents that might undermine the contention.

A more sensible approach might be to provide a required format for organizing documents. In my experience simply putting documents in chronological order and eliminating duplicates can turn an incomprehensible mass of documents into a readily accessible legislative history collection that can be reviewed and comprehended quickly. As to the appropriateness of the documents, this opinion seems to presume legislative documents are not relevant and probative until proved otherwise, when the statutes and logic would suggest once documents have been established as being from legislative files they would be entitled to a presumption, as a group, that they are relevant and probative pending review.

Conclusion:

This opinion should be depublished because it further entrenches concepts that are simply wrong with regard to seeking legislative intent. A test for what is appropriate to review in determining legislative intent should reflect the importance of legislative intent as a separation of powers issue, and the statutory directive to seek legislative intent where possible. Any test should reflect the reality of the way the legislature works. Its goal should be to attain something realistically attainable, not a fictional collegial view on every particular point, but a pragmatic effort to understand what the legislature was trying to accomplish and find an interpretation most consistent with the overall legislative purpose. It may well be this goal is awkward to try to develop in case law and should be accomplished through legislation, or rule of court, or other deliberative process divorced from the imperatives of specific private litigation. But regardless, this opinion moves the law in the wrong direction, and should be depublished.

Respectfully submitted,

Jan Raymond

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October 11, 2005

VIA FEDERAL EXPRESS

Honorable Chief Justice Ronald M. George
and Honorable Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, California 94102

Sherril. Bascock@
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Re: Kaufman & Broad Communities v. Performance Plastering
Third District Court of Appeal Case No. C049391
Depublication Request

Dear Chief Justice George and Associate Justices:

Gianelli & Morris represents several insureds in matters which involve interpretation of California statutes, such as James Clark in Clark v. National Western Life Insurance Company et al., LASC Case No. BC321681. Mr. Clark's case is a putative class action, involving interpretation of Insurance Code provisions imposing certain conditions on annuity policies sold to senior citizens in this state, Insurance Code sections 10127.10 and 10127.13.

This firm has also represented various "friends of the court" in statutory construction cases, such as AIDS Project Los Angeles in Galanty v. Paul Revere Life Ins. Co. (2000) 23 Cal. 4th 368 (Insurance Code section 10350.2) and the Blanche Fischer Foundation in Tennessee v. Lane (2004) 541 U.S. 509 (42 U.S.C § 12131 - American with Disabilities Act).

Mr. Clark, through Gianelli & Morris, submits this letter to request depublication of the opinion rendered by the Third District in the case named above. The opinion represents a departure from settled law, and purports to tie the hands of jurists seeking to ascertain the intent of the Legislature in enacting a particular statute in a fashion more limited than has been approved by this Court in the past.

The initial problem can be seen from that part of this Court's opinion in Hunt v. Superior Court (1999) 21 Cal. 4th 989 that the Third District chose to quote, as well as the next sentence that it did not. The entire discussion of "plain meaning" is as follows in Hunt: "In determining intent, we look first to the words of the statute, giving the language its usual, ordinary meaning. If there is no ambiguity in the language, we presume the Legislature meant what it said, and the plain meaning of the statute governs. (*Ibid.*) The words, however, must be read in context, considering the nature and purpose of the statutory scheme." (*Id.* at 1000.) This last sentence is the one omitted by the Third District opinion, and therein lies the controversy.

GIANELLI & MORRIS
Kaufman & Broad Communities v. Performance Plastering

Honorable Chief Justice Ronald M. George
and Honorable Associate Justices
October 10, 2005
Page 2 of 3

The *Kaufman* opinion restricts materials a Court can use to ascertain the nature and purpose of the statutory scheme, limits it to only those for which there is proof that the "Legislature as a whole" read or could have read them. This discounts the fact that creating "proof" of who read or had access to what is not the Legislature's job. This "proof" requirement imposes a fiction on the reality of the Legislative process as well. That fiction is some sort of legal presumption inherent to the *Kaufman* analysis: that any or all Legislators reviewed or considered the materials *Kaufman* would permit, that they did not consider others *Kaufman* would exclude, that Legislators did not talk to each other orally about other information, and that the Legislature can be found to have acted with one single mind on a topic. The presumption to be imposed by the *Kaufman* opinion is unsupported in reality, and would force jurists interpreting statutes to ignore material and relevant information long considered illuminating on the frequently elusive subject of Legislative Intent.

For example, *Kaufman's* judicial presumption that pre-passage statements by a bill's author were not considered or known to other members, but that that all members looked at and voted based on some staff analysis, draws a line which might be formal and easy to apply, but can certainly miss the substance of why a bill was actually passed.

Judicial notice of legislative intent materials does not create a presumption of the truth of the matter so noticed, or a presumption that each member considered such materials. It instead provides a history of the particular issue, with contemporaneous materials that the Legislature, individual members, the governor, or those serving them, such as government agencies or others interested in the proposed bill, considered or thought were appropriate for consideration. The artificial limitation proposed in *Kaufman* robs the Courts of valuable background information necessary to put a given statute in context and to "give a provision a reasonable and common sense interpretation consistent with the apparent purpose, which will result in wise policy rather than mischief or absurdity" as well as to "take in to account matters such as context, object in view, evils to be remedied, legislation on the same subject, public policy, and contemporaneous construction." 7 Witkin, Summary of California Law, Constitutional Law, § 94, *DeYoung v. San Diego* (1983) 147 Cal. App. 3d 11, 17.

GLANELLI & MORRIS
Kaufman & Broad Communities v. Performance Plastering

Honorable Chief Justice Ronald M. George
and Honorable Associate Justices
October 10, 2005
Page 3 of 3

In *Galanty, supra*, this Court was asked in 2000 to interpret Insurance Code section 10350.2, which was enacted in 1951. This Court took judicial notice of, among other things, a letter by the statute's sponsor (the Department of Insurance) to the Governor about the National Association of Insurance Commissioners' proceedings that led up to its recommendation for such a law. This Court also took judicial notice of certain materials showing that it was California's Insurance Commissioner who was intimately involved in drafting that language, what the Commissioner's position was then in light of past case law, and reviewed an Inter-Departmental Communication between Department of Justice and Governor Earl Warren. Law review articles were also considered. This is the process by which a Court tries to place itself in the Legislature's shoes in passing a law, to see "... the wider historical circumstances of its enactment . . ." *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal. 3d 1379, 1387.

The ability to review *all* the pertinent materials, not for their truth but to see the actual setting and circumstances in existence at the time a law is enacted, is the best way to ensure that the true objective of the Judicial Branch is realized – to ensure that the Legislature's intent is honored. To absolutely forbid consideration of a letter from the California District Attorneys' Association or the position of the insurance industry in favor of an Assembly Office research report no Legislator may have read, on the fiction one was more "available" or important to the members than the other, makes no sense in light of the goal.

Blinkers may work well for horses, but their selectively blinding power is thoroughly unnecessary to the work of judicial officers, who are vested with the responsibility and the ability to use their discretion in weighing the information given to them.

Respectfully submitted,



SHERRIL NELL BABCOCK
Attorneys for James Clark

SNB/ask

D. Overview on Determining the Effective Date of Statutes

The law regarding the effective date of Statutes is contained primarily in Government Code Section 9600 and Constitution Article IV Section 8. Under the current general rule, in effect since 1974, statutes take effect on January 1 of the following year, unless the statute specifically states some other effective date. There are exceptions for tax levies, budget appropriations and urgency statutes that go into effect immediately. Prior to 1974, the rule varied as one goes back in time, but generally statutes took effect 60 to 90 days after the Governor signed them.

The following text sets forth a brief basic discussion of the general authorities applicable to requests for Judicial Notice of Legislative History documents in California. It is intended as a resource for drafting points and authorities applicable to the particular circumstances of your matter, focusing on the issues and documents at issue.

Although this document is reviewed from time to time you should check all the citations for currency as you use this document. Call or e-mail Jan Raymond if you have questions about these authorities or the underlying rationale for the language of this sample memorandum.

I. California Law and Public Policy require this court take judicial notice of appropriate legislative intent materials to resolve ambiguity in statutes as applied to the facts of a particular case.

- A. California Code of Civil Procedure 1859 has been a part of California Statutory Law since it codified a series of Court decisions in 1872. It states (in pertinent part):

"In the construction of a statute the intention of the legislature ... is to be pursued, if possible . . ."

- B. California Government Code Section 9080, enacted by Chapter 928 of the Statutes of 1996, is an explicit statement that the documents generated in legislative deliberations are evidence of the intent of the legislature. Section 9080 begins with the following statement:

"(a) The Legislature finds and declares that legislative records relating to bills, resolutions, or proposed constitutional amendments before the Legislature provide evidence of legislative intent that may be important in the subsequent interpretation of laws enacted in the Legislature..."

- C. CCP Section 1859 and Government Code Section 9080 speak to the more fundamental proposition that is implicit in the United States Constitution, and finds its expression as a doctrine of separation of powers. Quite simply, it is imperative to the proper function of our system of government for the judicial branch to seek the intention of the legislature.
- D. Judicial Notice is the statutory mechanism granting this court broad discretion to investigate the legislative intent of Statutes. Evidence Code Section 454 expresses the broad authority of the court in taking judicial notice. Evidence Code Section 454 provides:

"(a) In determining the propriety of taking judicial notice of a matter, or the tenor thereof: (1) Any source of pertinent information, including the advice of persons learned in the subject matter, may be consulted or used... (b) Exclusionary rules of evidence do not apply except Section 352 and the rules of privilege."

II. The Documents submitted by moving party are appropriate for investigating the legislative intent of the Statute at issue in this matter.

A. The Legislature has specifically identified specific types of legislative committee documents as appropriate for determining legislative intent.

Supplementing the findings of Government Code Section 9080(a) set forth above, Section 9080(d) provides:

(d) "Legislative records," for purposes of this section, means records contained in an official committee file, including, but not limited to, all of the following:

(1) Committee staff analyses.

(2) Written testimony.

(3) Background material submitted to the committee.

(4) Press releases.

(5) Written commentary submitted to the committee on a bill, resolution, or proposed constitutional amendment. For purposes of this paragraph, "written commentary" does not include the following:

(A) Material not utilized by the staff of a fiscal committee in the preparation of any analysis for the members of that committee.

(B) Communications determined by the committee or its staff to be confidential.

(6) Versions of bills, resolutions, or proposed constitutional amendments assigned to the committee.

(7) Relevant interim hearing materials, studies, case materials, and articles.

It is important to keep in mind Section 9080 in part functions to impose an obligation on legislative staff and committees to maintain records and grant public access to legislative records. The purpose of subdivisions (d)(5)(A), (d)(6) and (d)(7) is not to exclude documents from consideration in determining legislative intent, but to relieve staff of the necessity of maintaining records available from other, more primary sources.

B. This court is required to take judicial notice of any official act of the Legislative or executive branch upon properly submitted request.

Evidence Code Section 452 provides: *"Judicial Notice may be taken of the following matters... (c) Official acts of the legislative, executive or judicial departments of the United States and of any state of the United States."*

Evidence Code Section 453, as discussed in paragraph III(A) below, requires the court to take judicial notice of matters requested under Section 452 if the required steps are taken by moving party.

C. State agency analyses are judicially noticeable as instructive on issues of legislative intent.

Analyses by state agencies interested in the subject matter of particular legislation are commonly found in legislative files. A type of state agency document that has generated challenges in past decisions are enrolled bill

reports submitted to the Governor. A 2004 decision of the Supreme Court has resolved the question. In Elsner v. Uveges (2004) 34 Cal. 4th 915, the Supreme Court took Judicial Notice of an enrolled bill report from the Department of Industrial Relations (id. at p. 934). The court stated “Uveges challenges Elsner’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.)”

III. Under Evidence Code Section 453 the moving party has provided the court all that is necessary for this court to take judicial notice of the documents.

- A. Evidence Code Section 453 states: *“The trial Court shall take judicial notice of any matter specified in Section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and, (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter.”*
- B. By this motion the moving party has complied with Evidence Code Section 453(a).
- C. The documents submitted with this request provide the court with sufficient information to enable it to take judicial notice of the history of the Statute at issue, complying with the requirements of Evidence Code Section 453(b).

Depending on the procedural posture of your matter a notice of motion may also be appropriate, along with the actual request for judicial notice and accompanying memoranda of points and authorities. In many cases the notice and request can be consolidated in single document, depending on court rules and local practice. This document will not address notice of motion language.

Although this document is reviewed from time to time you should check all the citations for currency as you use this document. Call or e-mail Jan Raymond if you have questions about these authorities or the underlying rationale for the language of this sample memorandum.

Sample text for Request for Judicial Notice

The following sample text for a request for judicial notice may need to be modified according the specific procedural posture, issues presented and factual circumstances of your matter. This text is intended to serve as an example to work from adapting to your circumstances.

This sample text assumes you plan to request the court to take judicial notice of the entire compiled history, if you are submitting only selected documents from the history it should be adjusted accordingly:

(Party) requests the court take judicial notice pursuant to Evidence Code Section 452(c) of the Legislative History of (insert description of the provision(s) of law researched) as set forth in the (number of volumes) volume compilation lodged with the court with this request. The history of (law researched) is relevant to issues of law and fact before the court in this matter. (The/each) volume is accompanied by a declaration by Jan Raymond, a member of the California State Bar, authenticating the documents by source and defining the scope of the project, meeting the requirements of Evidence Code Section 453(b).

This request for Judicial Notice is supported by this Request for Judicial Notice, the attached Memorandum of Points and Authorities, such supplemental information as may be subsequently filed in this matter, and the oral and documentary evidence to presented in support of this Request”

California Specific Documents

Research Protocols



Jan Raymond

Legislative Intent: When and how to use it

Researching and using legislative-history material to show legislative intent

The concept of “legislative intent” is often a crucial factor influencing appellate decisions and is one of the few tools with which practitioners can supplement their positions beyond the appellate record made in the trial court. This article is intended to provide a relatively comprehensive overview of the issues lawyers face when they seek to establish and rely on the legislature’s “intent.” A link to more detailed discussion on the topics discussed is provided at the end of this article.

As a preliminary point it is important to note that although the term “legislative intent” on its face is only applicable to statutes enacted by a legislature, the term is sometimes used generically to describe the intent of the drafters of other types of laws, such as regulations, rules of court or local ordinances. This article focuses upon the process of seeking and documenting the intent of legislation, but will also touch briefly on what is involved with documenting the history of other types of law. As a result, the phrase “legislative intent” will sometimes be used in this generic sense as a shorthand for the process of using historical documents to develop an interpretation of the intent of the drafters enacting a law.

When to use legislative intent

The circumstances of your case will usually dictate when legislative intent is appropriate. When the evolving dispute begins to hinge on the interpretation of an ambiguous law, it is time to consider the use of historical materials to establish the intent of the drafters of the law. Written laws of any sort are generally attempts to distill complex concepts into short, easily accessible statements. But the distillation process that creates the accessibility also builds in ambiguity. Legislative-intent arguments build context around the bare bones of a law by developing a history of the deliberations that led to the adoption of the law. Developing a context within which to argue intent can be useful

in the interpretation of many types of laws, including statutes, regulations, local ordinances, rules of court, and rules of professional conduct.

How to use legislative intent

The primary mechanism for building context within which to interpret laws is to look at the documentary history of the deliberations that produced the law. The documentary history can be developed through a commercial service or through undertaking to develop this relevant history on your own.

Using a commercial service is very cost-effective when enough is at stake. But with some disputes it does not make economic sense to engage a commercial service for what may be a small point in a larger argument, so the discussion in the first part of this article on developing a legislative history will focus on providing an overview for those circumstances where you seek to develop a history on your own.

Finding legislative history

Each body of law has its own characteristic processes and procedures for developing legislative history. Here is a brief overview for some of the most common areas of law. For a document you can download that goes into much greater detail than this article link to <http://najfiles.net/web/reference/Finding.Legislative.History.pdf>

California codes and statutes

The primary sources for documenting the legislative history of California statutory law are the various agencies and offices in and around the California State Capitol in Sacramento. In addition, some significant legislative-history material on California legislation is available online, and many local law libraries have some legislative materials.

This discussion begins with a very short summary of the California legislative process and definitions of legislative

terms, followed by a discussion of how to find legislative documents.

The legislative process

The legislative process in California is very typical of the legislative process in Congress and most other states of the union, so the basic process and principles can be applied in many jurisdictions. In California, the process is governed by provisions of Article IV of the Constitution, by statutes primarily contained in sections 9000 et seq. of the Government Code, and by rules of procedure adopted by the Assembly and Senate at the start of each legislative session.

California has two legislative bodies, the Assembly and the Senate, which are often referred to as the two “houses” of the Legislature. Members of both houses of the California Legislature can introduce proposals; each proposal is called a “bill,” either an Assembly Bill or a Senate Bill, depending on the house in which it is first introduced.

For a bill to be successfully enacted into a law, it must be heard in at least one committee, be read three times before the entire group of legislators in the house (referred to as on the “floor” of the house) where it was introduced, and approved after the third reading. It must then go through the same process in the other house. The process is sequential; the bill must go through the house of origin before it is considered by the second house. Changes by amendment can be made only on the floor of either house.

If the two houses pass different versions of the same bill, representatives from the two houses negotiate a version of the bill acceptable to both houses in a Conference Committee. Once a bill has passed both houses it goes to the Governor for signature.

Defining some legislative terms useful in developing legislative history

• **Assembly bill/Senate bill** – A formal proposal to add, amend or repeal some

See Raymond, Next Page

provision of statutory law. Each time amendments are adopted, the bill is reprinted. Thus, when the legislature speaks of an "amended version" of a bill, they refer to the bill as it existed after the changes adopted on a particular date.

• **Chaptered Statute** — Each year the state publishes the bills enacted in that year organized according to the order in which the Governor signed the bill, rather than by subject matter, in the published statute book for that year. In annotated codes, following each section, the code will usually set forth the enactment history affecting that section of the code by citing the chapter numbers in the statutes for each year in which a change occurred.

• **Floor analysis** — When a bill is up for approval on the floor of the Senate or Assembly, each legislator receives an analysis of the bill, either a Senate Floor analysis, or an Assembly Floor analysis.

• **Enrolled bill** — An enrolled bill is one that has gone in final form to the Governor. Hence an enrolled bill report is a report that addresses that final form of the bill. Enrolled bill reports are typically requested by the Governor from state agencies that have some interest in the subject matter of the bill.

• **Legislative Analyst** — The Legislature's budget arm, counterpoint to the Governor's Department of Finance. The Legislative Analyst focuses on the state budget, which limits the utility of Legislative Analyst's analyses for legislative-intent questions of substantive law.

• **Legislative Counsel** — Attorneys to the Legislature; the Office of the Legislative Counsel drafts the language of bills, prepares summaries of legislation and renders legal opinions on questions of law posed by legislators. Legislative Counsel regard their relationship with the Legislature as an attorney-client relationship, so opinions rendered to individual legislators are confidential. However, the legislators sometimes release the opinions, or deposit them in legislative files where they become accessible to the public.

• **Policy Committee/Fiscal Committee** — Policy Committees are those committees dealing with specific substantive topics in the law. Policy committees make the ini-

tial policy investigation into legislative bills. As an example, bills dealing with local government issues will be assigned to the Local Government Committee. Fiscal committees investigate a bill's impact on the state budget, so fiscal committee analyses are of limited utility in determining the substantive intent in many cases.

• **Third reading** — Legislative rules require that each bill must be read on the floor three times before it can be approved. Thus when a bill is up for third reading it is at the point of final vote on approval/rejection.

• **Uncodified statute** — A bill approved by the Legislature and signed by the governor that, organizationally, has not been formatted for incorporation into a Code. Originally all statutory law was uncodified statutes (see the definition for Chaptered Statute above). Codes were created to provide a secondary organizational structure to make the law more accessible.

Finding California legislative documents:

• Step 1: Narrowing your search to what you need

The materials available documenting the legislative deliberations of the California Legislature vary widely according to when the particular language you are focusing upon was enacted. So the first step is to determine when the language was adopted. This means you must identify the chaptered statute and bill number (Senate Bill or Assembly Bill) making the changes in which you are interested.

Review the legislative history annotations for the section(s) in which you are interested in an Annotated Code. The notes under a particular section may contain references to many different chaptered statutes as the language of the section developed over the years. The codes will sometimes provide summaries of the changes accomplished by each chaptered statute, which can help you identify what is pertinent to your concerns, and what is not pertinent. If the codes don't summarize what the amendments accomplished you generally will have to go to the

statute volumes, actually looking at each chaptered statute to compare the language from amendment to amendment.

Much of the language in the codes has evolved over the years through reorganizations and amendments. The codes tend to list only the history since the most recent enactment of the section, even though much of the language of the section may have existed in prior law. To find the prior history, look a little further down the notes under each section for very small type discussing derivation. Be alert to the fact some of the summaries of historical derivation in the codes refer to the section number rather than the substantive language of the section, as the Legislature from time to time recycles section numbers, or rennumbers substantive provisions.

The annotated codes usually provide bill numbers (e.g., AB 11) for legislation since about 1990. Where the information is not available in the annotated codes, you can convert the chapter number to a bill number by referencing the tables in the front of the first volume of the statutes for that particular year.

• Step Two: Finding the documents

The types of documents available in California for legislative-history research vary according to the historical era being researched. The following provides an overview of the types of documents generally available organized by sources.

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

For legislation from 1993 through currently pending bills, the California Legislature, through the Office of the Legislative Counsel, provides a procedural history of the bill, copies of the various amended versions of the bill, and committee and floor analyses, which often discuss the source and purpose of the proposal. The link is <http://www.leginfo.ca.gov/bilinfo.html>.

On some legislation, recommendations of the California Law Revision

See Raymond, Next Page

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

Legislative files: In addition to the material available online, more detailed information is available in the file documents contained in the files of the author, the policy committees, and other organizations within the executive and legislative branch that prepare analyses in response to pending legislation. Typically these files can be accessed in either the State Capitol office of the organization that generated the file or at the California State Archives. To determine which organizations might have maintained files on the bill in which you are interested, you will need to get a copy of the history of the bill, found online as noted above, or in the published final histories available in many law libraries. Many file materials are commonly available since about 1970. Prior to 1970, file materials are sparse other than Governors' files, which go back to about 1943.

Files can often be very voluminous. It is often most cost-effective to physically review files if you want to avoid very large photocopy bills, and many duplicate, non-substantive or redundant documents. In addition, many offices will require that persons requesting access to files handle the photocopying.

Law library materials: The California State Library is the official library for the Legislature, so it has an extensive collection of legislative materials, but many other large law libraries have significant collections of legislative materials, either in paper or microfilm or microfiche form. Final histories, legislative journals and the Chaptered Statutes are widely available. Bill copies, and some legislative-file materials may be available, as well as some legislative committee reports or floor analyses and pertinent legislative publications.

Particularly noteworthy publications include transcripts for the 1849 and 1879 Constitutional Conventions and the annotated versions of the Civil Code, Code of Civil Procedure, Penal Code and Political Code, all adopted in 1872. For nearly 50 years beginning about 1880, the Legislature published extensive appendices to the legislative journals with agency reports that sometimes discuss legislation. With very old legislation it can often be useful in developing the context for an adoption to look at media and treatise sources.

Finding California regulatory history

Historical overview: The first time a statute created a mechanism for collecting and publishing all regulatory actions by California State agencies was enacted in 1941. Prior to 1941, agencies engaged in making regulatory law (often as rules or orders), but each individual agency determined the form and extent of publication for their regulations. Modern records of what rules or orders existed prior to 1941 are spotty. After the 1941 statute the first Code of Regulations was finally published as the California Administrative Code beginning in 1945. The official name changed from the California Administrative Code to the California Code of Regulations (CCR) in the late 1980s.

A lack of information readily available about the development of regulations is a basic problem to be dealt with for all but the most recently adopted regulations. Agencies seem to repeal and re-adopt regulations often, and generally published California regulations list only the amendments since the last adoption. So finding when any particular regulatory language was adopted can require careful work using the California Administrative Register to trace the language back in time to its source.

Online research sources: The Office of Administrative Law provides the CCR online with annotations at <http://www.oal.ca.gov/> (link is on the left). In addition many state agencies, beginning in the late 1990s, began developing archives of documents related to each rulemaking they undertake. Use a search

engine to find the particular agency's Web site, and then look for their archives. Rulemaking file archives are not high-demand items so are often buried deep in the agency's Web site and can be difficult to find.

Library and agency materials: Law libraries will generally have some printed version of the actual regulation available that will provide some historical information on how the regulation developed. But for access to the weekly administrative registers where regulations have been published since 1945, which can be crucial to finding when any particular language was enacted, you may need to go to a very large county or law school library. Although the registers will allow you to determine the date particular language was enacted, they provide only the text of the changes in language and the amendment history. For older regulatory enactments (pre-1970) some information may be available at the State Archives, the California State Library, or from the agency, although it is rare to find much.

From 1970 to 1979 the amount of documentation from these sources improves, but is still spotty. However for research from this era the agencies often published summaries of the changes they proposed in the weekly notice register (called a Z register). Since 1979, agencies have been required to develop and maintain formal rulemaking files when promulgating regulations and those files are supposed to be available from the agency. However it took a couple of years for many agencies to establish protocols to retain the records, so often files that should be available for the early 1980s have been lost.

The research process: Generally the first step, which is often the most difficult one, is to determine when the particular language you are focusing upon was adopted. CCR annotations can be of some help, and there are some indices available, but often you simply have to track backward in the administrative registers until you find the date the language was adopted. From there you can begin your search with the various potential sources. Finding the date for notice

See Raymond, Next Page

(Z-register) publications can sometimes be done by referring to the original regulatory filing file at the State Archives.

Generally the most detailed substantive materials are going to come from the files of the promulgating agency, when available. The first step is to call the particular agency legal or legislative office to find the person who handles rulemaking file archives. Occasionally the agency may copy the file for you, but more often you or a representative will have to go to the agencies' offices (usually in Sacramento or the Bay Area) to review the file. The files are sometimes very voluminous, and much of the material is redundant or not substantively useful.

Researching federal law

Many of the definitions and basic legislative procedures discussed above for California law are broadly similar to the terminology and process used by Congress. However the nature of the documents available is significantly different. For example, while California publishes committee reports before legislative hearings for use by the legislators, Congressional committee reports are after-the-fact statements of intent.

In general the Congressional legislative process is much more voluminously documented than state legislative deliberations, and the volume of material creates the primary difficulty with performing legislative-intent research on federal statutes. The search is often a perfect example of looking for a needle in a haystack. Congress has a tendency to move concepts from bill to bill and then throw scores, or even hundreds, of different proposals into one omnibus bill and enact the whole package.

Good federal research often requires tracking language back from the omnibus bill that enacted the language through the prior proposals to the original proposal where the concepts were actually developed or discussed.

Finding and then reviewing actual bill copies for the language in which you are interested is the primary mechanism to track back in time. Once you have identified the first time the language appeared in a bill, you can look for the

committee deliberations that produced the bill, or the author's statement when he introduced the bill. Keep in mind you may be going back four, six, eight, perhaps even 10 years, as concepts may be pending in Congress for many years before being finally enacted.

Online documents: Large portions of research on many federal statutes enacted in the last couple decades can be found from various online sources. Perhaps the most comprehensive publicly available source is found at the Library of Congress Web site, <http://thomas.loc.gov/>. The materials found at this site will usually include the text and procedural histories of the bills, committee reports and Congressional Record excerpts. Hearing transcripts and other publications are not available online, but are usually available either in print or microfilm at any Federal Depository library.

Additional information on federal research, including listings of actual legislative histories available online can be found at the Washington, DC, law-librarians' site, www.llsdc.org/sourcebook.

Library materials: Older federal research materials will only be found at a Federal Depository Library. Most large law libraries are Federal Depository Libraries.

The Code of Federal Regulations: Research on the Code of Federal Regulations begins with the Code itself, and the annotations to the Federal Register found in the Code. The Federal Register publications that occurred during the adoption process contain substantive discussion of the thinking behind the adoption. When you locate adoption publications in the Federal Register, they often must be read carefully for references to other publication dates on the same topic. For later years the CFR does have fairly extensive indexing that can often be helpful in determining the location of pertinent provisions.

Researching the law of other states

Few other states are similar to California in the volume of actual legislative-file materials available for compiling a legislative history. For most other states, the primary sources of legislative history

are minutes of the committee deliberations. For many states, one can only go back a couple of decades, due to the relatively small size of the legislative staffs in small states. Generally the best place to start is the state's Web site, and often phone calls to the state law librarians will provide some sense of what is available.

Researching local government ordinances

Local-government ordinances generally require a visit to the jurisdiction in question to review archival and library sources, although some information on very recent ordinances may be available online. Even in the largest jurisdictions, the research can be slow, tedious, and the amount of useful material may be limited, particularly as one moves back in time researching older provisions.

Rules of Court and Rules of Professional Conduct

The Administrative office of the Courts generally promulgates Rules of Court and information will be found in their archives and publications. Rules of Professional Conduct are generally promulgated by the organization that handles licensing and information will be found in their archives and publications.

Authorities regarding the use of California legislative history documents

There are hundreds, perhaps thousands of cases, addressing the use of legislative-history materials to find legislative intent. But as yet there is no single case that clearly delineates the underlying nature of a legislative-history inquiry, so the cases addressing legislative intent are often fundamentally inconsistent.

Legislative intent is a matter of law but using legislative history to determine intent is a factual inquiry. Because it is a factual inquiry, many lawyers instinctively think in terms of admissibility. But as a matter of law decided by the court, rules of evidence developed to protect juries should have no applicability. Factual inquiries into legislative intent should only need to address two issues: the

See Raymond, Next Page

authenticity of the information relied upon and the probative value of the information. But many decisions over the years have tended to treat the use of legislative intent documents as an admissibility issue rather than a probative-value issue. In this writer's view, the admissibility test is fundamentally erroneous, but nonetheless it is out there. (For an example of this approach, see *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2006) 136 Cal.App.4th 212, 221 [39 Cal.Rptr.3d 33].)

Basic authorities on legislative intent

California Code of Civil Procedure section 1859 states, in pertinent part, that, "In the construction of a statute the intention of the Legislature ... is to be pursued, if possible . . ." Note that this section also goes on to say statutes should be interpreted in the same manner as instruments such as contracts or wills.

California Government Code section 9080, enacted by Chapter 928 of the Statutes of 1996, is an explicit statement that the documents generated in legislative deliberations are evidence of the intent of the Legislature. Section 9080 seems to have been largely overlooked by the legal community, as few of the decisions regarding the use of legislative-intent materials reflect an awareness of section 9080.

A leading authority for the general proposition that is appropriate to take judicial notice of legislative history documents, and a decision with significant discussion about the purpose of and authority for relying upon legislative history, is the Supreme Court decision in *California Teachers Association v. San Diego Community College District* (1981) 28 Cal.3d 692 [170 Cal.Rptr. 817].

Submitting legislative history to the court

The most common mechanism for bringing legislative history documents to the attention of the court is through the Judicial Notice provisions contained in Evidence Code sections 450 through 458. Key provisions include:

- Evidence Code section 452:

"Judicial notice may be taken of the

following matters... (c) Official acts of the legislative, executive or judicial departments of the United States and of any state of the United States."

- Evidence Code section 453: "The trial Court shall take judicial notice of any matter specified in section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and, (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter." And,

- Evidence Code section 454: "(a) In determining the propriety of taking judicial notice of a matter, or the tenor thereof: (1) Any source of pertinent information, including the advice of persons learned in the subject matter, may be consulted or used... (b) Exclusionary rules of evidence do not apply except section 352 and the rules of privilege."

A leading case citing Evidence Code section 452(c) as authority for a court to take judicial notice of legislative documents is *Post v. Prati* (1979) 90 Cal.App.3d 626, 635 [153 Cal.Rptr. 511]. The court relied upon a variety of legislative documents, including correspondence to the Governor from state agencies and individual legislators.

Although a formal request for judicial notice is probably better practice, in *Lafayette Morehouse, Inc. v. Chronicle Publishing Co.* (1995) 39 Cal.App.4th 1379, 1383 [46 Cal.Rptr.2d 542], the court accepted and relied upon legislative documents simply appended to a brief, apparently with no formal request for judicial notice. The court did extend to each party an opportunity to submit additional briefs, presumably to allow objections to the offered documents. More recently in *Canister v. Emergency Ambulance Service* (2008) 160 Cal.App.4th 388, 401 [72 Cal.Rptr.3d 792], neither party asked the court to take notice of the legislative history of a particular statute. The court, citing statutes from various codes, and in particular Evidence Code section 459(a), stated that courts can take such notice on their own motion and that the intent of

the Legislature is to be pursued in statutory construction whenever possible.

Arguing the probative value of specific documents

There are many types of documents that can be relevant to interpreting a particular statute, but not all documents are of equal persuasive value. For discussion purposes, although case law has not generally categorized documents in this manner, this article will group similar types of documents in categories.

Primary Sources: This category could include documents that are formally developed during the legislative process, pursuant to legislative procedural rules and procedures. Primary documents could include the actual legislative bill, in all its amended versions, Legislative Counsel's digests, committee analyses prepared for committee hearings on the bill, floor analyses given to the legislators when the bill is up for vote on the floor of the Assembly or Senate, fiscal analyses prepared by the Legislative Analysts' Office and various other official legislative publications.

Cases have often treated primary documents as presumptively probative due to their formal status within the legislative process. (See for example, *Wiley v. So. Pacific Trans. Co.* (1990) 220 Cal.App.3d 177, 192 [269 Cal.Rptr. 240] [relying on amended versions of a bill]; *Victoria Groves Five v. Chaffey Joint Union School District* (1990) 225 Cal.App.3d 1548 [276 Cal.Rptr. 14] and *Quelimane Co. v. Steward Tile Guar. Co.* (1998) 19 Cal.4th 26 [77 Cal.Rptr.2d 709], and *California Teachers' Ass'n v. Governing Bd. of Hihmar Unified School Dist.* (2002) 95 Cal.App.4th 183, 192 [115 Cal.Rptr.2d 323] [relying upon a Legislative Counsel digest]; *Hutnick v. Fidelity and Guaranty Co.* (1988) 47 Cal.3d 456 [253 Cal.Rptr. 236] [relying upon an analysis of the Assembly Committee on Judiciary]; and *Youngblood v. Gates* (1988) 200 Cal.App.3d 1302 [246 Cal.Rptr. 775] [relying upon floor analyses].) Primary sources could also include documents developed for submission to the Legislature by other branches of State government. For example, recommendations from the

See Raymond, Next Page

California Law Revision Commission, a body created by the Legislature for the specific purpose of reviewing the law and making formal recommendations to the Legislature.

In other contexts, for example seeking the legislative intent of a court rule, primary documents might be reports from advisory committees of the Judicial Council that make recommendations for legislation (see *People v. Benhoor* (2009) 177 Cal.App.4th 1308 [99 Cal.Rptr.3d 827] [regarding a report of a traffic advisory committee to judicial council] and *Vidrio v. Hernandez* (2009) 172 Cal.App.4th 1443 [92 Cal.Rptr.3d 178] [relying upon a Civil and Small-claims Advisory Committee to Judicial Council].)

Secondary Sources: Documents not developed as a part of the formal legislative process, but developed in response to the legislation and contained in the files of the legislative or executive branch relating to the legislation, can be viewed as secondary sources. With primary sources, the statements in the documents are often presumptively reflective of legislative intent. Secondary-source statements are reflective of the discussion that was occurring during the legislative deliberations, from which intent can be collectively inferred when considered with the entire collection of materials available on the legislation.

Secondary sources might include items such as Enrolled Bill Reports or other documents from the Governor's file, documents from the legislative committee files, the files of the author of the bill, the files of organizations within the Legislature that prepare third-reading analyses or the files of state agencies. While seldom entitled to the same level of automatic presumptive weight as primary documents, individual secondary-source documents can be very probative in particular circumstances, as circumstantial evidence of intent. (See, e.g., *People v. Superior Court (Memorial Medical Center)* (1991) 234 Cal.App.3d 363 [286 Cal.Rptr. 478] [relying upon documents from a legislative committee file]; *In re York* (1995) 9 Cal.4th 1133 [40 Cal.Rptr.2d 308] [relying on a letter from the Attorney General found in many leg-

islative bill files.]; and *Kern v. County of Imperial* (1990) 226 Cal.App.3d 391 [276 Cal.Rptr. 524], relying on a statement by the sponsor of the legislation.) Additionally, sponsor statements have been found to be helpful sources of legislative intent, see *Quarterman v. Kefauver* (1997) 55 Cal.App.4th 1366, 1373 [64 Cal.Rptr.2d 741].)

One common secondary source, statements about the intent of legislation by the author of the bill, has been subject to relatively extensive discussion in appellate decisions. Authors' statements are often found in many legislative files, and in particular in the author's bill file. A series of cases from early in this century found author statements not entitled to consideration. These cases were typically addressing situations where the author of a bill, after the bill was passed, appeared in litigation to testify as to the legislative intent in enacting the bill or made other statements about the legislative intent outside legislative deliberations. These older cases often refused to consider these statements as reflective of the intent of the entire Legislature. A line of lower court cases has built upon the evidentiary approach of the rule in the older cases, taking a restrictive view that many legislative documents must always be disregarded. (See, e.g., *People v. Patterson* (1999) 72 Cal.App.4th 438, 443 [84 Cal.Rptr.2d 870].) The logical failing in these cases, in this author's view, is that they test documents by whether the document can stand alone as unimpeachable direct evidence of intent, and then accept or discard the documents accordingly. Thus, they discard the circumstantial value of documents that provide background and context to the legislative deliberations. One basic purpose of the judicial notice provisions of the Evidence Code is to provide a mechanism for courts to develop background and context.

The evolving modern understanding of the law seems to be represented by cases, in some cases decisions of the Supreme Court, recognizing that author statements made during the legislative process are probative. In some cases this finding is supported by explicit discus-

sion, more broadly support can be found in the sheer number of cases relying upon a statement by the author. (See, e.g., *California Teachers Association v. San Diego Community College District* (1981) 28 Cal.3d 692, 699 [170 Cal.Rptr. 817].)

The guidelines set forth in this 1981 case are much more restrictive than the rule one would distill from the many subsequent appellate decisions that have relied on author's statements. For an example see the Supreme Court decision of the following year, *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211, 219-220 [185 Cal.Rptr. 270]. For a case exemplifying what seems to be the evolving mechanism to harmonize the cases, see *Estate of Sanders* (1992) 2 Cal.App.4th, 462, 474, n. 15 [3 Cal.Rptr.2d 536], which states that author statements "...that cast light on the history of the measure and the arguments before the Legislature when it considered the matter – as opposed to the personal beliefs of the legislator (which may not reflect the collective view of the enacting legislative body) – are indicia of legislative intent."

Bill analyses by executive branch agencies do not fit easily into this primary/secondary source categorization. They are not a primary document in that they usually have no official status in legislative procedure. However, some executive branch documents, particularly when an agency is directly involved as a sponsor or opponent of the bill, should be viewed as more probative than other secondary documents. The official nature of agency analyses gives additional indicia of reliability beyond the fact that they appear in legislative or executive bill files. As seen in recent case law, "evolution of legislation from its introduction to its final form may provide some insight into underlying legislative intent; statements by sponsor of legislation are instructive, as are legislative committee reports on proposed legislation" (*Quarterman v. Kefauver* (1977) 55 Cal.App.4th 1366, 1373 [64 Cal.Rptr.2d 741].)

Opinions by Legislative Counsel are also difficult to classify as primary or secondary. See Raymond, Next Page

ondary. Legislative Counsel opinions are opinions addressing specific interpretation questions about particular legislation. They often are found in legislative bill files. The opinions are prepared in response to a formal request by a legislator. Legislative Counsel views their opinions as subject to the attorney-client privilege. Thus they are ordinarily provided only to the requesting legislator, who may or may not disseminate the opinion. Despite the inability to be certain if anyone actually saw the opinion, other than the legislator who requested the opinion, courts have viewed Legislative Counsel opinions as highly probative in assessing legislative intent, presumably because of the Legislative Counsel's key role in drafting legislation, and their presumed impartiality. (See *North Hollywood Project Area Committee v. City of Los Angeles* (1998) 61 Cal.App.4th 719, 723 [71 Cal.Rptr.2d 675].)

The third category of documents relating to legislative history is documents from outside the legislative process. Examples could include files from lobbying organizations, media articles about the legislation, trade publication discussion of the legislation, Law Review articles, treatises, or other materials providing background on the law. These types of documents are typically used to confirm legislative intent suggested by other documents, or to place legislation in historical context.

Legislative intent as a cost

Costs expended to obtain legislative history documentation from a commercial service have been found to qualify as costs under Code of Civil Procedure section 1033.5. (*Van DeKamp v. Gumbiner* (1990) 221 Cal.App.3d 1260, 1292 [270 Cal.Rptr.907].)

The effective date of statutes

The code sections governing the Legislature and legislation are primarily in the Government Code in the 8000 to 11,000 sequence of sections. The two sections that become pertinent to legislative intent most frequently are 9600, which governs the date statutes become effective, and 9605, which governs the effect

of two or more pieces of legislation affecting one code section in one legislative session.

Provisions in the Constitution also govern the effective date of statutes, primarily in Article IV, section 8. Some knowledgeable practitioners find Government Code Section 9600 not altogether in harmony with the Constitution. When questions arise about the effective date of statutes, it is wise to go to the Constitution first. See also the discussion on effective dates in the preliminary pages of the annotated codes.

Citing California legislative documents

The Supreme Court citation booklet provides the form for a few legislative documents, such as Chaptered Statutes, Bills and other basic documents. But many of the most useful legislative documents are not specifically discussed. The Supreme Court also provides general citation guidelines for documents not specifically covered. As the guidelines apply to legislative documents your citation usually should include all the information necessary for the court to determine the source, subject and nature of the document.

Federal legislative history authorities

A Federal Court exercising diversity jurisdiction and seeking to determine the intent of a State legislative enactment will look to the law of that state to determine how the State statute is to be interpreted, as the federal court is bound to render the same decision as would a state court. (See, generally, 28 U.S.C. § 1652, *Erie RR Co. v. Tompkins* (1938) 304 U.S. 64 [58 S.Ct. 817], and *Guaranty Trust Co. v. York* (1945) 326 U.S. 99 [65 S.Ct. 1464]. Generally state procedural rules will be followed as long as there is no direct conflict with the federal rules. (*Hauna v. Plumer* (1965) 380 U.S. 460 [85 S.Ct. 1136].) If the state and federal law do not directly supercede one another, the courts should try to follow both. (See *Gasperini v. Center for Humanities, Inc.* 518 U.S. 415 [116 S.Ct. 2211].)

If the underlying law is federal law under Federal Rule of Evidence 201, a federal court may take judicial notice of

adjudicative facts. (See generally *Sutherland on Statutory Construction*, Section 48.04) A number of courts have relied on rule 201(b) to judicially notice documents relating to local, state and federal legislative and administrative enactments. (See, e.g., *Carey v. Population Services, Int'l* (1977) 431 U.S. 678 [97 S.Ct. 2010].) Rule 201(b)(2) allows judicial notice of facts that are "capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned." Under this rule, judicial notice of the legislative history of a statute may be taken. (See *Levy v. Scranton* (N.D. N.Y. 1991) 780 F.Supp. 897, 900).

Other jurisdictions

Detailed general discussion of the importance and use of legislative intent in state and federal courts is available in a number of treatises and law review articles widely available in law libraries and/or online. Good sources to start a search for more detailed information on the applicable law in an individual jurisdiction include AM JUR, *Sutherland on Statutory Construction*, and ALR. The discussion in AM JUR 2d is in Volume 73, the annotation regarding "Statutes," beginning at Section 145. A pertinent annotation in ALR is the annotation at 70 ALR 5.

For downloadable pdfs covering and expanding on the topics covered by this article, visit <http://najfiles.net/web/reference.php>.

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Researching California Statutory Legislative History

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

Step One: Identifying the Pertinent Legislation

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

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

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

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

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

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

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

Step Two: Finding the Documents

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Some Online Sources and Contacts Useful for Legislative Intent Research

California Legislative Materials: www.leginfo.ca.gov/bilinfo.html

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

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

California Law Revision Commission: www.clrc.ca.gov

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

State agency index – Link on government link from:
www.ca.gov/state/portal/myca_homepage.jsp

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

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

Code of Federal Regulations and Federal Register:
www.access.gpo.gov/nara/cfr

Our webpage: <https://www.legislativeintent.com>.

Attachment A

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

Item	Sample language typical to code annotations	Comments
	<p>Sample Code Section 1947 -</p> <p>It shall be unlawful to do this, that or the other thing, or to do that, this or the other thing. Any violation of the section shall be a misdemeanor, unless you are a Dodger's fan, in which case it will be a felony.</p> <p>(a) Any person damaged by a violation of this section shall have a private right of action for damages. Damages shall include the fair value of:</p> <p style="padding-left: 40px;">(1) lost profits;</p> <p style="padding-left: 40px;">(2) lost wages;</p> <p style="padding-left: 40px;">(3) lost car keys; and/or</p> <p>(4) any other reasonable or unreasonable claim that arises from your fertile imagination.</p> <p>(b) Actions under this section shall be commenced within three years of the date of injury, except that actions by a person whose last name begins with R shall be tolled until such person decides they want to sue.</p>	
1.	<p>(Added by Stats.1955 c. 1200, p.4444, Section 2, amended by Stats. 1975 c. 1100, p. 3333, Section 1, Stats. 1998 c. 12, p. 344, Section 2)</p> <p style="text-align: center;">Historical and Statutory Notes</p>	<p>1. <i>At the end of the actual text of the section are legislative history annotations. When a section is repealed and reenacted rather than simply amended, the annotated codes start this history list from the most recent reenactment.</i></p> <p>2. <i>The bound volumes of Deerings and West's usually follow with historical notes where they summarize changes made since the most recent enactment or reenactment. Online or CD versions of the codes are much less reliable in their legislative history annotations.</i></p> <p>3. <i>Code maintenance references signify the amendment was making technical corrections to the Codes. Code Maintenance bills are expressly stated to have no substantive effect.</i></p>
2.	1975: Added subdivision designations, in subdivision (a) added (2).	4. Distinguish between "Former Section" which are annotations regarding (usually) statutory text on a different subject previously using the same section number, and "Derivation" which is the history of the actual language of the present section.
3.	1998: Code maintenance.	5. Low chapter number from 1930 through 1950 – may be Codification bill without substantive effect.
4.	Former Section: Stats. 1949 c. 2222, p. 2222, Section 1, amended by Stats. 1950 c.1100, p.3333, Section 2.	6. Absence of enactment annotation signifies it was enacted in 1872 Code.
5.	Derivation: Former Sample Code Section 2174 added by Stats. 1943, c. 90 , p. 1111, Section 4.	7. Annotations typical for pre-codification statutes. The language of Section 1 of the 1917 statute will be what later bills amend, but each bill has its own internal section numbering, so Section 4 of 1923 will be amending Section 1 of the 1917 act.
6.	Former Civil Code Section 9999, amended by 1907 c. 444, p. 555, Section 1	8. Very little typically available on enactments pre 1872.
7.	Stats. 1917 c. 3553, p. 5335, Section 1, Stats 1923, c.6666, p. 5555, Section 4 , Stats. 1929 c. 232, p. 232, Section 1, Stats 1935 c. 323, p. 232, Section 2.	9. California Law Revision Commission Comments are comments of the CLRC that have been formally adopted as legislative intent by the legislature through some form of official publication in the Assembly or Senate Journal.
8.	Stats. 1850 c. 123, p. 343, Section 4.	10. Legislative Committee Comment is a reproduction of reports printed in the Journal of the Senate or Assembly. They are rare, most often appearing as revisions to CLRC comments.
9.	California Law Revisions Commission Comment: We proposed this because we think it is a good idea.	
10.	Legislative Committee Comment: We do to.	

California Legislative and Regulatory Terminology

Enacted Laws - Distinguish between Statutes, Code Sections and Regulations.

Statute – A Statute is a legislative proposal that is enacted into law. Every law enacted by the legislature is enacted as a Statute.

Chaptered Statute – the Statutes enacted each year are published in Statute book. Within the volume the Statutes are organized in the order they took effect. Ordinarily that reflects the order in which the Governor approves the proposals. After the Governor signs the bill the Secretary of State assigns a Chapter number to the enacted statute, hence the term Chaptered Statute which refers to law that has been approved and assigned a Chapter number by the Secretary of State. Thus the first bill signed by the Governor in a given year is assigned as Chapter 1, the second is Chapter 2, etc.

The Chapter assigned identifies the law in the annotated codes. Following each section, the history will refer to the chaptered statutes that affected the section by a small c. or ch. Followed by a number. For example, c.123 of 1995 refers to Chapter 123 of the Statutes of 1995.

Codes - are an organizational scheme developed by legislature that effectively allows statutes to be deconstructed and reassembled in the various logical locations within already existing laws on the subject.

Uncodified Statute - A bill approved by the legislature and signed by the governor that, organizationally, has not been formatted for incorporation into a Code. Originally, all statutory law was enacted as uncodified statutes (See definition for Chaptered Statute above). Codes were created by Statutes to provide a secondary organizational structure to make the law more accessible.

Regulations are laws adopted by Regulatory agencies within the executive branch pursuant to delegations of authority by a legislature. Regulations are found in the California Code of Regulations. The legislature has no direct involvement in promulgating regulations.

Legislative Bills -

Assembly Bill/Senate Bill - A formal proposal to add, amend or repeal some provision of statutory law. Historically printed on newsprint in a roughly 5x7 format, since 1995 bills are available online at the Legislative Counsel Website. If the bill is introduced in the Assembly it is and will always be an Assembly Bill, if introduced in the Senate it is and will always be a Senate Bill. However the substantive provisions may be moved from one bill to another by amendment.

Each time a bill is amended, the bill is reprinted with the date of the amendment at the top of the first page. Thus, when the Legislature speaks of an "amended version" of a bill, they refer to the bill as it existed after the changes adopted on a particular date.

Terminology regarding the legislative process -

Concurrence - After the second house approves a bill, it goes back to the floor of the house of origin for concurrence in the other house amendments.

Consent - When a bill is considered uncontroversial, it may be presented on the floor as part of a package of bills presented simultaneously on what is called the "Consent Calendar." Floor analyses for bills on the Consent Calendar are termed consent analyses.

Fiscal Committee - Each house maintains one committee to consider all bills that might impact the state budget. Fiscal committees are not concerned with policy; their task is budgetary.

Floor - Shorthand for Assembly floor, or Senate floor; refers to matters under consideration by the entire Assembly or Senate, as opposed to matters being considered by committees composed of some portion of the entire body.

Floor analysis - When a bill is up for approval on the floor of the Senate or Assembly, each legislator receives an analysis of the bill, either a Senate Floor analysis, or an Assembly Floor analysis. Confusing matters in recent years, Assembly floor analyses of Senate bills are titled "Senate Third Reading" even though the analysis is prepared by the Assembly for use by Assembly members. The three primary forms of floor analyses are Third Reading, Concurrence and Conference Committee analyses.

Legislative Analyst - The Legislature's budget arm, counterpoint to the Governor's Department of Finance. Legislative Analyst analyses are very common in legislative files. The Legislative Analyst focuses on the state budget, which limits the utility of these analyses for legislative intent questions of substantive law.

(Political sidelight - for many years the Legislature felt it was disadvantaged in budget negotiations by the lack of trained staff, since the Governor had his Department of Finance to rely upon. But the legislative attempts to create a Legislative Analyst were repeatedly vetoed by the Governor. The Legislature finally crafted an office using Legislative Rules. Later, the Governor's relented and the office is now statutory).

Legislative Counsel – Attorneys to the Legislature, the Office of the Legislative Counsel drafts the language of bills, prepares summaries of legislation, and renders legal opinions on questions of law posed by legislators. Legislative Counsel regards their relationship with the Legislature as an attorney-client relationship, so opinions rendered to individual legislators are confidential. However, the legislators sometimes release the opinions, or deposit them in legislative files, where they become accessible to the public.

Policy Committee - Committee focusing on specific topics in the law to make the initial policy investigation into legislative bills. As an example, bills dealing with local government issues will be assigned to the Local Government Committee. The Assembly and Senate both maintain numerous standing committees on different topics that continue from session to session, and also appoint shorter-term committees from time to time to address particular topics.

Third Reading - Legislative rules require that each bill must be read on the floor three times before it can be approved. Thus when a bill is up for third reading, it is at the point of a final vote on approval/rejection.

Third Reading Analysis - The floor analysis prepared for a bill up for final vote in the Assembly or Senate.

California Specific Documents

Information on Specific Code Sections

G. A Brief Overview of Selected California Statutes

Many California statutes have long on complex histories that are not immediately apparent in a quick review of the current Codes. As an aid to your research, on this page we identify some code provisions with complex amendment histories that frequently are important to attorneys. The Code Sections discussed on this page are organized in alphabetical order by Code. For a few we summarize the history but for most of the sections listed we simply identify the original derivation. **For all the sections listed detailed breakdowns are available by Fax or e-mail upon request.**

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Business and Professions Code Sections 17000 to 17101 – The Unfair Practices Act – These sections were enacted in 1941 based on law that began evolving with a 1913 enactment. Much of the basic law evolved in the 1930's, and many amendments have occurred since 1941.

Business and Professions Code Sections 17200 to 17209 – Most of these sections were enacted in 1977, but 17208 was enacted as new law at that time. 17200 to 17207 were all simply moved over from Civil Code Sections. The basic law was first enacted in 1933. The law was explicitly expanded to include the unfair practices act in 1949. The word "unlawful" was added in 1963. In 1972 "deceptive advertising" was explicitly included in the act and DA's were authorized to bring actions. In 1974 City Attorneys of large cities were authorized to bring actions. In 1976 DA's were authorized to bring Civil actions, and the remedies were expanded beyond simple injunctive relief. 17209 was enacted in 1992.

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Civil Code Sections 1750 to 1785 - These sections were enacted in 1970, and the definitional section and a few other sections have been significantly amended since that time.

Civil Code Section 2941 – Derived from legislation originally enacted in 1850 with a number of subsequent amendments.

Civil Code 3342 - The basic language in the California Dog Bite statute was enacted in 1931, and the language regarding dog bites by police dogs was added in 1988.

CCP 1021.5 - This statute authorizing attorney fees in cases resulting in a public benefit was enacted in 1977 and amended in 1993.

CCP 1280 et sequence -These arbitration provisions were largely enacted in 1961, but much of the language was drawn from earlier arbitration statutes in the 1850's and 1920's. Some amendments have occurred since 1961.

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Health and Safety Code Sections 33459 to 33459.8 – The Polanco Redevelopment Act derives from 1990 legislation and has been amended substantively four times, and technically amended on a couple of additional times.

Labor Code - Workers Compensation Act - The first workers compensation act in California was enacted in 1911. It was a toothless (voluntary) effort, so the Legislature in 1913 enacted a much stronger measure that forms the basis for our modern workers compensation laws, with amendments in 1915 and 1917 further strengthening the act. Much of the language of the modern law derives from these early twentieth century enactments.

California Specific Documents

Historical Information

A Brief History of California Codes

The primary purpose of this document is to provide a general background on the historical development of specific California Codes to help alert you to bodies of law whose historical development may be more complex than a quick review of the codes would suggest. A secondary purpose of this section is to provide a bit of the historical context for selected provisions in California law.

When California became a state in 1850, the Legislature commenced enacting laws. All early laws were organized simply in the order in which the Governor signed bills, rather than by subject matter. As these uncodified statutes increased in number over the years, the lack of topical organization made it increasingly difficult to find the law on any particular issue. To address this organizational difficulty, the first four California Codes were created in 1872. They were the Civil Code, the Code of Civil Procedure, the Penal Code, and the Political Code. They were inspired by, and largely modeled on, the codification efforts of David Dudley Field in New York. For five decades, these remained the only California codes. Topics enacted on subjects not appropriate for one of these codes continued to be enacted as uncodified statutes.

As the volume of California law contained in uncodified statutes continued to expand, along with the attendant difficulty in gathering all the law on any particular subject, the Legislature began considering adding additional codes. They first created a School Code. Then, in the late 1920s, the Legislature created a commission, the California Code Commission, to completely review all California law and organize it into codes.

From 1930 through the early 1950s, the Code Commission labored to create most of the California Codes with which we presently deal. A few codes, such as the Family Code and the Public Contracts Code, have been created more recently, but the bulk of the present California Codes trace their origins to the Code Commission efforts during this period.

The Code Commission expressly sought to consolidate existing law without making substantive changes. In the discussions of individual codes that follow, we will generally briefly note the chaptered statute that created the code under discussion. Identifying the chaptered statute that created a particular code can be helpful in recognizing the need to look back into prior law for the source of particular statutory language.

Business & Professions Code - Primarily created by a series of small Code Commission enactments in the 1940s. Much of the licensing law contained in the first part of the code, such as the Real Estate, Contractor and Detective licensing laws, were first enacted between 1915 and 1935. The unfair practices portions of the Code, commencing with Section 16000, also largely date from the 1930s, although some small portions go back as far as the 1890s.

Civil Code - One of the original codes of 1872, much of the Civil Code derives from New York law, and in particular the New York Civil Code developed by David Dudley Field. A few of the more noteworthy bodies of law contained in the modern Civil Code, from a legislative history standpoint, include the following:

The basic consumer protection provisions contained in Sections 1750 through 1800 were first enacted in the 1970s. It is often important to review their code annotations carefully, as these sections have been frequently amended over the last couple of decades. The Mechanic's lien provisions (3097 et seq) are noteworthy due to their extraordinarily complex history. The current organization of the Mechanic's lien law was enacted in 1969, but Mechanic's lien provisions can be traced back to the 1849 Constitution, with many reorganizations and recodifications over the intervening years. Most of the current language in the law predates the 1969 enactment by many decades.

Code of Civil Procedure - The CCP was also one of the original 1872 codes, but the law has changed so much since that time it is fairly rare for the 1872 code to be pertinent to a modern CCP section. However, be alert to the fact that some of the Arbitration provisions (Sections 1280 et seq.) have language that can

be traced back to 1850. In addition, much of the present Civil Discovery Act (Sections 2016 et seq.) derives from an earlier Civil Discovery Act in 1957.

Commercial Code - The California adoption of the UCC first occurred in 1963, with periodic adoptions and amendments since that time.

Corporations Code - The general corporation law in Sections 1 to 2200 was adopted in 1975. That adoption was a major overhaul of the prior law that had been largely developed between 1929 and 1933 in old Civil Code sections, then pulled out of the Civil Code by the Code Commission to create the Corporations Code in 1947. California has had general corporation laws since the 1850s, but the law prior to 1929 has so little in common with present law that it is seldom pertinent to questions of legislative intent.

The non-profit corporation law in Section 5000 to 10,000 was enacted in 1979. Prior to that time, the general corporation law largely governed non-profit corporations, with a few minor provisions in a separate non-profit law. Again, the 1979 changes were so comprehensive that the prior law is seldom pertinent.

Some parts of the Partnership/Limited Partnership law in Sections 15000 et seq go back to the 1920s. Although the law was extensively revised in the 1980s and 1990s, the older law is still sometimes pertinent, so careful tracing of language is important when researching these provisions. LLC's (Sections 17000 et seq) were created in 1994. The first Corporate Securities law (Sections 25000 et seq) in California was enacted more than 80 years ago, but the Legislature essentially threw out the old law and enacted a completely new law in 1968, so the old law is largely little more than a historical curiosity. The Franchise Investment law in Sections 30000 et seq was enacted in 1970. There was no prior law.

Education Code - Some of the language is very old, and tracing the history can be confusing. In the 1800s, the law governing schools could be found scattered in various uncoded statutes and in the Political Code. Early in the twentieth century, the legislature created a School Code. A few years later the School Code was reorganized. A few years after the School Code reorganization, the Code Commission reorganized the law again, creating the first Education Code. Since the first Education Code, various parts of the Code have been repeatedly reorganized, and in 1976 the entire code was reorganized and recodified by Chapter 1010 of the Statutes of 1976. Be alert to the fact that no new substantive law was intended by Chapter 1010, so any Section the annotated codes cite as enacted by that Chapter is simply a re-enactment of some preexisting law.

Elections Code - The Elections Code was created in 1939, in part from the former Political Code. Since 1939, the Elections Code has been extensively reorganized, in 1962, 1975-76, and most recently in 1994. Much of the law is derived from the mid-1970s, when the Fair Political Practices Act was created.

Evidence Code - The Evidence Code was created in 1965, at the recommendation of the California Law Revision Commission. Although some sections of the CCP repealed at that time are pertinent to the history of some modern Evidence Code Sections, the Law Revision Commission comments published in the annotated codes generally identify the pertinent sections.

Family Code - Created in 1992, primarily from provisions formerly in Civil Code Sections 4000 et seq. The Civil Code Sections sometimes had histories dating back into the 1800s, but family law has changed so fundamentally since the Family Law Act in 1969 that the older law is seldom pertinent.

Financial Code – in large part based on the 1909 Bank Act, the Code Commission created the Financial Code in 1951. However, two years prior to the Code Commission effort, in 1949, a coalition of banking interests had achieved their own codification of the Bank Act as a Bank Code. Unlike the Code Commission efforts, the 1949 Bank Code made some substantive changes, and so is a potentially useful legislative history source in some cases.

Fish & Game Code – Much of this code developed long ago, when fish and game issues were much more economically important in that less technologically advanced time. Codified in 1933 and recodified in 1957. The endangered species provisions were a significant 1970 addition to the Code.

Food & Agriculture Code - Like the Fish & Game Code, much of this body of law was well-developed many decades ago, in particular the still economically important lien provisions. Codified in 1933 as the Agriculture Code, the Code was recodified in 1967, and again as the Food and Agriculture Code in 1972.

Government Code - First codified in 1943, but many portions were added piecemeal over the following couple of years, as the Code Commission struggled with the large body of law relating to Government. Provisions about which tracing questions frequently come up include:

The Fair Employment and Housing provisions. These were added to the Government Code in 1980, but that enactment was simply moving over provisions that previously were in the Labor Code and Health and Safety Code. The Fair Employment Practices Act goes back to 1959, while the Fair Housing provisions were first enacted in the early 1960s.

The Civil Service and Retirement provisions. Much of the civil service law dates back to the progressive era during Hiram Johnson's governorship, beginning in 1911. The Retirement provisions began to develop in the late 1920s.

The planning and zoning law originated as two bodies of law. The first zoning laws appeared during Hiram Johnson's term, while the first planning law appeared in the mid-1920s. The planning and zoning law was consolidated in the early 1950s, and extensively reorganized in the early 1960s. Caution: The annotated codes often do not cite a source for language in the planning and zoning law prior to the reorganization in the mid -1960s. In fact, almost all of the language was derived from the prior planning and zoning law. Compounding the difficulty, in the four-year period between 1949 and 1953, when the two laws were consolidated, the law was significantly amended or reorganized almost yearly, sometimes by more than one bill in a session. Tracing language through this time period can be very difficult.

The subdivision map act enacted in 1974 (Sections 66400 et seq) was a major reorganization and amendment of a body of law that had existed since the 1920s, and was first codified in the Business and Professions Code before being moved to the Government Code in 1974. The 1974 effort was the product of a contentious 4-year legislative battle, and during that time some changes were made to the old B&P code sections, which were then incorporated, with little comment, into the bill moving the whole works into the Government Code. This can create difficulties in tracing language to its substantive source.

Harbors & Navigation Code - Codified by Chapter 368, Statutes of 1937. Much of this code is based on law that predates 1937, so careful reading of the code annotations is important.

Health & Safety Code - Codified by Chapter 60 of 1939, and extensively reorganized and renumbered in 1997. The 1997 reorganization was so extensive the annotated codes have had difficulty providing historical derivation notes under all sections, so you may have to refer to the tables at the front of the Code. The hazardous waste provisions are a particularly complex portion of the Code simply because there were so many changes being made by the Legislature in the space of a few years. The redevelopment provisions date back to the 1940s, but have been revised and expanded repeatedly over the years.

Insurance Code - Codified by c. 145, Statutes of 1935, much of the Insurance Code was pulled out of the 1872 Civil Code, so frequently legislative research efforts will take you back to the 1872 Civil Code. The provisions regarding priorities of auto insurance in Sections 11580 et seq are a portion of the Insurance Code noteworthy for the complexity of the development of the law. The codes sometimes lead one to believe portions of the law were enacted in 1970, when in fact some language may date back as far as 1959.

Labor Code - Codified by Chapter 90, Statutes of 1937, much of the Labor Code was also pulled out of the 1872 Civil Code. The basic workers' compensation law was developed during the progressive era from 1911 to 1915, and many of the provisions regarding payment of wages, child labor and working hours also date from this time period.

Military & Veterans Code - Codified by Chapter 389, Statutes of 1935, much of this law dates from the WW II era.

Penal Code - One of the original codes from 1872, much of this law has changed so significantly that the 1872 provisions are seldom pertinent. Much of the law regarding drugs and firearms developed in the period between 1925 and 1935. The law regarding computer crimes (Section 502) first began to develop in the late 1970s.

Probate Code - Although codified in 1931 as the first effort of the Code Commission, the California Law Revision Commission has presented bills to the legislature in the last twenty-five years that have completely rewritten the Probate Law, culminating with the recodification of Chapter 79 of 1990. Relatively few provisions of the present Probate Code contain language or concepts that trace back to the law prior to 1975. However, take care in tracing the recent history of language, as the CLRC effort sometimes involved a couple of different bills affecting the same language or concepts almost simultaneously.

Public Contract Code - First codified by c. 306 of 1981. The vast majority of the sections in this Code are derived from provisions pulled primarily from the Government Code, or from previously uncoded statutes that applied to a particular district or entity.

Public Resources Code – Codified in 1939, the PRC was a low-profile collection of old bodies of law until the early 1970s, when the environmental provisions, such as CEQA and the Coastal Act, began to appear. Portions of CEQA have been amended so frequently, and repealed and re-enacted so many times, that code annotations can suggest an enactment date much later than the actual substantive appearance of particular language. In tracing CEQA language, always look carefully at any language to ensure that the language does not, in fact, trace back to the 1970s or older law.

Public Utilities Code - Created in 1951 as a Code Commission Codification of the Public Utilities Act. The annotated codes often list a 1915 reenactment of the 1911x Act as the derivation of modern sections. This can be misleading, as most of the language actually appears in the 1911x legislation, or in some cases, in early statutes applicable only to railroads.

Revenue & Taxation Code - California has had tax laws since 1850. Most old tax laws were property-based taxes. The declining property values during the Depression of the 1930s so threatened the State's fiscal integrity that the Legislature largely threw out all existing tax law and enacted the modern scheme of income, sales, and business franchise taxes. Even as the Legislature was enacting the laws, the Code Commission began working on a Revenue and Taxation Code, which was adopted in 1939 by Chapter 154. Some reorganizations have occurred since that time, most notably the recent consolidation of similar provisions of the individual and corporate income tax law.

Streets & Highways Code - Codified by Chapter 29, Statutes of 1935, some of the provisions are old law, but generally the code annotations are not particularly complex or difficult to trace to a single source provision.

Unemployment Insurance Code - Based on an uncoded statute, c. 352 of 1935, the code was not actually created until c. 308 of 1953.

Vehicle Code - The small, simple uncoded statutes to control motor vehicles that characterized the first twenty years of the twentieth century were replaced with a much more comprehensive and complex statute in 1924. That 1924 enactment was the foundation of the Vehicle Code codified by c. 27, Statutes of 1935. The Vehicle code was extensively reorganized and recoded on a couple of occasions, most recently and comprehensively by c.3 of the Statutes of 1959, a non-substantive legislative act.

Water Code - Codified by Chapter 368 of 1943. Much of the law regarding water quality was developed in two major enactments, in 1949 and 1969 respectively.

Welfare & Institutions Code - Codified in 1937, most of the provisions regarding care institutions date from social legislation enacted in the 1960's and 1970's. The provisions regarding elder and dependent

abuse began to develop in the early 1980's.

G. A Brief Overview of Selected California Statutes

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A Short History of the California Legislature

For more discussion, visit the Legislative Counsel website at <http://www.leginfo.ca.gov/pdf/caleg6.pdf>

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

2). A Brief Historical Summary

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

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

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

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

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

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

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

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

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

California Specific Documents

Public Bill Archive

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Banana Slug or Abalone?

A lobbying slugfest

A sample of the types of Legislative documents
available for California Legislation

JAN RAYMOND
LEGISLATIVE HISTORY AND LEGISLATIVE INTENT

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Assembly Bill 3007 of 1988

AB 3007 was introduced at the recommendation of the “Dynamite” Blue Birds of Redwood City, a troop of campfire girls from the author’s district (see pages 17 and 19).

The Banana Slug was recommended due to its large size and brilliant yellow color. Controversy arose when the Banana Slugs hidden secret was revealed – many banana slugs are not true to California, in fact they sleep around, being often found in both Oregon and Washington. In addition devotees of less glamorous (?) mollusks truly indigenous to California lobbied for recognition of a species of abalone as the clearly less slimy and much more edible choice whose shells also made excellent ashtrays (see pages 6 through 8 for particularly pithy discussion of the virtues of abalone and the lack of virtue in banana slugs).

The struggle over the proper state mollusk eventually landed on the desk of Governor Deukmajian. Governor Deukmajian lacked appreciation for the banana slug’s charms, and, focusing on the banana slug’s tendency to hang out in other states, vetoed the bill. One cannot avoid speculating the Governor, being from Southern California, could not stomach the thought of a State Mollusk that was only found in Northern California. Particularly in view of the culinary delight of a well-cooked abalone contrasted with the vaguely repulsive notion of braised banana slug,

Perhaps the most amazing aspect of this legislation is that the legislature managed to treat the bill with a (largely) straight face.

This report begins with an excerpt from the Final History for 1988 regarding Assembly Bill 3007. Thereafter materials regarding AB 3007 follow in chronological order.

Find Authorities on using legislative documents, definitions of legislative terms, a brief summary of the legislative process and other information pertinent to legislative history and legislative intent at our web page

www.naj.net

VOLUME 2
CALIFORNIA LEGISLATURE
AT SACRAMENTO
1987-88 REGULAR SESSION
1987-88 FIRST EXTRAORDINARY SESSION

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT,
JOINT, AND HOUSE RESOLUTIONS

Assembly Convened December 1, 1986	
Recessed December 3, 1986	Reconvened January 5, 1987
Recessed April 9, 1987	Reconvened April 20, 1987
Recessed July 16, 1987	Reconvened August 17, 1987
Recessed September 11, 1987	Reconvened January 4, 1988
Recessed March 24, 1988	Reconvened April 4, 1988
Recessed June 30, 1988	Reconvened August 1, 1988
Adjourned September 1, 1988	
Adjourned Sine Die November 30, 1988	
Legislative Days.....	246

HON. WILLIE L. BROWN JR.
Speaker

HON. MIKE ROOS
Speaker pro Tempore

HON. PHILLIP ISENBERG
Assistant Speaker pro Tempore

HON. THOMAS HANNIGAN
Majority Floor Leader

HON. PAT NOLAN
Minority Floor Leader

Compiled Under the Direction of
R. BRIAN KIDNEY
Chief Clerk

GUNVOR ENGLE
History Clerk

1930

ASSEMBLY FINAL HISTORY

A.B. No. 3007—Sher (Principal coauthor: Farr).

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

1988

- Feb. 4—Read first time. To print.
- Feb. 5—From printer. May be heard in committee March 6.
- Feb. 12—Referred to Com. on G.O.
- Mar. 7—From committee chairman, with author's amendments: Amend, and re-refer to Com. on G.O. Read second time and amended.
- Mar. 8—Re-referred to Com. on G.O. From committee: Do pass. (Ayes 11. Noes 4.) (March 8).
- Mar. 9—Read second time. To third reading.
- Mar. 17—Read third time, amended, and returned to third reading.
- Mar. 21—Read third time, passed, and to Senate. (Ayes 43. Noes 32. Page 6435.)
- Mar. 21—In Senate. Read first time. To Com. on RLS. for assignment.
- Mar. 24—Referred to Com. on RLS.
- May 5—From committee: Do pass. (Ayes 3. Noes 1.).
- May 9—Read second time. To third reading.
- May 27—Read third time, passage refused. (Ayes 18. Noes 13. Page 6194.) Motion to reconsider made by Senator Morgan. Reconsideration granted. (Ayes 37. Noes 0. Page 6194.)
- June 30—To inactive file - Senate Rule 29.
- Aug. 4—From inactive file. To second reading.
- Aug. 5—Read second time. To third reading.
- Aug. 11—Read third time, passed, and to Assembly. (Ayes 21. Noes 15. Page 7381.)
- Aug. 15—In Assembly. To enrollment.
- Aug. 17—Enrolled and to the Governor at 11 a.m.
- Aug. 29—Vetoed by Governor.
- Aug. 29—Consideration of Governor's veto pending.

A.B. No. 3008—Floyd.

An act to amend Section 203.5 of the Labor Code, relating to wages.

1988

- Feb. 4—Read first time. To print.
- Feb. 5—From printer. May be heard in committee March 6.
- Feb. 12—Referred to Com. on L. & E.
- April 6—In committee: Hearing postponed by committee.
- April 14—From committee: Do pass, and re-refer to Com. on W. & M. Re-referred. (Ayes 6. Noes 4.) (April 13).
- May 4—From committee: Do pass. (Ayes 13. Noes 10.) (May 3).
- May 5—Read second time. To third reading.
- May 31—Read third time, passage refused. (Ayes 39. Noes 31. Page 7865.)

ASSEMBLY BILL

No. 3007

**Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)**

February 4, 1988

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as introduced, Sher. State Mollusk.

Existing law designates an official state flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official state mollusk.

This bill would designate the banana slug as the official state mollusk.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 425.8 is added to the
- 2 Government Code, to read:
- 3 425.8. The banana slug is the official State Mollusk.

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Date of Hearing: March 8, 1988

AB 3007

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION
Richard E. Floyd, Chairman

AB 3007 (Sher) - As Proposed to Be Amended: March 8, 1988

SUBJECT

Should a slug be designated as State Mollusk?

DIGEST

Existing law designates a number of things as having exclusive official state status. These include: "Eureka" - State Motto; "The Golden State" - State Nickname; golden poppy (Eschscholtzia) - State Flower; California redwood (Sequoia sempervirens, Sequoia gigantea) - State Tree; California desert tortoise (Gopherus agassizi) - State Reptile; California valley quail (Lophortyx californica) - State Bird; gold and blue - State Colors; saber toothed cat (Smilodon californicus) - State Fossil; native gold - State Mineral; serpentine - State Rock; benitoite - State Gemstone; California gray whale (Eschrichtius robustus) as State Marine Mammal; California dog faced butterfly (Zerene eurydice) - State Insect; and the California grizzly bear (Ursus californicus) - State Animal.

This bill designates the banana slug as the official State Mollusk.

FISCAL EFFECT

None.

COMMENTS

1) Genesis

Naming the banana slug as State Mollusk was recommended to the author by a troop of Campfire Girls from his district. This particular slug, Ariolimax columbianus, is noteworthy because of its large size and brilliant yellow coloring. Found in damp coastal forest areas, the banana slug is indigenous to the Pacific Northwest. The banana slug is also the official school mascot of the University of California at Santa Cruz.

2) Mollusks

One of the largest groups of invertebrate animals, the phylum mollusk includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk

- continued -

AB 3007

classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalones.

3) Appropriateness

While there is usually a certain amount of discretionary license present in the designation of official state status, the general rule for such choices appears to have been centered on accepted custom and the particular uniqueness of the named object to the environs of the state. In the case of mollusks, there are a large number of different species indigenous to locales in the state, including the pismo clam (Tivela stultorum), the black abalone (Haliotis cracherodii), red abalone (Haliotis refesens), the turban shell (Tegula montereyi), the two spotted octopus (Octopus bimaculatus), common squid (Loligo opalescens), and a mussel (Mytilus californianus).

4) Which Slug Is The Right Slug?

The species Ariolimax columbianus was first identified by A. A. Gould in 1851 near the mouth of the Columbia River in Oregon. This particular banana slug has been found from Alaska to as far south as the Salinas Valley, and hence, cannot be considered indigenous to California. A subspecies, Ariolimax columbianus stramineus, however, is indigenous to central California and has been reported from Monterey to Ventura. Unfortunately, the only way a true California banana slug can be identified separately from other species is by dissecting the slug and mounting its ctenidia (respiratory organs) for examination.

Date of Hearing: March 8, 1988

AB 3007

SUPPORT

Campfire Girls of America

OPPOSITION

None registered

ASSEMBLY CONCURRENT RESOLUTION
RELATIVE TO THE OFFICIAL STATE MOLLUSK

WHEREAS Abalone shells have been found in the oldest of California archeological sites, proving that the abalone was a staple part of the diets of the earliest Californians; and

WHEREAS California has an extensive abalone fishery which contributes significantly to the state's economy; and

WHEREAS Thousands of Californians every year engage in abalone diving as a recreational activity; and

WHEREAS California is a major exporter of abalone meat; and

WHEREAS Abalones have proven to be devoted conservationists -- many giving their lives to provide a food source for California's endangered sea otters; and

WHEREAS No Californian has ever been known to have been killed by an abalone -- not even by a very angry one; and

WHEREAS Abalone tastes excellent when tenderized with a wooden mallet and quickly deep fried in a batter made up of eggs, cracker crumbs, and beer; and

WHEREAS Banana slugs are yucky yellow creatures that hide out in the mountains and have never contributed anything to California more significant than a trail of slime; and

WHEREAS No Californian has ever been known to survive eating a meal of banana slug deep fried in beer batter;

Now, therefore, be it **RESOLVED**: That the Assembly of the State of California, the Senate concurring, declares the Abalone to be the Official Mollusk of the State of California.

**SUGGESTED PRESS RELEASE
STATE MOLLUSK RESOLUTION**

NEW CANDIDATE FOR STATE MOLLUSK

Assemblyman Trice Harvey (Rep., Bakersfield) announced today that he will introduce legislation to declare the abalone to be the Official State Mollusk of California. This proposal was in response to an effort to declare the banana slug to be the State Mollusk.

"It never occurred to me that we needed an Official State Mollusk," said Harvey, "but if we are going to have one it should be the right mollusk."

"Abalone makes a much better meal than does banana slug," Harvey noted. "And abalone shells make much better ashtrays than banana slug shells." When pressed Assemblyman Harvey admitted that banana slugs do not have shells.

"Banana slugs are slimy yellow worm-like creatures which live in the mountains eating innocent plants and leaves," Harvey explained. "Abalones are noble sea creatures which populate the coast providing food for people and animals."

Mollusks are animals, such as snails, that have no bones and travel on a single "foot muscle". Shellfish, such as clams and muscles, are also classified as mollusks.

**SUGGESTED REQUEST FOR COAUTHORS
STATE MOLLUSK RESOLUTION**

Dear Fellow Assembly Members:

I was amazed to learn, recently, that California has no Official State Mollusk. Not that I really thought we needed one; I was just surprised we didn't have one.

After all, we have an Official State Nickname, an Official State Reptile, an Official State Rock, an Official State Mineral, an Official State Gemstone, an Official State Fish, an Official State Insect, and an Official State Fossil. How did mollusks escape this honor?

An effort is afoot to change this situation. And, while I have all the respect in the world for those who serve as advocates for the banana slug, I must respectfully disagree with the proposal to name the banana slug as the Official State Mollusk.

I cannot stand idly by and watch the wrong mollusk being designated the Official State Mollusk. Although the banana slug is certainly qualified, as a mollusk, for this honor, the abalone is a far superior candidate.

This is why I am seeking your coauthorship of the attached Concurrent Resolution to designate the abalone as the Official State Mollusk. The abalone has the dignity, the pride, and the disposition for this honor. Abalone tastes good too.

This promises to be a difficult battle. Our opponents are well organized and devoted to their cause. But I am ready to slug it out with them and I hope that you will join me.

I look forward to hearing from you.

Sincerely yours,

AMENDED IN ASSEMBLY MARCH 7, 1988

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

ASSEMBLY BILL

No. 3007

Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)

February 4, 1988

An act to add Section 425.8 to the Government Code,
relating to the state mollusk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as amended, Sher. State Mollusk.

Existing law designates an official state flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official state mollusk.

This bill would designate the banana slug as the official state mollusk and would make specified legislative findings and declarations regarding that designation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 425.8 is added to the
2 Government Code, to read:

3 425.8. (a) *The Legislature finds and declares as*
4 *follows:*

5 (1) *The banana slug (Ariolimax) is an indigenous*
6 *species to California.*

7 (2) *Banana slugs are rich yellow in color, closely*
8 *resembling the California state color, gold.*

9 (3) *Banana slugs live among one of California's state*
10 *trees, the coastal redwood.*

1 (4) *Banana slugs are an important link in the redwood*
2 *forest ecosystem because they feed on leaves, stems,*
3 *bulbs, tubers, other plant parts, and other organic matter,*
4 *helping speed the natural decomposition of forest wastes.*

5 (5) *Banana slugs are important to humans in that they*
6 *consume poison oak.*

7 (6) *The existence of banana slugs is a measure of a*
8 *redwood forest's vitality, making the banana slug an*
9 *important indicator species.*

10 (7) *The banana slug has long served as an educational*
11 *species for all Californians, adults and children alike,*
12 *helping them toward a better understanding of their*
13 *environment.*

14 (b) *The banana slug (Ariolimax) is the official State*
15 *Mollusk.*

AMENDED IN ASSEMBLY MARCH 17, 1988

AMENDED IN ASSEMBLY MARCH 7, 1988

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

ASSEMBLY BILL

No. 3007

Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)

February 4, 1988

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This bill would designate the banana slug as the official state mollusk and would make specified legislative findings and declarations regarding that designation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~Section 425.8 is added to the~~
- 2 ~~Government Code, to read:~~
- 3 ~~425.8. (a)~~ The Legislature finds and declares as
- 4 follows:
- 5 ~~(1)~~
- 6 (a) The banana slug (*Ariolimax*) is an indigenous
- 7 species to California.
- 8 ~~(2)~~
- 9 (b) Banana slugs are rich yellow in color, closely

1 resembling the California state color, gold.

2 ~~(3)~~

3 (c) Banana slugs live among one of California's state
4 trees, the coastal redwood.

5 ~~(4)~~

6 (d) Banana slugs are an important link in the redwood
7 forest ecosystem because they feed on leaves, stems,
8 bulbs, tubers, other plant parts, and other organic matter,
9 helping speed the natural decomposition of forest wastes.

10 ~~(5)~~

11 (e) Banana slugs are important to humans in that they
12 consume poison oak.

13 ~~(6)~~

14 (f) The existence of banana slugs is a measure of a
15 redwood forest's vitality, making the banana slug an
16 important indicator species.

17 ~~(7)~~

18 (g) The banana slug has long served as an educational
19 species for all Californians, adults and children alike,
20 helping them toward a better understanding of their
21 environment.

22 ~~(b)~~

23 *SEC. 2. Section 425.8 is added to the Government*
24 *Code, to read:*

25 425.8. The banana slug (Ariolimax) is the official State
26 Mollusk.

THIRD READING

SENATE RULES COMMITTEE

**Office of
Senate Floor Analyses**
1100 J Street, Suite 120
445-6614

Bill No.	AB 3007
Author:	Sher (D)
Amended:	3/17/88
Vote Required:	Majority

Committee Votes:

Senate Floor Vote: page 7381, 8/11/88

Assembly Bill 3007—An act to add Section 425.8 to the Government Code, relating to the state mollusk.

Bill read third time and presented by Senator Morgan.
The roll was called

Roll Call

The names of the absentees were called and AB 3007 was passed by the following vote:

AYES (21)—Senators Bergeson, Campbell, Craven, Davis, Deddeh, Dills, Bill Greene, Keene, Maddy, Marks, McCorquodale, Mello, Montoya, Morgan, Nielsen, Presley, Robbins, Roberti, Rosenthal, Torres, and Watson.

NOES (15)—Senators Alquist, Ayala, Beverly, Boatwright, Ellis, Garamendi, Cecil Green, Leroy Greene, Hart, Lockyer, Rogers, Royce, Russell, Seymour, and Vuich.

Bill ordered transmitted to the Assembly.

Assembly Floor Vote: 43-32, P. 6435, 3/21/88

SUBJECT: Official State Mollusk: Banana Slug

SOURCE: Dynamite Blue Bird Club of Campfire Boys and Girls of Redwood City

DIGEST: This bill would designate the banana slug (Ariolimax) as California's official State Mollusk.

ANALYSIS: The following are California's official state items:

Gemstone: Benitoite, Fish: California Golden Trout, Colors: Blue and Gold Ribbons, Insect: California Dog-Face Butterfly, Nickname: The Golden State, Tree: California Redwood, Song: I Love You California, Bird: California Valley Quail, Motto: Eureka, Flower: Golden Poppy, Mineral: Gold, Flag: Bear Flag, Rock: Serpentine, Fossil: Saber-toothed Cat. Animal: Grizzly Bear, Reptile: Desert Tortoise, Marine mammal: California Gray Whale.

(Recently, the Senate approved, by a vote of 21-9, SB 2460 (Kopp) which, if enacted, would designate the West Coast Swing Dance as California's official State Dance.)

Currently there is no designation of an official State Mollusk.

One of the largest groups of invertebrate animals, the mollusk, includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalone.

In the case of mollusks, there are a large number of different species indigenous to locales in the state, including the pismo clam, the black abalone, red abalone, the turban shell, the two spotted octopus, common squid, and a mussel (Mytilus californianus).

The banana slug species Ariolimax columbianus was first identified by in 1851 near the mouth of the Columbia River in Oregon. This particular banana slug has been found from Alaska to as far south as the Salinas Valley, and hence, cannot be considered indigenous to California. Subspecies, Ariolimax columbianus stramineus, Ariolimax californicus, Ariolimax californicus brachyphallus, and Ariolimax californicus dolichophallus however, are indigenous to central California and have been reported from Monterey to Ventura.

Among banana slugs' favorite foods are mushrooms, poison oak, ferns, and a variety of bulbs, leaves, tubers, twigs, and other organic matter found on the forest floor. Their strap-like tongue (radula) contains hundreds of tiny teeth, with which they grind their food. All this masticating helps speed the decomposition of a forest's wastes, and banana slugs' droppings make an excellent fertilizer for conifers.

The banana slug gets its name from its long body and its bright golden-yellow color. While most species in California have a gold tinge to them, others are spotted or even white. Scientists are not sure how long banana slugs live, but they are known to roam the woods for five years or longer.

The banana slug is the official school mascot of the University of California, Santa Cruz.

AB 3007 makes various findings including:

- The banana slug is an indigenous species to California.
- The banana slug's color resembles the California state color, gold.
- Banana slugs live among California's redwoods and substantially contribute to the forest ecosystem.

This bill designates genus Ariolimax, banana slug, as the official State Mollusk without reference to a particular species or subspecies.

SUPPORT: (Verified 5-3-88)

Dynamite Blue Bird Club of Campfire Boys and Girls of Redwood
City (Sponsor)
Redwood City School District
County of Santa Cruz
Kiwanis Club of Redwood City

OPPOSITION: (Verified 5-3-88)

Conchological Club of Southern California

ARGUMENTS IN SUPPORT: According to the author, banana slugs are important to coniferous forests because the slugs can serve as indicators of the health of the forest. To live comfortably, slugs need the moist "micro-climate"

0769

CONTINUED

created at the forest floor by the massive redwoods and other trees. Natural disasters, such as fires, or human intervention, through tree cutting and other activities, can dry the forest floor. When this happens, banana slugs are likely to suffer, and their reduced numbers may indicate important changes in the forest ecosystem.

Banana slugs exemplify the endless diversity of animal and plant life in California. As forest dwellers, they are accessible to all. For years environmental educators have used banana slugs to teach basic lessons of ecology.

ARGUMENTS IN OPPOSITION: According to the Conchological Club of Southern California, the self proclaimed oldest shell club in America, "although some slugs can be beneficial to the environment, just the name "slug" carries certain bad connotations of behavior and attitude. "The red abalone, is by far the most logical and proper choice. It is the world's largest abalone and is most desirable commercially for its size and light meat color. It is also representative of both southern and northern California as it is found along the entire length of our coastline. The name "abalone" conjures up an image of a seashell with an appealing mother-of-pearl luster, as well as an image of a beautiful, surf-swept rocky coastline for which California is famous."

FISCAL EFFECT: Fiscal Committee: no

ASSEMBLY FLOOR VOTE:

Assembly Bill No. 3007 passed by the following vote:

AYES—48

Allen	Cortese	Hauser	Polanco
Areias	Duplissac	Hill	Roos
Bader	Eastin	Hughes	Roybal-Allard
Bates	Eaves	Isenberg	Sher
Bradley	Farr	Johnston	Speier
Bronzan	Flante	Jones	Tanner
Calderon	Floyd	Killea	Tucker
Campbell	Frazee	Klehs	Waters, Maxine
Chacon	Friedman	Margolin	Waters, Norman
Condit	Hansen	Moore	Mr. Speaker
Connelly	Harvey	Peace	

NOES—12

Baker	Frizzelle	Lancaster	O'Connell
Brown, Dennis	Graham	Leonard	Quackenbush
Chandler	Hannigan	Leslie	Seastrand
Clute	Harris	Lewis	Statham
Costa	Johnson	Longshore	Stirling
Elder	Katz	McClintock	Wright
Felando	Kelley	Mountjoy	Wyman
Ferguson	La Follette	Nolan	Zelmer

Bill ordered transmitted to the Senate.

RR:jk 5/5/88 Senate Floor Analyses

03770

ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE
REPUBLICAN ANALYSIS

AB 3007 (Sher) -- STATE MOLLUSK: BANANA SLUG
Version: 3/17/88 Vice-chairperson: Frank Hill
Recommendation: Oppose Vote: Majority

Summary: Designates the banana slug as the official state mollusk. Fiscal effect: None.

Supported by "Dynamite" Blue Birds of Redwood City (sponsor).
Opposed by None on file. Governor's position: Unknown.

Comments: Why on earth do we need an official state mollusk? And the banana slug? Do we want to perpetuate our whacky image?

If we are going to have an official state mollusk, let's study the issue and choose a mollusk that enhances California's economic climate, such as the abalone.

Although some consider the banana slug useful because it eats poison oak and provides slime that helps in decomposition of the redwood forests, the slugs are truly repulsive. The banana slug also is the official mascot of U.C. Santa Cruz, bastion of liberal experimentation.

Assembly Republican Committee Vote
Governmental Organization -- 3/8/88

(11-4) Ayes: Frizzelle, Hill, Johnson, Mojonier, Mountjoy

Noes: Baker, Grisham, Statham

Assembly Republican Floor Vote -- 3/21/88

(43-32) Ayes: Allen, Bader, Bradley, Duplissea, Filante, Frazee, Hansen, Harvey, Hill, Jones

Noes: All other Republicans present & voting

Senate Republican Committee Vote

Rules -- 5/4/88

(3-1) Ayes: Craven

Noes: Ellis

Senate Republican Floor Vote -- 5/27/88

FAILED PASSAGE -- Reconsideration Granted

Consultant: Susan Ricci

ASSEMBLY THIRD READING

AB 3007 (Sher) - As Amended: March 17, 1988

ASSEMBLY ACTIONS:

COMMITTEE _____ G. O. _____ VOTE 11-4 COMMITTEE _____ VOTE _____

Ayes: Costa, Frizzelle, Johnson,
Mojonnier, Mountjoy, Sher,
Tanner, Tucker, N. Waters,
Hill, Floyd

Ayes:

Nays: Baker, Grisham, Harris,
Statham

Nays:

DIGEST

Existing law designates a number of things as having exclusive official state status. These include: "Eureka" - State Motto; "The Golden State" - State Nickname; golden poppy (Eschscholtzia) - State Flower; California redwood (Sequoia sempervirens, Sequoia gigantea) - State Tree; California desert tortoise (Gopherus agassizi) - State Reptile; California valley quail (Lophortyx californica) - State Bird; blue and gold - State Colors; saber-toothed cat (Smilodon californicus) - State Fossil; native gold - State Mineral; serpentine - State Rock; benitoite - State Gemstone; California gray whale (Eschrichtius robustus) as State Marine Mammal; California dog-faced butterfly (Zerene eurydice) - State Insect; and the California grizzly bear (Ursus californicus) - State Animal.

This bill designates the banana slug (Ariolimax) as the official State Mollusk.

FISCAL EFFECT

None

COMMENTS1) Genesis

Naming the banana slug as State Mollusk was recommended to the author by a troop of Campfire Girls from his district. This particular slug, Ariolimax columbianus, is noteworthy because of its large size and brilliant yellow coloring. Found in damp coastal forest areas, the banana slug is indigenous to the Pacific Northwest. The banana slug is also the official school mascot of the University of California at Santa Cruz.

- continued -

AB 3007

2) Mollusks

One of the largest groups of invertebrate animals, the phylum mollusk includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalones.

3) Appropriateness

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4) Which Slug is The Right Slug?

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ENROLLED BILL REPORT

AGENCY	RESOURCES	BILL NUMBER AB 3007
DEPARTMENT, BOARD OR COMMISSION Department of Fish and Game		AUTHOR Sher

I. SUBJECT:

Designate the banana slug as the official State mollusk.

II. SPONSOR:

Bay Area environmentalists and the Camp Fire Kids Club of Redwood City.

III. SUMMARY:

Existing law designates an official State flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official State mollusk.

IV. ANALYSIS:

A. Specific Findings: Bay Area environmentalists and the Redwood City Camp Fire Kids Club have recommended that the banana slug be designated by the Legislature as the official State mollusk. The slug is common in old growth redwood forests, but disappears when such areas are logged by the clear-cut method. It requires considerable moisture and is considered a good indicator species of the health of old growth forests.

B. Fiscal Impact: None.

V. ARGUMENTS PRO & CON:

A. Arguments in Support of the Bill: The banana slug requires considerable moisture and is considered a good indicator species of the health of old growth forests. Many such forests are being logged which is impacting associated flora and fauna. Publicity for the banana slug helps focus attention on the plight of old growth forests. Environmental groups support the passage of AB 3007.

B. Arguments in Opposition to the Bill: The Abalone Ad Hoc Committee, representing commercial fishing, recreational fishing, mariculture, and scientific interests concerned with the abalone resource, previously endorsed, at its February 21, 1987 meeting, designating the red abalone (another mollusk) as the State shellfish. The Committee noted that the red abalone is found from border to border in

Contact: Vern Goehring
445-9889 (day)
687-7704 (night)

RECOMMENDATION:

~~SIG~~ VETO

DEPARTMENT HEAD <i>[Signature]</i>	DATE 8/14/87	AGENCY HEAD <i>[Signature]</i>	DATE
---------------------------------------	-----------------	-----------------------------------	------

California and almost nowhere else; grows to the largest size of any abalone in the world; has a beautiful shell that has been used in trade and jewelry for thousands of years; and is the subject of important recreational and commercial fisheries in the State.

VI. LEGISLATIVE ACTION:

Senate Floor vote: Unavailable. 8-11-88 Ayes-21 - Noes 15

Assembly Floor vote: 3-1-88 P 43-32

VII. RECOMMENDATION:

The Department recommends SIGN because:

1. The designation of the banana slug as the State mollusk will help focus attention on the need to safeguard old growth forest habitat in California.
2. Other mollusks, the red abalone in particular, have special attributes that warrant such designation. However, the habitat problem facing the flora and fauna of old growth forests is of greater significance.

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California Legislature

Assembly Natural Resources Committee

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STATE CAPITOL
 P O BOX 942849
 SACRAMENTO, CA 94249-0001
 TELEPHONE (916) 445-9367

August 22, 1988

Honorable George Deukmejian
 Governor
 State Capitol
 Sacramento, California 95814

Dear Governor Deukmejian:

Assembly Bill 3007 is before you for your signature. This measure names the Banana Slug as California's Official State Mollusk.

The sponsors of this bill are the members of the Dynamite Blue Bird Club of Campfire Boys and Girls from Redwood City. Through an environmental education program, the Blue Birds came to know and respect Banana Slugs as unique members of California's environment. AB 3007 reflects the Blue Birds' efforts to recognize the special character of this animal.

Naming the Banana Slug the official State Mollusk is most appropriate. California is the only state where all five species and sub-species of Banana Slugs are found. Only one species also exists outside of the state, and its range extends to Alaska. This bill names the genus Ariolimax as the State Mollusk, without respect to a particular species or sub-species. The Banana Slug is found in coastal forests from Ventura County to the Oregon border.

Banana slugs are easy to look down on, but when you learn a little about them, you see that they are important to the well-being of the forests. Some species of Banana Slugs are colored bright yellow-gold, reminiscent of our state color. Banana Slugs grow largest, up to 12 inches, among one of our state trees, the Coast Redwoods. They have a symbiotic relationship with the Redwoods. Banana Slugs rely on the cool, moist environment at the forest floor created by mature Redwoods and, in turn, Banana Slugs consume all growth around Redwood seedlings. Further, Banana Slugs produce nitrogen, essential to Redwood growth, in a form which is readily absorbed by the trees.

Banana Slugs consume nearly any organic matter on the forest floor, including poison oak, which human beings can well do without. Banana Slugs do not leave their forest environment to attack commercial croplands.

Banana Slugs exemplify the endless diversity of animal and plant life in California. As forest dwellers, they are accessible to all.


For years, environmental educators have used Banana Slugs to teach basic lessons of ecology. AB 3007 has served to educate young people from my district and elsewhere in the state about the legislative process. An educational packet to help children learn about ecology and the legislative process was sent to 70 educators and others, from Sacramento to Los Angeles. For these reasons, I believe the bill is already a success.

I can tell from the enclosed press photograph that you are not totally unfamiliar with the virtues of the Banana Slug. They have warmed my heart as well.

Your signature will both complete the education of the Redwood City Dynamite Blue Birds, and confer recognition on an important member of our ecological community.

I respectfully request that you sign into law AB 3007, designating the Banana Slug as California's official State Mollusk.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Sher", written in a cursive style.

BYRON D. SHER
Assemblyman, 21st District

BDS:jmh
Enclosure



GEORGE DEUKMEJIAN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

August 29, 1988

To the Members of the California Assembly:

I am returning Assembly Bill No. 3007 without my signature.

This bill would designate the banana slug (*Ariolimax*) as California's official state mollusk.

The mollusk is one of the largest groups of invertebrate animals and includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, mussels, scallops, snails and slugs are all subclasses of the mollusk classification. There are a large number of different mollusk species indigenous to locales in the state, including the pismo clam, the black abalone, the red abalone, the turban shell, the two spotted octopus, common squid and a mussel (*mytilus californianus*).

The banana slug species *ariolimax* was first identified near the mouth of the Columbia River in Oregon and has been found from Alaska to as far south as the Salinas Valley.

It appears, that to the extent possible, official state items are indigenous to California. Thus, the state fish is the California Golden Trout, the insect is the California Dog-Face Butterfly, the bird is the California Valley Quail and so forth. If there is a need to designate a state mollusk, it would be more appropriate to select one that is indigenous to California and perhaps one that is more representative of the international reputation that California enjoys.

Cordially,

George Deukmejian

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Artifact of Photocopy Reproduction

**JAN RAYMOND
LEGISLATIVE HISTORY AND LEGISLATIVE INTENT
1 (888) 676-1947**

GOVERNOR'S VETO

AB 3007 (Sher) - As Amended: March 17, 1988

ASSEMBLY VOTE 75-0 (May 19, 1988) SENATE VOTE 21-15 (August 11, 1988)Original Committee Reference: G. O.DIGEST

Existing law designates a number of things as having exclusive official state status. These include: "Eureka" - State Motto; "The Golden State" - State Nickname; golden poppy (Eschscholtzia) - State Flower; California redwood (Sequoia sempervirens, Sequoia gigantea) - State Tree; California desert tortoise (Gopherus agassizi) - State Reptile; California valley quail (Lophortyx californica) - State Bird; blue and gold - State Colors; saber-toothed cat (Smilodon californicus) - State Fossil; native gold - State Mineral; serpentine - State Rock; benitoite - State Gemstone; California gray whale (Eschrichtius robustus) as State Marine Mammal; California dog-faced butterfly (Zerene eurydice) - State Insect; and the California grizzly bear (Ursus californicus) - State Animal.

As passed by the Senate and the Assembly, this bill designated the banana slug (Ariolimax) as the official State Mollusk.

FISCAL EFFECT

None

COMMENTS

The Governor stated in his veto message:

This bill would designate the banana slug (Ariolimax) as California's official state mollusk.

The mollusk is one of the largest groups of invertebrate animals and includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, mussels, scallops, snails, and slugs are all subclasses of the mollusk classification. There are a large number of different mollusk species indigenous to locales in the state, including the pismo clam, the black abalone, the red abalone, the turban shell, the two spotted octopus, common squid and a mussel (mytilus californianus).

- continued -

The banana slug species *ariolimax* was first identified near the mouth of the Columbia River in Oregon and has been found from Alaska to as far south as the Salinas Valley.

It appears, that to the extent possible, official state items are indigenous to California. Thus, the state fish is the California Golden Trout, the insect is the California Dog-Face Butterfly, the bird is the California Valley Quail and so forth. If there is a need to designate a state mollusk, it would be more appropriate to select one that is indigenous to California and perhaps one that is more representative of the international reputation that California enjoys.

Britton McFetridge
445-3451
8/30/88:ago

AB 3007
Page 2

VOLUME 1
CALIFORNIA LEGISLATURE
AT SACRAMENTO
1997-98 REGULAR SESSION

SENATE FINAL HISTORY

SHOWING ACTIONS TAKEN IN THIS SESSION ON ALL SENATE BILLS,
CONSTITUTIONAL AMENDMENTS, CONCURRENT, JOINT,
AND SENATE RESOLUTIONS

CONVENED DECEMBER 2, 1996
ADJOURNED SINE DIE NOVEMBER 30, 1998

DAYS IN SESSION 271
CALENDAR DAYS 729

LIEUTENANT GOVERNOR
President of the Senate

SENATOR JOHN L. BURTON
President pro Tempore

Compiled Under the Direction of
GREGORY SCHMIDT
Secretary of the Senate

By
DAVID H. KNEALE, ESQ.
History Clerk

S.B. No. 388—Karnette.

An act to add and repeal Section 828.01 of the Welfare and Institutions Code, relating to minors.

1997

- Feb. 14—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 18—From print. May be acted upon on or after March 20.
- Feb. 25—To Com. on CRIM. PRO.
- Mar. 31—Withdrawn from committee. Re-referred to Com. on PUB. S.
- April 7—Set for hearing April 8.
- April 15—From committee: Do pass as amended. (Ayes 6. Noes 1. Page 636.)
- April 16—Read second time. Amended. To third reading.
- May 8—Read third time. Passed. (Ayes 35. Noes 0. Page 1111.) To Assembly.
- May 8—In Assembly. Read first time. Held at Desk.
- May 15—To Com. on PUB. S.
- July 9—From committee: Do pass. (Ayes 8. Noes 0.)
- July 10—Read second time. To third reading.
- Aug. 11—Read third time. Passed. (Ayes 76. Noes 1. Page 3565.) To Senate.
- Aug. 11—In Senate. To enrollment.
- Aug. 13—Enrolled. To Governor at 3 p.m.
- Aug. 25—Approved by Governor.
- Aug. 25—Chaptered by Secretary of State. Chapter 341, Statutes of 1997.

S.B. No. 389—Monteith (Coauthor: Senator Costa) (Coauthors: Assembly Members Cardoza, House, and Prenter).

An act to add Section 425.9 to the Government Code, relating to the official state soil.

1997

- Feb. 14—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 18—From print. May be acted upon on or after March 20.
- Feb. 25—To Com. on RLS.
- Mar. 13—Set for hearing March 31.
- Mar. 20—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- April 1—From committee: Do pass. (Ayes 5. Noes 0. Page 534.)
- April 2—Read second time. To third reading.
- April 3—Read third time. Refused passage. (Ayes 18. Noes 1. Page 579.) Motion to reconsider made by Senator Monteith. Reconsideration granted.
- April 17—Read third time. Passed. (Ayes 33. Noes 1. Page 797.) To Assembly.
- April 17—In Assembly. Read first time. Held at Desk.
- May 5—To Com. on G.O.
- June 16—From committee: Do pass. To Consent Calendar.
- June 19—Read third time. Passed. (Ayes 78. Noes 0. Page 2789.) To Senate.
- June 19—In Senate. To enrollment.
- June 20—Enrolled. To Governor at 11:30 a.m.
- July 1—Returned by Governor for further action.
- July 7—Ordered returned to Assembly for further action.
- July 7—In Assembly. Held at Desk.
- July 21—Action rescinded whereby bill read third time, passed, and to Senate. Read third time. Amended: To third reading.
- Aug. 11—Read third time. Passed. (Ayes 67. Noes 4. Page 3586.) To Senate.
- Aug. 11—In Senate. To unfinished business.
- Aug. 12—Senate concurs in Assembly amendments. (Ayes 24. Noes 4. Page 2558.) To enrollment.
- Aug. 15—Enrolled. To Governor at 3 p.m.
- Aug. 20—Approved by Governor.
- Aug. 21—Chaptered by Secretary of State. Chapter 331, Statutes of 1997.

Introduced by Senator Monteith
(Coauthor: Assembly Member House)

February 14, 1997

An act to add Section 425.9 to the Government Code, relating to the official state soil.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as introduced, Monteith. Official State Soil.

This bill would express legislative intent to commemorate the completion of the state's most comprehensive soil inventory, as conducted by specified entities, by designating an official State Soil. The bill would designate San Joaquin Soil as the official State Soil, and would make legislative findings and declarations in support of that designation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to
2 commemorate the completion of the state's most
3 comprehensive soil inventory by the Professional Soil
4 Scientists Association of California, the California
5 Association of Resource Conservation Districts, the
6 national Resources Conservation Service, and students
7 and teachers of the Martin Luther King, Jr. Middle School
8 in Madera, California, by adopting an official state soil, for
9 the following reasons:

1 (a) To acknowledge the importance of the state's
2 agricultural heritage and historic legacy, since soil is the
3 keystone to agribusiness in California.

4 (b) To acknowledge the importance of soil and the
5 many benefits derived from it in everyday life.

6 (c) To establish a standard to which educators may
7 compare other soils.

8 (d) To acknowledge the need for stewardship of the
9 soil, and expose the public to conservation of one of the
10 state's most valuable resources.

11 (e) To promote awareness on the part of the general
12 public of the complex dynamics of the state's ecosystem.

13 SEC. 2. Section 425.9 is added to the Government
14 Code, to read:

15 425.9. (a) The Legislature finds and declares that San
16 Joaquin Soil is the essence of California. It covers over
17 50,000 acres of the state, and is one of four soils to be
18 originally described at the beginning of this century, and
19 the beginning of soil studies in California. San Joaquin Soil
20 is approximately 50,000 to 250,000 years old and was
21 derived from and deposited by the runoff of swollen
22 streams during the glacial period, from mountain glaciers
23 in the Sierra Nevada. It is unique in that it supports the
24 mima mound topography, which is a geomorphic feature
25 of hillock or hummocky terrain, and California is one of
26 the few places in the world where this feature occurs.

27 (b) The Legislature hereby designates San Joaquin
28 Soil as the official State Soil.

COMMITTEES:

HOUSING & LAND USE
VICE-CHAIRMAN
AGRICULTURE & WATER RESOURCES
EDUCATION
NATURAL RESOURCES & WILDLIFE
TRANSPORTATION

SELECT COMMITTEES:

CALIFORNIA'S WINE INDUSTRY

California State Senate

SENATOR
DICK MONTEITH

TWELFTH SENATORIAL DISTRICT



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MADERA OFFICE
1901 HOWARD ROAD
SUITE B
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Senate Bill 389 Committee Background Info

1) Need for the bill:

The San Joaquin Series Soil is unique because it is only found in California, and is the most common soil in the state. In addition, the San Joaquin Series Soil is quite versatile for growing a variety of crops, ranging from oranges to row crops.

Consequently, it would be appropriate to recognize the San Joaquin Series Soil as the official state soil.

2) **Bill Source:** Martin Luther King Jr. Middle School in Madera, California

3) **Similar legislation:** None

4) Support:

Professional Soil Scientists Assoc. of California

California Certified Organic Farmers

California Assoc. of Resource Conservation Districts

California State University at Fresno

California Agricultural Commissioners and Sealers Assoc.

Board of Supervisors of the County of Madera

Madera County Farm Bureau

Madera Unified School District

Soils and Biochemistry Dept., University of California at Davis

Dept. of Soil and Environmental Sciences, University of California at Riverside

Natural Resources Planning & Interpretation Department, Humboldt State University

Soil Science Department at the Calif. Polytechnic State University, San Luis Obispo

G. Sprague, Regional Forester, Pacific Southwest Region of the U.S. Forest Service
Hershel R. Read, State Conservationist, Natural Resources Conservation Service, U.S.

Dept. of Agriculture

Karl F. Hausler, Water Resources Section, State of Nebraska's Department of
Agriculture

Senator M.L. Dierks, Agriculture Committee Chair, State of Nebraska

Senators Paul Muegge and Bruce Price, Chair and Vice-Chair of the Agriculture and
Rural Development Committee, Oklahoma State Senate

5) Opposition: None at this time

6) Amendments planned: None at this time

7) Witnesses: Alex Lehman, Teacher at Martin Luther King Jr. Middle School, and a
group of his students.

8) Staff contact: Rosalie Thompson at 445-1392

San Joaquin Loam Proposed State Soil For California

History Of The San Joaquin Soil

The history of recognition and the development of the concept of the San Joaquin soil dates from the turn of the 20th century. Field operations of the United States Soil Survey, now known as the National Cooperative Soil Survey, began in 1899. The San Joaquin soil was initially documented and officially established in 1900 as one of the first four soil series recognized in California by the Survey¹. All were considered to have agricultural importance. Since then, three of these series have either been dropped from the official listings or have been combined with other soil series recognized at a later date. Thus, the San Joaquin soil is the oldest, continuously recognized soil series within the state. (More than 1900 soil series are currently recognized in California.) Close to one half million acres of this soil have now been identified and mapped in many counties of California. With proper management, this soil has produced many millions of dollars of agricultural wealth for the state's economy. Knowledge of the San Joaquin soil's properties and characteristics has become increasingly important in suburban and urban development.

As the science of soil has advanced during this century, the concept of the San Joaquin soil has evolved but has retained, as distinctive characteristics, its reddish color and its strongly cemented subsoil hardpan that limits root and water penetration. Aside from the texture and structure of the surface soil, the early descriptions of the San Joaquin soil paid little attention to the physical character of the subsoil above the hardpan. The hardpan was expected to be encountered within a depth of 6 feet. The modern concept recognizes mainly a sandy loam or loam surface soil overlying a finer textured subsoil that has a significant clay increase at its upper boundary or within some part of the subsoil. The subsoil rests abruptly on a mainly silica-cemented hardpan at depths ranging from 20 to 40 inches. With these features, plus defined ranges of other surface and subsoil properties such as color, texture, structure, consistence, pH, organic matter content, and inherent temperature and moisture characteristics, soil taxonomy now places the San Joaquin series in a fine, mixed thermic family of Abruptic Durixeralfs.

The San Joaquin soil was first recognized in the survey of the Fresno Area in 1900². At that time it was mapped as San Joaquin sandy loam on the "Red Formation" and characterized as being underlain by a "red sandstone hardpan". The soil was described as having a hog wallow (mound and swale) relief. The depth to hardpan ranged from 1 foot to 6 feet. The cementing agent for the hardpan was thought to be ferric hydrate with some lime carbonates and probably silica. About 74,500 acres were mapped.

The San Joaquin soil was next mapped in the Modesto-Turlock Area in 1909³ and described as having a "brick red" surface layer that was underlain by a "ferruginous hardpan" at depths of 15 to 60 inches. A red clay loam layer above the hardpan was recognized. About 90,000 acres were mapped.

In 1911, the San Joaquin soil was mapped in the Madera Area⁴. The concept of the soil did not change in this survey. It was noted that the soil became saturated during the rainy season and became boggy and impassable except for well traveled roads. About 138,000 acres were mapped.

The San Joaquin soil was again mapped in the 1914 update of the Fresno Area⁵. The concept of the soil did not change significantly from that of the original survey in 1900, but sandy loam and clay loam types were recognized. In addition, an increase in clay content of the subsoil above the hardpan was described in some places. Where the hardpan was less than 30 inches deep, it was noted that it was necessary to fracture the hardpan by blasting to grow fruit trees. There were about 127,000 acres mapped.

In the 1915 Reconnaissance Soil Survey of the Sacramento Valley, California by L. C. Holmes, et al, heavier (finer) textures, either clay loams or clays, were described as normally intervening between the surface soil and the hardpan in the San Joaquin soil. San Joaquin soils mapped in the Reconnaissance Soil Surveys of the San Joaquin Valley and Southern California in 1915 to 1919 were similarly described. San Joaquin soils identified in Southern California at that time have subsequently been correlated with other similar, but pedologically different soils.

During the 1920's and 1930's nine new soil surveys remapped in greater detail much of the area covered earlier by the Reconnaissance Soil Surveys of the San Joaquin and Sacramento Valleys. For the most part, but not entirely, these surveys confined their recognition of San Joaquin soils to those areas of reddish hardpan soils having a clayey subsoil resting on the hardpan. For a period of time, a very similar soil was recognized as the Rocklin series which differed from the San Joaquin series only in having thick, consolidated sediments beneath its hardpan, opposed to looser sediments beneath the San Joaquin hardpan. This was considered to be of practical importance in modifying

San Joaquin Loam, Proposed State Soil for California

2

these soils for deep rooted crops⁶. By the late 1930's and early 1940's, this concept was dropped and the Rocklin soil redefined as a reddish hardpan soil having a distinct subsoil above its hardpan, but lacking a clay pan. The character of the materials beneath the hardpans of either soil was no longer a differentiating feature since consistent determination in mapping was not feasible.

The Soil Manual for the Eleventh Farm Credit District, USDA, dated 09/01/1941, described the following concept of San Joaquin soil: "As mapped in the past (San Joaquin soil) probably included several series. As presently defined (this soil) occupies old terraces, fans, and valley plains of granitic origin, mainly on the east side of the San Joaquin and Sacramento Valleys. Topography - sloping to undulating with 'hog wallow' microrelief. Reddish brown topsoil over heavier (finer textured) subsoil containing an iron-cemented hardpan. Redder in the surface and denser hardpan than associated Madera soil. Used mostly for pasture and for dry-farmed grain. Some fruit and other crops grown with fair success where irrigated". Further description of a San Joaquin soil profile was given in the Soil Manual as follows: The surface soil reported as a reddish brown, gritty sandy loam about 14 inches thick. The subsoil reported as a sticky and very plastic brownish red sandy clay loam about 10 inches thick resting abruptly on a red or brownish red, indurated hardpan.

The oldest official description of the San Joaquin series, filed with the Soil Conservation Service, was dated January 1941 and revised August 1952. The concept was similar to that used by the Eleventh Farm Credit District except that the subsoil was described as a sandy clay with an abrupt upper and lower boundary. This was the first official description that approached the modern concept of the San Joaquin series. Subsequent field and laboratory studies have led to further revisions and to the present concept given in the attached 1988 description.

In 1983, the type location for the San Joaquin soil was relocated to a site north of Lodi, California, in San Joaquin Co. At that time, a monolith (a preserved 5 foot profile section) of the San Joaquin soil was prepared at this site and sent to the Netherlands World Soil Museum in Wageningen, Holland. Previously, the San Joaquin soil had been selected by the Soil Conservation Service as one of California's Benchmark Soils. "Benchmark Soils" is a nationwide listing of soil series considered representative of soils in Major Land Resource Areas in the U.S.

Modern soil survey maps now show the distribution of San Joaquin soils of California in Fresno, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, and Yuba Counties. They are also located in Butte Co. by an older soil survey.

Uses of the San Joaquin soil in California, as noted in the modern soil surveys of the above mentioned counties, are many and varied, depending upon cultural practices. In a natural condition San Joaquin soil supports annual range, dry farmed grain, and is often contour irrigated for pasture. Due to microrelief, San Joaquin soils supports some unique seasonal wetland habitats, known as vernal pools. Where modified by land leveling, San Joaquin soil is utilized for pasture, cotton, barley, alfalfa, and in the northern counties, rice production. When the San Joaquin is subsoiled, or deep ripped to break up the hardpan layer, it is utilized for other cash crops, such as grapes, oranges, figs, and plums. San Joaquin soil also supports many acres of suburban and urban land use.

1. Bibliography of Soil Series, by C.F. Shaw and M. Baldwin, 1938.
2. Soil Survey Around Fresno Area, Calif., by T. H. Means and J. G. Holmes, 1900.
3. Soil Survey of the Modesto-Turlock Area, Calif., by A. T. Sweet, J. F. Warner, and L. C. Holmes, 1909.
4. Soil Survey of the Madera Area, Calif., by A. T. Strahorn, H. L. Westover, L. C. Holmes, E. C. Eckman, J. W. Nelson, and C. Van Dyne, 1911.
5. Soil Survey of the Fresno Area, Calif., by A. T. Strahorn, J. W. Nelson, L. C. Holmes, and E. C. Eckman, 1914.
6. Some California Soils and Their Relationships, by C.F. Shaw, 1941.

The Origin and Formation Of The San Joaquin Soils

California's Mediterranean climate of cool, moist winters and dry, warm summers in combination with the proximity to historical falls of volcanic ash and the deposition of the glacial-fluvial alluvium from the Sierra Nevada, have all contributed to the unique genesis and morphology of the San Joaquin soils.

These soils formed in alluvium that originated from the rocks of the Sierra Nevada. The alluvium was deposited by many large rivers that flowed out of the mountains and dropped their loads of sand, silt and clay in the broad valley. This alluvium was primarily a mixture of ground up particles of granite along with some schist, quartzite and other rocks eroded by glaciers and stream action.

The San Joaquin soils now occupy old, extensive, nearly level land surfaces in the San Joaquin and lower Sacramento Valleys. These land surface are low terraces above the present flood plain and were once part of broad alluvial plains that made up the eastern part of the Central Valley floor. The San Joaquin soils are on land surfaces that have been stable for at least 50,000 years. The pedogenic processes that formed these soils are presumed to have been cyclic and occurred in response to warming and cooling periods of two previous glacial episodes in the Sierra Nevada.

The soil we see today is the result of soil forming processes that transformed the freshly deposited alluvium of long ago into a soil with four major layers or "horizons". Typically, the San Joaquin soils have a brown to reddish brown surface layer of silt loam, loam or sandy loam. This surface layer has more organic matter than the underlying horizons because plant residues and decomposing plant roots have accumulated in this layer. It is the most fertile layer of the soil.

The next layer is similar to the surface layer except it does not have an accumulation of organic matter. Iron oxides released in this layer are not masked so much and impart a redder hue to the soil when moist. The lower part of this layer is often irregularly bleached in part, the result of the removal of reddish iron oxide stains by a seasonal perched water table.

This layer rests abruptly on a brown to reddish brown clay or clay loam subsoil commonly referred to as a claypan. Depth to the claypan, that restricts root and water penetration, is about 15 to 30 inches. It is very slowly permeable and after prolonged periods of rainfall or heavy irrigations, water will accumulate above the clay pan causing drainage and aeration problems for many cultivated plants.

The fourth layer is a brown to reddish brown silica cemented hardpan identified as a duripan. The duripan has an abrupt upper boundary at a depth of 20 to 40 inches and is impervious to roots and water. It is extremely hard and can only be chipped with a pick. The duripan is one to several feet thick and is commonly less cemented with depth.

The differentiation of these layers is the result of pedogenic processes. The accumulation of clay in the claypan is a result of weathering in place of coarse soil particles to finer sized clay mineral particles. It is also the result of downward movement from overlying layers of clay particles suspended in soil water. Warm, moist conditions are necessary for the processes that cause clay to form and accumulate in soil. Periodic wetting and drying of the soil over long time spans is also necessary to form claypans. In another theory, some pedologists interpret the abrupt upper boundary of the claypan as a former land surface that was buried by younger alluvium many thousands of years ago.

The duripan formed in this soil before the clay accumulated in the subsoil. The duripan is alluvium that has been cemented together mainly by translocated silica and some iron and manganese oxides. The silica was dissolved from the granitic alluvium, or from volcanic glass of ash falls and percolated downward through the soil with water from late winter and early spring rains. At the end of spring when the rains stopped and the soil dried, the dissolved silica precipitated, causing individual sand, silt and clay particles to be cemented together. The cemented layer commonly occurs at the interface of two strata of alluvium with different porosities, particularly where layers with large pores underlay layers with finer pores. Such differences in porosity causes soil water in saturated layers with finer pores to slow or cease its downward percolation if the lower layer with large pores is dry or unsaturated. Solubilized silica and other materials in the soil water are then precipitated as the soil dries in the late spring or early summer.



Professional Soil Scientists Association of California

The Honorable Dick Montalith
Member of the Senate
State Capitol, Room 2048
Sacramento, CA 95814

January 29, 1997

ATTN: Audra

RE: California State Soil Proposal

Dear Senator:

The Professional Soil Scientists Association of California (PSSAC) is a nonprofit organization, formed in 1973, with members who have special training and experience in the identification of soil properties and in the interpretation of soil behavior. PSSAC members use their skills to develop recommendations for soil management and to assess soil potentials and limitations.

One of PSSAC's mission statements is to promote the proper use, management, and conservation of soil resources in the interest of public health and welfare. In light of this mission statement, PSSAC proposed a resolution before the California Association Resource Conservation District's (CARCD) annual conference in 1989. The purpose of proposing a state soil is to bring public attention to the importance of soils. Many of the common features of nature are not well understood or appreciated. Soil is present almost everywhere and has always been a part of our lives since the creation.

Recently PSSAC enlisted the collaboration of teachers and students of Martin Luther King Jr. Middle School in Madera. Science teacher, Alex Lehman, has taken leadership and is actively involving teachers and students in proposing the San Joaquin Soil Series as the California State Soil. PSSAC applauds Alex Lehman and his efforts to teach his students about the importance of California's natural resources and to become involved in the political process of state legislation.

PSSAC supports the efforts of Mr. Lehman, the teachers, school administrators, and especially the students who are actively involved in this project. If we can be of any service or provide additional support please call on me or Terry Cook, member of the PSSAC State Soil Committee.

Sincerely yours,

Jeff Peters, President
PSSAC
P.O. Box 3213
Yuba City, CA 95992
Phone: 510-236-6114

cc: Alexander Lehman, Martin Luther King Jr. Middle School, 601 Lilly Street, Madera, CA 93638
Terry D. Cook, 3214 Lillard Drive, Davis, CA 95616, (916) 753-1062



Madera County Farm Bureau

13314 ROAD 26 • MADERA, CALIFORNIA 93637 • (209) 674-8871 • FAX (209) 674-0529

SB 389

JOE GALLEANO
PRESIDENT

DINO PETRUCCI
FIRST VICE PRESIDENT

TOM ROGERS
SECOND VICE PRESIDENT

LARRY WESSON
TREASURER

BETTY CRAWFORD
SECRETARY-MANAGER

Resolution regarding adoption of a California Official State Soil

Whereas, Soils are protective living geomembranes through which energy, nutrients, and water pass as they nourish our land-based life; and

Whereas, soils are unchanging and lifeless. We build on it. We raise food in it. We mine mineral resources from beneath it; and

Whereas, Soil is our most basic resource - all other natural resources: the plants, the animals, and the underlying minerals, are dependent upon soil. Plants grow in soil and ultimately animals depend upon the nourishment of these plants. Thus, the plants, animals, and minerals are products of the soil; and

Whereas, soils are a recorder of our Earth's history. Land and soil have had a dramatic effect upon the history of our state and our nation. Most of the items we buy, use, and eat came from soils; and

Whereas, a team of one hundred seventy students from Martin Luther King, Jr., Middle School in Madera, under the direction of four teachers, spent countless hours in the study of soils; and

Whereas, these students' use of mathematics, science, history, English, art, music and social skills enabled them to write language for a legislative bill to adopt a state soil; and

Whereas, State Senator Dick Monteith has introduced Senate Bill 389 into the legislative process to declare the San Joaquin Soil as California's Official State Soil.

Now Be It Resolved, the Madera County Farm Bureau supports the adoption of the San Joaquin Soil as the official state soil of California; and

Be It Further Resolved, the Madera County Farm Bureau requests that the California State Senate and Assembly, adopt by resolution, the San Joaquin Soil as the official state soil for California.



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YEARS OF SUCCESS**

FEB 04 1997

California Association of Resource Conservation Districts

Honorable Dick Monteith
Senator, California State Senate
State Capitol, Room 2048
Sacramento, CA 95814

January 31, 1997

Re: State Soil

Dear Mr. Monteith:

It is with great pleasure that the California Association of Resource Conservation Districts (CARCD) is forwarding Resolution No. SI-5, passed at our 45th Annual Convention in Redding, California on September 5, 1990. This resolution supports the San Joaquin series as our California State Soil. CARCD is delighted that Mr. Alex Lehman's school class has taken on the task of gaining legislative support for the San Joaquin series as State Soil.

The concept of a State Soil had been brought before the CARCD General Assembly in previous years, and it sparked quite a debate among individual districts as to which soil should be chosen. This matter was referred to the Professional Soil Scientists Association of California (PSSAC), which formed a committee from the university, public and private sectors to advance information to our citizens about one of our most important resources—soil. Substantial work was put forth in the late 1980's by the committee when the San Joaquin soil was selected from a list of over 1900 soil types in California. This soil has endured on the list pretty much as it was described back at the turn of the last century. Apart from this, it has distinctive physical properties that make it special not only to California, but unique in the world.

Please know that we fully support this endeavor, and it has the support of a wide group of conservation interests, including the Capitol Section of the Soil And Water Conservation Society.

On behalf of CARCD and PSSAC, thank you once again for supporting Mr. Lehman's class to advance the San Joaquin series to State Soil.

Sincerely,

Sid Davis
Chairman, CARCD Soil Information Committee

Enclosures

Resolution No. SI-5

Subject: State Soil
Origin: Soil Information Activity Committee
Date: September 6, 1990

Issue

Intensive use of soils in the State of California for a wide variety of purposes has sparked significant interest in soil resources. Soils enhance the quality of surface and ground water and serve as the foundation and substrata for our bountiful agriculture, our forest and range lands, our unique wildlife habitats, our beautiful landscapes, and the homes and communities of our citizens.

Position

The San Joaquin series covers over 500,000 acres in California, is used for a wide variety of purposes, was first to be identified in the 1900 Soil Survey of the United States and endures as the only one of four originally mentioned in California, and is unique to California. The San Joaquin series is one of over 1,900 soil series mapped in California that displays a profile with unique characteristics of maximum development of soil physical properties that are useful as an educational tool.

Action

Resolved, the California Association of Resource Conservation Districts, in conference at Redding, California, November 11-14, 1990, urges the State of California to adopt the San Joaquin soil series as the State Soil.

Adopted by the California Association of Resource Conservation Districts at the 45th annual conference in Redding, California, November 14, 1990.

UNIVERSITY OF CALIFORNIA, DAVIS

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SANTA BARBARA • SANTA CRUZ

SOILS AND BIOGEOCHEMISTRY
HOAGLAND HALL
(916) 752-1406
FAX: (916) 752-1552

DAVIS, CALIFORNIA 95616-8627

3 February 1997

The Honorable Dick Monteith
Member of the Senate
2048 State Capital
Sacramento CA. 95814

Post-it® Fax Note	7671	Date: 3 Feb	# of pages: 1
To: Sen. Monteith	From: M. Singer		
Co./Dept. ATTN: AUDRA	Co. UC Davis		
Phone #	Phone # 752-7499		
Fax # 445-0773	Fax # 752-1552		

Dear Senator Monteith,

I am writing in support of the present attempt to have the San Joaquin Soil named the State Soil. Soil, along with air and water is an ultimate resource, one that cannot be easily replaced. I tell my students that soil is the "excited skin of the Earth" where we grow our food, build our structures, dispose of our waste and do other critical tasks. Yet, we take soils for granted. Having a state soil will help us to inform the general public of the importance of soil in our lives.

I thank you for taking an interest in this small but important step in recognizing the importance of soils to California.

Sincerely,

Michael J. Singer
Professor of Soil Science and
Acting Department Chairman



COLLEGE OF AGRICULTURE, CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO, CA 93407
SOIL SCIENCE DEPARTMENT · (805) 756-2261 · FAX (805) 756-5412

February 3, 1997

**The Honorable Dick Monteith
Member of the Senate
State Capitol, Room 2048
Sacramento, CA 95814**

ATTN: Audra

RE: California State Soil Proposal

Dear Senator Monteith:

The Soil Science Department at Cal Poly is the largest undergraduate soil science program in the nation. Most of our students pursue professional careers in California. Many of our alumni and faculty are members of the Professional Soil Scientists Association of California (PSSAC). Its members have special training and experience in the identification of soil properties and in the interpretation of soil behavior. PSSAC members use their skills to develop recommendations for soil management and to assess soil potentials and limitations.

One of PSSAC's mission statements is to promote the proper use, management, and conservation of soil resources in the interest of public health and welfare. In light of this mission statement, PSSAC proposed a resolution before the California Association Resource Conservation District (CARCD) annual conference in 1989. The resolution proposed establishment of a "state soil" to bring public attention to the importance of soils to the lives of Californians. Many of the common features of nature are not well understood or appreciated. Soil is present almost everywhere and has always been an important part of our lives.

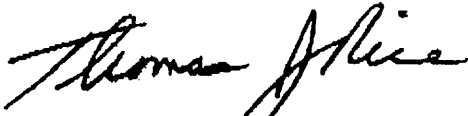
Recently PSSAC enlisted the collaboration of teachers and students of Martin Luther King Jr. Middle School in Madera. Science teacher, Alex Lehman, has taken leadership and is actively involving teachers

Senator Montelth
January 31, 1997
Page two

and students in proposing the San Joaquin Soil Series as the California State Soil. PSSAC applauds Alex Lehman and his efforts to teach his students about the importance of California's natural resources and to become involved in the political process of state legislation.

The Cal Poly Soil Science Department supports the efforts of Mr. Lehman, the teachers, school administrators, and especially the students who are actively involved in this project. If we can be of any service or provide additional support, please contact Terry D. Cook, member of the PSSAC State Soil Committee, or me.

Sincerely yours,



Thomas J. Rice, Chair
Soil Science Department

cc: Alexander Lehman
Terry D. Cook
Soil Science faculty

FEB 19 1997

Oklahoma State Senate

PAUL MUEGGE

District 20
State Capitol, Room 513-B
Oklahoma City, Oklahoma 73105
Phone: (405) 524-0126

Home: 1310 E. Tonkawa
Tonkawa, Oklahoma 74653
Phone: (405) 628-3600



CHAIRMAN

Agriculture & Rural Development

MEMBER:

Appropriations
Business & Labor
Energy, Environmental Resources
& Regulatory Affairs
Finance
Human Resources

February 13, 1997

Senator Dick Monteith
Agriculture and Water Resources Committee
State Capitol, Room 2048
Sacramento, CA 95814

Dear Senator Monteith:

It has recently come to our attention that the State of California has proposed the designation of a state soil. We would like to take a moment of your time to share with you our beliefs on the importance of documenting your states natural resources.

In 1987, the State of Oklahoma recognized the importance of officially recognizing and documenting the abundant natural resources of our great state. We discovered that the common thread that runs through the origins of our prominent industries, petroleum and agriculture, is rooted in our soil resources. The soil of our land is truly the one renewable resource that is the "food and fiber" of our lives.

We urge to give the designation of a state soil every possible consideration. Please feel free to contact our offices if we can provide any additional information that may be of value to you.

Sincerely,

A handwritten signature of Paul Muegge in cursive script, written over a horizontal line.

Senator Paul Muegge
Agriculture & Rural Development
Chairman

A handwritten signature of Bruce Price in cursive script, written over a horizontal line.

Senator Bruce Price
Agriculture & Rural Development
Vice- Chairman

FEB 19 1997 JOINT RESOLUTIONS

OFFICIAL SOIL—PORT SILT LOAM

H.J.Res.No. 1014

A JOINT RESOLUTION DESIGNATING PORT SILT LOAM AS
THE OFFICIAL SOIL OF THE STATE OF OKLAHOMA.

WHEREAS, Oklahoma is a state with bountiful resources, a state of great aesthetic and economic diversity, and a state with highly productive land and people; and

WHEREAS, Oklahoma's social and economic development is closely tied to our natural resources; and

WHEREAS, the common thread which runs through the origins of our petroleum industry to our modern day agriculture is our soil; and

WHEREAS, the diversity and productivity which has made our state great is rooted in the soil resource; and

WHEREAS, Port Silt Loam soil is a highly productive soil which can support a wide variety of crops as well as range, pasture, woodlands and native wildlife; and

WHEREAS, Port Silt Loam occurs in more counties in Oklahoma than any other soil type.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
AND THE SENATE OF THE 1ST SESSION OF THE 41ST OKLAHOMA LEGISLATURE:

SECTION 1. Port Silt Loam is hereby designated the official soil of the State of Oklahoma.

Approved April 1, 1987.

MADERA UNIFIED SCHOOL DISTRICT

APPROVED: MOTION NO. 128-1996/97DATE: MARCH 25, 1997RESOLUTION NO. 58-1996/97**Resolution No. 58-1996/97****In Support of King Middle School Project
Naming San Joaquin Soil the State Soil**

WHEREAS, the agriculture industry in California helps to feed and clothe much of the nation and world, with Madera County being an integral producer of precious agricultural commodities; and

WHEREAS, the students and staff of Martin Luther King Jr. Middle School have researched and justified the importance of soil to the agricultural process in order to name San Joaquin Soil as the Official State Soil, which is being pursued through SB 389; and,

WHEREAS, the importance of San Joaquin soil is seen statewide, covering over 500,000 acres in California and is an old soil, dating in age from 50,000 to 250,000 years and derived from runoff of swollen streams during the glacial period; and,

WHEREAS, an Official State Soil would cause others to recognize the critical importance of the soil as the major basis for the productivity of terrestrial ecosystems; and

WHEREAS, designation of a State Soil will increase public awareness of the necessity of managing the soils of the State in such a way as to encourage their continued productivity; and,


WHEREAS, establishing a State Soil will conserve a legacy and hold attention to the fact that citizens of California need to conserve the land for the well-being of future generations; and

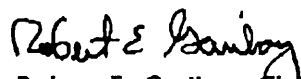
WHEREAS, the process of researching and promoting a State Soil has valuable benefits to students academically and socially;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Madera Unified School District supports San Joaquin Soil being named the Official State Soil, and

BE IT FURTHER RESOLVED, that the Board of Trustees encourages State Legislators to support this effort of Martin Luther King Jr. Middle School in declaring San Joaquin Soil the Official State Soil.

TRUSTEES: FLORES, HOULDING, ROACH, SEIBERT,
AYES: GARIBAY, AND PRESIDENT CRAFTON
NOES: NONE
ABSTENTIONS: NONE
ABSENT: TRUSTEE FINLEY


Judy Crafton, President
Board of Trustees


Robert E. Garibay, Clerk
Board of Trustees



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

2121-C Second Street
Suite 102
Davis, CA 95616
(916) 757-8200

SB 386

MAR 12 1997

MAR 07 1997

The Honorable Dick Monteith
Member of the Senate
State Capitol, Room 2048
Sacramento, CA 95814

Dear Senator Monteith:

The Natural Resources Conservation Service (NRCS) is a federal agency in the U.S. Department of Agriculture that works hand-in-hand with the American people to conserve natural resources on private lands.

The NRCS emphasizes strength in natural resource conservation: voluntary programs, technical assistance, and conservation cost-sharing. Technical assistance continues to be delivered through conservation districts, managed by locally elected officials charged by state law to develop local programs to meet local natural resource and conservation needs and priorities.

Recently, it has been brought to my attention that Alex Lehman, Science teacher at Martin Luther King Middle School in Madera, has taken leadership and is actively involving teachers and students in proposing the San Joaquin Soil Series as the California state soil.

Soil is California's greatest natural resource. To acknowledge this fact, this proposal would recognize the agricultural heritage of the state. By declaring a state soil, the State of California will be calling attention to the important role of soil in the economic as well as social life of the state.

NRCS applauds Alex Lehman and his efforts to teach his students about the importance of California's natural resources and to become involved in the political process of state legislation.

NRCS supports the efforts of Mr. Lehman, the teachers, school administrators, and especially the students who are actively involved in this project.

Sincerely,

A handwritten signature in cursive script, reading "Hershel R. Read". The signature is written in dark ink and is positioned above the printed name and title.

HERSHEL R. READ
State Conservationist

SB389

MAR 17 1997

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of)
)
)
SAN JOAQUIN OFFICIAL)
)
)
_____)

Resolution No. 97-58

A RESOLUTION SUPPORTING
LEGISLATION PROPOSING SOIL
AN OFFICIAL STATE SOIL

WHEREAS, pursuant to a greater awareness of soil as California's greatest natural resource, the students of Martin Luther King Jr. Middle School in Madera, California, together with the Professional Soil Scientists Association of California, and the California Association of Resource Conservation Districts are proposing legislation authorizing the designate of an official California State Soil, and

WHEREAS, this proposed legislation seeks to inform all citizens of the state, the nation and the world that California's most valuable asset is our land, and

WHEREAS, establishing an official state soil will acknowledgment our great Agricultural hertiage, and

WHEREAS, establishing an official state soil and will bring attention to the fact that California needs to conserve land for the well-being of future generations, and

WHEREAS, establishing an official state soil will create a standard by which educators and other professionals can compare and study other soils, and

WHEREAS, it is proposed that the SAN JOAQUIN SOIL be designated as the California State Soil, and

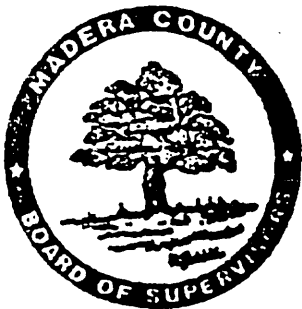
WHEREAS, the proposed San Joaquin soil covers over 500,000 acres in California, and was originally described at the beginning of the century, and has features that are unique in the world.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Madera, State of California, hereby supports the creation of an official California State soil and the designation of the San Joaquin Soil to said official status.

BE IT FURTHER RESOLVED that the Board of Supervisors endorses the proposed legislation, SB 389 sponsored by Senator Montith, Assemblyman George House and co-sponsored by all valley legislators and urges the California State legislature to adopt said legislation.

BE IT FURTHER RESOLVED that the Board of Supervisors wishes to commend the students and teachers of Martin Luther King Jr. Middle School for their efforts at bringing this important issue to the attention of the people of the great State of California and for the honor and recognition it has brought to Madera County and its citizens.

The foregoing Resolution was adopted this 11th day of March, 1997, by the following vote:



Supervisor Logoluso voted:
Supervisor Ginsburg voted:
Supervisor Hanhart McIntyre voted:
Supervisor Silva voted:
Supervisor Baker voted:

Yes
Yes
Yes
Yes
Yes

Gail Hanhart McIntyre
Chairperson, Board of Supervisors

ATTEST:

Maria Luella
Clerk, Board of Supervisors

Box 38
Ewing, Nebraska 68735

Legislative Address:
State Capitol
PO Box 94604
Lincoln, Nebraska 68509-4604
(402) 471-2618

SENATOR MERTON L. DIERKS
District No. 40



Agriculture and Water Resources Committee
State Capitol, Room 2031
Sacramento, CA 95814

Senators of the Agriculture and Water Resources Committee:

It has come to my attention that your committee will consider legislation that would designate the San Joaquin Loam as the official soil of the state of California. I am writing to support that legislation and would like to provide background of similar legislation passed in the state of Nebraska.

Nebraskans have long understood the impact of soil on our economy, culture, and history. There have been numerous legislative actions which encourage the conservation of soils. Twenty-five years ago, our state created Natural Resource Districts which oversee the water, soil and other natural resource management and conservation efforts in our state. This action sparked anew an interest in the importance of these natural resources to our state. In 1979, seven years following the creation of the NRD's, it was proposed to designate the Holdrege series as our official state soil. It was an effort to emphasize the value that citizens of this state place on our soil and to create an opportunity for awareness for through state recognition.

On April 5, 1979, the governor of Nebraska approved LB475, an act to adopt a the Holdrege series as the official state soil. Since that time, countless students, newcomers to the state, and citizens have realized the importance of soil through the designation of an official state soil. I encourage you to consider the positive impacts that similar legislation in your state will produce.

Sincerely,

A handwritten signature in cursive script, appearing to read "M.L. Dierks".

Senator M.L. Dierks
Agriculture Committee Chair

MLD/sd

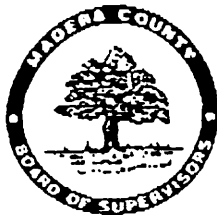
enclosure

COMMITTEES

- Chairperson, Agriculture
- Committee on Committees

- Business and Labor
- Legislative Council

- Health and Human Services



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
209 W. YOSEMITE AVENUE / MADERA, CALIFORNIA 93637
(209) 675-7700 / FAX (209) 673-3302 / TDD (209) 675-8970

MEMBERS OF THE BOARD:

PATTY LOGOLUSO
ALFRED GINSBURG
GAIL HANHART McINTYR
JESS LOPE
HARRY H. BAKE

WANDA GAVELLO, Chief Clerk of the Board

March, 1997

To whom it may concern:

Martin Luther King Middle School staff and students are to be commended on their dedicated achievement on this project. That project being to see the reality of the San Joaquin Loam to be declared the officical state soil for the state of California.

This project has been a tremendous way of bringing the studies of history, arts, science, English, math, music, government and other subjects into one blended effort. Not only have the students worked together in these areas but it has also brought the teachers to a collaborative effort.

Attending various functions and assemblies for the State Soil project I have observed a remarkable extension beyond the studies. Young men and women impeccably dressed, the use of manners, good etiquette and a standard of excellence were very evident. The combination of all these things will certainly leave a mark on these students for their future. I expressed to them that these are the kind of things that will carry with them throughout life in assuring a better job and a better quality of life for themselves.

The time and effort that have gone into this project are incredible. The historic value will be enjoyed by not only the students but their future children and grandchildren alike. The significance of their effort will surely be appreciated even more as time goes on.

I would like to offer my congratulations to Martin Luther King staff and students for making an important recognition of our valley soil a reality for our whole state and its people to be appreciated. The County of Madera are proud of them!

Sincerely,

Patty Logoluso
District 1 Supervisor

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of)	Resolution No. 97-58
)	
)	A RESOLUTION SUPPORTING
SAN JOAQUIN OFFICIAL)	LEGISLATION PROPOSING SOIL
)	AN OFFICIAL STATE SOIL
)	

WHEREAS, pursuant to a greater awareness of soil as California's greatest natural resource, the students of Martin Luther King Jr. Middle School in Madera, California, together with the Professional Soil Scientists Association of California, and the California Association of Resource Conservation Districts are proposing legislation authorizing the designate of an official California State Soil, and

WHEREAS, this proposed legislation seeks to inform all citizens of the state, the nation and the world that California's most valuable asset is our land, and

WHEREAS, establishing an official state soil will acknowledge our great Agricultural heritage, and

WHEREAS, establishing an official state soil and will bring attention to the fact that California needs to conserve land for the well-being of future generations, and

WHEREAS, establishing an official state soil will create a standard by which educators and other professionals can compare and study other soils, and

WHEREAS, it is proposed that the **SAN JOAQUIN SOIL** be designated as the California State Soil, and

WHEREAS, the proposed San Joaquin soil covers over 500,000 acres in California, and was originally described at the beginning of the century, and has features that are unique in the world.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Madera, State of California, hereby supports the creation of an official California State soil and the designation of the San Joaquin Soil to said official status.

BE IT FURTHER RESOLVED that the Board of Supervisors endorses the proposed legislation, SB 389 sponsored by Senator Montith, Assemblyman George House and co-sponsored by all valley legislators and urges the California State legislature to adopt said legislation.

BE IT FURTHER RESOLVED that the Board of Supervisors wishes to commend the students and teachers of Martin Luther King Jr. Middle School for their efforts at bringing this important issue to the attention of the people of the great State of California and for the honor and recognition it has brought to Madera County and its citizens.

The foregoing Resolution was adopted this 11th day of March, 1997, by the following vote:

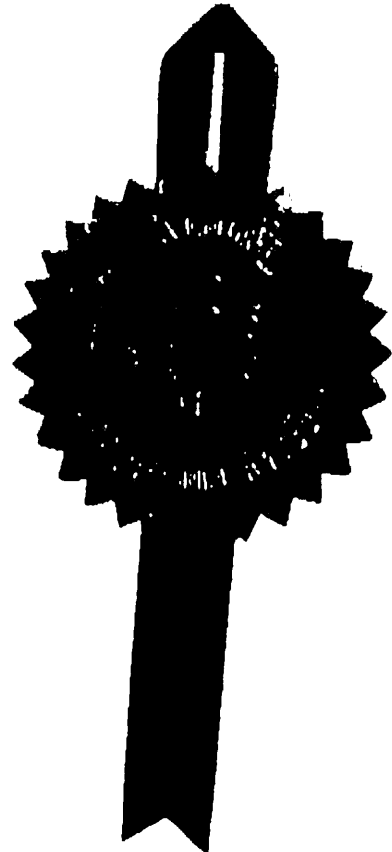
Supervisor Logoluso voted:
Supervisor Ginsburg voted:
Supervisor Hanhart McIntyre voted:
Supervisor Silva voted:
Supervisor Baker voted:

Yes
Yes
Yes
Yes
Yes

Burt Hanhart McIntyre
Chairperson, Board of Supervisors

ATTEST:

Wanda Lavello
Clerk, Board of Supervisors



STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF AGRICULTURE

P.O. BOX 30017, LANSING, MICHIGAN 48909

DAN WYANT, Director

Commission of Agriculture

David Crumbaugh
Douglas E. Darling
Shirley A. Skogman
Jordan B. Tatter
Norman R. Veliquette

March 18, 1997

Senator Jim Costa
Senator Ruben Ayala
Senator William Craven
Senator Maurice Johannessen
Senator Patrick Johnston
Senator David Kelley
Senator Quentin Kopp
Senator Dick Monteith
Senator Mike Thompson
Senator Steve Peace
Senator Cathie Wright

Dear Senators:

I understand that you are about to take up a bill designating the San Joaquin Soil Series as your State Soil. In 1990, Michigan took such a step when our Governor signed into law a bill designating Kalkaska Sand as Michigan's State Soil.

Since this time the Soil Classifiers Association of Michigan and the Michigan Chapter of the Soil and Water Conservation Society have produced a colorful State Soil Poster for distribution to schools in Michigan. We have also produced State Soil educational displays at the site where Kalkaska Sand was first described and at several state and national parks. Other displays have been set up on a rotational basis at state highway rest areas and in schools for educational presentations on our state's soil resources.

By using Kalkaska Sand as a colorful and recognizable symbol of our state soil resources, we hope to continue to promote a better understanding and appreciation of Michigan's soil resource. We feel that we have already accomplished much to assure that we all take better care of our soil and use it wisely to promote a sustainable future for Michigan.

I strongly urge you to take advantage of this opportunity to do the same thing in California. This is a small but an important step to assure a healthy soil resource in California's future.

I am enclosing some items related to Michigan's State Soil.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl F. Hausler".

Karl F. Hausler
Water Resources Section
Environmental Stewardship Division

Enclosure

cc: Alex Lehman, Martin Luther King Jr. Middle School ✓



BILL ANALYSIS

10 Rules

RESOURCES AGENCY

DEPARTMENT Forestry and Fire Protection (CDF)	AUTHOR Senator Monteith Assemblyman House	BILL NUMBER SB 389
SPONSORED BY Students at Martin Luther King, Jr. Middle School in Madera and the Professional Soil Scientists Association of California	RELATED BILLS None	AMENDED DATE As Introduced 2/14/97
SUBJECT State Soil		

A. SUMMARY

This bill would designate the San Joaquin soil series as the official State Soil

B. SPECIFIC FINDINGS

- History and Sponsorship:** This bill was introduced by Senator Monteith on February 14, 1997, and is sponsored by students at the Martin Luther King Middle School in Madera and the Professional Soil Scientists Association of California.
- Existing Law:** Government Code Sections 425 through 425.8 provides special recognition for unique natural features of California. This includes designation of an official state animal, mineral, rock, gemstone, marine mammal, fossil, and prehistoric artifact.
- Changes in Law Provided by This Bill:** This bill would add Section 425.9 to the Government Code to designate the San Joaquin Soil Series as the official State Soil.

For Information Contact: Carol Williams Bryant, Chief, Office of Legislation, 653-5333

Date: March 20, 1997

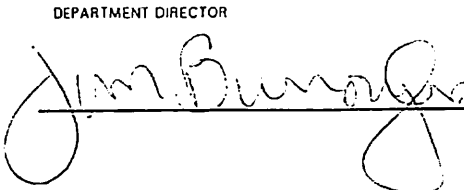
Prepared by: John Munn

DEPARTMENTS THAT MAY BE AFFECTED

Forestry and Fire Protection, Conservation, Food and Agriculture

STATE MANDATE []

GOVERNOR'S APPOINTMENT []

DEPARTMENT DIRECTOR POSITION _ S _ O _ SA _ OUA _ N _ NP <input checked="" type="checkbox"/> NA _ NAR _ DEFER _____	AGENCY SECRETARY POSITION _ S _ O _ SA _ OUA <input checked="" type="checkbox"/> N _ NP _ NA _ NAR _ DEFER _____	GOVERNOR'S OFFICE USE Position Approved _ Position Disapproved _ Position Noted _ By: Date:
DEPARTMENT DIRECTOR  DATE: 4/13/97	AGENCY SECRETARY Original Signed By Julie A. MacDonald DATE: APR 22 1997	

4. **Discussion:** Soil is among California's most valuable resources. It supports the number one agricultural industry in the world and supplies food and fiber for millions of people in California and throughout the world. Soil is a complex resource, with many variations in conditions that affect its use and management. But it is also taken for granted by the great majority of Californians. Designating a State Soil will provide a focal point around which education efforts can be developed to increase awareness about the complexity of California's soils and the importance of conserving this non-renewable resource that supports our livelihood and our environment. Based on a review of the more than 1800 different soil series identified in California, the Professional Soil Scientists Association of California has recommended the San Joaquin soil series as the best example of the range of soil properties and uses occurring statewide. It is widely distributed, supports a large number of crops and other land uses, displays a wide variety of soil characteristics that can serve to illustrate soil processes, use, and management, and has a series distribution and name that is unique to California.

C. **FISCAL EFFECT**

None.

D. **ECONOMIC IMPACT**

No direct impact. Educational programs focused on the State Soil will indirectly promote the long-term viability of industries relying on conservation of soil resources.

E. **RECOMMENDATION** : Neutral if Amended

1. **Reasons for Position:** Amendments needed to correct errors and improper use of terms.
2. **Proponents:** Professional Soil Scientists Association of California, students and teachers at Martin Luther King, Jr. Middle School in Madera, California.
3. **Opponents:** None known

March 20, 1997

PROPOSED AMENDMENTS

SB 389

ORIGINAL

SECTION 1. It is the intent of the Legislature to commemorate the ~~completion of the~~ state's most comprehensive soil inventory of California's soils conducted by the Professional Soil Scientists Association of California, the California Association of Resource Conservation Districts, the ~~national~~ Natural Resources Conservation Service, and students and teachers of the Martin Luther King, Jr. Middle School in Madera, California, by adopting an official ~~s~~State ~~s~~Soil, for the following reasons:

- (a) To acknowledge the importance of the state's agricultural heritage and historic legacy, since soil is the keystone to agribusiness in California.
- (b) To acknowledge the importance of soil and the many benefits derived from it in everyday life.
- (c) To establish a standard to which educators may compare other soils.
- (d) To acknowledge the need for stewardship of the soil, and expose the public to conservation of one of the state's most valuable resources.
- (e) To promote awareness on the part of the general public of the complex dynamics of the state's ecosystem.

SEC. 2. Section 425.9 is added to the Government Code, to read:

425.9. (a) The Legislature finds and declares that the San Joaquin ~~S~~soil series ~~is the essence of~~ represents the wide variety of soils found in California. It covers over 500,000 acres of the state, and is one of the four soils ~~to be originally described as part of the first California soil surveys~~ at the beginning of this century, and the beginning of

~~soil studies in California. San Joaquin S~~soils ~~is are~~ approximately 50,000 to 250,000 years old and ~~was are~~ derived from ~~and~~ sediments deposited by the runoff of swollen streams ~~during the glacial period,~~ from mountain glaciers in the Sierra Nevada. It is unique ~~in that it~~ because of distinct soil features that supports ~~the mima mound~~ topography, which is a geomorphic feature of hillock or hummocky terrain,~~and.~~ California is one of the few places in the world where this feature occurs.

(b) The Legislature hereby designate the San Joaquin ~~S~~soil series as the official State Soil.

AMENDED IN SENATE MARCH 20, 1997

SENATE BILL

No. 389

Introduced by Senator Monteith
~~(Coauthor: Assembly Member House)~~
(Coauthor: Senator Costa)
(Coauthors: Assembly Members Cardoza, House, and
Prenter)

February 14, 1997

An act to add Section 425.9 to the Government Code, relating to the official state soil.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as amended, Monteith. Official State Soil.

This bill would express legislative intent to commemorate the completion of the state's most comprehensive soil inventory, as conducted by specified entities, by designating an official State Soil. The bill would designate San Joaquin Soil as the official State Soil, and would make legislative findings and declarations in support of that designation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to
2 commemorate the completion of the state's most
3 comprehensive soil inventory by the Professional Soil
4 Scientists Association of California, the California
5 Association of Resource Conservation Districts, the

1 ~~national~~ *Natural* Resources Conservation Service, and
2 students and teachers of the Martin Luther King, Jr.
3 Middle School in Madera, California, by adopting an
4 official state soil, for the following reasons:

5 (a) To acknowledge the importance of the state's
6 agricultural heritage and historic legacy, since soil is the
7 keystone to agribusiness in California.

8 (b) To acknowledge the importance of soil and the
9 many benefits derived from it in everyday life.

10 (c) To establish a standard to which educators may
11 compare other soils.

12 (d) To acknowledge the need for stewardship of the
13 soil, and expose the public to conservation of one of the
14 state's most valuable resources.

15 (e) To promote awareness on the part of the general
16 public of the complex dynamics of the state's ecosystem.

17 SEC. 2. Section 425.9 is added to the Government
18 Code, to read:

19 425.9. (a) The Legislature finds and declares that San
20 Joaquin Soil is the essence of California. It covers over
21 ~~50,000~~ 500,000 acres of the state, and is one of four soils to
22 be originally described at the beginning of this century,
23 and the beginning of soil studies in California. San Joaquin
24 Soil is approximately 50,000 to 250,000 years old and was
25 derived from and deposited by the runoff of swollen
26 streams during the glacial period, from mountain glaciers
27 in the Sierra Nevada. It is unique in that it supports the
28 mima mound topography, which is a geomorphic feature
29 of hillock or hummocky terrain, and California is one of
30 the few places in the world where this feature occurs.

31 (b) The Legislature hereby designates San Joaquin
32 Soil as the official State Soil.

Date of Hearing: June 16, 1997

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION
Valerie Brown, Chair

SB 389 (Monteith) - As Amended: March 20, 1997

SENATE VOTE: 33-1

SUBJECT: Official State Soil

SUMMARY: Designates the San Joaquin Soil as the Official State Soil.
Specifically, this bill:

- 1) Commemorates the completion of the most comprehensive soil inventory in the state by adopting an official state soil.
- 2) Acknowledges the importance of soil to California's agribusiness and everyday life and the need for stewardship of the soil; establishes a standard for soil comparison; and promotes public awareness of the complex dynamics of the state's ecosystem.
- 3) Declares that the San Joaquin Soil is the essence of California, dating as far back as 50,000 to 250,000 years and covering over 500,000 acres of the state. The bill notes that the San Joaquin Soil supports the mima mound topography, a geomorphic feature of hillock or hummocky terrain, a feature that is unique in the world.

EXISTING LAW: Designates the following as official state symbols:

MOTTO: Eureka; NICKNAME: The Golden State; FLOWER: golden poppy; TREE: California redwood; REPTILE: California desert tortoise; BIRD: California valley quail; COLORS: blue and gold; INSECT: California dog-face butterfly; ANIMAL: California Grizzly Bear; MINERAL: native gold; ROCK: serpentine; MARINE MAMMAL: California gray whale; FOSSIL: saber-toothed cat; PREHISTORIC ARTIFACT: Chipped Stone Bear; DANCE: West Coast Swing Dance; FOLK DANCE: Square Dance; SONG: "I Love You, California"; GEMSTONE: benitoite; MARINE FISH: garibaldi; HISTORICAL SOCIETY: California Historical Society

FISCAL EFFECT: Negligible, if any

COMMENTS:

- 1) Purpose of the bill. According to the author, the San Joaquin Series Soil is the most common soil in California and is unique in that it is only found in the state. The author adds that the San Joaquin Series Soil can grow a variety of crops, ranging from oranges to row crops. Thus, the author argues, it is appropriate to recognize the San Joaquin Series Soil as the official State Soil.
- 2) Official State Soil designation in other states. At least three other states have designated official state soil. They include Michigan (Kalkaska Sand), Nebraska (Holdrege Series), and Oklahoma (Port Silt Loam).
- 3) Background on the San Joaquin soil. The history of recognition and the development of the concept of the San Joaquin soil dates from the turn of the

20th century. The San Joaquin soil is the oldest, continuously recognized soil series in the state. It has been selected by the Soil Conservation Service as one of California's Benchmark Soils. "Benchmark Soils" is a nationwide listing of soil series considered representative of soils in Major Land Resource Areas in the U.S.

Soil survey maps show distribution of San Joaquin soils in Butte, Fresno, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, and Yuba Counties. The San Joaquin soil is used for varying purposes. In a natural condition, it supports annual range, dry-farmed grain, and is often contour irrigated for pasture. Due to microrelief, San Joaquin soil supports some unique seasonal wetland habitats, known as vernal pools. Where modified by land leveling, San Joaquin soil is used for pasture, cotton, barley, alfalfa, and rice production. When it is subsoiled or deep ripped to break up the hardpan layer, San Joaquin soil is used for other cash crops such as grapes, oranges, figs, and plums.

REGISTERED SUPPORT / OPPOSITION (as of 6/11/97):

Support

California Agricultural Commissioners and Sealers Association
California Association of Resource Conservation Districts
California Certified Organic Farmers
California Polytechnic State University
California State University, Fresno
California State University, Humboldt
Madera County Board of Supervisors
Madera County Farm Bureau
Madera Unified School District
Professional Soil Scientists Association of California
University of California, Davis
University of California, Riverside
Senator M.L. Dierks, Agriculture Committee Chair, Nebraska State Senate
Senators Paul Muegge and Bruce Price, Agriculture Committee Chair and Vice
Chair, Oklahoma State Senate
Karl F. Hausler, Nebraska Department of Agriculture
Hershel R. Read, State Conservationist, U.S. Department of Agriculture
G. Lynn Sprague, Regional Forester, U.S. Forest Service

Opposition

None on file

Analysis prepared by: Charmette Bonpua / ago / (916)445-3451

MAR 24 1997



CALIFORNIA
STATE
UNIVERSITY,
FRESNO

March 20, 1997

The Honorable Dick Monteith
State Senator
State Capitol, Room 2048
Sacramento, CA 95814

Dear Senator Monteith;

I am writing in support of your Senate Bill 389 to establish an Official State Soil. As the professor of Soil and Water Science at CSU Fresno I am particularly interested in the acknowledgment of the soils of the state as the basis of our economic wealth and as an important, but often neglected, component of the ecosystem. I am sure that many professions feel unappreciated by society to some degree but we soil scientists have spent more than a century trying to persuade the rest of the world to protect the resource that lies just beneath their feet.

The selection of the San Joaquin series as the State Soil is an excellent choice for all of the historical, geological and agricultural reasons that are enumerated in the bill. When the State Soil has been designated, I hope that one of the examples of San Joaquin soil on the CSU Fresno farm-laboratory can be developed as a permanent display for the public and particularly educators to take advantage of the notoriety of the State Soil.

I am aware of the delicacy associated with a bill such as this. The potential criticism for trivializing the legislative process certainly exists for the uninformed. However the recognition of the value of the soil and the profession of soil science is not trivial. Of equal importance is the involvement of the students from Martin Luther King Middle School. I have had the privilege of assisting those students and teachers with the activities to support their efforts to bring this about. I have been tremendously impressed with the opportunity they are enjoying to be a part of not only a scientific profession but also the legislative process. It is impossible to be a part of this and not believe that it will be a significant factor in the future of many of those children. I am sure that my profession will gain new members from those classes. I think that government may also garner some converts and that is even more important than the benefits to soil science.

If there is anything I can do to assist the process of this bill, please contact me.

Department of
Plant Science

Agricultural Sciences
Building, 220
2415 East San Ramon M/S 72
Fresno, CA 93740-8033

209. 278-2861
Fax 209. 278-7413

Yours very truly,

A handwritten signature in black ink, appearing to read "Charles F. Krauter".

Charles F. Krauter Ph.D.
Professor of Soil and Water Science

MAR 28 1997

CALIFORNIA AGRICULTURAL COMMISSIONERS & SEALERS ASSOCIATION

255 South Auburn Street, Grass Valley, CA 95966
(916) 273-2648



March 25, 1997

Honorable Bill Lockyer, President Pro Tempore
Room 205
State Capitol
Sacramento, CA. 95814

SUBJECT: SB 389 (Montieth) State Soils Project
California Agricultural Commissioners and Sealers Association..Support

Dear Senator Lockyer:

SB 389 (Montieth) is scheduled to be heard by the Senate Rules Committee on March 31, 1997. This important piece of legislation will establish the San Joaquin Soil as our State's Official Soil. The California Agricultural Commissioners and Sealers Association (CACASA) voted to support SB 389. Our members are all 54 county agricultural commissioners representing the 58 counties in California.

The Association feels that the efforts of the students, from Team Enterprise at Martin Luther King Jr. Middle School of Madera, to draft legislation and find an author for the establishment of the San Joaquin Valley Soil as an official state soil is worthy of consideration by the legislature. The initiative and enthusiasm of these young men and women is to be commended. Certainly the importance of this project goes beyond just the establishment of an official state soil, but goes to the very heart of developing our young citizens into tomorrow's leaders.

The California Agricultural Commissioners and Sealers Association urges your support of this measure.

Sincerely,

Paul Boch
Executive Secretary
Nevada County Agricultural Commissioner

cc: Senate Member Montieth
Each Member and Consultant
Senate Rules Committee

APR 01 1997



CALIFORNIA
STATE
UNIVERSITY,
FRESNO

March 26, 1997

The Honorable Dick Monteith
State Senator
State Capitol, Room 2048
Sacramento, CA 95814

Dear Senator Monteith:

I am writing regarding Senate Bill 389 to establish an official state soil. I understand that a number of the professional agricultural organizations are supporting this effort to acknowledge the value of soil as a vital state resource. We, at California State University, Fresno, would certainly add our voices to theirs.

In particular, we would like to offer a location on our campus Farm Laboratory as a site for a permanent display of the state soil. There are nearly 100 acres of the San Joaquin series here on campus. It is valuable to us for vineyards, row crops and pastures as it is in the rest of the state. If a suitable example can be found in an area that has public access on our Farm Laboratory, we would like to be considered as a location to display the state soil in its natural setting.

Sincerely,

A handwritten signature in cursive script, reading "Daniel P. Bartell".

Daniel P. Bartell
Dean

DPB/mm

School of Agricultural
Sciences and Technology
Office of the Dean

Agricultural Sciences Bldg., 102
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Fresno, CA 93740-8033

209. 278-2061

Fax 209. 278-4496

[http://www.csufresno.edu/SAST/
default.htm](http://www.csufresno.edu/SAST/default.htm)

BILL ANALYSIS: AMENDMENTS**RESOURCES AGENCY**

DEPARTMENT Forestry and Fire Protection (CDF)	AUTHOR Senator Monteith	BILL NUMBER SB 389
SUBJECT Official State Soil		DATE LAST AMENDED March 20, 1997

- ☐ - Bill as amended no longer within scope of responsibility or program of the department.
- ☐ - Technical amendment- No change in previously (APPROVED / RECOMMENDED) position of _____.
- ☒ - Minor amendment - No change in previously (APPROVED / RECOMMENDED) position of Neutral, If Amended. See comments below.
- ☐ - Substantive amendment - Previously (APPROVED / RECOMMENDED) position of _____ should be changed to _____. See comments below.
- ☐ - Substantive amendment - No change in previously (APPROVED / RECOMMENDED) position of _____. See comments below.

Comments:

This amendment corrects errors in the name of the Natural Resources Conservation Service and acreage of San Joaquin soils as noted in earlier analysis. Proposed amendments included in the initial analysis to correct references to soil inventories, reasons for selecting San Joaquin as the State Soil, and characteristics of San Joaquin soils are still needed and support a continued position of neutral if amended.

For Information Contact: Carol Williams Bryant, Chief, Office of Legislation, (916) 653-5333

Date: April 4, 1997

Prepared by: John Munn, Forester II, Forest Practice and Regulations, (916) 653-5843

DEPARTMENTS THAT MAY BE AFFECTED

Forestry and Fire Protection, Conservation, Food and Agriculture

STATE MANDATE ☐**GOVERNOR'S APPOINTMENT ☐**

DEPARTMENT DIRECTOR POSITION _ S _ O _ SA _ OUA _ N _ NP <u>X</u> NA _ NAR _ DEFER _____	AGENCY SECRETARY POSITION _ S _ O _ SA _ OUA _ N <u>Y</u> NP _ NA _ NAR _ DEFER _____	GOVERNOR'S OFFICE USE Position Approved ____ Position Disapproved ____ Position Noted ____ By: _____ Date: _____
DEPARTMENT DIRECTOR Jim Burroughs 4/9/97	AGENCY SECRETARY APR 15 1997	DATE:

NO ANALYSIS REQUIRED

DEPARTMENT	CONSERVATION	Author	Monteith	BILL NUMBER	SB 389	
AGENCY	RESOURCES				DATE LAST AMENDED	Introduced

- ☒ Analysis Not Required of this Bill - Not within the scope of responsibility of this department.
- ☐ Technical Bill - No program or fiscal changes to existing program.
- ☐ Bill as amended no longer within scope of responsibility or program of the department and should be reviewed for reassignment to another department.

Comments:

SB 389 would designate San Joaquin Soil as the official State Soil. This recognizes the importance of soil and may increase awareness for its protection. The Department of Conservation uses soil surveys from the U.S. Department of Agriculture Natural Resources Conservation Services and land use maps from the Department of Water Resources in their farmland mapping activities. SB 389's recognition of an official State Soil would have no direct impact on these farmland mapping activities or the Farmland Mapping and Monitoring Program. The bill will be monitored throughout the legislative session for any farmland impact amendments.

Jason Marshall 3/12/97
Contact: Jason Marshall, Assistant Director
Governmental & Environmental Relations
Office: (916) 445-8733 Home: (916) 446-4628

DEPARTMENTS THAT MAY BE AFFECTED:

STATE MANDATE ☐

GOVERNOR'S APPOINTMENT ☐

Department Director Position

☐ S ☒ O
☐ SA ☐ OUA
☐ N ☒ NP
☐ NA ☐ NAR
DEFER TO

Agency Secretary Position

☐ S ☐ O
☐ SA ☐ OUA
☐ N ☒ NP
☐ NA ☐ NAR
DEFER TO

GOVERNORS OFFICE USE

Position approved _____
Position disapproved _____
Position noted _____

Department Director

Date

Agency Secretary

Original Signed By
Julie A. MacDonald

APR 7 1997

Date

SENATE COMMITTEE ON RULES
SENATOR BILL LOCKYER, CHAIRMAN
_____staff analysis

1997-98 Regular Session

Hearing: 3-31-97

Fiscal: NO

Urgency: NO

BILL NO: SB 389

AUTHOR: Monteith

Amended: 3/20/97

SUBJECT: Official State Soil

SOURCE: Martin Luther King, Jr. Middle School in Madera, California

DIGEST: This bill would designate San Joaquin Soil as the official State Soil.

ANALYSIS: Numerous categories of objects reflecting natural history themes have been legally sanctioned as state symbols by legislative bodies throughout the United States. The following are California's official state items: Motto: "Eureka", Nickname: "The Golden State", Flower: golden poppy, Tree: California redwood, Reptile: California desert tortoise, Bird: California valley quail, Colors: blue and gold, Insect: California dog-face butterfly, Animal: California grizzly bear, Mineral: gold, Rock: serpentine, Marine Mammal: California gray whale, Fossil: saber-toothed cat, Dance: West Coast Swing Dance, Folk Dance: Square Dance, Song: "I Love You, California", Gemstone: benitoite, Marine Fish: garibaldi.

Currently, there is no designation of an official state soil.

The history of recognition and the development of the concept of the San Joaquin soil dates from the turn of the 20th century. Field operations of the United States Soil Survey, now known as the National Cooperative Soil Survey, began in 1899. The San Joaquin soil was initially documented and officially established in 1900 as one of the first four soil series recognized in

Continued

California by the Survey. All were considered to have agricultural importance. Since then, three of these series have been dropped from the official listings or have been combined with other soil series recognized at a later date. Thus, the San Joaquin soil is the oldest, continuously recognized soil series within the state. (More than 1,900 soil series are currently recognized in California.) Close to one half million acres of this soil have now been identified and mapped in many counties of California.

San Joaquin Soil is approximately 50,000 to 250,000 years old and was derived from and deposited by the runoff of swollen streams during the glacial period, from mountain glaciers in the Sierra Nevada. It is unique in that it supports the mima mound topography, which is a geomorphic feature of hillock or hummocky terrain, and California is one of the few places in the world where this feature occurs.

The San Joaquin soil was selected by the Soil Conservation Service as one of California's Benchmark Soils. "Benchmark Soils" is a nationwide listing of soil series considered representative of soils in Major Land Resource Areas in the United States.

Modern soil survey maps now show the distribution of San Joaquin soils of California in Fresno, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, and Yuba Counties. They are also located in Butte County by an older soil survey.

This bill:

1. Commemorates the completion of the state's most comprehensive soil inventory by the Professional Soil Scientists Association of California, the California Association of Resource Conservation Districts, Natural Resources Conservation Service, and students and teachers of the Martin Luther King, Jr. Middle School in Madera, California by adopting an official state soil.
2. Would acknowledge the importance of the state's agricultural heritage and historic legacy, establish a standard to which educators may compare other soils, and promote awareness of the general public of the complex dynamics of the state's ecosystem.
3. Would add a section to the Government Code designating San Joaquin Soil as the official State Soil.

COMMENTS:

KALKASKA SAND: Michigan's State Soil
HOLDREGE series: Nebraska's State Soil
PORT SILT LOAM: Oklahoma's State Soil

SUPPORT: (Verified 3/26/97)

California Association of Resource Conservation Districts
California State University, Fresno,
Department of Agriculture, Lansing, Michigan
United States Department of Agriculture, Natural Resources Conservation
Service
Humboldt State University, Natural Resources Planning & Interpretation
Department
University of California, Riverside, Department of Soil and environmental
Sciences
Oklahoma State Senate, Agriculture and Rural Development
Board of Supervisors County of Madera
Professional Soil Scientists Association of California
College of Agriculture, California Polytechnic State University
University of California, Davis, Soils and Biogeochemistry
Senator M.L. Dierks, Agriculture Committee Chair, Nebraska
G. Lynn Sprague, Regional Forester, Pacific Southwest Region

ARGUMENTS IN SUPPORT: Proponents state that soil is California's greatest natural resource. They believe this proposal would recognize the agricultural heritage of the state. And, by declaring a state soil, California will be calling attention to the important role of soil in the economic as well as social life of the state. Also, they contend, that having an official "State Soil" will encourage the study of the soil, and its importance, at all levels in our society--from elementary school on up, and cultivate a desire to promote the good stewardship of our soils.

SENATE RULES COMMITTEE: GS

****END****

Continued

SENATE RULES COMMITTEE

SB 389

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 445-6614 Fax: (916) 327-4478

THIRD READING

Bill No: SB 389
Author: Monteith (R), et al
Amended: 3/20/97
Vote: 21

SENATE RULES COMMITTEE: 5-0, 3/31/97

AYES: Ayala, Brulte, Hughes, Lewis, Lockyer

SUBJECT: Official State Soil

SOURCE: Martin Luther King, Jr. Middle School in Madera, California

DIGEST: This bill designates San Joaquin Soil as the official State Soil.

ANALYSIS: Numerous categories of objects reflecting natural history themes have been legally sanctioned as state symbols by legislative bodies throughout the United States. The following are California's official state items: Motto: Eureka; Nickname: The Golden State; Flower: golden poppy; Tree: California redwood; Reptile: California desert tortoise; Bird: California valley quail; Colors: blue and gold; Insect: California dog-face butterfly; Animal: California grizzly bear; Mineral: gold; Rock: serpentine; Marine Mammal: California gray whale; Fossil: saber-toothed cat; Dance: West Coast Swing Dance; Folk Dance: Square Dance; Song: "I Love You, California"; Gemstone: benitoite; Marine Fish: garibaldi.

Currently, there is no designation of an official state soil.

The history of recognition and the development of the concept of the San Joaquin soil dates from the turn of the 20th century. Field operations of the United States Soil Survey, now known as the National Cooperative Soil

CONTINUED

Survey, began in 1899. The San Joaquin soil was initially documented and officially established in 1900 as one of the first four soil series recognized in California by the Survey. All were considered to have agricultural importance. Since then, three of these series have been dropped from the official listings or have been combined with other soil series recognized at a later date. Thus, the San Joaquin soil is the oldest, continuously recognized soil series within the state. (More than 1,900 soil series are currently recognized in California.) Close to one half million acres of this soil have now been identified and mapped in many counties of California.

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2. Would acknowledge the importance of the state's agricultural heritage and historic legacy, establish a standard to which educators may compare other soils, and promote awareness of the general public of the complex dynamics of the state's ecosystem.

CONTINUED

3. Would add a section to the Government Code designating San Joaquin Soil as the official State Soil.

Comments

KALKASKA SAND: Michigan's State Soil
HOLDREGE series: Nebraska's State Soil
PORT SILT LOAM: Oklahoma's State Soil

FISCAL EFFECT: Fiscal Com.: No

SUPPORT: (Verified 3/26/97)

California Association of Resource Conservation Districts
California State University, Fresno,
Department of Agriculture, Lansing, Michigan
United States Department of Agriculture, Natural Resources Conservation
Service
Humboldt State University, Natural Resources Planning & Interpretation
Department
University of California, Riverside, Department of Soil and environmental
Sciences
Oklahoma State Senate, Agriculture and Rural Development
Board of Supervisors County of Madera
Professional Soil Scientists Association of California
College of Agriculture, California Polytechnic State University
University of California, Davis, Soils and Biogeochemistry
Senator M.L. Dierks, Agriculture Committee Chair, Nebraska
G. Lynn Sprague, Regional Forester, Pacific Southwest Region

ARGUMENTS IN SUPPORT: Proponents state that soil is California's greatest natural resource. They believe this proposal would recognize the agricultural heritage of the state. And, by declaring a state soil, California will be calling attention to the important role of soil in the economic as well as social life of the state. Also, they contend, that having an official "State Soil" will encourage the study of the soil, and its importance, at all levels in our society--from elementary school on up, and cultivate a desire to promote the good stewardship of our soils.

GS:sl 4/1/97 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

***** END *****

COMMITTEES:

HOUSING & LAND USE
VICE-CHAIRMAN
AGRICULTURE & WATER RESOURCES
EDUCATION
NATURAL RESOURCES & WILDLIFE
TRANSPORTATION

SELECT COMMITTEES:

CALIFORNIA'S WINE INDUSTRY

California State Senate

SENATOR
DICK MONTEITH

TWELFTH SENATORIAL DISTRICT



June 11, 1997

The Honorable Valerie Brown
Chairperson
Assembly Committee on Governmental Organization
State Capitol, Room 3013
Sacramento, CA 95814

Dear Assemblywoman Brown:

I respectfully request your "aye" vote for my Senate Bill 389, which would recognize the San Joaquin Series Soil as the official state soil.

Agriculture has consistently been one of California's largest and most productive industries. Consequently, it is only appropriate that California's rich agricultural history be preserved by recognizing an official state soil. The San Joaquin Series Soil is unique because it is only found in California, and can be used to grow a variety of crops.

In addition, California currently has an official flower, tree, rock, and mineral, as well as other natural objects to reflect particular significance in the state's history. Therefore, identifying an official state soil would reasonably promote public awareness of soil as an important resource of California.

Again, I urge your support for SB 389. If I can provide additional information for you regarding my bill, please let me know. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Dick Monteith". The signature is stylized with a large, looping "D" and a long, sweeping underline.

DICK MONTEITH
Senator, 12th District

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STATE CAPITOL
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SACRAMENTO, CA 95814
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777 WEST 22ND STREET
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MERCED, CA 95340
(209) 722-4988

MADERA OFFICE
1901 HOWARD ROAD
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COMMITTEES
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TRANSPORTATION

SELECT COMMITTEES
CALIFORNIA'S WINE INDUSTRY

California State Senate

SENATOR
DICK MONTEITH

TWELFTH SENATORIAL DISTRICT



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June 18, 1997

The Honorable Cruz Bustamante
Speaker of the Assembly
State Capitol, Room 219
Sacramento, CA 95814

Dear Speaker Bustamante:

I respectfully submit a letter to the Assembly Journal to clarify the intent of my SB 389, which recognizes the San Joaquin Series Soil as the official state soil.

SB 389 is the culmination of many years of research by the Professional Soil Scientists Association of California and the students at Madera's Martin Luther King, Jr., Middle School. The main goal of SB 389 is to acknowledge the importance of soil to California's rich agricultural heritage. The San Joaquin Series Soil was chosen because it is only found in the State of California, and it is versatile in growing a variety of agricultural crops.

During the Assembly Governmental Organization Committee on June 16, 1997, I was asked by one of the Committee members if my SB 389 could be interpreted to be used for conservation efforts to protect the San Joaquin Series Soil. I responded by stating that the only intent of SB 389 was to raise the public's awareness of the importance of the Soil, and how the Soil contributes to the State's agricultural industry.

Consequently, to eliminate any further confusion regarding the application of SB 389, I would like to submit, on record, that SB 389 should not be interpreted as a conservation measure to protect the San Joaquin Series Soil, but rather as an educational tool to inform the public of the numerous benefits the Soil provides for California.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Dick Monteith". The signature is stylized with a large, sweeping "D" and a long, horizontal stroke at the end.

DICK MONTEITH
Senator, 12th Senate District

CC: Assemblyman Curt Pringle, Assembly Republican Leader
Mr. E. Dotson Wilson, Chief Clerk of the Assembly

ENROLLED BILL REPORT

AGENCY RESOURCES	BILL NUMBER SB 389
DEPARTMENT Forestry and Fire Protection (CDF)	AUTHOR Monteith

SUMMARY:

This bill would add Section 425.9 to the Government Code to establish the San Joaquin soil series as the official State Soil.

HISTORY:

This is the first year that a bill to establish a State Soil has come before the Legislature.

IMPACT ASSESMENT:

This bill would not change existing state procedures or policies.

ARGUMENTS PRO & CON:

Pro: Soil is among California's most valuable resources. It supports the number one agricultural industry in the world and supplies food and fiber for millions of people in California and throughout the world. Soil is a complex resource, with many variations in conditions that affect its use and management. But it is also taken for granted by the great majority of Californians. Designating a State Soil will provide a focal point around which education efforts can be developed to increase awareness about the complexity of California's soils and the importance of conserving this non-renewable resource that supports our livelihood and our environment. Based on a review of the more than 1800 different soil series identified in California, the Professional Soil Scientists Association of California has recommended the San Joaquin soil series as the best example of the range of soil properties and uses occurring statewide. It is widely distributed, supports a large number of crops and other land uses, displays a wide variety of soil characteristics that can serve to illustrate soil processes, use, and management, and has a series distribution and name that is unique to California.

Con: There are no known arguments against this bill.

FISCAL EFFECT:

There is no fiscal impact to the department.

For Information Contact: Carol Williams Bryant, Chief, Office of Legislation, 653-5333

Date:

Prepared by: John Munn, Forester II

RECOMMENDATION

SIGN

DEPARTMENT HEAD

DATE

AGENCY HEAD

DATE

JUN 24 1997

REASON FOR RECOMMENDATION:

Establishing a State Soil will promote awareness and educational opportunities for one of California's most important resources. The San Joaquin soil series is an excellent representative of the variety of soil conditions existing in California.

FINAL VOTE:

Senate (4/17/97)

Yes 33
No 1

Assembly (6/19/97)

Yes 78
No 0

Concurrence (_____)

Yes
No

ENROLLED BILL REPORT

DEPARTMENT OF FOOD AND AGRICULTURE	BILL NUMBER SB 389
	AUTHOR Monteith

SUMMARY: SB 389 would designate the San Joaquin Soil as the Official State Soil.

ANALYSIS: Existing law designates the following as official state symbols:

Motto	-	Eureka
Nickname	-	The Golden State
Flower	-	Golden Poppy
Tree	-	California Redwood
Reptile	-	California Desert Tortoise
Bird	-	California Valley Quail
Colors	-	Blue and Gold
Insect	-	California Dog-Faced Butterfly
Animal	-	California Grizzly Bear
Mineral	-	Native Gold
Rock	-	Serpentine
Marine Mammal	-	California Gray Whale
Fossil	-	Saber-Toothed Cat
Prehistoric Artifact	-	Chipped Stone Bear
Dance	-	West Coast Swing Dance
Folk Dance	-	Square Dance
Song	-	"I Love You, California"
Gemstone	-	Benitoite
Marine Fish	-	Garibaldi
Historic Society	-	California Historic Society

This bill would add to the official state symbols by designating San Joaquin Soil as the Official State Soil and make legislative findings and declarations in this regard.

BACKGROUND: The history of recognition and the development of the concept of the San Joaquin soil dates from the turn of the century. Field operations of the United States Soil Survey, now known as the National Cooperative Soil Survey, began in 1899. The San Joaquin soil was initially documented and officially established in 1900 as one of the first four soil series recognized in California by the survey.

Approximately 500,000 acres of this soil has been identified and mapped in California. Modern survey maps show the distribution of San Joaquin soils of California in the Counties of Fresno, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, and Yuba, with older soil survey maps indicating Butte County as one of the locations.

San Joaquin Soil is approximately 50,000 to 250,000 years old, and was deposited during the glacial period by streams swollen from runoff of melting Sierra Nevada glaciers. The soil is unique in that it supports the mima mound topography, which is a geomorphic feature of hillock or hummocky terrain. California is one of the few places in the world where this feature occurs.

Vote: Ayes 78 Ayes 33
Noes 0 Noes 1

Assembly Senate

RECOMMENDATION:

☒ SIGN ☐ VETO DEFER TO

AGENCY SECRETARY

DATE

6-25-97

The San Joaquin soil has varying uses. In a natural condition, it supports annual range, dry-farmed grain, and is often contour irrigated for pasture. Due to microrelief, San Joaquin soil supports some unique seasonal wetland habitats, known as vernal pools. Where modified by land leveling, San Joaquin soil is used for pasture, cotton, barley, alfalfa, and rice production. When it is subsoiled or deep-ripped to break up the hardpan layer, San Joaquin soil is used for other cash crops such as grapes, oranges, figs, and plums.

FISCAL IMPACT: There would be no fiscal impact resulting from the enactment of this bill.

ARGUMENTS PRO: This bill is sponsored by the Martin Luther King, Jr., Middle School in Madera, California, and is supported by the California Agricultural Commissioners and Sealers Association, the California Association of Resource Conservation Districts, the California Certified Organic Farmers, the California Polytechnic State University, California State Universities of Fresno and Humboldt, the Madera County Board of Supervisors, the Madera County Farm Bureau, the Madera United School District, the Professional Soil Scientists Association of California, the University of California at Davis and Riverside, Senator M. L. Dierks, Agriculture Committee Chair, Nebraska State Senate, Senators Paul Muegge and Bruce Price, Agricultural Committee Chair and Vice Chair, Oklahoma State Senate, Karl F. Hausler, Nebraska Department of Agriculture, Hershel R. Read, State Conservationist, U.S. Department of Agriculture, and G. Lynn Sprague, Regional Forester, U.S. Forest Service. SB 389 would acknowledge the importance of the state's agricultural heritage and historic legacy, establish a standard by which educators may compare other soils, and would promote awareness of the general public of the complex dynamics of the state's ecosystem.

ARGUMENTS CON: There has been no opposition to this legislation.

RECOMMENDATION: At least three other states have designated an official state soil. They are Michigan (Kalkaska Sand), Nebraska (Holdrege Series), and Oklahoma (Port Silt Loam). This bill would appropriately add San Joaquin Soil to California's list of official state symbols. We recommend the **Governor sign SB 389**.

COMMITTEES

HOUSING & LAND USE
VICE-CHAIRMAN
AGRICULTURE & WATER RESOURCES
EDUCATION
NATURAL RESOURCES & WILDLIFE
TRANSPORTATION

SELECT COMMITTEES

CALIFORNIA'S WINE INDUSTRY

California State Senate

SENATOR
DICK MONTEITH

TWELFTH SENATORIAL DISTRICT



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June 27, 1997

The Honorable Pete Wilson
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Dear Governor Wilson:

As you are aware, my SB 389, which recognizes the San Joaquin Series Soil as the official state soil, is before you for consideration.

SB 389 is a unique piece of legislation because it involves much effort and participation by the students of Madera's Martin Luther King, Jr., Middle School. SB 389 has served a dual purpose in offering an opportunity for the students to become familiar with the state's legislative process, as well as trying to promote the public's awareness of the importance of soil to California's rich agricultural history.

SB 389 has been one of the highlights of my district package, generating a considerable amount of attention. The students and faculty of Martin Luther King, Jr., Middle School, as well as the community of Madera have closely monitored the progress of SB 389, and anxiously await your signature. Consequently, I respectfully request that SB 389 be considered for a signing ceremony, whether here in Sacramento or in your Fresno office, as a dynamic close to a unique piece of legislation.

If there is any other information that I can provide for you regarding SB 389, please feel free to contact me.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Dick Monteith".

DICK MONTEITH
Senator, 12th District

cc: Ms. Jeanne Cain, Legislative Secretary
Ms. Heidi Urie, Governor's Office

ENROLLED BILL REPORT

AGENCY	Resources Agency	BILL NUMBER	SB 389
DEPARTMENT, BOARD OR COMMISSION		AUTHOR	Monteith

SUMMARY:

This bill would designate San Joaquin Soil as the official State Soil.

HISTORY:

This is the first year that a bill to establish a State Soil has come before the Legislature.

The Garibaldi was designated the official state marine fish in 1996. AB 77 (Morrow) prohibits the take of Garibaldi until February 1, 1999 unless there is a study showing a less than significant impact on the population of Garibaldi.

IMPACT ASSESSMENT:

This measure would adopt San Joaquin Soil as the official State Soil to, among other things:

- acknowledge the importance of the state agriculture heritage and historic legacy since soil is the keystone to agribusiness in California.
- establish a standard to which educators may compare other solid
- acknowledge the need for stewardship of the soil and expose the public to conservation of one the state's most valuable resources.

Designations of the state mineral, state bear and state flag have been interpreted to be largely ceremonial and symbolic. The bill goes beyond the ceremonial and symbolic nature by containing superfluous language and legal terms which may cause confusion to the public about the nature and effect of this designation. References to the soil creating a "standard", requiring "stewardship" and "conservation", and its "unique" nature are terms of art used in several other statutes relating to agricultural and environmental resources.

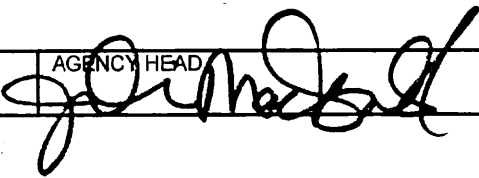
Also, this measure is inconsistent with the practice of official designations and statutory language found in Government Code sections 420.5-429 which designates various things as official state objects. Official designations are listed in the statutes without words which could be subject to interpretation.

Prepared by: Naomi Cooper

For information contact: Julie MacDonald
Deputy Secretary for Legislation
phone: 653-5698
pager: 697-9700

RECOMMENDATION:

VETO

DEPARTMENT HEAD	DATE	AGENCY HEAD	DATE
			7/2/97

ARGUMENTS PRO AND CON:

Pro: This measure would establish a state soil after review of more than 1800 soil series identified in California.

Con: This measure would set a precedent by establishing official state designations which go beyond a ceremonial or symbolic nature.

FISCAL IMPACT:

There is not fiscal impact unless the measure is interpreted to be used as a conservation measure

AMENDED IN ASSEMBLY JULY 21, 1997

AMENDED IN SENATE MARCH 20, 1997

SENATE BILL

No. 389

Introduced by Senator Monteith

(Coauthor: Senator Costa)

(Coauthors: Assembly Members Cardoza, House, and
Prenter)

February 14, 1997

An act to add Section 425.9 to the Government Code,
relating to the official state soil.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as amended, Monteith. Official State Soil.

This bill would express legislative intent to commemorate the completion of the state's most comprehensive soil inventory, as conducted by specified entities, by designating an official State Soil. The bill would designate San Joaquin Soil as the official State Soil, and would make legislative findings and declarations in support of that designation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to
2 commemorate the completion of the state's most
3 comprehensive soil inventory by the Professional Soil
4 Scientists Association of California, the California

1 Association of Resource Conservation Districts, the
2 Natural Resources Conservation Service, and students
3 and teachers of the Martin Luther King, Jr. Middle School
4 in Madera, California, by adopting an official state soil, ~~for~~
5 ~~the following reasons:~~

6 ~~(a) To acknowledge the importance of the state's~~
7 ~~agricultural heritage and historic legacy, since soil is the~~
8 ~~keystone to agribusiness in California.~~

9 ~~(b) To to promote awareness of, and to acknowledge~~
10 ~~the importance of, soil and the many benefits derived~~
11 ~~from it in everyday life.~~

12 ~~(c) To establish a standard to which educators may~~
13 ~~compare other soils.~~

14 ~~(d) To acknowledge the need for stewardship of the~~
15 ~~soil, and expose the public to conservation of one of the~~
16 ~~state's most valuable resources.~~

17 ~~(e) To promote awareness on the part of the general~~
18 ~~public of the complex dynamics of the state's ecosystem.~~

19 SEC. 2. Section 425.9 is added to the Government
20 Code, to read:

21 425.9. (a) The Legislature finds and declares that San
22 Joaquin Soil is the ~~essence of California. It covers over~~
23 ~~500,000 acres of the state, and official soil of California. It~~
24 is one of four soils to be originally described at the
25 beginning of this century, and the beginning of soil
26 studies in California. San Joaquin Soil is approximately
27 50,000 to 250,000 years old and was derived from and
28 deposited by the runoff of swollen streams during the
29 glacial period, from mountain glaciers ~~in the Sierra~~
30 ~~Nevada. It is unique in that it supports the mima mound~~
31 ~~topography, which is a geomorphic feature of hillock or~~
32 ~~hummocky terrain, and California is one of the few places~~
33 ~~in the world where this feature occurs. in the Sierra~~
34 ~~Nevada.~~

35 (b) The Legislature hereby designates San Joaquin
36 Soil as the official State Soil.

COMMITTEES

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NATURAL RESOURCES & WILDLIFE
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CALIFORNIA'S WINE INDUSTRY

California State Senate

SENATOR
DICK MONTEITH
TWELFTH SENATORIAL DISTRICT



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DATE: 8/11 TIME: 4:30 pm

TO: Tim — Sen. Floor Analyses
fax - 327-4478

FROM: Rosalie
RETURN FAX NUMBER: (916) 445-0773

NUMBER OF PAGES (INCLUDING COVER): 2

PLEASE CALL (916) 445-1392 IMMEDIATELY IF ALL PAGES DO NOT ARRIVE.

Support for SB 389 —

- the list of support on the
Asm. G.O. analysis represents
all the support we have on
file.

- No opposition

- Please call if there are any questions —

Soil survey maps show distribution of San Joaquin soils in Butte, Fresno, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, and Yuba Counties. The San Joaquin soil is used for varying purposes. In a natural condition, it supports annual range, dry-farmed grain, and is often contour irrigated for pasture. Due to microrelief, San Joaquin soil supports some unique seasonal wetland habitats, known as vernal pools. Where modified by land leveling, San Joaquin soil is used for pasture, cotton, barley, alfalfa, and rice production. When it is subsoiled or deep ripped to break up the hardpan layer, San Joaquin soil is used for other cash crops such as grapes, oranges, figs, and pears.

Support

California Agricultural Commissioners and Sealers Association ✓
California Association of Resource Conservation Districts ✓
California Certified Organic Farmers ✓
California Polytechnic State University ✓
California State University, Fresno ✓
California State University, Humboldt ✓
Madera County Board of Supervisors ✓
Madera County Farm Bureau ✓
Madera Unified School District ✓
Professional Soil Scientists Association of California ✓
University of California, Davis ✓
University of California, Riverside ✓
Senator M.L. Dierks, Agriculture Committee Chair, Nebraska State Senate ✓
Senators Paul Muegge and Bruce Price, Agriculture Committee Chair and Vice
Chair, Oklahoma State Senate ✓
Karl F. Hausler, ~~Nebraska~~ Department of Agriculture ✓ → michigan
Herшел R. Read, State Conservationist, U.S. Department of Agriculture ✓
G. Lynn Sprague, Regional Forester, U.S. Forest Service ✓

Opposition

None on file

Analysis prepared by: Charmette Bonpua / ago / (916) 445-3451

SENATE RULES COMMITTEE

SB 389

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 445-6614 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 389
Author: Monteith (R), et al
Amended: 3/20/97
Vote: 21

SENATE RULES COMMITTEE: 5-0, 3/31/97

AYES: Ayala, Brulte, Hughes, Lewis, Lockyer

SENATE FLOOR: 33-1, 4/17/97

AYES: Alpert, Ayala, Brulte, Calderon, Costa, Dills, Hayden, Haynes,
Hughes, Hurtt, Johannessen, Johnson, Johnston, Karnette, Kelley, Knight,
Kopp, Lee, Leslie, Lewis, Lockyer, Maddy, McPherson, Monteith,
Mountjoy, Peace, Rainey, Rosenthal, Schiff, Sher, Thompson, Watson,
Wright

NOES: Greene

NOT VOTING: Burton, Craven, O'Connell, Polanco, Solis, Vasconcellos

ASSEMBLY FLOOR: 67-4, 8/11/97 - See last page for vote

SUBJECT: Official State Soil

SOURCE: Martin Luther King, Jr. Middle School in Madera, California

DIGEST: This bill designates San Joaquin Soil as the official State Soil.

Assembly Amendments delete various reasons concerning adoption of the soil from intent language.

ANALYSIS: Numerous categories of objects reflecting natural history themes have been legally sanctioned as state symbols by legislative bodies

CONTINUED

throughout the United States. The following are California's official state items: Motto: Eureka; Nickname: The Golden State; Flower: golden poppy; Tree: California redwood; Reptile: California desert tortoise; Bird: California valley quail; Colors: blue and gold; Insect: California dog-face butterfly; Animal: California grizzly bear; Mineral: gold; Rock: serpentine; Marine Mammal: California gray whale; Fossil: saber-toothed cat; Dance: West Coast Swing Dance; Folk Dance: Square Dance; Song: "I Love You, California"; Gemstone: benitoite; Marine Fish: garibaldi.

Currently, there is no designation of an official state soil.

The history of recognition and the development of the concept of the San Joaquin soil dates from the turn of the 20th century. Field operations of the United States Soil Survey, now known as the National Cooperative Soil Survey, began in 1899. The San Joaquin soil was initially documented and officially established in 1900 as one of the first four soil series recognized in California by the Survey. All were considered to have agricultural importance. Since then, three of these series have been dropped from the official listings or have been combined with other soil series recognized at a later date. Thus, the San Joaquin soil is the oldest, continuously recognized soil series within the state. (More than 1,900 soil series are currently recognized in California.) Close to one half million acres of this soil have now been identified and mapped in many counties of California.

San Joaquin Soil is approximately 50,000 to 250,000 years old and was derived from and deposited by the runoff of swollen streams during the glacial period, from mountain glaciers in the Sierra Nevada. It is unique in that it supports the mima mound topography, which is a geomorphic feature of hillock or hummocky terrain, and California is one of the few places in the world where this feature occurs.

The San Joaquin soil was selected by the Soil Conservation Service as one of California's Benchmark Soils. "Benchmark Soils" is a nationwide listing of soil series considered representative of soils in Major Land Resource Areas in the United States.

Modern soil survey maps now show the distribution of San Joaquin soils of California in Fresno, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, and Yuba Counties. They are also located in Butte County by an older soil survey.

CONTINUED

This bill:

1. Commemorates the completion of the state's most comprehensive soil inventory by the Professional Soil Scientists Association of California, the California Association of Resource Conservation Districts, Natural Resources Conservation Service, and students and teachers of the Martin Luther King, Jr. Middle School in Madera, California by adopting an official state soil to promote awareness of, and to acknowledge the importance of, soil and the many benefits derived from it in everyday life.
2. Would add a section to the Government Code designating San Joaquin Soil as the official State Soil.

Comments

KALKASKA SAND: Michigan's State Soil
HOLDREGE series: Nebraska's State Soil
PORT SILT LOAM: Oklahoma's State Soil

FISCAL EFFECT: Fiscal Com.: No

SUPPORT: (Verified 8/11/97)

California Agricultural Commissioners and Sealers Association
California Association of Resource Conservation Districts
California Certified Organic Farmers
California Polytechnic State University
California State University, Fresno
California State University, Humboldt
Madera County Board of Supervisors
Madera County Farm Bureau
Madera Unified School District
Professional Soil Scientists Association of California
University of California, Davis
University of California, Riverside
Senator M. L. Dierks, Agriculture Committee Chair, Nebraska State Senate
Senators Paul Muegge and Bruce Price, Agriculture Committee Chair and
Vice Chair, Oklahoma State Senate
Karl F. Hausler, Michigan Department of Agriculture

CONTINUED

Hershel R. Read, State Conservationist, U.S. Department of Agriculture
G. Lynn Sprague, Regional Forester, U.S. Forest Service

ARGUMENTS IN SUPPORT: Proponents state that soil is California's greatest natural resource. They believe this proposal would recognize the agricultural heritage of the state. And, by declaring a state soil, California will be calling attention to the important role of soil in the economic as well as social life of the state. Also, they contend, that having an official "State Soil" will encourage the study of the soil, and its importance, at all levels in our society--from elementary school on up, and cultivate a desire to promote the good stewardship of our soils.

ASSEMBLY FLOOR:

AYES: Ackerman, Aguiar, Alby, Alquist, Aroner, Baca, Battin, Bordonaro, Bowen, Bowler, Brewer, Brown, Campbell, Cardenas, Cardoza, Cunneen, Davis, Ducheny, Escutia, Figueroa, Firestone, Frusetta, Gallegos, Goldsmith, Havice, Honda, House, Keeley, Knox, Kuehl, Kuykendall, Leach, Lempert, Leonard, Machado, Margett, Mazzoni, Migden, Miller, Morrissey, Morrow, Napolitano, Olberg, Oller, Ortiz, Pacheco, Papan, Perata, Poochigian, Prenter, Pringle, Richter, Runner, Scott, Shelley, Strom-Martin, Sweeney, Takasugi, Thompson, Thomson, Torlakson, Vincent, Washington, Wayne, Wildman, Wright, Bustamante

NOES: Baugh, Granlund, Hertzberg, Martinez

NOT VOTING: Ashburn, Baldwin, Caldera, Floyd, Kaloogian, McClintock, Murray, Villaraigosa, Woods

GS:sl 8/12/97 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****

SENATE THIRD READING
SB 389 (Montieth)
As Amended July 21, 1997
Majority vote

SENATE VOTE: 33-1

GOVERNMENTAL ORGANIZATION 11-0

Ayes: Brown, Bordonaro, Battin, Brewer,
Cardenas, Honda, Margett, Perata,
Takasugi, Vincent, Wright

SUMMARY: Designates the San Joaquin Soil as the Official State Soil.
Specifically, this bill:

- 1) Commemorates the completion of the most comprehensive soil inventory in the state by adopting an official state soil.
- 2) Cites promotion of awareness of, and acknowledgment of the importance of, soil to everyday life as the reasons for adopting an official state soil.
- 3) Declares the San Joaquin Soil as the Official State Soil.

EXISTING LAW: Designates the following as official state symbols:

MOTTO: Eureka	NICKNAME: The Golden State
FLOWER: Golden Poppy	TREE: California Redwood
REPTILE: California Desert Tortoise	BIRD: California Valley Quail
COLORS: Blue and Gold	INSECT: California Dog-face Butterfly
ANIMAL: California Grizzly Bear	MINERAL: Native Gold
ROCK: Serpentine	MARINE MAMMAL: California Gray Whale
FOSSIL: Saber-toothed Cat	PREHISTORIC ARTIFACT: Chipped Stone Bear
DANCE: West Coast Swing Dance	FOLK DANCE: Square Dance
SONG: "I Love You, California"	GEMSTONE: Benitoite
HISTORICAL SOCIETY: California Historical Society	MARINE FISH: Garibaldi

FISCAL EFFECT: Negligible, if any.

COMMENTS: This bill was approved by the Assembly on June 19, 1997 on a vote of 78-0 (Consent) and sent to the Governor for signature. The Governor, however, returned the bill to the Assembly for amendments. According to the author's office, the Governor's requested amendments are intended to forestall any potential confusion regarding the implications of the designation. The author's office advises that the Governor was concerned that language in the bill could imply that the San Joaquin Soil is protected soil and, therefore, restricted in its uses. The amendments deleted the language of concern to the Governor.

The history of recognition and the development of the concept of the San Joaquin soil dates from the turn of the 20th century. The San Joaquin soil is the oldest, continuously recognized soil series in the state. It has been selected by the Soil Conservation Service as one of California's Benchmark Soils. "Benchmark Soils" is a nationwide listing of soil series considered representative of soils in Major Land Resource Areas in the U.S.

Soil survey maps show distribution of San Joaquin soils in Butte, Fresno, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare and Yuba Counties. The San Joaquin soil is used for varying purposes. In a natural condition, it supports annual range, dry-farmed grain, and is often contour irrigated for pasture. Due to microrelief, San Joaquin soil supports some unique seasonal wetland habitats, known as vernal pools. Where modified by land leveling, San Joaquin soil is used for pasture, cotton, barley, alfalfa and rice production. When it is subsoiled or deep ripped to break up the hardpan layer, San Joaquin soil is used for other cash crops such as grapes, oranges, figs and plums.

In addition to these attributes, the author points out that the San Joaquin Series Soil is the most common soil in California and is unique in that it is only found in the state. For these reasons, the author contends that it is appropriate to recognize the San Joaquin soil as the official State Soil.

At least three other states have a designated official state soil. They include Michigan (Kalkaska Sand), Nebraska (Holdrege Series) and Oklahoma (Port Silt Loam).

Analysis prepared by: Charmette Bonpua / ago / (916) 445-3451

FN 033998

Memorandum

To : Mary McDonald
Deputy Legislative Secretary
Governor's Office

Date : August 14, 1997

Place : Sacramento

From : Department of Food and Agriculture

Subject: SB 389 Enrolled Bill Report

Attached is a copy of the Enrolled Bill Report we previously prepared and submitted on SB 389 (Monteith), which would designate the San Joaquin Soil as the Official State Soil.

As I am sure you are aware, this bill was passed by the Legislature in June and sent to the Governor for signature. However, the Governor returned the bill to the Assembly for amendments to address concerns regarding possible implications that, because of the language of SB 389, San Joaquin Soil would be a protected soil and, thereby, restricted in its uses.

The latest amendments do not change our previously submitted EBR or the recommended action on SB 389.

Greg Hurner
Legislative Director
(916) 654-0326

Attachment

ENROLLED BILL REPORT

DEPARTMENT OF FOOD AND AGRICULTURE	BILL NUMBER SB 389
	AUTHOR Monteith

SUMMARY: SB 389 would designate the San Joaquin Soil as the Official State Soil.

ANALYSIS: Existing law designates the following as official state symbols:

Motto	-	Eureka
Nickname	-	The Golden State
Flower	-	Golden Poppy
Tree	-	California Redwood
Reptile	-	California Desert Tortoise
Bird	-	California Valley Quail
Colors	-	Blue and Gold
Insect	-	California Dog-Faced Butterfly
Animal	-	California Grizzly Bear
Mineral	-	Native Gold
Rock	-	Serpentine
Marine Mammal	-	California Gray Whale
Fossil	-	Saber-Toothed Cat
Prehistoric Artifact	-	Chipped Stone Bear
Dance	-	West Coast Swing Dance
Folk Dance	-	Square Dance
Song	-	"I Love You, California"
Gemstone	-	Benitoite
Marine Fish	-	Garibaldi
Historic Society	-	California Historic Society

This bill would add to the official state symbols by designating San Joaquin Soil as the Official State Soil and make legislative findings and declarations in this regard.

BACKGROUND: The history of recognition and the development of the concept of the San Joaquin soil dates from the turn of the century. Field operations of the United States Soil Survey, now known as the National Cooperative Soil Survey, began in 1899. The San Joaquin soil was initially documented and officially established in 1900 as one of the first four soil series recognized in California by the survey.

Approximately 500,000 acres of this soil has been identified and mapped in California. Modern survey maps show the distribution of San Joaquin soils of California in the Counties of Fresno, Madera, Mariposa, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, and Yuba, with older soil survey maps indicating Butte County as one of the locations.

San Joaquin Soil is approximately 50,000 to 250,000 years old, and was deposited during the glacial period by streams swollen from runoff of melting Sierra Nevada glaciers. The soil is unique in that it supports the mima mound topography, which is a geomorphic feature of hillock or hummocky terrain. California is one of the few places in the world where this feature occurs.

Vote: Ayes 78 61 Noes 1 2		Ayes 33 24 Noes 1 4	
Assembly		Senate	
RECOMMENDATION:			
<input checked="" type="checkbox"/> SIGN <input type="checkbox"/> VETO <input type="checkbox"/> DEFER TO			
AGENCY SECRETARY <i>[Signature]</i>		DATE 6-25-77	

The San Joaquin soil has varying uses. In a natural condition, it supports annual range, dry-farmed grain, and is often contour irrigated for pasture. Due to microrelief, San Joaquin soil supports some unique seasonal wetland habitats, known as vernal pools. Where modified by land leveling, San Joaquin soil is used for pasture, cotton, barley, alfalfa, and rice production. When it is subsoiled or deep-ripped to break up the hardpan layer, San Joaquin soil is used for other cash crops such as grapes, oranges, figs, and plums.

FISCAL IMPACT: There would be no fiscal impact resulting from the enactment of this bill.

ARGUMENTS PRO: This bill is sponsored by the Martin Luther King, Jr., Middle School in Madera, California, and is supported by the California Agricultural Commissioners and Sealers Association, the California Association of Resource Conservation Districts, the California Certified Organic Farmers, the California Polytechnic State University, California State Universities of Fresno and Humboldt, the Madera County Board of Supervisors, the Madera County Farm Bureau, the Madera United School District, the Professional Soil Scientists Association of California, the University of California at Davis and Riverside, Senator M. L. Dierks, Agriculture Committee Chair, Nebraska State Senate, Senators Paul Muegge and Bruce Price, Agricultural Committee Chair and Vice Chair, Oklahoma State Senate, Karl F. Hausler, Nebraska Department of Agriculture, Hershel R. Read, State Conservationist, U.S. Department of Agriculture, and G. Lynn Sprague, Regional Forester, U.S. Forest Service. SB 389 would acknowledge the importance of the state's agricultural heritage and historic legacy, establish a standard by which educators may compare other soils, and would promote awareness of the general public of the complex dynamics of the state's ecosystem.

ARGUMENTS CON: There has been no opposition to this legislation.

RECOMMENDATION: At least three other states have designated an official state soil. They are Michigan (Kalkaska Sand), Nebraska (Holdrege Series), and Oklahoma (Port Silt Loam). This bill would appropriately add San Joaquin Soil to California's list of official state symbols. We recommend the **Governor sign SB 389.**

ENROLLED BILL REPORT

AGENCY Resources Agency	BILL NUMBER SB 389
DEPARTMENT, BOARD OR COMMISSION	AUTHOR Monteith

SUMMARY:

This bill would designate San Joaquin Soil as the official State Soil.

HISTORY:

This is the first year that a bill to establish a State Soil has come before the Legislature.

IMPACT ASSESSMENT:

This bill will have no impact on any operations of the public or private sector.

ARGUMENTS PRO AND CON:

This bill is merely a symbolic state designation with no practical effect

FISCAL IMPACT:

There is no fiscal impact.

For information contact: Julie MacDonald
Deputy Secretary for Legislation
phone: 653-5698
pager: 697-9700

RECOMMENDATION:

Sign

DEPARTMENT HEAD

DATE

AGENCY HEAD

DATE

8/14/01

ENROLLED BILL REPORT

AGENCY RESOURCES	BILL NUMBER SB 389
DEPARTMENT Forestry and Fire Protection (CDF)	AUTHOR Monteith

SUMMARY:

This bill would add Section 425.9 to the Government Code to establish the San Joaquin soil series as the official State Soil.

HISTORY:

This is the first year that a bill to establish a State Soil has come before the Legislature.

IMPACT ASSESMENT:

This bill would not change existing state procedures or policies.

ARGUMENTS PRO & CON:

Pro: Soil is among California's most valuable resources. It supports the number one agricultural industry in the world and supplies food and fiber for millions of people in California and throughout the world. Soil is a complex resource, with many variations in conditions that affect its use and management. But it is also taken for granted by the great majority of Californians. Designating a State Soil will provide a focal point around which education efforts can be developed to increase awareness about the complexity of California's soils and the importance of conserving this non-renewable resource that supports our livelihood and our environment. Based on a review of the more than 1800 different soil series identified in California, the Professional Soil Scientists Association of California has recommended the San Joaquin soil series as the best example of the range of soil properties and uses occurring statewide. It is widely distributed, supports a large number of crops and other land uses, displays a wide variety of soil characteristics that can serve to illustrate soil processes, use, and management, and has a series distribution and name that is unique to California.

Con: There are no known arguments against this bill.

FISCAL EFFECT:

There is no fiscal impact to the department.

For Information Contact: Carol Williams Bryant, Chief, Office of Legislation, 653-5333

Date: August 15, 1997

Prepared by: John Munn, Forester II

RECOMMENDATION

SIGN

DEPARTMENT HEAD <i>[Signature]</i>	DATE 8/15/97	AGENCY HEAD <i>[Signature]</i>	DATE 8/15/97
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REASON FOR RECOMMENDATION:

Establishing a State Soil will promote awareness and educational opportunities for one of California's most important resources. The San Joaquin soil series is an excellent representative of the variety of soil conditions existing in California.

FINAL VOTE:

Senate (4/17/97)

Yes 33
No 1

Assembly (6/19/97)

Yes 78
No 0

Concurrence (_____)

Yes
No

Senate Bill No. 389

CHAPTER 331

An act to add Section 425.9 to the Government Code, relating to the official state soil.

[Approved by Governor August 20, 1997. Filed with
Secretary of State August 21, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 389, Monteith. Official State Soil.

This bill would express legislative intent to commemorate the completion of the state's most comprehensive soil inventory, as conducted by specified entities, by designating an official State Soil. The bill would designate San Joaquin Soil as the official State Soil, and would make legislative findings and declarations in support of that designation.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to commemorate the completion of the state's most comprehensive soil inventory by the Professional Soil Scientists Association of California, the California Association of Resource Conservation Districts, the Natural Resources Conservation Service, and students and teachers of the Martin Luther King, Jr. Middle School in Madera, California, by adopting an official state soil to promote awareness of, and to acknowledge the importance of, soil and the many benefits derived from it in everyday life.

SEC. 2. Section 425.9 is added to the Government Code, to read:

425.9. (a) The Legislature finds and declares that San Joaquin Soil is the official soil of California. It is one of four soils to be originally described at the beginning of this century, and the beginning of soil studies in California. San Joaquin Soil is approximately 50,000 to 250,000 years old and was derived from and deposited by the runoff of swollen streams during the glacial period, from mountain glaciers in the Sierra Nevada.

(b) The Legislature hereby designates San Joaquin Soil as the official State Soil.

CALIFORNIA LEGISLATURE
AT SACRAMENTO
1983-84 REGULAR SESSION

SENATE FINAL HISTORY

SHOWING ACTION TAKEN IN THIS SESSION ON ALL SENATE BILLS
CONSTITUTIONAL AMENDMENTS, CONCURRENT, JOINT RESOLUTIONS
AND SENATE RESOLUTIONS

CONVENED DECEMBER 6, 1982
ADJOURNED SINE DIE NOVEMBER 30, 1984

DAYS IN SESSION..... 266
CALENDAR DAYS 726

LT. GOVERNOR LEO T. McCARTHY
President of the Senate

SENATOR DAVID ROBERTI
President pro Tempore

Compiled Under the Direction of
DARRYL R. WHITE
Secretary of the Senate

By
DAVID H. KNEALE
History Clerk

S.B. No. 2145—Doolittle (Principal coauthor: Assembly Member Allen).

An act to amend Section 128 of the Water Code, relating to flood control.

1984

- Feb. 17—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 22—From print. May be acted upon on or after March 23.
- Mar. 1—To Com. on AGR. & WAT. RES.
- April 2—Set for hearing April 10.
- April 5—From committee with author's amendments. Read second time. Amended. Re-referred to committee.
- April 11—From committee: Do pass, but first be re-referred to Com. on FIN. with recommendation: To Consent Calendar. (Ayes 11. Noes 0. Page 9413.) Re-referred to Com. on FIN.
- April 12—Set for hearing April 30.
- April 30—From committee: Be placed on second reading file pursuant to Senate Rule 28.8 and be placed on Consent Calendar.
- May 1—Read second time. To Consent Calendar.
- May 3—Read third time. Passed. (Ayes 38. Noes 0. Page 10176.) To Assembly.
- May 3—In Assembly. Read first time. Held at Desk.
- May 8—To Com. on W.P. & W.
- Aug. 7—Joint rule 61 suspended.
- Aug. 7—Hearing postponed by committee.
- Nov. 30—From Assembly without further action.

S.B. No. 2146—Doolittle.

An act to add Section 422.1 to the Government Code, relating to the state dance.

1984

- Feb. 17—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 22—From print. May be acted upon on or after March 23.
- Mar. 1—To Com. on G.O.
- April 19—Set for hearing May 8.
- May 8—From committee: Do pass. (Ayes 7. Noes 2. Page 10314.)
- May 9—Read second time. To third reading.
- May 31—Read third time. Refused passage. (Ayes 11. Noes 16. Page 11237.)

S.B. No. 2147—Doolittle.

An act to amend Section 10295 of the Public Contract Code, relating to state contracts.

1984

- Feb. 17—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 22—From print. May be acted upon on or after March 23.
- Mar. 1—To Com. on G.O.
- Nov. 30—From committee without further action.

S.B. No. 2148—Doolittle.

An act to add Sections 1240 and 1241 to the Government Code, relating to elected public officers, and making an appropriation therefor.

1984

- Feb. 17—Introduced. Read first time. To Com. on RLS. for assignment. To print.
- Feb. 22—From print. May be acted upon on or after March 23.
- Mar. 8—To Com. on P.E. & R.
- Mar. 22—Set for hearing April 2.
- Mar. 27—Set, first hearing. Hearing canceled at the request of author. Set for hearing April 23.
- April 9—Set, first hearing. Hearing canceled at the request of author.
- Nov. 30—From committee without further action.

Introduced by Senator Doolittle

February 17, 1984

An act to add Section 422.1 to the Government Code, relating to the state dance.

LEGISLATIVE COUNSEL'S DIGEST

SB 2146, as introduced, Doolittle. State dance: square dance.

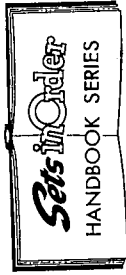
This bill would specify that the square dance is the official state dance.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 422.1 is added to the
- 2 Government Code, to read:
- 3 422.1. The square dance is the official state dance.

O



the STORY of SQUARE DANCING A FAMILY TREE

by DOROTHY SHAW



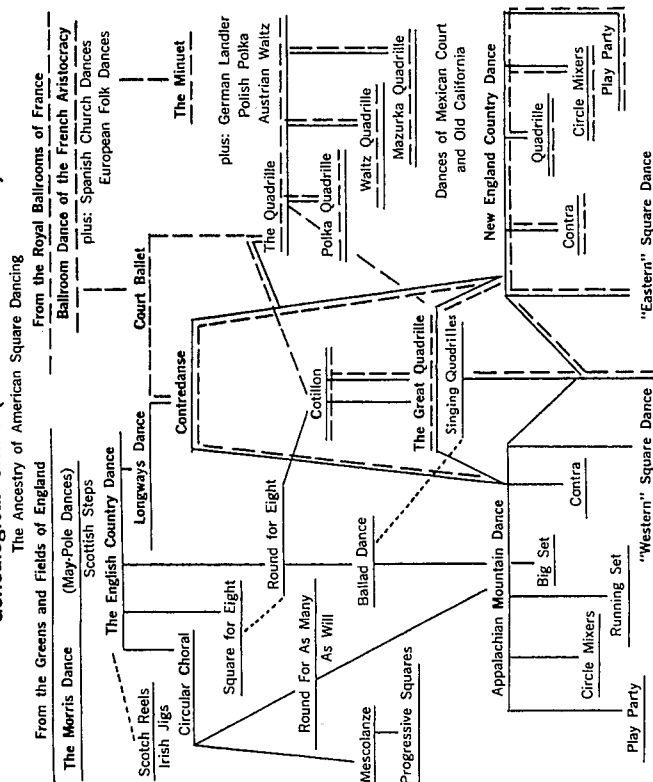
EVERYONE YEARNS TO KNOW more about his ancestors. Even the simplest American feels a thrill when a researcher digs up his "family tree" and uncovers his "coat of arms," and finds far back along the line—perhaps—a king! The farther back he goes the more exciting it becomes. Here is a small, not-too-far-back study of the family tree of your American Square Dance.

Dancing is the oldest of the arts. Only one other art — the art of architecture — goes back nearly so far into man's past; and dancing is probably older than his attempt to build a shelter for his family, for we know that primitive tribes have become expert dancers long before they have bothered to build what we would call houses.

Dancing was a *fine* art before it was a *folk* art, and a religious and ritualistic performance long before it became a recreational art. It is only quite recently in the history of mankind that all of the people, if they chose, could join in the dance; and, as for women, there was a vast majority of dances in which they might not join at all, and there were some that they might not even see.

In a little study like this one, we cannot take time nor space to go back very far into the past. Let us decide that we shall travel back about 500 years. And let us prune out, before we start, the many tiny twigs that clutter the remote branches of any family tree. Let us reduce our story to approximations!

Genealogical Chart (1450 — The Present)



AMERICAN FOLK DANCING has two great ancestors—one English and one French. The subtle contribution of the French ancestor we shall discuss a little later. The English ancestor was a strong, mysterious stranger, but deeply our own, gathering into itself elements from all the ritual lore of the ages, and giving out from itself a vast treasure of figures, feelings, music and attitudes.

This English ancestor was the great *Morris Dance*. It must already have been very old in 1450 when we start our story. No one seems to be perfectly sure whether it preceded the *Country Dance* that seems to have grown out of it, or whether they grew up more or less side by side. For the purposes of simplicity, let us assume that the Morris Dance was the immediate parent of the Country Dance.

It was a professional dance in a sense, as are our *exhibition dances* that are done by amateurs at festivals and conventions. It was not done by just anyone who felt like dancing, but by trained teams who called themselves "Morris men," and it was done with great gravity, for it went back to a time when the coming of spring was a thing so yearned for that it must be danced into being by the beating feet of the children of men. It went back to a time when winter was a spectre of dread after a lean harvest, and sacrifice — sometime wheaten, sometimes animal, sometimes even human — was necessary in order to propitiate the gods of

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growing green. A century or two before, these Morris men had been *sword dancers*, pantomiming a ritual that ended in human sacrifice. And, centuries before that, the sacrifice had actually taken place with the beheading of one of the dancers. (*London Bridge* is a remnant of such a dance; so is *We've Come to See Miss Jenny-a-Jones*.) Do not let this disturb you. Almost everything we do is a symbolic gesture for something out of our pagan and primitive past. It is good to know where the deep roots are. By 1450 the dance was just a vigorous and beautiful symbol, and the dancers used wooden staves, or even clean white handkerchiefs, instead of the awesome properties.

A MAN'S DANCE

Morris Dances were danced by six men (remember — the women didn't count!) in two rows of three. Each wore a leather pad of bells fastened around each calf, and, because the purpose of the bells was to ring, the steps had to be vigorous enough to ring them. Try to imagine yourself dancing in a shortened set (lacking one couple) and visualize all the square dance figures that you could do. You could start with *forward six* and *fall back six*. You could also do *forward and back* (or *up and down*) vertically. You could do a *Dixie chain* and some of its variants. You could open out into a circle and *weave the ring*, or *form a star*. You could execute *pass through*. All of these things they did. But all the time you would need to be ringing those bells, so you would jump straight into the air as high as you could whenever the pattern permitted; and you would do a sort of polka step in which, instead of hopping on the last beat, you kicked that foot vigorously straight forward until the bells rang like mad. All the time the balls of your feet would be beating the turf. When you did *weave the ring*, with great bounding steps (you would call it a *hey*), it would be beautiful to behold, as your lath "swords" or your white kerchiefs worked themselves into the pattern.

There would be a jester in some outlandish costume at the head of the set; but not to call — there was no caller, and whatever cues were necessary were given by the leader of the six dancers. There would be an improvised hobby horse, controlled by a man who stood in its middle. There would be a man dressed as a woman, who represented Maid Marian; and there might be Friar Tuck and other characters from *Robin Hood*. There is a 500-year-old

ABOUT THE AUTHOR

■ There is no one we know who is better qualified to take you on a guided tour through the fascinating past of square dancing than the author, Dorothy Stott Shaw.

Mrs. Shaw and her late husband, Dr. Lloyd "Pappy" Shaw, became the center of the rebirth of the great square dance movement in the 1930's.

For many years the leaders in square dancing have sought out the Shaws at their home in Colorado Springs for guidance, philosophy, history and encouragement. From their great storehouse of information, Mrs. Shaw has gathered the special gems that fill these pages. It is her hope, and ours too, that they will serve to enrich your enjoyment of this great activity.

Bob Osgood, editor
Sets in Order

The Official Magazine of Square Dancing

stained glass window in a house in Staffordshire that shows exactly how everybody looked. A bag piper would be playing the tunes: *Glise a Sherbrook*, *Green Slenes*, the *Rakes of Mal-lou*. In spite of all this, if you were perceptive, you might say — "It looks a lot like a square dance!"

It took a strong man to be a Morris man — a real athlete. There is a precious story of how the great Shakespearean jester, Will Kemp, once danced all the way from London to Norwich (it is something like 80 miles and it took him nine days), and of how, in one town, a lass came out and danced a mile with him to keep him company—bold wench.

Whence came this dancing, and from how far, onto the greens and courtyards of Henry's England? Is it Moorish (Morris) from North Africa? Could you have found it millenniums ago in ancient Crete? Who can say? How certainly it crossed the sea and found itself on the greens of Kentucky is somewhat easier to follow.

Ask any good dance man — ballet, ball-room, folk or square — and he is very likely to say: "It all goes back to the Morris. Everything goes back to the Morris."

THREE

THE ENGLISH COUNTRY DANCE

OUR CHART shows two great trees, pruned for simplicity's sake. But, like any two trees growing side by side, the topmost twigs interlaced so thoroughly that it was sometimes impossible to tell which branches grew upon which tree.

For instance, looked at from one angle, the Morris seems to be completely English, but, from another angle, it slants back to Spain, and, along with French dances, seems related to the great Spanish church dances and the Spanish and French church dances in turn reflect the English church dances. And so they shuttled back and forth from country to country until we have a fine fabric that simply refuses to be unravelled.

The ancestors of our square dance did go to church, you know. As late as the 16th century, churches in England had their teams of "Morece dancers," supplied with costumes and bells by the church warden. (It was the Puritans who drove them out.) They were a part of praying, as dancing has always been in the deep hearts of the people.

But, long before Elizabeth's England, they had become fun. A man and his maid went together to the green, and met their friends and fellow-townsmen, and danced for hours, the same simple figures that you know, to tunes some of which still ring through square dance halls today.

If, by some wizardry, you could be dropped into the village green of a town in 16th century England on a long, long summer evening, you may hear a single pipe playing the most enchanting and singable tune, and, while your ears are still prickled to the music, you will be snatched up along with your partner into a great circle of couples. You will find yourself going forward and back with the couple on the right, and then circling three with the man alone, and then with the girl alone, and, presently, as you are beginning to catch on, you will find yourself doing a series of Dixie chains

in threes along the circle. The steps will be a little strange, with a lift to the balances and a run instead of a glide, but you will begin to feel very much at home, as you realize how much this is like a western square dance in a big circle. If you inquire about the tune that some of them are singing along with the piper, they will tell you that it is *Rose is White and Rose is Red*, and, if your background of English history is in good order, you will probably speculate that this goes back to the Wars of the Roses, when the white rose of York and the red rose of Lancaster fought over England.



Before you have much chance to think about this, you will be caught up by another couple into a little square dance set of four. Two couples in a square dance! After all, why not? Put two together and you'll have a square. What lovely music! Let's try it! *Sashay four steps to the left* — but we are leaping, not sliding. What fun! Now we are lost in a series of what they are calling *reels*, and then *swing the opposite girl*, and we can't catch on. But in just a few phrases we are doing the old *Spanish Circle*, if you please, and we settle into it happily, and come up doing a sort of *two men's chain* — the whole thing so strange yet so familiar. We have been dancing *Parson's Farewell*.

Don't stop! Someone is calling for *Drive the Gold Winter Away*. This is a very old tune in 6/8 rhythm. Take an Elizabethan partner and do what she tells you. It's a sort of reel and makes a lovely tangle that unwinds itself beautifully. Perhaps this was one of those old Morrises that went out to get ready for spring, but now it is a longways for as many as will, and it is a beauty. It is a contra dance.

You can't sit down now. They are calling for *Dull Sir John*, and that is a square for eight —

just your meat. First couple divide and around just one and the others the same; and then a little syncopated pass-through; and then that Dixie chain again, with no hands; and then the old *family waltz* figure of New England, with the men going around instead of the girls. We have been skipping part of the time, walking part of the time, and running part of the time, and everyone but us seemed to know when to do which but, aside from that, what we have been doing is clearly square dancing, and fun.

By the time this long evening is over we shall have done an astonishing variety of dance patterns, many more than we ordinarily do today. We shall have done mostly "longways" dances — some for six, some for eight, and some for "as many as will." The ones for six are Morris dances — gone frivolous; the ones for eight are square dances — stretched out as lengthwise as on the day they were born; and the ones for "as many as will" have all the figures and subdivisions of our modern contras: they come in triples and in doubles and in reels, but they are never crossed over.

We have done squares for eight and rounds for eight, and our inept eyes may have difficulty in seeing any difference between them, but difference there is. *Dull Sir John* actually frisks like an eastern quadrille, and *Neucastlé*, which is a round for eight, feels like a western square dance, with its Texas star, and with everybody active at once.

A VARIED PROGRAM

We shall have done a number of "rounds for as many as will," marvelously varied, and some of them going back to the circular choral dances or the straight choral dances that were done in the naves of English churches, and are still danced on Corpus Christi Day in the choir of the Cathedral in the city of Seville. (If you want to see what they are like, put on a record and dance *Good Girl*.) We may possibly have done a round with two couples facing two couples, weaving through each other in the beginnings of a *mescolanze*, which was later to become *progressive squares*. And we shall have done several of those little "four" dances that were to be developed into more longways and more squares.

When we come back from our magical journey, we shall remember some of the beautiful tunes — *Blew Cap*, with its Scottish lilt, *Faine I Would if I Could*, *Kemp's Jege*, *Gathering Peascods*, *Spanish Jeepsies*, and the great

Staines Morris. We shall remember how we sang some of the tunes and danced to our own singing, while the bystanders joined in, just as we do today in *Trail of the Lonesome Pine*.

If we were just ordinary tourists, we have been entertained on the village green, but if we were Very Important Persons — great merchants or ambassadors, we have been dancing at court. The English country dance went lightly and heartily to court without a trace of inferiority complex. Everybody danced it. It was so much more fun than the brantes, gavottes and minuets that were being imported from the French court, that, during the reign of James I, the country dances were actually danced in the court by royal decree.

A LIVELY DANCE

As to the steps, they are free and expansive. The running steps are swift and light, the skips gay, the "slips" leap high, the walking steps are joyous. The little pas-de-basque of the "set" step is a joy to see; the knees are kept straight and the movement is in the ankle. The tempo of the music is quite fast. Later, when Scottish steps and figures began sifting in, the noble Scottish steps brightened the pattern like a red thread in a tartan; and, still later, Irish jig steps were included. But the English Country Dance never accepted the wonderful "seven and two threes" of the great Irish circle dances, nor has it to this day.

As the years go by, thoughtful researchers begin more and more to feel that the Country Dance is English; our dance is English. Just because there are German squares and French circles and Spanish lines we used to think that one must derive from another, but dance patterns are inevitable. Greek soldiers danced squares in the time of Xerxes, and Scottish soldiers dance them today. Of course, there must have been interchange from country to country. This is what makes the top of the tree so airy with twigs. But the English seem to have developed their own dance, and consequently ours, and the heart and soul of it is the great longways, containing as it does almost every conceivable square dance step and pattern.

It was this longways dance that actually did make an alliance in the French Court, and forged the strong link between the ballroom and the village green, bringing forth the contra that in turn gave us so much of what we have today. Do not forget that this longways dance is older than the memory of man.

FROM LONGWAYS TO CONTRA VIA THE COURT BALLET

WHILE THE COUNTRY DANCE was developing with such great variety in England, the same primitive choral dance that sired the English dance was producing a rather different and much less lively offspring in France.

The English dance moved from the people to the aristocracy, as a good art should. The French dance moved downward from the court to the people, making a different sort of contribution and adding a different flavor as far as we who inherited it are concerned.

The French had a round dance called a *branze*. It was done by couples in a circle, as our rounds are done today, and had become a ballroom dance done by aristocratic society long before our story begins. There are pictures on mediaeval tapestries of lines of elegantly dressed couples doing these dances in magnificent halls. In the 17th century, every ball started with a series of three branles: a *branze double* for the older people, a *branze simple* for the younger married couples, and a *branze gay* for the young people. There was also a *gavotte*, a true round dance, in which the couples turned freely around the floor.

ENTER—THE MINUET

By the time of Louis XIII and Louis XIV, the minuet had been added to this repertory. The minuet had begun as a rather crude peasant dance, but as a court dance it became so important that we must include it in our chart; for all our sense of stepping beautifully goes back to this exquisite dance which reigned in a more or less modified form for several centuries. So short a time ago as the nineteenth twenties, we had several very popular "square dancers' rounds" that were called minuets and dancers' simplifications of the old steps (the Oxford Minuet is an example), and gavottes (the Glow Worm Gavotte). We would scarcely dare to say so, for fear no one would dance them, but some of the popular round dances of the current season are bound to be minuets or gavottes in this limited sense. Every round-dancing square dancer owes a very great debt to the minuet.

We shall have to be very important people indeed to get ourselves invited to a court ball

in the time of Louis XIII, but, when we do arrive, we are going to be very interested to see the king himself, with Anne of Austria on his arm, lead out the first branle and dance through one sequence before going to sit on the throne and watch the others doing the long lines of stately and sometimes flirtatious figures all evening. It does not look in the least like anything we do today, but we are impressed to discover that the king is an excellent dancer.

If we live long enough and are lucky enough to be invited back during the reign of the great Louis XIV, we shall find something astonishing going on, for here is the ballet beginning to flower, and the participants are amateurs! This is almost the exact counterpart of a fine round dance exhibition team at a square dance convention. Louis himself, resplendent as a god, is dancing the leading role, and aristocratic diletantes fill in the cast. We are reduced to the role of spectators. We cannot join in this dance, and you must be beginning to wonder what it can possibly have to do with us.

The answer lies in the fact that at about this time, the English Country Dance came leaping across the channel, with a basketful of its weaving patterns — patterns in which people like us could join — to be fitted to the careful stepping of these good dancers. It came chiefly in the form of the "longways for as many as will," and it took France by storm just as the 17th century turned to the 18th. There were country dances in Spain, in Germany, in France itself to which the French might have turned; they had dances of all shapes and sizes. But the English Longways had one feature that none of the others had: the gradual entrance of the couple after couple, what Curt Sachs calls "the pleasing combination of the choral dance and the single couple dance."

FLEXIBILITY A FACTOR

You did not have to have an exact number of couples, nor form an exact square or round. One after another the couples danced the same pattern to the same tune, working their way down from the head to the foot of the line, and, if a couple arrived late, they simply stepped in at the end of the set. By the time the action

reached them; they knew what to do. Longways dances for as many as will used to work out like the rather boring modern version of the *Virginia Reel*: the first couple worked all the way down before the next took over. The Scots clung to this system — after all, what's your hurry? But the dance became enlivened by permitting every other couple to work through the figure with the alternate couple at the same time, so that no one was ever idle in the line. The dancers worked in little sets of two couples, doing the *square for four*; or sometimes every third couple was active in which case you had little sets of three couples (the *longways for six* within the long longways!) This dance contained the seeds of all our quadrille figures: right-left-through; ladies chain and men's chain; Dixie chain and square-through; stars and bend-the-line; circles and balances; swings and allemande lefts.

A GOOD OLDE DANCE

There were also delightful odds and ends, like this instruction for a part of a longways for six called *All in a Garden Green* — "First man out and shake his own woman by the hand; then the 2nd; then the 3rd by one hand, then the other, kisse her twice and turne her. Shake the 3rd by the hand; then the 2nd; then your owne by one hand; then the other, kisse her twice and turne her." This is pure American square dance!

And — these English dances were magnificently available to French dancing masters. The London publisher, Playford, brought out in 1650 the first printed and purchasable book of instructions for these country dances, and followed it up with larger and larger editions, until the final edition of the *English Dancing Master* contained some 900 dances, most longways. What a treasure trove! These dances were fun! Indeed, at first, some French dancing masters considered them downright rowdy, and objected to the way the dancers leaped and turned and clogged and swung their bodies about. (A rowdy child of this rowdy dance exists to this day in the *con-con*.) But the patterns were marvelous, and soon the dancing masters got into the habit of travelling to England for new collections to take back to the Dauphin or the Duke. This sounds familiar!

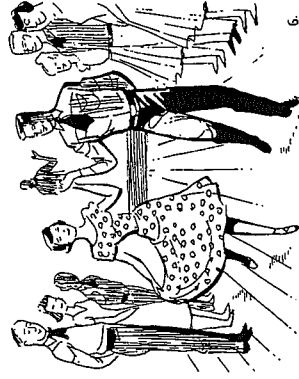
And so — to the French we owe our gratitude for the *contradance*, for they took the longways, and gentled it down and polished

it up and gave it a new name. Contre, in French, does not mean at all the same thing as country. It means counter — the dance that is arranged with a line facing a line. (The Country dance includes all the English forms.) We accepted the name and called the dance a *contra dance*. Later, in New England, they shortened it to *contr*.

The country longways and the courtly contra acknowledged each other across the set like good dancing partners, and then went reeling down their own lines, joining each other at the right-and-lefts, the stars, and the chains. When they met and joined how they cluttered the twigs of that family tree! Some of our modern line dances are purely country and some are purely courtly. Dances with courtly titles, like *Queen's Favorite* and *Queen Victoria* indicate that they crossed the channel a second time, back to England with French manners.

What about the Scots, whose relations with France were usually less strained than their relations with England? They contributed the *reel*, most likely; via France? or via England? Their beautiful set step they hold in common with the English, but their fancy way of casting off that they call a *poussette* — well, it is a French word!

If you would like to see the *contradance* today at its elegant best, you have to go no farther than California, where the glorious *contradanzas* of old Spanish California are being revived by loving round dance groups. Those



Spanish colonists, like the rest of us, must have had to make a courteous little bow to France, as they devised these lovely squares and lines and circles in waltz time.

THE QUADRILLE FAMILY

BY THE BEGINNING of the 18th century, the English gentry were beginning to forget their country dance, and were doing little jigs and roundabouts, and, later, polkas. They were forgetting the longways, the round for as many as will, the round eight, and the square eight. If you will study the chart for a minute, you will see that this square for eight — the true square dance — came very near to being left, ungathered, far out on the end of a limb, like a nice, ripe peach out of reach of the ladder. Its survival seems to have depended on the round for eight, which the French discovered next. They whisked it across the channel and transformed it into a thing they called the "contredanse française," and they must have included the square for eight along with it because they, like the rest of us, had a hard time telling the difference. What did it matter?

PETICOAT DANCE

What they built out of this material was not a contre dance: it was a square dance. They soon evolved a name for it of its own—cotillon. Cotillon means petticoat, and the name may have come from a popular song of the time that says "My dear, when I dance, does my petticoat show?" We suppose that she hoped that it did, for it was a very pretty one. It was as if they had taken a little thatched and steep-roofed English cottage with a garden and a brook, and transformed it into a French chateau with lawns and clipped hedges and a fountain with a pool.

The cotillon was strictly square in formation and strictly country as to figure. Its great fault was monotony. Endless repetitions of the same few figures in endless dances killed the cotillon. An attempt was made to revive it during the 19th century by introducing so much variety that the dance degenerated. In America, a cotillon (spelled with an "i") developed as a certain kind of wonderful party at which no two dances were alike and the whole arrangement was most elaborate, with little favors for the ladies at the end of each dance. The true

cotillon, which deserves to be revived, has been lost for half a century, and, while the word is still used, it is meaningless.

The only reason that we include the cotillon in our story is the fact that it seems to have led up to the great quadrille, and this is a name that must be written in capitals. THE GREAT QUADRILLE! The word, of course, means "four some" — a dance done by four couples in a four-sided figure. The light-hearted square eight found itself all dressed up in a setting of five figures, the first of which was usually some kind of cross-over, such as "head couples right and left through and the sides the same." Then there might be a forward and back figure; and then an Alamo style balance four in line, with frills; then perhaps a circle eight with a four ladies' grand chain; and then a basket figure. You modern square dancers could do any of them at the drop of a hat.

The dance must have missed its gay music — the wonderfully-wrought English and Scottish tunes — but the new music was beautiful too, played by strings and woodwinds instead of pipes and oboes and bombardons. They used semi-classical dance music, opera tunes, and a great deal of music composed especially for these quadrilles by well-known composers.

We are in the middle of the 19th century by now, and you cannot possibly do this dance on the village green. The ladies' skirts are yards and yards around, ruffled and puffed over hoops until they look like huge walking lampshades. The gentlemen are wearing long trousers at last — tight trousers — and shirts with linen ruffles, and elaborate waistcoats. You need a glistening dance floor — a big one. You need light from hundreds of candles in crystal chandeliers. You need a platform for the musicians. And you really need, for the



EIGHT

first time, a *prompter*. Not a caller, yet, but someone to indicate briefly what is coming next. It would be unthinkable for one of the dancers to shout — "ladies' chain!"

The square dance, strong grand-child of the longways and the court ballet, sweet child of the square eight and the round eight, had come into the ballroom. And there it stayed, for a century and a half, with a glorious heyday in American ballrooms at the end.

At the same time that this was happening, occurred one of the great break-throughs in the history of the dance; the *polka* came bounding in on thistle-down toes, hand in hand with the *waltz*, and the *couple dance* was born. Not that the couple dance had not always been done, for it is an ancient dance form, deeply ritualistic in its representation of the relationship of a man to a woman, and often truly virginal in its manner of performance. There was nothing ritualistic about it in the late 18th century, when a tall man took a lovely woman close in his arms, and whirled endlessly around a gleaming dance floor to the most beautiful music the world has ever known — the waltz; or when he doubled his erstwhile dignified knees into the most delicate of hops, and the little peasant polka became the darling of the teak-wood floor.

We should speak of the difference between a *couple* dance and a *round* dance, and ask why we call a round something quite different from that "round for as many as will" of the English country dance. Actually, it is not so very different. Our round dance is a dance with a definite pattern, done not by a couple but by a group of couples, moving in unison in the same direction, doing the same step on the same beat of the music. The individual couple has no freedom of movement whatsoever — only of styling. A couple dance, on the other hand, belongs to the individual couple. If there is room, it can sweep all over the floor, improvising its own pattern. The gentleman may whisper into his lady's ear (or he may be skilful enough to whisper with his hands alone), when the cadence of the music demands: *twinkle, or lift, or cross over*. It is the only truly creative dance we have left (unless you are interested in jitterbug.) It was shocking when it first invaded the ballroom, and, like many things initially shocking, it turned out to be one of man's better inventions.

What has this to do with the history of square dancing? Much! For here were two things born to be wed! You could do the patterns of a quadrille to the steps of a waltz, and what resulted was the queen of all square dances. You could do it to a polka too, or a mazurka, or a redowa. On the branch of the plain quadrille a whole bouquet of the loveliest flowers burst into bloom: the polka quadrille, the mazurka quadrille, the *waltz quadrille*. We should have clung to this waltz quadrille like grim death. It was our dearest treasure, our dance of dances.

THE ELEGANT LANCERS

What about the *lancers*? History is confused about the lancers. It is a quadrille, of course, more elaborate than most, but orthodox in its five-part arrangement. (It may even be much older than the standard quadrille.) On dance programs it was always distinguished from the quadrilles, for some reason. A program from a century ago reads: "*Grand March, Quadrille, Waltz, Lancers, Schottische, Caledonian Quadrille, Waltz, Basket Quadrille, Redowa, Lancers, Polka, Lanigan Quadrille, Varsouvienne*," etc., etc., until you reach number 38 and five o'clock in the morning. This program contains 11 quadrilles, 7 lancers, 19 couple dances, two grand marches, and a few odds and ends like a *Virginia Reel*. This is at least five hours of solid dancing, plus long pauses between dances, and supper in the middle of the evening.

A lancers is really a program of five square dances: the 1st in 6/8 time, the 2nd in 2/4, the 3rd and 4th in 6/8, and the 5th in 4/4. This last figure was always military in style and in march time. This made a field day for the composers. They loved to write lancers, and what lovely things they were! Our happiest inheritance from the lancers at present is the *Grand Square*, which is a lancers' 5th figure. Imagine it in military uniform — the ladies in dimity and taffeta.

And so, in its every phase, the English Country Dance had gone over to the glamorous enemy. Here and there, in isolated areas of England and Scotland, an increasingly degenerate form hung on (Scottish soldiers danced the old dances with fierce dedication). It was we who saved it. We brought it with us, pristine and precious, when we came to the new world.

NINE

THE APPALACHIAN MOUNTAIN DANCE

IN 1917, THE GREAT ENGLISH FOLKLOREIST, Cecil J. Sharp, was prowling the southern Appalachians, hunting for folk songs and ballads. England was trying to seek out and restore her almost-lost folk arts, and there was a rumor that, in these mountains, a strange and wonderful thing had happened: descendants of the early settlers who had come to the new world during the reign of James I and later, had drifted into the back country, established little settlements, and remained so out of contact with the world over many generations that their customs, their speech, their songs and their crafts had been preserved unchanged, as a fly is caught and held intact in amber. This proved to be true about the ballads, and the Elizabethan strong preterites did indeed linger on in their speech.

AN IMPORTANT DISCOVERY

No one had given much thought to dances, and when Mr. Sharp was told that the people of this region had an interesting dance called a *running set*, but that it was rather uncouth and remarkable chiefly because it required great physical endurance, he had no desire to see it. One moonlit night, at the settlement school in Pine Mountain, Kentucky, he unexpectedly encountered this dance. His description of his excitement as he began to realize that he was making the great discovery of his career is somewhat hair-raising, but our hair stands straight on end as we realize that he was discovering the deep tap roots of our western square dance.

What Mr. Sharp saw was unquestionably an English country dance, but it was like nothing in Playford's books. It was a spacious dance. Promenade figures bound the figures of the dance together, something not encountered before. There were no courtesy movements, no sets, nor balances; nor courtesy turns. Figure evolved into figure with great speed, and the patterns themselves seemed very ancient, some of them harking back to children's singing games. Mr. Sharp reasoned that this dance

must be older than the Country dances in Playford, perhaps much older. The ancestors of these people had come from northern England and the lowlands of Scotland, where they were out of touch with developments in metropolitan England, and where, perhaps, they were even then stubbornly clinging to their old customs. Had they brought this dance intact to America, when they came? It seemed a likely conclusion. Like the ant-eater and the duck-billed platypus, here was a living fossil!

REMARKABLE RESEMBLANCE

It was danced in a proper square, and, strangely, the couples were numbered as we number our square today, instead of the heads being 1 and 2, and the sides 4 and 3. In *Country Dances*, Lloyd Shaw says: "After an introductory circle left similar to the introduction of the western dance, the first couple moves to the second couple and executes a special figure, then on to the next couple and repeats the figure. As they go on to the fourth couple, the second couple follows up and executes the same figure with the third couple, and repeats the figure with each couple in the set. As soon as possible, the third couple follows up and dances with the fourth, and follows around the ring. This goes on until every couple has followed in a sort of looping or crocheting chain-stitch of continuous and furious dancing. The figures that they execute between couple and couple not only bear a resemblance to the western figures, but, in some cases, are identical. And the do-si-do, with which each couple ties off when they finish the circle, survives in an altered form in the western dance."

DANCE WITHOUT MUSIC

If we are to be invited to dance some running sets, we have a few things to learn. There may be no music and we must feel the rhythm in the floor beneath our feet. The step is a light, bounding run, and Cecil Sharp says of the posture: "The body should be held erect, motionless, with every limb loose and relaxed, and inclined in the direction of the motion, as in skating." All of the movement is in the feet and ankles. This is Country dance posture. It is also Morris posture! The arms hang straight and loose and swing comfortably in rhythm with the motion of the body. This is necessary because the dance is so long, sometimes an hour or so, as it consists really of a tip of four to a dozen dances.

TEN

Our tip might consist of *Shoot the Owl* (which we know by that name and also as *Pop the Weasel*); *Chase the Squirrel* (lady round the lady and the gent solo); the *Wild Goose Chase* (which we usually call *Grapevine*, and which goes back for centuries to those religious serpentine dances that were so magical, and which were the dance that the Morris men used to conclude their programs); *Box the Gnat* (not like the little maneuver we call by that name today, but very much fancier); *Going Down Town* (which is cut away 6, 4, and 2); *Treat 'em All Right* (*Arkansas Traveller*); *Ladies in the Center* (*Cents Run Away to Alabama*); *Old Dan Tucker*; and *Wind Up the Ball Yarn*, which is the spectacular figure used by many square dance teams for the conclusion of an exhibition. Lloyd Shaw, who possibly used it first for this purpose, took it straight out of Cecil Sharp's *Country Dance Book*, and Sharp took it off the throbbing floor of the Pine Mountain Settlement School, and the ancestors of these dancers danced it with profound solemnity around a great tree, 1500 years ago, thus intending to communicate life and action to it. And *Old Dan Tucker* is one of those human sacrifice dances, like *London Bridge*, and 1500 years ago, the one who was caught as "old Dan" in the center, as the dance ended, really had his head cut off!

A ROUND SQUARE

The running set is more truly a round eight than a square eight. The action goes around the square rather than across it. You could almost separate round eights from square eights by whether or not you could do them in a big set. The running set is done in a square, but the big set is like a "round for as many as will."

Here — ten, sixteen, twenty couples join in a great ring and proceed exactly as described above. The effect, by the time the tenth couple starts to follow up, is downright exciting. From a balcony above the floor, it looks like corn starting to pop, building up to a climax with a full popper, dying down after all the grains are popped. It is purely beautiful. Make a list of your favorite dances and see how many of them could be done with any even number of couples. Those that could not are hopelessly square dances — quadrilles.

The people of the southern mountains did contras, in lines and circles. At just what point these joined the repertory we do not know

(Cecil Sharp taught them some English contras as late as 1917). But the French quadrille influence in this area did not come in until fairly recent times.

Possibly the dances were never done to music, but certainly, before 1917, this dance must have weathered a period of fanatical Puritanism, during which the fiddle was "the devil's instrument." We can scarcely estimate our debt to this great dance, for, besides having given us most of our western figures, and a joyous attitude toward dancing, the running set and its offspring probably kept dancing alive during this sterile period. Surely the play parties, which we shall discuss later, were fathered by the running set, whoever their maternal ancestor may have been, and we could not have survived without the play parties.

The running set had a caller, too — a real caller, America's only unique contribution to the square dance. If he were calling from the set, his call was a *prompt*, but if he called from outside the set, he put in improvised "patter" of his own, the forerunner of the wonderful patter call of twenty years ago.

Try something! Take a good old single visitor dance — say *Lady Round the Lady*. Dance it exactly as described above — *following up*. Put on the best English square dance music in your file — it will probably be *Clise a Sherbrook*. (If you don't have an old tune, try *Rubber Dolly*.)

It is unlikely that you have the stamina to dance it at the 128 steps per minute at which it is recorded, but, if you think you are as tough as your Great-Grand-Dad, turn it up to 140. Don't walk — run. Just barely. lightly!



After you have recovered from this, done in a square, put three or four sets in a big set and do *Shoot the Owl* or *Birdie in a Cage*. You may now go out and lie down flat on the lawn, and thank God for your ancestors!

ELEVEN

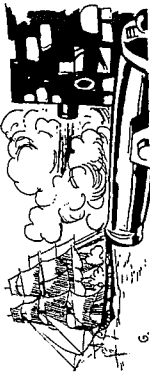
THE NEW ENGLAND DANCE

OUR DANCE MUST HAVE STARTED out with a big handicap in the first years of the settlement of the New England colonies. Those sturdy Puritan gentlemen who implemented the Massachusetts Bay Colony Charter were a grim lot, believing, as they evidently did, that what was gay and light-hearted was also sinful. They had packed up many of their simple happinesses and hidden them away some time before, to please General Cromwell; and, when they came across the sea during the first half of the 17th century, they simply left the whole lot behind. They left the May-pole, that lovely totem of English dancing, and the dances that had encircled it. They left the great bonfires of Midsummer Eve, and the wild, weaving lines of shadowy figures that danced around them. They even left Christmas, with its carols and its wonder. (It took us 300 years to get the carols back.)

Fortunately, the Puritan influence was soon diluted. Men who were tolerant as well as wise and courageous came from all walks of English life, not only into the New England colonies, but also into Virginia and the Carolinas and Maryland. An American aristocracy of the mind and spirit developed, and it brought its social graces into the ballroom as well as the convention hall.

It is difficult to get anyone to say how much of the *New England dance* came from the now-declining English Country Dance, and how much from the ballrooms of London and Paris. During Revolutionary times, evidence favors the ballroom. General Washington, dressed elegantly in fitted black, with a powdered pigtail and white silk stockings, danced a very acceptable minuet, you may be sure, and a courtly quadrille, and a dignified contra. But when did those simpler New England folk outside the ballroom get started on their wonderful succession of contras and quadrilles that are the very backbone of our current square dance? For the square dance began here as truly as it did in the mountains of Kentucky and the Carolinas, and perhaps a little earlier.

The names of some of the dances tell a story. *Green Mountain Volunteers* — remember them, and *Ethan Allen*? (Pre-Revolution, from Vermont). *Jefferson and Victory*, *Washington's Quick Step*, *The Beaux of Albany*, *Old Zip Coon*, *Boston Fancy*, *Pop Goes the Weasel* — how American they sound! *Hull's Victory* and *Sackett's Harbor* — two of the very great triples,



are named out of the War of 1812. Commodore Hull was the commander of the frigate *Constitution* and, as for Sackett's Harbor, which is on the east shore of Lake Ontario in upper New York State, the motions of the dance make a graphic picture of the see-saw battle that went on for months for control of the fortification there. And yet, many of these "American" dances were really old patterns loved long before in England or Scotland, given American names; just as we set our American hymn to the tune of *God Save the King*, and our National Anthem to a German tavern song. When it came to dancing "we were adapters rather than creators, and some of our adaptations were marvels to behold.

THE SINGING QUADRILLE

One of our great adaptations was the singing quadrille, which seems to belong in this period. Quadrilles thrived for so long in America! And you could get such variation into the music. A five-part quadrille permitted you to use five different but related tunes; for instance, the famous *Caledonian Quadrilles* contained parts danced to five beloved Scottish tunes, including *The Campbells Are Coming* and *My Love Is But a Lassie Yet*. The *Verdi Opera Quadrille* used two arias from *Traviata* and three from *Il Trovatore*. The *Columbian Quadrilles* used *Star-Spangled Banner*, *Red, White and Blue*, *Adams and Liberty*, *Hail Columbia*, and *Yankee Doodle!* This sounds either very lively or very stuffy, and, after you have read the instructions for the figures, you decide that stuffy is the word. They were unimaginative, commonplace and all alike.

It was a period of too many dances, which

TWELVE

were consequently doomed. But out of it grew the simple, integrated, freely-moving and melodious singing squares set to American folk tunes, beloved of the people: *Captain Jinks*, *Darling Nellie Gray*, *The Girl I Left Behind Me*, *The Flower Girl Waltz*, *Oh Susanna* — direct forerunners of such dances as *Trail of the Lonesome Pine*, *Red River Valley*, *Alabama Jubilee*, *Smoke on the Water*, and *Kingston Town*. There are dozens and hundreds of these old singing quadrilles, as much fun to do as they always were.

And there were *plain quadrilles*, danced to the same type of old Scottish or English or even Irish music that was used for the contras. These were square dances in the current sense with (1) an opening chorus, (2) a figure, twice or four times repeated, (3) a closing chorus. The commonest chorus was then, as now — "all-mande left and grand right and left." Ralph Page says that the contribution of the French Canadians who came seeping into New England during the past century, is not, as one might expect, French contra patterns, but a gaiety and joy in life that resulted in the long suiting so typical of New England square dancing. We once watched a dance in Bethlehem, Connecticut that was 60% swing. Taking a tight waist-hold, but holding their heads and shoulders far out from each other, doing a lightning-fast buzz-step, the partners, when instructed to "swing!", swung for literally minutes, like so many tops, and then staggered to the open window, where they hung out, gasping, while the next couple took their turn.

No doubt about it — the wandering square dance had come out of the ballroom and back again to the people during the late 19th century. The polished quadrille got involved with the country dance of the backwoods area; the gay Quebec swing got all mixed up with the uproarious New Hampshire contra; a circle mixer from Maine made an alliance with a longways dance from New York State. A true *American hybrid* was being developed.

EVERYBODY DANCED

During the half century that bracketed the American Revolution and the War of 1812, this was a more dancing nation than it is today. Everybody danced, and continued to dance during the decades to follow. Everybody grew up dancing, for those were the days when the babies went in baskets, and the small fry formed a set in the corner and stomped away,

until a dancing master got hold of them and polished up their steps. (Dancing masters were a dime a dozen.) And an "ordination ball" was held when the new minister was installed!

Where did they dance? In taverns, in town halls, in barns, at husking bees, roof-raising, sheep-shearings. Don't think, when you build a hall in your basement or your garage, or a "slab" in your yard, that you are doing something new and unusual. They did that, too. They built dance halls right onto their houses. If they didn't have anything better, they danced in the kitchen, and Ralph Page describes the fiddler sitting in the kitchen sink in order to leave room for the dancers on the floor. (Do read Ralph Page's introduction to *The Country Dance Book* by Tolman and Page.)

NOTHING NEW

Don't think, when you get a "knothead" badge for travelling in a set-size group for a hundred miles or more to a square dance, that you are *modern*. More than a century ago they were doing that too. They went in a sleigh or a hayrack instead of a 1957 Buick, but the objective was the same. I have no doubt that there were "idiots" who wakened their caller in the wee small hours, and demanded a dance. There is really nothing essentially modern about the behavior of the current caller, who works at a job all day and calls square dances half the night, burning his candle so hard at both ends that it is a bit hot in the middle.

They did that, too. Many men, especially teachers and, occasionally, ministers, both of whom were underpaid then as now, augmented their salaries by teaching or prompting dancing — square dancing in its broad sense. Some even fiddled. They did it economically, by having a two-hour teaching session followed by a three-, or four-, or even five-hour dance.

They called to their dancers to line up for a grand march. The instrumentalists tuned up. The dancers marched, elegantly, joyously, delightfully onto the floor until finally the line of couples found itself in a circle around the hall. "Hold your places for *Sicilian Circle*!" The fiddler swung into *A Hundred Pipers* but he didn't stay with it long — he kept happily changing tunes. Round and round they went, in the patterns you do at every square dance. "Promenade off the floor!" And then, they formed sets for a plain quadrille: "First four, right and left through — and right and left back!" The great American square dance was in motion.

THIRTEEN

THE DEVELOPMENT OF THE CURRENT HYBRID

AMERICANS HAVE ALWAYS BEEN a people on the move. From the very first potential colonists set down in Roanoke, Virginia in 1584, they have been reluctant to stay put, and have vanished into parts unknown, taking their customs with them. You have only to take the wanderings of one great pioneer to have a prototype for them all — take Daniel Boone. Born in Pennsylvania of an immigrant English father, moved at 18 into the mountains of western North Carolina, went at 26 to explore the head waters of the Tennessee River, set out at 35 to explore the border regions of Kentucky, settled there and practically built Kentucky, lost his lands through defective titles and headed west at the age of 60, settling near what is now St. Louis! He was only one of thousands like him. And they danced. They danced and they sang, and by their songs and dances we track them backward from the 20th century. Study the dances of any area, and you will find who brought them, and whence.

It is not surprising therefore, that the Appalachian dance turned up in the American southwest, in the middle-west, in Oklahoma, and in Texas. It came with a singular purity into Texas and promptly took on something new — the charming little Texas two-step with its bird-like lift. Where did *that* come from? Over the border from Mexico, most likely.

THE PLAY PARTIES

In the middle-west the dance encountered a puritan influence again and could not persist as a dance at all. So it became a *play-party*. Dances were done as if they were children's games, to singing and to clapping of the hands. The tunes and words go back so far that they bring tingles to your scalp — back farther than Playford, back through Tennessee and Kentucky to goodness knows where. Play-party manners were simple, but deportment was important. There was no drinking, and young ladies and gentlemen were wonderfully controlled. No young man put his arm around a girl's waist. Even in Texas, where dancing was dancing, there were barriers. Hence, the old call — "Meet your honey, pat her on the head, if you can't get biscuit, give her corn bread."

Biscuit was a waist-swing; *corn bread* was a decent two-hand swing; and if you must pat her, pat her on the head! Our square dance was developing—at once demure and vigorous.

THE DANCE PRESERVED

Where simple pioneering people (seeking isolation) went, you found, for the most part, the single-visitor-type dance of the Appalachian mountains. Where more sophisticated groups (bent on establishing a farther frontier for American culture and government and backed by organized financing) went, you were likely to find the New England quadrille type of dance. Where a dedicated group, (like the Mormons) went, you found a fusion at a very high level. No group did a better job of carrying the best of American culture across the continent than the Mormons; and they hung onto it long and well.

Where great financial opportunities presented themselves, as in the successful gold-mining camps of the west, you had people from all walks of life — well-to-do promoters and hard rock miners; merchants and bankers and professional people. Here we had the truest synthesis of the American folk dance. Nothing mixed people up like the mining camps of the western United States. If you went to a dance in the pioneer farming country of Nebraska, you would find something like a country dance, but a program for an 1870 dance in Central City, Colorado, reads like a lay-out of the middle section of our chart: quadrilles and lancers, contras and circles, waltz, polka and schottische. Oddly enough, a program from a dance in the Town Hall of Kingston, N.H., reads much the same except that there were more contras. The dance remained remarkably stable for many decades — some things expanded here; some things squeezed out there.

NEXT — THE CONTRA

What finally got crowded out was the contra, most important ancestor of them all. Perhaps it is well enough for it to live on in almost every move we make on the dance floor, but millions of people must have missed this most exciting and beautiful of dances, as it dwindled down

to three or four routines that people remembered, and finally expired in an emasculated *Virginia Reel* that any good contra dancer would have looked upon with dismay.

And then, in the first part of the 20th century, came a decadence in American dancing like nothing ever seen before. Quadrilles died, contras died, people two-stepped their waltz and forgot their polka. The schottische lived on at high-school hops as a rather rowdy thing called a *barn dance*. The true square dance, amalgamated variety, all but disappeared. In rural communities, in farming areas where there were active granges, square dances were still held; but the callers, who were remembering what their daddies had done, and remembering rather inaccurately, had a more and more limited repertory. They forgot how to prompt, also, and caught themselves calling with the action instead of ahead of it. The music became more and more forlorn, the caller less and less understandable. Style was lost — the lift and lightness of Kentucky; the prideful bounce of New Hampshire.

In the couple dance field, people tried desperately to do something about the situation, with some alarming results; but scarcely anyone seemed interested in picking up the square dance out of the gutter where it was literally sinking into oblivion. And, alas—in some areas, it had acquired a reputation that it has never quite lived down with nice people. Still — in some serene little corners, like New Hampshire and bits of Texas, the light burned on without too much flickering.

And then someone *did* do something, a couple with the will to preserve a great American folk activity, and the money necessary to save it. On the cover of the 1926 edition of their book, it says —

"GOOD MORNING

After a Sleep of Twenty-Five Years,
Old Fashioned Dancing is being revived
by Mr. and Mrs. Henry Ford."

Mr. and Mrs. Ford built a fine dance hall with a teakwood floor and crystal chandeliers in Greenfield Village in Dearborn, Michigan, and engaged Mr. Benjamin Lovett, an outstanding research man, who was teacher and dancing master there for many years. Here was a public service of inestimable value. Read the Table of Contents of the third edition of *Good*

Morning (1931). Everything is here, beautifully described, and the music scored: 4 quadrilles and the Five-Part Singing Quadrille, the Standard Lancers, 13 singing squares, 3 circle mixers, 6 contras, 11 rounds, including a minuet, a waltz-minuet and a gavotte. It is a superb collection, chosen with great attention to quality. The only thing that was missing was the great "western" square dance, with its single-visitor figures, its do-si-do chorus and its wonderful patter call.

This little book was an inspiration to many people who had desperately wanted this material. They pounced on it. One of the people who pounced was a young Colorado school superintendent named Lloyd Shaw. He had been working on the theory that the Greeks were right about dancing being an essential part of the education of the child. Having started with international folk dancing under the tutelage of Elizabeth Burchenal, he was more than ready for the American dance. But he recognized that the Henry Ford book supplied only half of this dance, and that the other half lay almost under his own nose in the little towns and farm communities of his own West.



It was not easy to dig out. Callers could only remember their calls when they stood up in front of the dancers with the music behind them; dancers worked almost like puppets satified with a thin repertory; tempos were dead-ly slow; and everyone was a little suspicious of a city slicker who came to the dance with a notebook in his hand. Nevertheless, people did help — leads opened up — and pilgrims on the same quest opened their files and their hearts to each other. In 1939 Lloyd Shaw published *Cowboy Dances*, a big book that filled in Henry

Ford's gaps, containing a thorough discussion of the square dance as it was done from the Missouri River Valley to the Sierras, and from North Dakota to the Gulf. Others came in quickly with their contributions, one of the most notable of whom was Herb Greggerson of El Paso, Texas, who took a fanatic's delight in dancing and putting down on paper the wonderful Texas dances, so true to their Country sources.

For years, Lloyd Shaw conducted summer classes, where he taught teachers how to present the *whole* American folk dance. Other such institutes sprang up all over the country. The square dance began to pull into focus, as

it never had before. Once more, and all over the country, thousands, and then millions, of people were dancing.

Sitting in the balcony and watching the vast floor full of dancers at the Chicago International Festival in 1951 — watching the unfolding of stars and circles, grills and boxes — the great sweeping joy of a dance like *Arkansas Traveller*, I heard a learned man who had never seen a large square dance before suddenly explode: "This is the most beautiful thing I ever saw! The most beautiful and the most significant." And it was. The great *American square dance*, with all its ancestors looking over its shoulder, was having a party.

WHAT OF THE PRESENT AND THE FUTURE?

There have been great changes since 1951, not all reassuring. The fantastic prestige of *name callers*; a willingness to dance to calling that disregards the 8-count phrase; the notonous repetition of grill-type figures; the vast size of the whole activity — these could be dangerous. Most alarming is the tendency to conformity. We have become as uniform as soup cans on a supermarket shelf.

Do not be disturbed. Last week we saw a *do-ci-do!* Contras are coming back. Every day another maverick sneaks out of the corral, sniffs the air, senses a good rain, and settles down to graze on the old pasture. The dance goes on, down the worn path taken by the first ancestor. We shall never lock it up in any man's stable. It has wings, and it is ever so much bigger than we are.

BIBLIOGRAPHY

OF THE MANY BOOKS AVAILABLE, the following were found to be most useful in this little study. They are arranged in the order of the antiquity of the material covered. All except Wilson are available in print or in re-prints.

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IN THE LEGISLATURE
of the
STATE OF WASHINGTON



CERTIFICATION OF ENROLLED ENACTMENT

SENATE BILL NO. 2015

CHAPTER NO. _____

Passed the Senate March 21 19 79

Yeas 48 Nays 0

Passed the House April 9 19 79

Yeas 81 Nays 15

CERTIFICATE

I, Sidney R. Snyder, Secretary of the Senate of the State of Washington do hereby certify that the attached is enrolled Senate Bill No. 2015 as passed by the Senate and the House of Representatives on the dates hereon set forth.


Secretary of the Senate

State of Washington
46th Legislature
Regular Session

by Representatives Fuller, Whiteside,
Sanders, Keller, Erak, Addison and
Kreidler

Read first time January 12, 1979, and referred to Committee on
Parks & Recreation.

State of Washington
46th Regular Session

by Senator Tulley

Filed with the Secretary of the Senate December 4, 1978, for
introduction, January 8, 1979. Read first time January 8, 1979, and
referred to Committee on PARKS AND RECREATION.

1 ANY ACT Relating to the naming of a state dance; and adding a new
2 section to chapter 1.20 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. Section 1. There is added to chapter 1.20
5 RCW a new section to read as follows:

6 The square dance is designated as the official dance of
7 the state of Washington.

1 AN ACT Relating to the naming of a state dance; and adding a new
2 section to chapter 1.20 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. Section 1. There is added to chapter 1.20
5 RCW a new section to read as follows:

6 The square dance is designated as the official dance of
7 the state of Washington.

Passed the Senate March 21, 1979.

Al Lewis
President of the Senate.

Passed the House April 9, 1979.

John Bagshaw
Democratic Speaker of the House.

James B. ...
Republican Speaker of the House.

Approved April 17, 1979

William ...
Governor of the State of Washington

ASSEMBLY JOINT RESOLUTION No. 29

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Assemblyman BORNHEIMER

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

A JOINT RESOLUTION designating the Square Dance as the American
Folk Dance of the State of New Jersey.

- 1 WHEREAS, Love of State and professions is enhanced by traditions
2 that have become a part of our way of life and the customs of
3 the American people; and,
- 4 WHEREAS, We have distinctive and meaningful symbols of our
5 ideals in our State's flag and in many cultural endeavors, but no
6 official designation of a State Folk Dance; and,
- 7 WHEREAS, The Square Dance, which was first associated with the
8 American people and recorded in history since 1651, has con-
9 sistently been the one dance traditionally recognized by the
10 American people as a dignified and enjoyable expression of
11 American folk dancing; and,
- 12 WHEREAS, Official recognition of the Square Dance will enhance
13 the cultural stature of New Jersey both nationally and inter-
14 nationally; and,
- 15 WHEREAS, National and international prestige is the best interest
16 of all Americans; now, therefore,
- 1 BE IT RESOLVED *by the Senate and General Assembly of the State*
2 *of New Jersey:*
- 1 1. That the dance known as the Square Dance is designated the
2 American Folk Dance of the State of New Jersey.
1 2. That this joint resolution shall take effect immediately.

STATEMENT

The purpose of this joint resolution is expressed in its title.

Note - SJ Res. #19 approved Jan. 19, 1983

HJR 5D DESIGNATING THE SQUARE DANCE AS THE AMERICAN
FOLK DANCE OF THE STATE OF ALABAMA.

WHEREAS, love of state and professions is enhanced
by traditions that have become a part of our way of life
and the customs of the American people; and


WHEREAS, we have distinctive and meaningful
symbols of our ideals in our state's flag and in many
cultural endeavors, but no official designation of a
State Folk Dance; and

WHEREAS, the Square Dance, which was first
associated with the American people and recorded in history
since 1651, has consistently been the one dance recognized
by the American people as a dignified and enjoyable
expression of American folk dancing; and

WHEREAS, official recognition of the Square
Dance will enhance the cultural stature of Alabama both
nationally and internationally; and

WHEREAS, national and international prestige is in
the best interest of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That the dance known as
the Square Dance is designated the American Folk Dance
of the State of Alabama.


Speaker of the House of Representatives


President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within House Joint Resolution originated
in and was adopted by the House February 17, 1981.

John W. Pemberton
Clerk

Senate

FEB 17 1981


Adopted

ACTS 1980 (A.M. S.), CH. 829

**PUBLIC CHAPTER NO. 829
HOUSE BILL NO. 1620**

By Covington, Bragg

Substituted for: Senate Bill No. 1889

By Cutrer

AN ACT to designate the Square Dance as the official state dance.

WHEREAS, throughout Tennessee's two centuries of growth and development, the forces of time have left few vestiges that reflect accurately the personality and culture of our ancestors; and

WHEREAS, among the traditions that have survived intact is the Square Dance, a uniquely attractive art form that remains a vibrant and entertaining part of Tennessee folklore; and

WHEREAS, it is fitting that we acknowledge the role of the Square Dance, both in the past and present culture of Tennessee; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

4-1-312

SECTION 1. The Square Dance is hereby designated as the official state folk dance.

Effective date
7/1/80

SECTION 2. This Act shall take effect on July 1, 1980, the public welfare requiring it.

ASSEMBLY JOINT RESOLUTION

STATE OF _____

INTRODUCED

By Assemblyman

Referred to Committee on State Government.

A JOINT RESOLUTION designating the Square Dance as the American Folk Dance of the State of

1 WHEREAS, Love of State and professions is enhanced by traditions
2 that have become a part of our way of life and the customs of
3 the American people; and,

4 WHEREAS, We have distinctive and meaningful symbols of our
5 ideals in our State's flag and in many cultural endeavors, but no
6 official designation of a State Folk Dance; and,

7 WHEREAS, The Square Dance, which was first associated with the
8 American people and recorded in history since 1651, has con-
9 sistently been the one dance traditionally recognized by the
10 American people as a dignified and enjoyable expression of
11 American folk dancing; and,

12 WHEREAS, Official recognition of the Square Dance will enhance
13 the cultural stature of both nationally and inter-
14 nationally; and,

15 WHEREAS, National and international prestige is the best interest
16 of all Americans; now, therefore,

1 BE IT RESOLVED *by the Senate and General Assembly of the State*
2 *of*

1 1. That the dance known as the Square Dance is designated the
2 American Folk Dance of the State of

1 2. That this joint resolution shall take effect immediately.

STATEMENT

The purpose of this joint resolution is expressed in its title.

NATIONAL FOLK DANCE - Frank and Helen Cavanaugh

WHEREAS-----the square dance, which was first associated with the American people and recorded in history since 1651, has consistently been the one dance traditionally recognized by the American people as a dignified and enjoyable expression of American folk dancing.

With these words, the square dancers of today have their own success story to pass on to the future of the American folk dance. Each year, since 1978, the States have been coming together, along with the United States of America, to continue with the heritage passed on to us, so that future generations may know and recognize the "square dance" as the American Folk Dance.

Proof of this yearly progressive response by the States are as follows:

- 1978, June 8th-----State of Oregon approved Resolution #8.
- 1979, April 17th---State of Washington approved Senate Bill #2015.
- 1980, July 1st-----State of Tennessee approved House Bill #1620.
- 1981, February 17th-State of Alabama approved Joint Resolution.
- 1982, June 1st-----United States of America approved SJRes. #59.
- 1983, January 19th-State of New Jersey approved SJRes. #19.
- 1984, February 17th State of California S.B.2146 (PROPOSED)

To designate the square dance as the national folk dance of the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1983

Mr. MINETA (for himself, Mr. PANETTA, Mr. BARNARD, Mr. BONER of Tennessee, Mr. BONKER, Mr. BROOKS, Mr. BROWN of California, Mr. CORRADA, Mr. DAUB, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. FLIPPO, Mr. FLORIO, Mr. FORRYTHE, Mr. FRENZEL, Mr. FROST, Mr. HOPKINS, Mr. HORTON, Mr. HUGHES, Mr. JEFFORDS, Mr. LAFALCE, Mr. LAOOMARSINO, Mr. LANTOS, Mr. MCHUGH, Mr. MARTINEZ, Mr. MATSUI, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. O'BRIEN, Mr. RATCHFORD, Mr. REID, Mr. ROBINSON, Mr. ROE, Mr. SHARP, Mr. SHELBY, Mr. STANGELAND, Mr. TALLON, Mr. VANDERORIFF, Mr. VENTO, Mr. WAXMAN, Mr. GUARINI, and Mr. DANIEL) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To designate the square dance as the national folk dance of the United States.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Congress finds that—
4 (1) square dancing has been a popular tradition in
5 America since early colonial times,
6 (2) square dancing is a joyful expression of the vi-
7 brant spirit of the people of the United States,
8 (3) the American people value the display of eti-
9 quette among men and women which is a major ele-
10 ment of square dancing,
11 (4) square dancing is a traditional form of family
12 recreation which symbolizes a basic strength of this
13 country, namely, the unity of the family,
14 (5) square dancing epitomizes democracy because
15 it dissolves arbitrary social distinctions, and
16 (6) it is fitting that the square dance be added to
the array of symbols of our national character and
pride.
SEC. 2. The square dance is designated as the national
folk dance of the United States.
SEC. 3. This Act shall take effect January 1, 1984.

Jan. 31, 1984 - 252 copies
Required 218 copies
Oct. 3, 1983
The Bill must be
considered by the
Population, Health and
Environment Committee
of the Post Office and
Civil Service Committee
then referred to the
House floor.

Revised 2-2-83
35 Senate
correspondence

To designate the square dance as the national folk dance of the United States.

IN THE SENATE OF THE UNITED STATES

JUNE 10 (legislative day, JUNE 6), 1983

Mr. BYRD (for himself, Mr. BAKER, Mr. THURMOND, Mr. CRANSTON, Mr. RANDOLPH, Mr. ABDNOR, Mr. BAUCUS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BOREN, Mr. BUMPERS, Mr. DECONCINI, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAST, Mr. GOLDWATER, Mr. HEFLIN, Mr. HUDDLESTON, Mr. JACKSON, Mr. LAUTENBERG, Mr. LAXALT, Mr. LEAHY, Mr. MATHIAS, Mr. MELCHER, Mr. NUNN, Mr. PROXMIRE, Mr. SASSER, and Mr. WILSON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To designate the square dance as the national folk dance of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Congress finds that—

4 (1) square dancing has been a popular tradition in
5 America since early colonial times;

6 (2) square dancing is a joyful expression of the vi-
7 brant spirit of the people of the United States;

2

1 (3) the American people value the display of eti-
2 quette among men and women which is a major ele-
3 ment of square dancing;

4 (4) square dancing is a traditional form of family
5 recreation which symbolizes a basic strength of this
6 country, namely, the unity of the family;

7 (5) square dancing epitomizes democracy because
8 it dissolves arbitrary social distinctions; and

9 (6) it is fitting that the square dance be added to
10 the array of symbols of our national character and
11 pride.

12 SEC. 2. The square dance is designated as the national
13 folk dance of the United States.

14 SEC. 3. This Act shall take effect January 1, 1984.

○

tary of Defense Weinberger was planning one. I was also surprised that the New York Times decided to run this story on the bottom of page A24, since this newest strategic development speaks directly to our Nation's safety, and might even change the focus of the defense budget debate.

I am sure that since reading the story yesterday, many Americans are trying to find out how far along the Soviet Union is with their deployment of the chicken gun, and how will our Minuteman, Midgetman, and Sparrow missiles get along with this new weapon, which I would personally like to call the Perdue missile. I am also trying to find out if the Navy is working with the Air Force on this project to develop one of their own missiles which would be, one assumes, a chicken of the sea.

These concerns notwithstanding, Mr. President, I want to congratulate the Air Force on their resourcefulness and attention to a most disturbing problem. Despite the fact that there will no doubt be those that will be skeptical of such research, I for one, see nothing more involved than a little "fowl" play.

Mr. President, I have no further need for my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

S. 1448—DESIGNATION OF THE SQUARE DANCE AS THE NA- TIONAL FOLK DANCE OF THE U.S.A.

Mr. BYRD. Mr. President, in the last Congress, I introduced a Senate resolution to designate the square dance as the national folk dance. The resolution was adopted by the Congress with an amendment and signed into law by the President on June 1, 1982.

Since that time, the square dance has enjoyed an increase in popularity. Membership in the many square dance organizations formed over the years has grown, and new organizations have come into being since the enactment of the law. Below, I am inserting a summary of square dance activities since last June which I have received from the National Folk Dance Committee. I ask unanimous consent that the statement be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

THE DESIGNATION OF THE SQUARE DANCE AS THE NATIONAL FOLK DANCE OF THE U.S.A.

The recent designation of the Square Dance as the National Folk Dance of the United States of America, by Congress, has resulted in a proud and positive reaction by millions of people, especially active dancers, all over the Nation. The wide coverage by the media, focusing attention on the National Dance through television, radio,

newspapers, and magazines has created an enormous interest and growth in square dancing which is overwhelming.

Clubs, churches, and social groups are clamoring for information about the dance. Square dancing is currently being taught in schools across the Nation, from elementary through high school, and many more schools are seeking ways to include the activity in their curriculum.

A number of universities, through their English Language Extension Course for foreign students, include students' participation in square dance parties so they may be aware of this part of our American heritage. Commercial concerns entertaining foreign customers use these square dance parties and blue grass music to treat them to a true part of America.

The recognition, by Congress, has increased spectator attendance at square dance festivals and civic functions. Formal organizations have increased in number by twenty-five percent. Many who have ridiculed the Square Dance for being rough and hayseed, are taking a second look, and finding square dancing to be modern, appealing to people of all ages, races and creeds. The Square Dance has been danced for more than two centuries, conforming with the ever-changing life style of the American people. Class distinction is forgotten when people join together to enjoy the true fellowship of the Square Dance. The Square Dance is recognized everywhere as indigenous to America, and even in foreign lands the calls are in the English language.

The Square Dance is recognized as the State Dance of Alabama, New Jersey, Oregon, Tennessee and Washington. It has been declared the official dance of Cook County, Illinois, and legislation is pending, according to reports in Alaska and Kentucky to designate the Square Dance as the official dance of those States.

Everyone can enjoy the fun and fellowship of this wonderful part of our American heritage. We truly believe the Square Dance should have permanent designation, by the Congress, as the National Folk Dance of the United States of America.

Mr. BYRD. Mr. President, the amendment to the square dance resolution limited the designation to 2 years. After reviewing the summary statement above, I hope that all of my colleagues in the Senate will agree that the enthusiasm with which the Nation has accepted the square dance as the national folk dance justifies a permanent designation.

I am pleased that I am supported in presenting this bill to the Senate by the distinguished majority leader, Senator HOWARD BAKER, and the distinguished chairman of the Judiciary Committee, Senator STROM THURMOND, and many other Senators on both sides of the aisle who cosponsor this bill today, and I thank them for their interest.

Mr. President, I ask unanimous consent that the names of the cosponsors and the bill be printed in the Record.

There being no objection, the cosponsors and the bill was ordered to be printed in the Record, as follows:

The following Senators cosponsor the legislation to designate the square dance as the national folk dance of the United States of America:

Senators BAKER, THURMOND, CRANSTON, RANDOLPH, ABDNOR, BAUCUS, BENTSEN, BINGAMAN, BOREN, BUMPER, DeCONCINI, DO-

MINICI, DODDENBERGER, FEAST, GOLDWATER, HEFLIN, HUDDLESTON, JACKSON, LAUTENBERG, LAXALT, LEAHY, MATTHIAS, MELCHER, NUNN, PROXMIRE, SASSER, and WILSON.

S. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) square dancing has been a popular tradition in America since early colonial times,

(2) square dancing is a joyful expression of the vibrant spirit of the people of the United States;

(3) the American people value the display of etiquette among men and women which is a major element of square dancing;

(4) square dancing is a traditional form of family recreation which symbolizes a basic strength of this country, namely the unity of the family;

(5) square dancing epitomizes democracy because it dissolves arbitrary social distinctions; and

(6) it is fitting that the square dance be added to the array of symbols of our national character and pride.

Sec. 2. The square dance is designated as the national folk dance of the United States.

Sec. 3. This Act shall take effect January 1, 1984.

Mr. BYRD. Mr. President, I yield any remaining time to the majority leader.

Mr. BAKER. Mr. President, I have no further need for my time or the time that he graciously yielded to me. If he has no objection, I will yield back the aggregate time.

Mr. President, I yield back the time allocated to the two leaders under the standing order, and I ask that the Chair now proceed with the order previously entered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ABDNOR). Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 11:30 a.m., with statements therein limited to 3 minutes each.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAGAN NUCLEAR ARMS CON- TROL POSTURE—RIGHT OR WRONG?

Mr. PROXMIRE. President Reagan has announced that his arms control negotiations with the Soviets will take on a more flexible approach. The United States will negotiate with the Soviet Union on some issues on the terms the Soviets prefer, provided we can satisfy ourselves that we do not suffer any disadvantage in such nego-

Administration to escape the demand for compliance?

The resolution gives Congress two ways to limit the Presidential use of the armed forces. First, it says that the President "shall terminate" their use 90 days after "hostilities" trigger the act unless Congress has authorized him to carry on. Second, it provides that Congress may at any time direct the President to withdraw forces by passing a form of resolution that does not require Presidential approval.

The second of those provisions was effectively held unconstitutional by the Supreme Court in June in the legislative veto case. The Court said that Congress had to act in such matters through regular legislation, subject to a President's veto.

But the first war powers provision is a very different matter, legally. It simply sets a time limit on what a President may do with the armed forces until he has Congressional authority. That has all kinds of precedent behind it in "sunset laws" and statutes giving Presidents scope to take certain actions within a limited period. And the provision is supported by Congress's explicit constitutional power to declare war.

As that war powers provision is applied to particular facts, it might run up against a President's power as Commander in Chief—and be unconstitutional as applied. A President could make that argument convincingly, for instance, if the provision called on him to remove forces under emergency circumstances threatening them or the nation. But that is very different from saying that a time limit as such is unconstitutional.

President Reagan really conceded the principle of Congressional authority in Lebanon on June 27, when he signed into law the Lebanon Emergency Assistance Act. Section 4(a) of the act says "the President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon by the United States Armed Forces."

Before that language became law the Deputy Secretary of State, Kenneth W. Dam, wrote a letter to Senator Charles Percy saying it was "acceptable to us." He said it described "what this Administration intends to do," namely "seek authorization from Congress" for the force in Lebanon. And, he said, the language gave flexibility for emergencies by allowing the President to begin introducing forces, "if circumstances urgently required, while Congress is considering his request for statutory authorization."

In short, the Reagan Administration has already agreed to a formal Congressional role in sending U.S. forces into Lebanon. It has deferred to an assertion of authority consistent with the War Powers Resolution.

There is strong reason in democratic theory and in our recent history to favor that Congressional role. Senator Roger Jepsen of Iowa, a conservative Republican, put it: "If the deployment of the marines in the very volatile environment in Lebanon is to have the full support of the American people, they must have a voice through their elected representatives in Congress."

As Senator Jepsen's words show, Republicans as well as Democrats in Congress are pressing Mr. Reagan to comply with the War Powers Resolution. Yet he continues to evade it, without legal or factual argument. Not since Richard Nixon has there been such a case of stonewalling by the White House.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, the Senator has time remaining. I wonder if

we could do some housekeeping items at this point.

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, does the Senator have time remaining?

The PRESIDENT pro tempore. The Senator has about one-half minute.

Mr. BAKER. I ask unanimous consent that we have 2 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are several items marked on the calendar for action by unanimous consent on this side. I will identify them for the minority leader and ask if he is in a position to consider all or any of them at this time. They are calendar Nos. 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, and 385.

Mr. BYRD. Mr. President, there is no objection on this side. Those items have been cleared, I am pleased to state.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

DESIGNATING THE SQUARE DANCE AS THE FOLK DANCE OF THE UNITED STATES

The bill (S. 1448) to designate the square dance as the national folk dance of the United States was considered.

Mr. BYRD. Mr. President, this week square dancers from across America will be coming to Washington to celebrate National Square Dance Week.

This is an appropriate time, therefore, to bring before the Senate my bill, S. 1448, to designate the square dance as the National Folk Dance, in perpetuity.

In so doing, allow me to remark that the square dance embodies the evolution of dance in our country since colonial times. Nearly every ethnic group can recognize a contribution of its own to the many steps and movements of the modern square dance.

Although the square dance has changed with the growth of our Nation, the basic character of the dance has continued to uphold the spirit of equality, chivalry, precision, joy—qualities highly valued in the American way, and as a creed for square dancers. Thousands of young, middle aged, and elderly belong to clubs and associations as devotees and students of the square dance. These Americans are to be applauded for keeping alive a colorful heritage which belongs solely to our country. I hope that all of my colleagues in the Senate will support my bill, and that they will give their unanimous consent to the passage of S. 1448, to designate the square dance as the National Folk Dance of the United States.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) square dancing has been a popular tradition in America since early colonial times;

(2) square dancing is a joyful expression of the vibrant spirit of the people of the United States;

(3) the American people value the display of etiquette among men and women which is a major element of square dancing;

(4) square dancing is a traditional form of family recreation which symbolizes a basic strength of this country, namely, the unity of the family;

(5) square dancing epitomizes democracy because it dissolves arbitrary social distinctions; and

(6) it is fitting that the square dance be added to the array of symbols of our national character and pride.

Sec. 2. The square dance is designated as the national folk dance of the United States.

Sec. 3. This Act shall take effect January 1, 1984.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DIABETES MONTH

The Senate proceeded to consider the joint resolution (S.J. Res. 121) to designate November 1983 as National Diabetes Month.

Mr. ABDNOR. Mr. President, I am pleased to note that 36 Senators have joined me in sponsoring Senate Joint Resolution 121, to designate the month of November 1983, as "National Diabetes Month." I would like to thank the distinguished chairman of the Judiciary Committee, Mr. THURMOND, and his colleagues for acting expeditiously on this important legislation.

Mr. President, I trust that this initiative will promote a greater understanding of the effects this disease has on the 11 million Americans who suffer from diabetes—and their loved ones, together with a recognition of the importance of sustaining our commitment to develop more effective methods of treating diabetes.

To date, Representative Hoyer has obtained 145 cosponsors for the companion measure (H.J. Res. 307) he introduced in the House of Representatives. Mr. President, I urge our colleagues in the House to act on this vital resolution in a timely manner.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

NOTE—PASSED UNANIMOUSLY
35 SENATORS WERE

Square Dance Parties

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ANY GROUP



☐ DANCE IN MINUTES
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CALLER/TEACHER

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226 CORONADO DR.
APTOS, CA 95003

*This info provided
by George + Ann
Holser w/ their
3/8/84 letter*



A PROCLAMATION by the Governor of the State of California

WHEREAS, square dancing is an American tradition and is a most enjoyable form of recreation; and

WHEREAS, the square dance has been designated the national folk dance of the United States for 1982 and 1983; and

WHEREAS, over 100,000 California residents are members of the California Square Dance Council, a fact which attests to the popularity of square dancing in our great state; and

WHEREAS, square dancing is a part of our American heritage and is enjoyed by people of all ages, from elementary school children to older persons;

NOW, THEREFORE, I, GEORGE DEUKMEJIAN, Governor of the State of California, do hereby proclaim September 1983 Square Dance Month in this great state, and request all of California's citizens to join with the California Square Dance Council in partaking of this wonderful form of recreation.

IN WITNESS WHEREOF I have hereunto set my hand
and caused the Great Seal of the State of
California to be affixed this 3rd day of August
1983

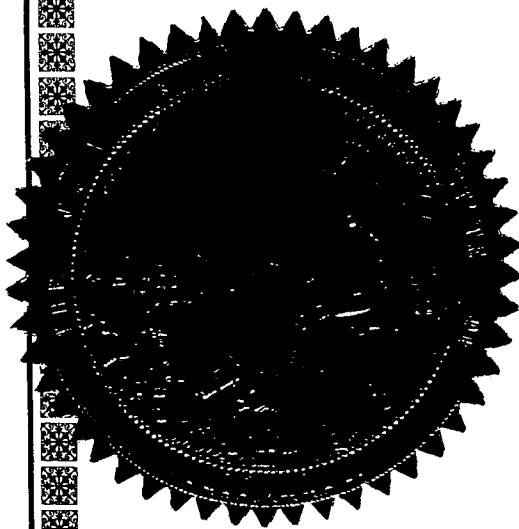
George Deukmejian

Governor of California

ATTEST:

March Fong Eu
Secretary of State

by *Maureen Hershberger*
Deputy Secretary of State



News
Release

SENATOR John Doolittle

STATE CAPITOL
ROOM 4090
SACRAMENTO, CA 95814
(916) 445-5788

FOR IMMEDIATE RELEASE

March 5, 1984

Contact: Wade Teasdale
445-5788 or
989-8000

SQUARE DANCE DESIGNATED STATE DANCE

State Senator John T. Doolittle today announced the introduction of legislation which would designate the square dance as the official state dance.

In commenting on the bill, Senator Doolittle said, "The square dance is a uniquely attractive art form that remains a vibrant and entertaining part of California folklore.

"We have distinctive and meaningful symbols of our ideals in our state's flag, and we have recognized a number of things in our culture which have historical significance (state motto, nickname, colors, song, mineral, rock, fish, insect, tree, flower, etc.) but nowhere have we paid tribute to the square dance which was first associated with the American people in 1651," Senator Doolittle stated.

"The square dance is enjoyed by over 250,000 people in California, and it has been one dance traditionally recognized by the American people as a dignified and enjoyable expression of American folk dancing," Doolittle said.

#

Does California need an official (square) dance?

□ Lawmakers turn to curbs on computer games Page B7

By Gale Cook

and Steven A. Capps
Examiner staff writers

DO SI DO — With a reluctant all-male right, Sen. John Doolittle, R-Citrus Heights, has introduced a bill to make the square dance California's state dance. What else but square?

And why not? As the conservative Doolittle remarked, California has a state flower, bird, reptile, fossil and "state this and that," so it's time for a state dance.

Doolittle said he and his wife, Julie, have enjoyed square dancing in the past and are thinking about joining a weekly square dance class.

"It's very popular in the state and is an important part of the culture in the First District," he said.

That may be a clue to the origins of this bill. Doolittle is campaigning to replace Sen. Ray Johnson, the Roseville independent, in that huge district that comprises the northern tier of inland California. Residents in those rural counties like country and western music and, presumably, a good hoedown.

"It's a delightful social pastime," Doolittle said. "Changing partners that way, you meet a lot of people. We did it in our church as a child and I think it helped to bridge the generation gap."

Doolittle's AB2146 is now in the Senate Rules Committee.

★ ★ ★

FLY ON THE WALL — "Everybody comes. You either come or you get trashed. The insults! You ought to hear it. It is the most bizarre."

Is this some high schooler talking about the Friday night dances? No, it's the speaker of the California Assembly offering a frank and somewhat fascinating description of the Demo-

Note from Sacramento

cratic caucus meetings.

Such meetings are held several times a week in a private room off the Assembly floor. Democrats get together and discuss the issues of the day, polling their members and setting strategy.

No reporters are allowed to attend and only rarely are staffers even invited in for the sessions.

"There will be Dick Floyd (assemblyman from Hawthorne) standing by the coffee pot, smoking a cigar," said Speaker Willie Brown. "Maxine Waters will move from group to group based upon who the next person she is going to call a (expletive deleted)."

"Nobody is allowed to be the compromiser," Brown said. Once Gray Davis, D-Los Angeles, was trying to work out a deal with the governor on a reapportionment commission proposal.

"They accused him of high bribes and low misdemeanors," said Brown. "They always accuse each other of selling out. 'We know why you're doing it. You got paid!'"

"Curtis Tucker (a 65-year-old lawmaker from Inglewood) interrupts everybody. He's the old man of the caucus so he gets away with absolute murder."

Tucker is one of several Democrats who often pass the time in caucus meetings playing "friendly" games of blackjack.

"Gloria Molina (a 35-year-old frosh from Los Angeles) will be sitting across from Tucker. He'll say, 'Gloria, will you not sit that way? You're breaking my concentration.'"

"And then she gets thoroughly embarrassed, she'll change her position and they'll go back to playing cards,"



SEN. JOHN DOOLITTLE
Why not a state dance?

said Brown.

★ ★ ★

REFLECTIONS, \$500 — Capital lobbyists and other potential political campaign donors have received a handsome brochure bearing a photo portrait of Speaker Brown, who seems in a pensive mood. The title over the picture is "Reflections."

Inside is a brief biography of the speaker:

"Willie L. Brown Jr. was born in Mineola, Texas, on March 20, 1934. A man of legendary energy, he is always in motion. He says he never looks back. Yet his fiftieth birthday presents the perfect occasion for pausing ... to reflect on the past, celebrate the present, and prepare for the future."

"On March 20, Willie Brown's special friends will gather to pay tribute to his extraordinary legislative achievements and remarkable personal qualities ... qualities that enabled him to make history in 1980 when he became the first Black Speaker of the California State Assembly."

"March 20, 1984 ... a time for REFLECTIONS."

Then things get down to business — an invitation to a black tie gala honoring Brown on his birthday on March 20 at the Hilton Hotel in San Francisco, with dancing and entertainment. The nudge is \$500 for a single ticket, \$5,000 for a table. Happy birthday.

Doolittle's square thinking about official state dance

Press-Tribune March 9, 84

By YVONNE MCKINNEY

Of The Press-Tribune staff

SACRAMENTO — Beach Boy fans might nominate the Surf and Hispanics might opt for the Mexican Hat Dance, but Sen. John Doolittle of Citrus Heights believes the square dance should become the Golden State's official dance.

Doolittle introduced on Monday legislation to make square dancing the state dance, calling it "a vibrant and entertaining part of California folklore."

Commenting on the bill, Doolittle said the state has recognized a number of things in its culture as having historical significance, including a state motto, nickname, song, mineral, rock, fish, insect, tree and flower.

"... But nowhere have we paid tribute to the square dance which was first associated with the American people in 1651," Doolittle said.

Doolittle does not square dance himself, said his assistant Lee Bennett, but the senator's parents, who reside in Southern California, are among the more than 250,000 state residents that like to kick up their heels to hoedown music.

At least six other states have adopted the square dance as their official dance and proposals have been made to make it the national dance, Bennett said.

The senator's office has received only positive comments, mostly from square dancers, about the proposal, Bennett said.

★ ★ The Sacramento Bee ★ Wednesday, April 11, 1984

Allemande Right

State Sen. John Doolittle's proposed legislation designating square dancing as the official state dance is another example of his fine political insight and leadership qualities.

Perhaps once this legislation is enacted into law, square dancing enthusiasts from throughout could convene and demonstrate this popular pastime. The grounds of the state Capitol would be an outstanding location. Maybe even stage a dance step or two as an added flourish for the occasion. How about a Doolittle dip?

MARK GREINER.

Carmichael.

MEMOS TO ANYBODY But anybody going to raise a fuss or eyebrow over State Sen. John Doolittle introducing legislation to make the square dance the official California state dance? Are we really that square? I'm a foxtrot man myself, "but actually," confides Atty. Tommy MacBride Jr., "I hear the Funky Chicken has the votes" ... Speaking of confusion, Randy Roan espied this on the marquee on the New Clarion Hotel off Bayshore in S. Mateo: "The Nob Hill Cafe: A Taste of Texas With a Touch of Class." Texas??? I suppose the place features square dancing, too. Things are falling apart at a staggering rate ... Good Sam: Remember the item here about somebody stealing the Betamax out of the AIDS ward at S.F. General? Now the victims have two: one from RAHM Advertising of Oakland, one from Jay Platt, a regular at Sheriff Mike Hennessey's favorite leather bar, the Chaps.

The Sacramento Bee

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Vol. 255—No. 42,074
Thursday, March 29, 1984



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Editorials

Doolittle's Do-Si-Do

California, as everyone knows, has a motto — "Eureka" — and, as almost everyone knows, a nickname — the Golden State. But you win the California trivia game if you can name the state's reptile (the desert tortoise), insect (the dog-faced butterfly), and rock (serpentine).

It's the Legislature which decides that a particular item — the sabre-toothed cat or *Smilodon Californicus*, for instance, which is the state fossil — deserves to be added to this honor roll. After some years of abstention, and spurred perhaps by the example of Wisconsin, which in a recent giddy moment proposed to recognize the tuba as that state's instrument, Sen. John Doolittle has urged enshrining the square dance as California's dance.

This is serious stuff, Sen. Doolittle insists, and he has a point. With an estimated half-

million Californians regularly do-si-do-ing and promenading their partners, the square dance can lay claim to an enduring popularity that those latest fads — breakdancing, pop dancing, wave dancing — can't hope to duplicate; two years from now, they're likely to be as passe as the twist. Although the Irish jig, the hora and the polka each have their backers, Doolittle's staff regards them as too ethnic for state canonization; better the all-American square dance. As for the fox trot, that's too — well — square.

This sort of lawmaking inspires imitators. What's next: a state song? (There is one, actually.) A state sport (maybe Olympics-watching)? None of the above, if a bill now in the legislative hopper becomes law, for it aims to reduce drastically the number of frivolous legislative proposals. Its author? Sen. John Doolittle, of course.

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8-494-3299

March 23, 1984

The Honorable John Doolittle
State Senate
State Capitol
Sacramento CA 95814

Dear Senator Doolittle:

After careful consideration and debate of SB 2146, which, if passed, "would specify that the square dance is the official State dance," the University of California Student Body Presidents' Council, acting on behalf of the 141,000 students of the University of California, have decided to actively oppose its passage.

While we respect the rights of the reported 250,000 people in California who practice and enjoy this specific type of american folk dancing, we do not feel that their pastime should be imposed upon the other 23 million residents of the state. We base our objections upon the fact that the square dance does not represent the ethnic and cultural diversity of our population. Nor does it in any way represent the historical background and development of the state.

As you know, the square dance is a representative art form of the white settlers who migrated here and under the banner of "manifest destiny" imposed their cultural values upon the Native Americans and Mexicans already living here. And, unlike the golden poppy, the California Redwoods, the grizzly bear, and the desert tortoise which are recognized as having special significance to the state, the square dance is not indigenous to California.

Thank you for your time and consideration on this important matter. If we can be of any assistance to you or your office in drafting legislation in this area that acknowledges the richness of California's unique cultural and ethnic diversity, please feel free to call upon us.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Balestrieri", with a long, sweeping horizontal stroke extending to the right.

Ron Balestrieri
Director

db

cc: Willie Brown, Speaker of the Assembly
David Roberti, President pro Tempore

REPLY TO:

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(916) 445-5788

☐ 1000 RIVER ROCK DRIVE
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Senate

California Legislature

JOHN T. DOOLITTLE

Republican Whip

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PENAL CODE

TO: Members of the Legislature

FROM: Senator John T. Doolittle

SUBJECT: Coauthorship of SB 2146

Enclosed is a copy of my SB 2146 which would designate the square dance as the official state dance. A copy of my press release on this subject is also enclosed for your review.

This is probably one of the shortest bills you will review this session, and to the best of my knowledge, the cost considerations are zero.

Currently, six states have enacted legislation to designate the square dance as the official state dance. The Congress in 1982 enacted a resolution to declare the square dance as the national dance for the years 1982 and 1983. Currently both houses of the Congress are considering bills to provide a permanent designation (HR 1706, Mineta; and S 1448, Byrd).

The square dance was first associated with the American people and recorded in history in 1651.

There are currently in excess of 200,000 active square dancers in California. They have a state council and there are approximately 20 dancer associations and 19 caller associations throughout California. These organizations are supportive of SB 2146.

If you would like to coauthor SB 2146, please complete the lower portion of this memo and return it to my office by March 30, 1984.

March 20, 1984

Return to:

Senator John T. Doolittle State Capitol, Room 4090

Yes, I would like to coauthor your square dance bill--SB 2146.

SIGNED

PRINT LAST NAME

SENATE BILL 2146

Honorable John T. Doolittle
California State Senate
State Capitol
Sacramento, Ca., 95814

RECEIVED

MAR 30 1984

Dear Senator Doolittle:

Our Square Dance Club, The Starlight Shufflers, a member group of the Associated Square Dancers of Superior California, is pleased that you are sponsoring square dancing as the official dance of California by Senate Bill 2146.

As you probably know, young and old participate in square dancing throughout the nation and state. It is now the official dance of the United States, and as such it is fitting that California accept the choice of the nation and proclaim square dancing as the State dance of California.

You have won many friends by your efforts in behalf of this bill. We hope you will continue to promote this measure up to its final signature by the Governor.

We do thank you now for working this bill through to a successful conclusion.

Sincerely,

Don & Laura Schafer

Mr. & Mrs. Don J. Schafer
5601 Page Court
Sacramento, California 95841

By Joe Fitzpatrick

WEIRD, WEIRD TOWN . . . State Sen. John Doolittle, R-Carmichael, has authored a bill to make the **SQUARE DANCE** the "official California state dance," for corn sakes! What manner of nonsense is this? What are we, bumpkins? That may be fine for Oklahoma or Kansas where the turnip trucks roam, but **PULLEEZ** — not here! I'm a Lambeth Walk man, myself, but I'd go for the hokey-pokey, the funky chicken, the roaring snail, or even the slam dance before I'd do-si-do to Doolittle's tune! And by the way, isn't Doolittle a right-on name for a senator? — Now then, you wondered . . .

Monterey Peninsula Herald

14 Monterey, California, Monday, April 9, 1984

California Out of Step

NOT LONG ago The Herald poked a little fun at a proposal by Assemblyman Rusty Areias, D-Hollister, to make benitoite California's official gem. We also were supportive, since California already has an official everything else, so why not a gem?

Well, we learn now, not only do we lack an official gem, we don't have an official dance either. So it is time to leap boldly back into the fray and offer up a nifty little song and dance on behalf of legislation to correct this unforgivable oversight.

State Sen. John Doolittle, R-Sacramento — motivated perhaps by recent legislation in Wisconsin that solemnly canonized the tuba as that state's official musical instrument — wants to enshrine the square dance as California's official dance.

This is serious business here, so can the snickers.

We imagine that Doolittle has already heard from critics of his idea, folks who think the polka or the Irish jig would be a more appropriate reflection of our state's heritage. But we mustn't be too ethnic. So where do we turn from there? Fox trot? Samiba?

Rumba? The turkey trot? Give us a break.

And while our younger citizens might like to see one of the latest street fads like pop dancing or break dancing hoisted to such lofty status — after all, Michael Jackson does live in Belair — we suspect that in due time the "space walk" will be about as fashionable as the twist, the "mashed potatoes," or the Bristol stomp.

But square dancing? Well, the people who claim to know insist that some half-million Californians get together regularly to do-si-do and allemande left and promenade their partners. They've also been doing it for a lot of years, which speaks to square dancing's enduring popularity.

Besides, what dance could be more indicative of the Old West and the Golden State?

So we add our endorsement of Sen. Doolittle's proposal. Like Assemblyman Areias and his benitoite bill, we think the senator has got a gem of an idea.

Let the word go out, however: Anybody in Sacramento tries to make the tuba our official state instrument, he has to climb over our dead body first.

By Joe Fitzpatrick

FOOLS RUSH IN . . . A Herald editorial has gone too far! Last Monday The Herald came out flat-footed in favor of designating the **SQUARE DANCE** as "California's official dance." Good grief, has this heretofore rational journal stepped off the curb? Are we backing Mortimer Snerd for governor? Are we ready for bib overalls as the official state dress? The corn cob pipe as the official state symbol? The hayseed as the official state herb? The Beverly Hillbillies as the official state entertainment? Spitting as the official state pastime? And "Okie From Fenokee" as the official state song?

Come on.

Square Dancers Upset

Editor, The Herald:

Columnist Joe Fitzpatrick's comments on square dancing were even more villifying than those he made in an earlier column in March. We tried, somewhat unsuccessfully, to interpret his remarks as being in his usual tongue-in-cheek style. Now he seeks to further demean us with his insulting diatribe on square dancing.

It is unnecessary to get uptight about California adopting square dancing as the official state dance inasmuch as the Congress is only a few votes away from designating the activity as the national folk dance, California included.

It is impossible to cover the entire picture in 250 words, but here are a few facts in reply to Fitzpatrick's unfunny remarks. We are not bumpkins or hayseeds. We come from all walks of life, ages 6 to 86. The men do not wear bib overalls or carry a jug of moonshine on their shoulders, taking an occasional "swig." A slightly inebriated dancer cannot quickly and accurately respond to the caller's cues.

Additionally, in an occasional "square dance" scene in a TV movie, Hollywood choreographers show ladies wearing tight jeans and spike heels. We wear beautiful dresses, voluminous petticoats — and low heels.

The subject is not closed until Fitzpatrick seriously (for a change) apologizes to the multitudes of square dancers he has offended.

Burr and Thelma Dowell,
Pacific Grove

By Joe Fitzpatrick

APOLOGY, MORE OR LESS . . . Square dancers Burr and Thelma Dowell of P.G. demand an apology for this column's remarks in opposition to establishing their pastime as the "official California dance." If this were North Platte, Neb., or San Angelo, Tex. — where the late show starts at 6 p.m.; where if you order a nightcap, it will be flannel; and where going formal means you have your bowling shirt cleaned — I'd agree with them. But in California? Come on . . .

Capitol Report



Legislation takes a step

Square dancers and their callers sa-shayed to the state Capitol on Tuesday to ask a Senate committee to make their pastime the official state dance.

The panel voted 7-2 to approve the bill by Sen. John Doolittle, R-Citrus Heights. The dancers celebrated the vote with some fancy steps at the Capitol steps.

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April 12, 1984

*This sent to people
on attached list
along with copies
of all these
attachments.*

Mr. and Mrs. Cal Challand
6917 8th Street
Rio Linda, CA 95673

Dear Mr. and Mrs. Challand:

In reference to the May 8 committee hearing on SB 2146 (see enclosed letter for details), I would also like to request your assistance in arranging for a square dance performance to be held at the State Capitol on the day of the hearing. I have in mind a dance to be held on the west steps of the Capitol at a time when the maximum number of legislators, staff, and others would be able to view the performance--perhaps from 11:30 a.m. to 12:30 p.m. or from 12:00 noon to 1:00 p.m.

If this is feasible, I will leave to your good judgment, the number of couples to be invited to perform. I would suggest, however, that we keep the group to a reasonable size.

Also, I should tell you that the committee hearing room where SB 2146 will be heard (Room 3191 of the State Capitol) has a maximum capacity of 80 people. I would like to have as many supporters of the bill in attendance as possible. If you sense that there may be a large turnout for the committee hearing, please so advise me and I will attempt to secure a room with a larger holding capacity.

So that you will know who to coordinate with, this particular letter is only going to three people--yourself, George and Ann Holser, and Wes and Carol Lundquist. The person on my staff assigned to work with you is Lee Bennett.

Thank you very much for your kind assistance in this matter. I look forward to hearing from you.

Kindest regards,

JOHN T. DOOLITTLE

JTD:bcw
Enclosures

April 12, 1984


Page 2

Robbins & Speraw, Assemblymen Felando & Kelly and Assemblywomen Allen & Mojonnier. I invited all legislators to coauthor the bill, and, quite frankly I am disappointed that there aren't more coauthors. I am puzzled by that and can only assume that the lack of response is partly attributable to negative media coverage.

Regardless of the reason, when you contact your own representatives to urge their support for SB 2146, you might want to also encourage them to consider coauthoring the bill.

Thank you for your kind assistance in this matter.

Sincerely,



JOHN T. DOOLITTLE

JTD:bjf

Enclosures

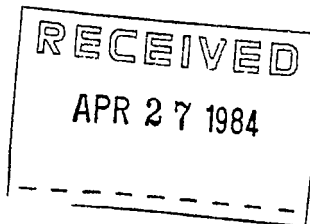


Senate

California Legislature

HENRY J. MELLO
SEVENTEENTH SENATORIAL DISTRICT

Senate Majority Whip



April 26, 1984

Honorable John Doolittle
Room 4090, State Capitol
Sacramento, CA 95814

Dear Senator Doolittle:

I am writing to formally request my coauthorship of your SB 2146, which would designate the Square Dance as the State Dance of California.

Your legislation was brought to my attention by George and Ann Holser. The Holser's are constituents of mine from Aptos and have updated me on the events scheduled for May 8th.

Unfortunately, I will not be able to attend the Square Dance demonstration on the west steps of the Capitol due to a Health and Human Services Subcommittee on Aging hearing in Santa Rosa.

I hope that there will be no problem in adding me as a coauthor to SB 2146. Communication between our staffs seems to indicate that there should be no trouble. Please feel free to contact me if I can be of any assistance in moving the legislation.

Sincerely,

HENRY J. MELLO

HJM:TBC:tnj

cc: Mr. & Mrs. George Holser

STATE CAPITOL
SACRAMENTO, CA 95814 ☐
(916) 445-5843

1200 AGUAJITO ROAD
MONTEREY, CA 93940 ☐
(408) 373-0773

701 OCEAN STREET
SANTA CRUZ, CA 95060 ☐
(408) 425-0401

240 CHURCH STREET
SALINAS, CA 93901 ☐
(408) 757-4169

7365-G MONTEREY STREET
GILROY, CA 95020 ☐
(408) 848-1437





NATIONAL FOLK DANCE COMMITTEE

PO. BOX 5775

SAN JOSE, CAL. 95150

April 26, 1984

THE HONORABLE RALPH C. DILLS, CHAIRMAN
GOVERNMENTAL ORGANIZATION COMMITTEE
STATE CAPITOL, ROOM 5050

Re: SB2146 - Designates the Square Dance the State Folk Dance

Dear Senator Dills,

As a member of one of the founding families of California, my grand - parents came to California via the Peter Lassen Trail, I feel honored to have the opportunity to testify, May 8, 1984, before the Governmental Organization Committee on behalf of Senator Doolittle's Bill (SB2146) to designate the Square Dance the State Dance of California.

The Square Dance came to California with the "wagon trains" and has continued, since then, to be enjoyed as a recreation, by all ages, races and creeds in nearly every Community in California.

We are very proud that California Congressmen Leon Panetta, Carmel Valley & Norman Mineta, San Jose, on February 28, 1983, jointly sponsored & introduced HR1706 to designate "the Square Dance the National Folk Dance of the U.S.A." HR1706 currently has 258 cosponsors; 37 of these are U.S. Representatives from California.

Senator Robert C. Byrd, W. Virginia introduced a companion Bill (S1448) June 10, 1983. S1448 was passed by unanimous consent September 20, 1983; with 35 cosponsors, including California Senators Alan Cranston & Pete Wilson. Both Bills are awaiting action in the Post Office & Civil Service Committee of the House of Representatives.

The Square Dance has already been designated as the State Folk Dance of Oregon, Washington, Alabama, New Jersey & Tennessee and other States have legislation pending.

We request that you, as a member of the Governmental Organization Committee, approve that SB2146 be sent to the floor for legislative action. Hopefully members of our California Legislature will designate the Square Dance as our State Folk Dance.

Very sincerely,

George & Ann Holser
George & Ann Holser
Vice Chairman NFDC
226 Coronado Dr.
Aptos, California 95003
Tel. (408) 688 6467

encl. 5

Sb 2146 The Square Dance the official State Dance
Governmental Organization Committee Hearings (May 8, 1984)
Testimony--Wesley and Carol Lundquist (Northern Area Vice
 Presidents, California State Square Dance Council)

California Square Dance Council was formed in 1952. Presently there are 1027 clubs active in this council. There are other associations dancing that are not members of our council. Many private clubs that dance thru their churches and mobile home centers that also do not belong. It is estimated to be over 200,000 dancers in California.

Clubs sponsor new dancer classes in September. All new dancer classes are open to all, young, old and all rsces. Classes are available 7 days a week. There are a few restrictions to becoming a new dancer. (1) There is to be no alcohol drinking before or during dancing. (2) Men are asked to wear long sleeve shirts and women to wear dresses and low heeled shoes. (3) As of close contact, physical exercise and changing of partners everyone is asked to shower and wear deodorant prior to dance.

California Square Dance Council sponsors a State Convention of each year in April. In 1983 in San Jose attendance was over 7,000 dancers. Last month in San Diego between 6,000 and 7,000 attended. 1985 will be held in Fresno. 1986 in Pasadena and here in Sacramento in 1987. In 1976 the National Square Dance Convention held in Anaheim with over 39,000 in attendance of which 22,000 were from California. In 1988 the Associated Square Dancers Association will host the National at Anaheim.

Aside from conventions, associations throughout the state put on weekend festivals with an average attendance of 2,000, such as in Sacramento, the Harvest Hoedown, Cup of Gold in Sonora, Golden State Round-up in San Francisco, the Jubilee in San Jose, Square-Rama in Fresno to name a few. Attendance cost for a 3-day weekend festival averages \$30 per couple. Most festivals are held at County Fairgrounds with many dancers camping in RV's right on the site.

All of these festivals are chaired by volunteer committees. Clubs also put on benefit dances and perform exhibition dances for public services, such as Easter Seals, Cancer and Heart Funds. Spectators are offered the opportunity to join in.

One of the largest undertakings has been to sponsor a float in the Rose Bowl Parade. Cost of a float is \$20,000 to \$40,000 is raised thru donations and selling of \$1.00 rose stickers. Labor is volunteer dancers. This last year the US Forest Service shared the Square dance float and have volunteered to share again in 1985.

We thank you very much for your support and would hope to meet you in a square one day.

Respectfully yours,

Wesley and Carol Lundquist
Northern Area Vice Presidents
California Square Dance Council

Additional Documents Available Upon Request

As this document was prepared for educational and entertainment purposes, rather than as a serious investigation of the purpose of this legislative enactment, many file documents have not been included. The following documents are available from the bill file of the author, but not included in this report.

1. "The Story of Square Dancing – A Family Tree" by Dorothy Shaw – photocopy excerpt from a book noted as one of the "Sets in Order Handbook Series", eight pages as copied two pages per copied page.
2. Copy of SB 2015 from the State of Washington as enrolled April 9, and signed by the Governor April 17, 1979 proposed to make Square Dancing the State Dance of Washington, two pages.
3. New Jersey Assembly Joint Resolution Number 29 designating the Square Dance as the State Dance of New Jersey, two pages, approved January 19, 1983.
4. Tennessee Public Chapter 829, House Bill 1620, effective 7/1/80, designating the Square Dance as the State Dance of Tennessee, one page.
5. Proposed State Resolution, evidently prepared by the sponsors seeking to have the Square Dance widely adopted as the official state dance of various states, one page.
6. Brief summary of arguments in favor of the Square Dance and listing of States in which resolutions or legislation has been adopted or proposed, one page.

Find Authorities on using legislative documents, definitions of legislative terms, a brief summary of the legislative process and other information pertinent to legislative history and legislative intent at our web page

www.naj.net

JAN RAYMOND

LEGISLATIVE | HISTORY & INTENT

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SENATOR JOHN SEYMOUR, Chairman

AMENDED COPY; Original
MAJORITY VOTE

Assembly Floor Vote:

1 This bill designates the square dance as the official state dance.
2
3 FISCAL EFFECT: Appropriation: no. Fiscal Committee: no. Local: no.
4
5 COMMENTS:
6
7 Square dancing is popular throughout the United States, especially in
8 rural areas, and different styles have developed in the East and West.
9 Most Eastern square dances are based on simple patterns, with one
10 couple dancing at a time. Western square dances may involve several
11 couples dancing in complex patterns.
12
13 The Federal government is currently considering legislation to make
14 the square dance the official folk dance of the United States and at
15 this time 5 states (including Oregon, Washington, Alabama, New Jersey
16 and Tennessee) have adopted it as their official folk dance with
17 others considering such legislative action.
18
19 Introduction of the square dance to California appears to have been in
20 the early 1800's as more settlers moved West.
21
22 5/8/84/LA/rp

May 8, 1984

Mr. & Mrs. Chuck Wolfson
Editors, The Prompter
P.O. Box 310
Coyote, CA 95013

Dear Mr. & Mrs. Wolfson:

This is just a short note to thank you for sending me the May 1984 edition of the Prompter.

I can't tell you how pleased I am with the coverage you gave to Senator Bill 2146. Your efforts paid off today as the bill was approved by the Senate Governmental Organization Committee. The vote was 7-2. The two "no" votes came from Senator John Foran of San Francisco and Senator Bill Greene from Los Angeles.

The bill now moves to the full Senate for a vote. So, encourage your readers to contact their Senators and ask that they vote for the bill on the Senate Floor. We need twenty-one votes.

I was extremely pleased with the turnout and support from the State Square Dance Council as well as local square dance clubs. The committee hearing room was packed and we had a very nice square dance performance on the West steps of the Capitol during the lunch hour.

Again, thank you for your kind assistance.

Sincerely,

JOHN T. DOOLITTLE

JTB:sf

TO: SENATOR DOOLITTLE

BILL NO. SB 2146

ROOM NO. 4090

SUBJECT: STATE DANCE: SQUARE

Introduced: February 17, 1984

Fiscal: No

DANCE

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

BILL ANALYSIS WORK SHEET

We would appreciate any assistance you can give in providing the information requested below. If you or the bill's sponsor already have on hand explanatory or background materials relative to this measure, please attach these materials to this form and forward to the Committee Consultant at least one week prior to the scheduled hearing date.

1. SOURCE OF THE MEASURE:

- a. What person, organization or governmental entity requested introduction?
- b. Has a similar bill been introduced this session or previously? If so, please identify the bill number, author and session.
- c. Has there been a report on the bill by interim committee, task force, or university? If so, please identify the report.

former State Senator
Dan O'Keefe

not to our knowledge

NO

2. PURPOSE OF THE BILL:

- a. Problem or deficiency in the present law which the bill seeks to remedy.

Simply designates the
Square dance as the
official State dance

3. BACKGROUND INFORMATION:

- * a. Groups supporting the bill.
- b. Groups opposing the bill. (Organizations or governmental agencies)

- Calif. State Square Dance
Council; Square Dancers
of Superior California.

- no known
opposition.

4. HEARING THE BILL:

Give date request or anticipated date for hearing bill.

5. CONTACT PERSON FOR FURTHER INFORMATION

Lee Bennett 5-578

Please return to: Governmental Organization Committee
Room 5048 State Capitol Bldg.

over 250,000
square dancers
in Calif.

JAN RAYMOND

LEGISLATIVE | HISTORY & INTENT

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STAFF ANALYSIS OF SENATE BILL NO. 2146 (Doolittle)
As Introduced February 17, 1984

SUBJECT

State Dance: Square Dance

DESCRIPTION

SB 2146 designates the square dance as the official state dance.

BACKGROUND

Square dance refers to a popular and widely accepted kind of American folk dance (dance for four, or rarely more couples) in distinction to contras, or longway dances, for a double file of couples, and round dances for a circle of couples. Historians trace the square dance to derivatives of European country dance: including ancient English, Irish, Scottish, and French folk dances that were brought to America by early settlers. The Kentucky running set, a rhythmic, complicated figure dance was derived from pre-17th century English round dances, the addition of the cotillion a stately French contradanse in square formation (popular under Louis XV) and variations of other European dances is believed to have been the birth of the American square dance.

Some maintain that the United States as a country has no national or indigenous folk dances except those of the American Indian, basing their claim upon the fact that this country is relatively young and that its so-called folk dances are only adaptations of those from older countries from which its early settlers migrated.

Introduction of European folk dances to the North American Continent started with the very earliest of settlers on the East and West coasts. With the Scottish, English, French, and Irish dances being introduced on the East coast and Spanish dances being introduced on the West coast (California and Mexico primarily).

Adaptations of Spanish and Indian dances were the earliest of folk dances practiced in California, many of which are still an important part of the Hispanic communities of the state.

Introduction of the square dance to California appears to have been in the early 1800's as more settlers moved West.

(CONTINUED)

Square dancing is popular throughout the United States, especially in rural areas, and different styles have developed in the East and West. Most Eastern square dances are based on simple patterns, with one couple dancing at a time. Western square dances may involve several couples dancing in complex patterns.

The Federal government is currently considering legislation to make the square dance the official folk dance of the United States and at this time 5 states (including Oregon, Washington, Alabama, New Jersey and Tennessee) have adopted it as their official folk dance with others considering such legislative action.

KNOWN POSITIONS:

The following SUPPORT SB 2146:

California State Square Dance Council
Square Dancers of Superior California
National Folk Dance Committee

There is NO KNOWN OPPOSITION.

WRITTEN COMMUNICATION RECEIVED: National Folk Dance Committee.

FISCAL COMMITTEE: NO.

* * * * *

TEF:dm

SB2146 The Square Dance the official State Dance
Governmental Organization Committee Hearings (May 8, 1984)
Testimony - GEORGE & ANN HOLSER (National Folk Dance Committee)

The National Folk Dance Committee, headquartered in San Jose, California was formed expressly to have the Square Dance designated "The National Folk Dance of the U.S.A.", by Congress. Committee members are all volunteers. Funds necessary for periodic nationwide mailouts to more than 1,000 recipients, are derived solely from "Badge Donations" @ \$1.00 ea.

32 Bills, 27 House & 5 Senate, have been introduced since the 89th Congress, to designate the Square Dance "The National Folk Dance."

During the 95th Congress (1977-'78) The Post Office & Civil Service Committee ruled that 218 cosponsors would be required for "Commerative Bills" to be reported out of Committee; therefore, in the 96th Congress all efforts were directed to a single House Bill and through constituents contacting their Congressmen, 151 cosponsors were obtained, including 24 of 43 California Representatives.

In the 97th Congress, the word spread & many more constituents requested their Senators to cosponsor a Senate Joint Resolution, Sponsored by Senator Robert Byrd, W. Va. & a House Joint Resolution, Sponsored by Congressman Norman Mineta, Calif. Both Bills were passed, with 30 Senate cosponsors & 234 House cosponsors, including 37 of 43 California Representatives.. It became PL97-188 for 1982 & 1983. We were advised "Straight Bills" must be introduced & passed for permanent designation.

Now in the 98th Congress "S1148" by Senator Byrd was passed September 20, 1983 with 35 cosponsors, including Senators Cranston & Wilson of California.

House Bill 1706, jointly sponsored by Congressmen Norman Mineta, San Jose & Leon Panetta, Carmel Valley has 259 cosponsors, including 39 of 45 California Representatives. Both Bills are awaiting action in the Census & Population subcommittee of the Post Office & Civil Service Committee. The subcommittee, responding to thousands of letters & petitions, requesting favorable action, has recently informed us that a Public Hearing date will be scheduled soon.

We thank Senator Doolittle for introducing SB2146 to designate the Square Dance as the Official State Dance & we are proud that our own Senator Mello is a coauthor.

FACTS ABOUT THE SQUARE DANCE

The Square Dance started to evolve in Colonial times, with dances brought to America by Settlers from European Countries. As the wagon trains started moving West to California the Square Dance came along & flourished, especially during the gold rush in our State.

SB2146 The Square Dance the official State Dance
Governmental Organization Committee

My Father, born in Ventura in 1885 & raised in "Holser Canyon", near Piru; often told us about the "Barn Dances" he attended as a child, with his family, in the Ventura area. As our States population has grown; so has the Square Dance movement. Conforming to our ever-changing life style, modern square dancing appeals to people of all ages, races & creeds. Class distinction is forgotten when people join together to enjoy the true fellowship of the Square Dance.

California leads the nation with more than 200,000 residents dancing "Squares Rounds, Clogging & Contras" on a weekly basis. A National Square Dance Directory lists 1027 Clubs in 379 communities of California.

The University of ^{California} Santa Cruz, in their English Language Extension Course include Foreign Students participating in Square Dance parties so they may be aware of this part of our American Heritage. Commercial concerns entertaining foreign customers & employees, use Square Dance parties to treat them to a true part of American Culture. The Square Dance is recognized everywhere as indigenous to America and even in foreign lands the calls are in the English Language.

Square Dancing has been continually recognized by our California Governors; for many years they have issued Proclamations declaring a week in September as Square Dance Week. In 1983 Governor Deukmejian proclaimed September 1983 as Square Dance Month.

The Square Dance is a part of our heritage & culture and should be recognized for its contributions to our society in terms of community activity, family involvement, exercises and colorful, friendly fun! If judged solely on participation by so many California residents on a continuing basis for almost 140 years; it truly meets all criteria for our State Folk Dance. We are therefore requesting that California will join the States of Oregon, Washington, Tennessee, Alabama, New Jersey and Cook County, Ill. who have Officially designated the Square Dance as their official Folk Dance.

Respectfully submitted,

George Ann Holser
George & Ann Holser
Vice Chairman NFDC

1776

Revolutionary War

English

Contras lose

1700's
Country dance
(in France,
Contrédanse)
is the rage
in Europe
and America

War of 181:
English dance
unpopular here
The French
quadrille & cot
became
popular (both)
square formati.

1926

Henry Ford
publishes
book of contras
quadrilles &
round dances.
Encourages square
dancing.

1870
Calling
becomes
accepted.
The swing
is added

1952
First National
Square dance
Convention
is held in
Riverside
California

1650

John Playford
publishes
the English
Dancing
Master.
1st time
country dances
are written
down

1750-1775

George
Washington dances
Sir Roger
de Coverly
(later
Virginia Reel)
Contras (or
Reels) very
popular in
America-
especially
New England

1776-1800

English &
Irish
settlers
move into
Appalachia
bringing
circle dances
reels, jigs
and some
square formation
dances

1849

California
Gold Rush.
Settlers to
West bring
New England
contras,
Appalachian
Circle Dance,
Kentucky
Running Sets
plus quadrilles
and cotillions

1917-18

W.W.I
Patriotism
encourages
revival of
American
folk dances

1939

Lloyd
"Pappy" Shaw
publishes
Cowboy Dances.

1974

International
Association
of Square
Dance Callers
(Callerlab)
is organized.

News
Release

SENATOR John Doolittle

STATE CAPITOL
ROOM 4090
SACRAMENTO, CA 95814
(916) 445-5788

FOR IMMEDIATE RELEASE:

May 8, 1984

CONTACT: Lee Bennett

(916) 445-5788

SENATE COMMITTEE APPROVES SQUARE DANCE BILL

Senator John T. Doolittle (R-Citrus Heights), today announced that his legislation to designate the square dance as the official state dance was approved by the Senate Governmental Organization Committee.

"I am pleased that the Committee approved this legislation," Senator Doolittle said. "This is a very popular dance in California and there are over 200,000 active square dancers who dance in squares, rounds, clogging and contras on a weekly basis."

"Square dancers," the northern California lawmaker continued, "take their dance very seriously. They consider it a family activity and a unique dance which cuts across all generations."

In commenting on the strong support for this legislation, Senator Doolittle pointed out that over thirty couples attired in bright and colorful square dance outfits attended the committee hearing. The group later staged a square dance performance on the west steps of the Capitol during the lunch hour.

The bill, SB 2146, will now go to the full Senate.

" " " " "

5
7
SAN FRANCISCO CHRONICLE - MAY 9, 1984

First Step Toward Official State Dance

Sacramento

A state Senate committee voted yesterday to make the square dance the official dance of California.

On a 7-to-2 vote, the Governmental Organization Committee sent the proposal by Senator John Doolittle, R-Citrus Heights — and a skilled square dancer himself — to the Senate floor.

The committee vote came before a packed audience of men and women dressed in brightly colored gingham square-dance regalia and jackets that bore such square-dance club logos as the "Apple Jacks and Jills."

Doolittle told the committee that the square dance has been practiced in California since the Gold Rush, and that his one-sentence bill "would help preserve our cultural heritage."

There was no testimony against the bill. In voting against it, however, Senator John Foran, D-San Francisco, said that "probably more people in California do the rock-and-roll dance than the square dance." The other no vote was cast by Senator Bill Greene, D-Los Angeles.

— Steve Wiegand

Square-dance bill advances

SACRAMENTO (UPI) — The square dance would become California's official state dance under a bill that sashayed through the Senate Governmental Organization Committee on Tuesday.

Its author, Sen. John Doolittle, R-Folsom, told the committee that Californians have square-danced since the gold rush and the bill would help "preserve our cultural heritage."

The committee — deliberating before a packed audience of men and women wearing brightly colored square dance costumes — sent the bill to the Senate floor on a vote of 7-2.

SAN JOSE MERCURY - MAY 9, 1984

BACKGROUND PAPER FOR SB 2146
SQUARE DANCE

SB 2146 DESIGNATES SQUARE DANCE AS THE OFFICIAL STATE DANCE
(8 COAUTHORS),

INTRODUCED AT THE REQUEST OF THE CALIFORNIA STATE SQUARE
DANCE COUNCIL -- REPRESENTS @ 200,000 ACTIVE SQUARE DANCERS
THROUGHOUT THE STATE. THEY MAKE UP 1027 CLUBS LOCATED IN 379
CITIES AND TOWNS THROUGHOUT CALIFORNIA. MOST OF THEM LIVE IN
URBAN AREAS. THEY CARE VERY DEEPLY ABOUT THE DANCE. VERY
POPULAR--CUTS ACCROSS ALL AGE GROUPS.

HISTORY:

FIRST ASSOCIATED WITH AMERICAN PEOPLE IN 1651. FIRST BROUGHT
TO WEST COAST IN 1849 DURING THE CALIFORNIA GOLD RUSH.

FIVE STATES HAVE DECLARED THE SQUARE DANCE AS THEIR OFFICIAL
STATE DANCE (OREGON, WASHINGTON, NEW JERSEY, ALABAMA, TENNESSEE,
AND COOK COUNTY, ILLINOIS).

IN 1982 THE CONGRESS ENACTED A RESOLUTION TO DECLARE THE
SQUARE DANCE AS THE NATIONAL DANCE FOR THE YEARS 1982 AND 1983.

LEGISLATION CURRENTLY PENDING IN BOTH HOUSES OF CONGRESS TO
PROVIDE A PERMANENT DESIGNATION (HR 1706, MINETA; S 1448, BYRD).

INTRODUCE WITNESSES:

GEORGE HOLSER

WES LUNDQUIST

DR. JACK MURTHA

CAL CHALLAND, PRESIDENT OF STATE SQUARE DANCE COUNCIL

CLOSING:

BELIEVE THIS IS A VERY WHOLESOME DANCE WHICH TIES COUPLES AND
FAMILIES TOGETHER. HAS DEEP ROOTS IN OUR COUNTRY.

ASSEMBLY MEMBERS

TOM BANE
WILLIE L. BROWN, JR.
WILLIAM FILANTE
PHIL ISENBERG
ROBERT W. NAYLOR
LOUIS J. PAPAN
DON ROGERS
MIKE ROOS
STAN STATHAM
MAXINE WATERS

California Legislature

COMMITTEE OFFICE
ROOM 3016 - STATE CAPITOL
TELEPHONE: 445-2995

GRACE YEE
COMMITTEE SECRETARY

Joint Committee on Rules

SENATE MEMBERS

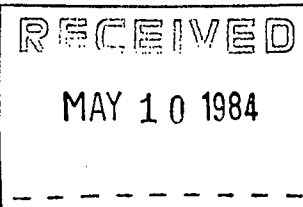
WILLIAM CRAVEN
RALPH C. DILLS
RAY JOHNSON
HENRY MELLO
JOSEPH MONTOYA
NICHOLAS C. PETRIS
DAVID A. ROBERTI
NEWTON R. RUSSELL
WALTER W. STIERN
ROSE ANN VUICH

LOUIS J. PAPAN
CHAIRMAN

ROSE ANN VUICH
VICE CHAIR

May 4, 1984

Honorable John T. Doolittle
Republican Whip
California State Senate
State Capitol Building
Sacramento, California 95814



Dear John:

This is in response to your letter of May 2, 1984, requesting authorization for the CALIFORNIA SQUARE DANCE COUNCIL to perform on the West Steps of the State Capitol Building on Tuesday, May 8, 1984 from 11:30 a.m. until 12:30 p.m.

Please be advised, your request has been approved by the Joint Rules Committee. It is my understanding you have contacted the State Police Office, located in the Room 1149 of the Capitol building (445-2895), with regard to a permit.

Your letter is being forwarded to Mr. Denny Artz of the Rules Committee staff for processing your request for the table and electrical equipment.

Sincerely,

A handwritten signature in dark ink, appearing to be "LJP", written over a horizontal line.

LOUIS J. PAPAN, Chairman
Joint Rules Committee

LJP:bar

cc: Denny Artz
Lt. Steve Weston
Julie Williams
Rose Nagao
Everett Jones

RECEIVED

MAY 15 1984 Re

SENATE BILL 2146

Honorable John T. Doolittle
California State Senate
State Capitol
Sacramento, Ca., 95814

Dear Senator Doolittle:

Our Square Dance Club, The Starlight Shufflers, a member group of the Associated Square Dancers of Superior California, is pleased that you are sponsoring square dancing as the official dance of California by Senate Bill 2146.

As you probably know, young and old participate in square dancing throughout the Nation and State. It is now the official dance of the United States, and as such it is fitting that California accept the choice of the Nation and proclaim square dancing as the State dance of California.

You have won many friends by your efforts in behalf of this Bill. We hope you will continue to promote this measure up to its final signature by Governor Deukmejian.

We do thank you now for working this Bill through to a successful conclusion.

Sincerely,

Mr & Mrs Howard Brown

REPLY TO:

☐ ROOM 4090
STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814
(916) 445-5788

☐ 1000 RIVER ROCK DRIVE
SUITE 220
FOLSOM, CALIFORNIA
95630
(916) 989-8000



Senate
California Legislature

JOHN T. DOOLITTLE
Republican Whip

COMMITTEES:

BUSINESS AND PROFESSIONS
VICE CHAIRMAN
AGRICULTURE AND WATER RESOURCES
INSURANCE, CLAIMS AND CORPORATIONS
JUDICIARY
LOCAL GOVERNMENT
SELECT COMMITTEE ON SMALL
BUSINESS ENTERPRISES
JOINT COMMITTEE FOR THE
REVISION OF THE
PENAL CODE

SAMPLE

May 31, 1984

Mr. Raeburn Linhart
4116 Gothberg Avenue
North Highlands, CA 95660

Dear Mr. Linhart:

I am writing to inform you that Senate Bill 2146, which designates the square dance as the official state dance of California, was killed today during a vote on the Senate floor. The vote was 11 ayes and 16 noes.

I regret very much that we did not succeed in our initial attempt to enact the state dance. Unfortunately, some of my colleagues expressed feelings that this idea is "frivolous" and "square."

The enthusiastic, widespread support displayed by square dancers throughout the state convinces me that I should renew my efforts next year.

I appreciate your support of my efforts to enact this legislation. Perhaps our attempts next year will be more fruitful.

For your information, the vote on SB 2146 is enclosed.

Sincerely,

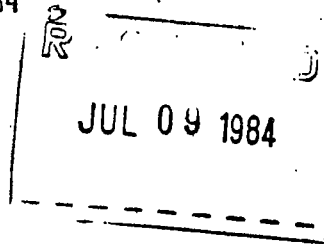
JOHN T. DOOLITTLE

JTD:wjf

Enclosure

30 June 1984

Senator Diane Watson, D-LA
California State Senate
State Capitol
Sacramento, California 95814



Dear Ms. Watson,

I read with amused interest your criticism of the proposed state adoption of square dancing as the official state dance. You opposed it, claiming that the dance is originally European, that your ancestors {black} were not from Europe and that you are but a part of California's mix of groups, many of whom are not European and none of whom would be culturally represented by square dancing.

How silly, shallow and culturally ignorant. The question of one's ancestry is nothing more than a question of bloodline, - a mere technicality, if you will. The question of culture, in contrast, is a question of historic heritage as contributory to present environment. You speak a European tongue {English}, serve in a legislative forum European in institutional origin {Roman Senate to the Magna Carta to the English Parliament to the US Constitution}, and live in the leading industrial nation of the Christian {a European creed} West. Simply stated, European civilization exists on both sides of the Atlantic and you, good woman, are a product of it.

You speak no African tongue, practice no African religion, and are fully clothed in the course of your business day. You wear no ring-like adornments on your very Western neck, and place none in your nose. You no doubt paint your face only with the most tastefully chosen products from Revlon as sold at the Broadway. Your ancestors may have come from Africa, but that is all you share with them; -- a mere technicality, if you will.

And yes, I know, this letter probably qualifies me as a racist in your non-European repository of definitions. Tsk, tsk. In my very European repository of definitions, such a response would be an argument ad hominem.

All my best,


Christopher J. Bakes, ESQ

Copy to {i} the equally silly, shallow and culturally ignorant
Senator Art Torres {European surname}, D-LA
{ii} Senator John Doolittle, R-Citrus Heights

File 100-106

Subcommittee skips dance bill

Postal unions propose \$2,500 pay raise for every employee

Washington Post

WASHINGTON — In their haste to attend the Democratic and Republican national conventions, the committees that handle federal postal employee matters will leave town without settling a number of issues — including what is to be the national dance of the United States.

True.

Hearings were held Thursday on a bill that would designate square dancing as the national folk dance. But the Census and Population Subcommittee of the House Post Office and Civil Service Committee, which has jurisdiction over legislation pertaining to national dances, did not take final action on the nation's official dance step — a fitting end to this segment of the pre-election Congress.

Because this is an election year, even non-controversial items like upgrading the square dance have been put on hold.

Because this is an election year, the Reagan administration did not push its plan for changing federal retirement rules to require employees to work longer, and pay more, for their pensions.

Because this is an election year, Senate-House budget conferees rescinded a law they had approved several years ago to trim retirement costs by cutting cost-of-living adjustments for some civilian-military retirees.

The conferees also agreed to leave the date and amount of the next federal pay raise up to the president, who usually has the last word anyhow.

Congress didn't do much for federal workers this year — but what it did was mostly good.

Next year's session — regardless of who is president — will deal with federal pension reform, federal pay matters, and the like.

By the middle of next year, the middle of this year may seem like the good old days!

By doing nothing, or very little, Congress saved the federal retirement system from any drastic changes, kept the pay system intact and managed to hold federal layoffs to a minimum.

- So no pay changes, no retirement changes, no health insurance changes, no vacation changes and no national dance decision this year!

□ □ □

UNIONS REPRESENTING half a million postal workers have asked



Federal Diary

By Mike Causey

for pay raises of more than \$2,500 per employee this year, and for pay, cost-of-living and productivity adjustments over the next two years.

The proposal — from the National Association of Letter Carriers and the American Postal Workers Union — was presented Tuesday evening to Postal Service officials who are asking for a three-year wage freeze in the government's largest agency.

The three-year contract between the U.S. Postal Service and four unions that represent the bulk of its 650,000 rank-and-file employees expires in less than a month.

Postmaster General William F. Bolger sent a letter last month to each employee, calling for economic belt-tightening to keep the mail-moving corporation competitive with private firms that are skimming much of the cream off the service's traditional business. The postal service will deliver an estimated 125 billion pieces of mail this year, but more premium-priced mail is being moved by firms that promise overnight delivery between many cities.

Bolger's letter said that studies show postal employees are paid about \$5,000 a year more than their counterparts in the private sector. USPS officials said Thursday that the average base salary for clerks — the most numerous craft in the service — is \$23,245, which, with benefits, goes to \$28,219 per year.

The contract proposal from the two biggest unions — representing clerks and letter carriers — demands that the postal service make up the \$448 that an employee now must pay into Medicare; give each employee \$132 a year to make up for higher premiums and loss of benefits in health insurance plans; pay a catch-up raise of \$1,500 in July, plus a \$450 productivity payment this year and in each of the next three years. The unions also want the postal service to "roll-in" to base salary payments made to workers over the last three years. The effect of that

roll-in would be to boost base pay on which retirement benefits are computed.

When questioned on the proposal, union officials said last week that they are reluctant to "bargain in the newspapers" and hope to reach agreement with the Postal Service at the bargaining table. Letter Carriers Union President Vincent Sombrotto did say, however, that he and Moe Biller, president of the APWU, "will not even dignify with a response" the postal service proposal that employees not be paid for their first day of sick leave, and that starting pay for future new hires be cut one-third.

□ □ □

THE \$5.8 BILLION monthly federal payroll could get another shot in the arm in October if Congress and the White House opt for the political advantages of a federal pay hike a month before the election.

Although far from being a sure thing, the prospect of a pay raise is much brighter than it was.

Senate Republicans last month quietly turned their back on President Reagan's plan to delay the next pay raise until January 1985. The White House's recommended pay delay was one of several civil service cost-cutting items buried by Senate-House conferees working on the compromise budget. House Democrats on the committee gave up two even bigger money-saving proposals they had made — both dealing with retired military and federal personnel — as part of the compromise.

In fact, the only "saving" that survived the conference was a transfer of \$1.5 billion in government-military personnel costs from this fiscal year to the next. That book-keeping change delays military retirement payments from the last day of the month to the first day of the following month, and thus pushes the cost of one month of payments — about \$1.5 billion — from this fiscal year to the new one that begins in October.

An administration official who asked not to be identified said the October pay raise "is a possibility now" because of the Senate-House conference action.

President Reagan will make his pay decision in late August.

The inexact science of reading federal pay tea leaves is more complicated than ever because this is an election year.

VOLUME 2
CALIFORNIA LEGISLATURE
AT SACRAMENTO
1987-88 REGULAR SESSION
1987-88 FIRST EXTRAORDINARY SESSION

SENATE FINAL HISTORY

SHOWING ACTION TAKEN IN THIS SESSION ON ALL SENATE BILLS
CONSTITUTIONAL AMENDMENTS, CONCURRENT, JOINT RESOLUTIONS
AND SENATE RESOLUTIONS

CONVENED DECEMBER 6, 1986
ADJOURNED SINE DIE NOVEMBER 30, 1988

DAYS IN SESSION.....	253
CALENDAR DAYS	731

LT. GOVERNOR LEO T. McCARTHY
President of the Senate

SENATOR DAVID ROBERTI
President pro Tempore

Compiled Under the Direction of
DARRYL R. WHITE
Secretary of the Senate

By
DAVID H. KNEALE, ESQ.
History Clerk

S.B. No. 2459—Nielsen.

An act to add Part 43.5 (commencing with Section 70900) to Division 7 of the Education Code, relating to community colleges.

1988

Feb. 18—Introduced. Read first time. To Com. on RLS. for assignment. To print.

Feb. 23—From print. May be acted upon on or after March 24.

Mar. 3—To Com. on ED.

Mar. 21—Set for hearing April 13.

April 13—From committee: Do pass, but first be re-referred to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11. Noes 0. Page 5322.) Re-referred to Com. on APPR.

April 21—Set for hearing May 2.

May 3—From committee: Do pass. (Ayes 8. Noes 0. Page 5788.)

May 4—Read second time. To third reading.

May 9—To Special Consent Calendar.

May 12—Read third time. Passed. (Ayes 34. Noes 0. Page 5862.) To Assembly.

May 12—In Assembly. Read first time. Held at Desk.

May 19—To Com. on ED.

Nov. 30—From Assembly without further action.

S.B. No. 2460—Kopp, Craven, Dills, Keene, Mello, and Petris
(Coauthors: Assembly Members Allen, Chandler, and Norm Waters).

An act to add Section 421.5 to the Government Code, relating to state dances.

1988

Feb. 18—Introduced. Read first time. To Com. on RLS. for assignment. To print.

Feb. 22—From print. May be acted upon on or after March 23.

Mar. 3—To Com. on RLS.

Mar. 14—Set for hearing April 20.

April 21—From committee: Do pass. (Ayes 4. Noes 0. Page 5552.)

April 25—Read second time. To third reading.

April 28—Read third time. Passed. (Ayes 21. Noes 9. Page 5623.) To Assembly.

April 28—In Assembly. Read first time. Held at Desk.

May 2—To Com. on G.O.

May 24—From committee: Do pass. (Ayes 10. Noes 4.)

May 25—Read second time. To third reading.

June 27—Read third time. Amended. To third reading.

Aug. 4—Read third time. Refused passage. (Ayes 24. Noes 35. Page 9241.) Motion to reconsider made by Assembly Member Floyd. Reconsideration granted.

Aug. 22—Read third time. Amended. To third reading.

Aug. 24—Read third time. Passed. (Ayes 46. Noes 28. Page 10047.) To Senate.

Aug. 25—In Senate. To unfinished business.

Aug. 29—Senate concurs in Assembly amendments. (Ayes 24. Noes 5. Page 8064.) To enrollment.

Sept. 12—Enrolled. To Governor at 5 p.m.

Oct. 1—Becomes law without Governor's signature.

Oct. 1—Chaptered by Secretary of State. Chapter 1645, Statutes of 1988.

S.B. No. 2461—Kopp.

An act to amend Section 2884 of the Public Utilities Code, relating to telephones.

1988

Feb. 18—Introduced. Read first time. To Com. on RLS. for assignment. To print.

Feb. 22—From print. May be acted upon on or after March 23.

Mar. 3—To Com. on E. & P.U.

Mar. 24—Set for hearing April 12.

April 5—From committee with author's amendments. Read second time. Amended. Re-referred to committee.

April 12—Set, first hearing. Held in committee without recommendation.

Nov. 30—From committee without further action.

Introduced by Senators Kopp, Craven, Dills, and Mello

February 18, 1988

An act to add Section 421.5 to the Government Code, relating to a state dance.

LEGISLATIVE COUNSEL'S DIGEST

SB 2460, as introduced, Kopp. Official state dance.

Existing law designates an official state flower and an official state tree, among other things.

This bill would designate the West Coast Swing Dance as the official state dance.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares, as
2 follows:

3 (a) West Coast Swing Dancing, also known as Swing,
4 Whip, or Jitterbug, has been one of the public's most
5 popular subcultural activities for more than 50 years and
6 yet it remains relatively unknown to the media,
7 television, textbooks, and films as to its origin, its place
8 among the fine arts, its intricacy of performance, and its
9 popularity.

10 (b) West Coast Swing Dancing is the only dance
11 native to the State of California that has survived. It came
12 into being in the early 1930's in response to new musical
13 forms then sweeping the land, and it was created at the
14 grassroots level of our people. Devotees of this art come
15 from every conceivable ethnic, religious, racial, and
16 economic background. Age is no factor, nor is gender.
17 Among the ranks of swing dancers, one can find judges,

1 schoolteachers, lawyers, waitresses, salesmen, doctors,
2 students, and so on.

3 (c) West Coast Swing Dancing is an intricate dance,
4 requiring a great deal of coordination, good timing, and
5 intelligent application. It is a healthy and joyful activity
6 that belongs to all our people. They created it, they
7 nurtured it, and they have kept it alive. Dance clubs
8 throughout California today are dedicated to the
9 proposition that swing dancing is the greatest of all social
10 activities.

11 SEC. 2. Section 421.5 is added to the Government
12 Code, to read:

13 421.5. West Coast Swing dance is the official state
14 dance.

FEB 27 1988



Santa Barbara News-Press

Feb. 20, 1988

Sen. Quentin L. Kopp
4062 State Capitol
Sacramento, CA 95814

Dear Sen. Quenton (or Dan Friedlander):

The brief in today's Los Angeles Times informing the public that the West Coast Swing Dance might soon become the official state dance has captured my imagination. This is so not only because, as editorial page editor of the Santa Barbara News-Press, where a large number of newspaper readers crowd the swing dance floors when they are not becoming better informed citizens, I feel obligated to elucidate important issues for the public. It is also because when I am not elucidating I am negotiating a Lindy Outside Underarm With Tuck and Double Turn, or perhaps the ever-challenging Whip (With Optional Switches).

You must know, of course, that Jonathan and Sylvia, longtime masters of the swing dance, will be very interested in your bill SB 2460. For they have turned a fair amount of Santa Barbara's population into avid swing dancers of the Lindy persuasion. I am sure, from your exhaustive research into the merits of bill you have introduced, that you know that Lindy swing is East Coast Swing, as opposed as ever could be, of course, to West Coast Swing. Ask any girl swinger, for example, what it feels like to be swung onto the dance floor by a West Coaster. Just when she thought she was getting really good at rock-stepping back, she is expected to quick-step forward. This can cause stress. There is this, also: West Coast swingers don't have anything we (Lindy swingers) don't have, except sleaze. I am quoting accurately the statement of a Santa Barbaran who attended the U.S. Open Swing Dance Competition in the Grand Ballroom of the Disneyland Hotel last November. In a free country, I find nothing whatever objectionable about sleaze, but one does have to consider carefully all the ramifications of an issue as emotional as dancing before declaring, willy nilly, that West Coast is better than East Coast swing, or at least more deserving of wearing the official state seal of approval.

In case you want to do more research in preparation^a for what I am certain will be lively hearings on the bill, I give you Jonathan and Sylvia's phone number (805-569-1952) and their address (P.O. Box 20244, Santa Barbara, CA 93105).

I, naturally, am reserving my judgment until I have read the fine print. This is a request for a copy of SB 2460. Please let me know also when a hearing on this measure is scheduled. Thank you.

DE LA GUERRA PLAZA • P.O. DRAWER NN • SANTA BARBARA, CALIFORNIA 93102-1359 • (805) 564-5200

Linda Egan
Editorial Page Editor

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SACRAMENTO, CALIFORNIA 95814-3363

The Daily Recorder

Serving the Capitol and California since 1911

Tuesday, February 23, 1988 Volume 77, Number 38

At last, California may get an official dance

By Steve Towns
Daily Recorder Staff Writer

California has an official bird, animal, marine mammal, fish, reptile, insect, tree, flower, rock, mineral, song, nickname and motto.

But, tragically, the state lacks an official dance.

To remedy this shortightedness, State Senator Quentin Kopp, I-San Francisco, has introduced legislation to name west coast swing as California's official state dance.

If SB 2460 is approved, west coast swing will join other state symbols such as the Saber-toothed Cat — the official

state fossil — and the California Dog-face Butterfly — the official state insect.

West coast swing is a marvelous form of entertainment and recreation, Kopp said in a prepared statement.

"If ever there was a perfect candidate for the official state dance, this is it."

This is not the first time Kopp has championed a music-related cause.

As a San Francisco supervisor in 1986, Kopp founded and chaired a rock and roll steering committee which first formulated plans for that city's museum of rock and roll.

West coast swing is the only remaining dance native to California, according

to the U.S. Council on West Coast Swing Dancing. The dance was started by Californians in the 1930s and later its popularity swept across the nation, the council noted.

"Supposedly the dance is very popular," said Dan Friedlander, a spokesman for Kopp. "Apparently, the U.S. Council on Swing Dancing feels that designating west coast swing as the official state dance will be helpful to their activities."

Friedlander couldn't say if there were any other dances competing for the title of official state dance.

And he would neither confirm nor deny whether Kopp personally practices the art of west coast swing dancing.

Legislators hope California will swing to official dance beat

By Jesse Chavarrin
 California News Service
 SACRAMENTO 7/27-28

California has an official flower, an official bird, an official song and an official language.

But the state doesn't have an official dance, and some legislators think it's about time it did.

A group of dance-loving, music-playing senators has introduced a bill designating West Coast Swing Dancing as the official dance of California.

For those unfamiliar with it, the dance is fast and acrobatic, like the jitterbug of the early 1940s. But instead of dancing all over the floor, couples generally remain in the same spot.

"There are several turns and swinging and holding hands. It's a clever dance and a ballroom dance," said Walter Harmon, of the United States West Coast Swing Dance Council.

Harmon is leading the charge for the official designation.

He said America needs some pepping up.

"Our main goal is to bring back the Big Band sound. It's wholesome, and healthy, one of the best exercises, and it's totally Californian," he said.

His effort is getting plenty of support. Musicians like Glenn Miller, Benny Goodman and Artie Shaw would be proud of senators lining up to back the "cutting the rug" proposal, he said.

"It's a marvelous form of entertainment and recreation. If there was ever a perfect candidate for official state dance, West Coast Swing is it," said state Sen. Quentin Kopp, I-San Francisco.

Kopp, an old-time swinger himself, is one of the numerous co-authors of the bill. Others include: Sen. Henry Mello, D-Watsonville, a former professional jazz piano player; Sen. William Craven, R-Carlsbad, a former deejay, and Sen. Ralph Dills, D-Gardena, a saxophone player.

Mello, Dills and a few other lawmakers get together and play Dixieland jazz every once in a while.

Mello said swing music makes people happy.

"I'm a dues-paying member of the local musicians' union," said Mello. "I think it's a great idea. It's like naming the state flower or the state bird. People like to associate with something they enjoy."

Harmon said swing music is still popular and spans the generations.

But, just to make sure he satisfies the tastes of all his constituents, Kopp is pushing another music-related bill. It calls for \$850,000 to establish a rock 'n roll museum in San Francisco.

March 3, 1988

Mr. Stephen Magagnini
The Sacramento Bee
P.O. Box 15779
Sacramento, CA 95852

Dear Stephen:

It was a pleasure chatting with you at the Kings-Pistons game last week. Unfortunately, the performance of the Kings did not improve during the second half.

I think your Sunday Magazine readers would be interested in legislation I have introduced pertaining to West Coast Swing Dancing. Senate Bill 2460 would designate West Coast Swing as the Official State Dance.

Swing dancing is a healthy and joyful pastime which attracts a broad spectrum of Californians--even members of the Legislature. Focusing public attention on this wholesome activity can help reduce drug and alcohol abuse.

I have enclosed a copy of the bill and a compendium of information. Be of good cheer.

Sincerely yours,

QUENTIN L. KOPP

QLK:11
Enclosure

March 7, 1988

SB 2460

Ms. Linda Egan
Santa Barbara News-Press
De La Guerra Plaza
P.O. Box Drawer NN
Santa Barbara, CA 93102-1359

Dear Ms. Egan:

Thank you very much for your spirited letter of February 20, 1988.

I'm delighted to learn of your support for SB 2460. Copies are enclosed for your use. I am also sending copies to Jonathan and Sylvia.

Although I was brought up on East Coast Swing (Syracuse, New York) I am more than willing to accept your judgment about the superiority of West Coast Swing. After all, that's why I introduced SB 2460.

Sincerely yours,

QUENTIN L. KOPP

QLK:rb

Enclosures

P.S. I expect that the bill will be heard in April. Do you want to testify in support?

JAN RAYMOND

LEGISLATIVE | HISTORY & INTENT

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SENATE RULES COMMITTEE

Office of
Senate Floor Analyses
1100 J Street, Suite 120
445-6614

Bill No.	SB 2460
Author:	Kopp (I), et al
Amended:	As introduced
Vote Required:	Majority

Senate Floor Vote: Page 5623, 4/28/88

Senate Bill 2400—An act to add Section 421.5 to the Government Code, relating to a state dance.

Bill read third time and presented by Senator Kopp.
The roll was called.

Roll Call

The names of the absentees were called and SB 2460 was passed by the following vote:

AYES (21)—Senators Alquist, Ayala, Craven, Davis, Deddeh, Dells, Ellis, Cecil Green, Keene, Kopp, Lockyer, Marks, Mello, Montoya, Nielsen, Petris, Presley, Roberti, Royce, Torres, and Vuich.

NOES (9)—Senators Beverly, Doolittle, Garamendi, Leavell, Greene, McCorquodale, Morgan, Rogers, Russell, and Seymour.

Bill ordered transmitted to the Assembly.

Assembly Floor Vote:

SUBJECT: Official State Dance

SOURCE: United States Swing Dance Council

DIGEST: This bill would designate the West Coast Swing Dance as California's official state dance.

ANALYSIS: The following are California's official state items:

Gemstone: Benitoite, Fish: California Golden Trout, Colors: Blue and Gold Ribbons, Insect: California Dog-Face Butterfly, Nickname: The Golden State, Tree: California Redwood, Song: I Love You California, Bird: California Valley Quail, Motto: Eureka, Flower: Golden Poppy, Mineral: Gold, Flag: Bear Flag, Rock: Serpentine, Fossil: Saber-toothed Cat, Animal: Grizzly Bear, Reptile: Desert Tortoise, Marine mammal: California Gray Whale.

Currently there is no designation of an official state dance.

The term "Swing" was originally used by jazz musicians to describe a particular character of music that was introduced by Louis Armstrong in 1924 when he joined the Fletcher Henderson Band. During this period, Benny Goodman's band had been playing throughout the country but never hit it big until the night of August 21, 1935, at the Palomar Ballroom in Los Angeles when he started playing arrangements by Fletcher Henderson. This is considered the beginning of the "Swing Era."

In the 30's, "The In Dance" was the Shag or Balboa. Then, in 1936, a new more exciting dance was created called Jitterbug and Lindy Hop (named after Charles

CONTINUED

Lindbergh). By the end of World War II, the mood of the country had changed and Big Swing Bands were losing their popularity. Most of the Big Bands broke-up in 1946, due partly to a two-year musician's strike and the trend was turning to singers and bop with the music being a progressive style of jazz using small combos in nightclubs with small dance floors. The dancers then created a smooth-style of Swing Dancing, executed in a slotted form and commonly called West Coast Swing because it started in California.

The United States Swing Dance Council defines Swing as an all-American rhythm dance, consisting basically of 6 beat and 8 beat patterns that cover either a circular or slot area on the dance floor. Swing incorporates underarm turns, side passes, pushes and whips plus variations, syncopations and extensions of the same.

SB 2460 finds that:

- West Coast Swing Dancing has been a popular subculture activity for 50 years, yet remains relatively unknown to society.
- West Coast Swing Dancing is the only dance native to California that has survived over the years.
- West Coast Swing Dancing is an intricate dance, and is a healthy and joyful activity.
- Dance clubs throughout California are dedicated to the proposition that swing dancing is the greatest of all social activities.

This bill would designate West Coast Swing as the official state dance.

In 1984, Senator Doolittle introduced SB 2146 which would have made the square dance the state dance. It failed passage on the Senate Floor.

Roll Call

The names of the absentees were called and SB 2146 was refused passage by the following vote

AYES (11)—Senators Campbell, Davis, Doolittle, Marks, Montoya, Nielsen, Richardson, Robbins, Royce, Russell, and Speraw.

NOES (16)—Senators Ayala, Boatwright, Deddeh, Foran, Bill Greene, Hart, Johnson, Keene, McCorquodale, Presley, Roberti, Rosenthal, Stiern, Torres, Vuich, and Watson.

SUPPORT: (Verified 4/19/88)

United States Swing Dance Council (Sponsor)
Authur Murray
California Chamber of Commerce
Northern California Black Chamber of Commerce
U. S. Open Swing Dance Championships, Inc.
Rotary Club of San Francisco
Oakland Association of Insurance Agents, Inc.
Coca-Cola U.S.A.
Alameda County Bar Association

CONTINUED

International Molders and Allied Workers Union Local 164
American Federation of Musicians
Various individuals

ARGUMENTS IN SUPPORT: According to the United States Swing Dance Council, West Coast Swing Dancing is the only dance native to the State of California that has survived. West Coast Swing Dancing is an intricate dance, requiring a great deal of coordination, good timing, and intelligent application. It is a healthy and joyful activity that belongs to all people.

At a time when the nation is plagued with alcohol and narcotic problems--and exercise has become a way of life--establishing and promoting West Coast Swing Dancing as our State Dance would help reduce the alcohol/drug problem and also save tax dollars.

FISCAL EFFECT: Appropriations: no Fiscal Committee: no Local: no

RR:jk 4/22/88 Senate Floor Analyses

State Senate getting into step on California swing dance

By Kathy Zimmerman
The Tribune 4/29/88

SACRAMENTO — Swing is in, salsa's out and square dancing isn't even in the running.

That's the opinion of the California Senate, which approved legislation yesterday designating the West Coast swing dance the official state dance.

They voted for it 21-9.

Senate Bill 2460, which still needs approval of the California Assembly, would declare:

■ Dance clubs throughout the state are dedicated to the proposition that swing dancing is "the greatest of all social activities."

■ West Coast swing dancing has been a popular subculture activity for 50 years, yet remains relatively unknown to society.

■ Swing dancing is an intricate dance and a healthy and joyful activity, requiring "a great deal of coordination, good timing and intelligent applica-

The bill to establish the West Coast swing dance as the official state dance still needs Assembly approval.

tion."

"West Coast swing dancing is the only dance native to the state of California which has survived," said the bill's enthusiastic author, Sen. Quentin Kopp, I-San Francisco.

"Swing dancing boosted the morale of the country when it needed it," said Kopp. He declined repeated calls from his Senate colleagues for a demonstration of such dancing.

Supporters of his bill say that promoting the dance will help reduce the alcohol and drug

problems among youth.

"Among the ranks who enjoy swing dancing are judges, school teachers, salesmen and even senators," Kopp said.

The United States Swing Dance Council defines swing as an "all-American rhythm dance, consisting basically of six-beat and eight-beat patterns that cover either a circular or slot area on the dance floor."

Swing incorporates "under-arm turns, side passes, pushes and whips," according to the council.

At least one senator was suspicious of what those moves entail. Sen. Don Rogers, R-Bakersfield, said he wanted them demonstrated.

"How do we know they have anything to do with dance?" Rogers joked.

Opponents of Kopp's bill argued that other dances would be more appropriate as the state dance.

Date of Hearing: May 24, 1988

SB 2460

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION
Richard E. Floyd, Chairman

SB 2460 (Kopp) - As Introduced: February 18, 1988

SUBJECT

Official state dance.

DIGEST

Existing law designates the following official state items:

Gemstone: Benitoite, Fish: California Golden Trout, Colors: Blue and Gold, Insect: California Dog-Face Butterfly, Nickname: The Golden State, Tree: California Redwood, Song: I Love you California, Bird: California Valley Quail, Motto: Eureka!, Flower: Golden Poppy, Mineral: Gold, Flag: Bear Flag, Rock: Serpentine, Fossil: Saber-toothed Cat, Animal: Grizzly Bear, Reptile: Desert Tortoise, Marine mammal: California Gray Whale.

Currently there is no designation of an official state dance.

This bill would designated the West Coast Swing Dance, also known as the Swing, Whip, or Jitterbug, as California's Official State Dance.

FISCAL EFFECT

None

COMMENTS

1) Background

The term "Swing" was used by jazz musicians to describe a particular character of music that was introduced by Louis Armstrong in 1924 when he joined the Fletcher Henderson Band. On August 21, 1935 at the Palomar Ballroom in Los Angeles, Benny Goodman's band played arrangements by Fletcher Henderson. This is considered to be the beginning of the "swing era". In the 30's, the "In Dance" was the Shag or Balboa, then in 1936 the Jitterbug and Lindy Hop were created. In 1946 a smooth-style of Swing Dancing came into fashion commonly called West Coast Swing because it started in California.

- continued -

SB 2460

2) Prior Legislation

SB 2146 of 1984 would have designated Square Dancing as the Official State Dance. This measure was killed on the Senate Floor.

3) Purpose

According to the sponsor, United States Swing Dance Council, West Coast Swing Dancing is the only dance native to the State of California that has survived. West Coast Swing Dancing is an intricate dance, requiring a great deal of coordination, timing, and intelligent application. It is a healthy and joyful activity that belongs to all people. At a time when the nation is plagued with alcohol and narcotic problems, and exercise has become a way of life, establishing and promoting West Coast Swing Dancing as our Official State Dance would help reduce the alcohol/drug problem and also save tax dollars.

SB 2460 (Kopp)
Analyzed: 5/25/88

ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE
REPUBLICAN ANALYSIS

SB 2460 (Kopp) -- OFFICIAL STATE DANCE

Version: Original Vice-Chairman: Frank Hill
Recommendation: Oppose/abstain
Vote: Majority

Summary: Designates the West Coast Swing Dance as the official state dance. Fiscal effect: None.

Supported by U.S. Swing Dance Council (sponsor), Arthur Murray Dance Studios, CA Chamber of Commerce, Northern CA Black Chamber of Commerce, U.S. Open Swing Dance Championships, Rotary Club of San Francisco, Oakland Association of Insurance Agents, Coca-Cola USA, Alameda County Bar Assoc., International Molders & Allied Workers, Town of Colma, American Federation of Musicians Opposed by Sacramento Square Dance Assoc. Governor's position: Unknown.

Comments: While this is infinitely less ridiculous than designating the banana slug as the official state mollusk, it is certainly no more needed. And even if we need an official state dance, there doesn't appear to be a consensus that this is the appropriate dance.

The author notes that exercise has become an integral component of life. True. He also maintains that focusing on exercise such as dance will reduce the abuse of alcohol and drugs, thereby saving tax dollars. Doubtful.

The West Coast Swing is billed as the only dance native to California that is still commonly performed. It is a wholesome family activity that all can enjoy. A 1984 effort to designate square dancing as the official state dance (SB 2146, Doolittle) died on the Senate floor.

Senate Republican Floor Vote -- 4/28/88

(21-9) Ayes: Craven, Davis, Nielsen, Royce
Noes: Beverly, Doolittle, Morgan, Rogers,
Russell, Seymour

Assembly Republican Committee Vote

Governmental Organization -- 5/24/88

(10-4) Ayes: Johnson, Statham
Noes: Baker, Frizzelle, Hill
N.V.: Grisham, Mojonner
Absent: Mountjoy

Consultant: Susan Ricci

JAN RAYMOND

LEGISLATIVE | HISTORY & INTENT

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SENATE BILL

No. 2460

Introduced by Senators Kopp, Craven, Dills, and Mello
Keene, Mello, and Petris
(Coauthors: Assembly Members Allen, Chandler, and
Norman Waters)

February 18, 1988

An act to add Section 421.5 to the Government Code,
relating to a state dance.

LEGISLATIVE COUNSEL'S DIGEST

SB 2460, as amended, Kopp. Official state dance.

Existing law designates an official state flower and an
official state tree, among other things.

This bill would designate the West Coast Swing Dance as
the official state dance.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares, as
2 follows:

3 (a) West Coast Swing Dancing, also known as Swing,
4 Whip, or Jitterbug, has been ~~one of the public's most~~
5 ~~popular subcultural activities~~ *a popular cultural activity*
6 for more than 50 years and yet it remains relatively
7 unknown ~~to the media, television, textbooks, and films~~ as
8 to its origin, its place among the fine arts, its intricacy of
9 performance, and its popularity.

10 (b) West Coast Swing Dancing is the only dance
11 native to the State of California that has survived. It came
12 into being in the early 1930's in response to new musical

1 forms then sweeping the land, and it was created at the
2 grassroots level of our people. Devotees of this art come
3 from every conceivable ethnic, religious, racial, and
4 economic background. Age is no factor, nor is gender.
5 Among the ranks of swing dancers, one can find judges,
6 schoolteachers, lawyers, waitresses, salesmen, doctors,
7 students, and so on.

8 (c) West Coast Swing Dancing is an intricate dance,
9 requiring a great deal of coordination, good timing, and
10 intelligent application. It is a healthy and joyful activity
11 that belongs to all our people. They created it, they
12 nurtured it, and they have kept it alive. Dance clubs
13 throughout California today are dedicated to the
14 proposition that swing dancing is the greatest of all social
15 activities.

16 SEC. 2. Section 421.5 is added to the Government
17 Code, to read:

18 421.5. West Coast Swing ~~dancee~~ *Dance* is the official
19 state dance.

ASSEMBLY FLOOR STATEMENT

S B 2460

AUGUST 1988

MR. SPEAKER AND MEMBERS:

SB 2460 WOULD DESIGNATE WEST COAST SWING DANCE AS THE OFFICIAL STATE DANCE.

WEST COAST SWING DANCING HAS BEEN A PART OF CALIFORNIA'S CULTURE SINCE WORLD WAR II. IT ENHANCED THE LIVES OF OUR SOLDIERS NO MATTER WHERE THEY WERE AND IT KEPT TEENAGERS OFF THE STREET AND OUT OF TROUBLE.

IN THE 1930'S, HOLLYWOOD AND THE SWING BANDS POPULARIZED THE JITTERBUG OR SWING. IN THE MID-40'S, DANCERS CREATED A SMOOTH-STYLE OF SWING DANCING EXECUTED IN A SLOTTED FORM, IT IS CALLED WEST COAST SWING BECAUSE IT STARTED IN CALIFORNIA.

WEST COAST SWING IS THE ONLY DANCE NATIVE TO CALIFORNIA WHICH HAS SURVIVED. IT IS A HEALTHY AND JOYFUL ACTIVITY THAT BELONGS TO ALL OUR PEOPLE. DEVOTEES OF THIS ART COME FROM EVERY CONCEIVABLE BACKGROUND, AMONG THE RANKS OF SWING DANCERS, ONE CAN FIND JUDGES, SCHOOL TEACHERS, WAITRESSES, SALESMEN, STUDENTS, DOCTORS---AND, YES, EVEN LEGISLATORS.

SWING MUSIC AND SWING DANCING BOOSTED THE MORALE OF THIS COUNTRY THROUGH A DEPRESSION AND WORLD WAR. OUR STATE IS PLAGUED WITH PROBLEMS OF ALCOHOL AND DRUG ABUSE; AND EXERCISE HAS BECOME AN IMPORTANT PART OF OUR HEALTH AND WAY OF LIFE, ESPECIALLY HERE IN CALIFORNIA. FOCUSING PUBLIC ATTENTION ON THIS TYPE OF WHOLESOME ACTIVITY MAY HELP REDUCE THE ABUSE OF ALCOHOL AND DRUGS, THEREBY SAVING TAX DOLLARS.

I URGE YOUR "AYE" VOTE.

NOTE: SQUARE DANCE IS THE OFFICIAL STATE DANCE OF EIGHT STATES AND ORIGINATES IN ENGLAND. THIS ALONE SUGGESTS THAT WEST COAST SWING IS A BETTER CANDIDATE FOR CALIFORNIA'S OFFICIAL STATE DANCE. THE ATTACHED LETTERS FROM ARTHUR MURRAY INTERNATIONAL, BRIGHAM YOUNG UNIVERSITY, THE GOLDEN STATE DANCE TEACHERS ASSOCIATION, AND OTHERS INCLUDE ADDITIONAL INFORMATION AND ARGUMENTS WITH RESPECT TO THE ISSUE OF WEST COAST SWING VERSUS SQUARE DANCE.

AMENDED IN ASSEMBLY AUGUST 22, 1988

AMENDED IN ASSEMBLY JUNE 27, 1988

SENATE BILL

No. 2460

Introduced by Senators Kopp, Craven, Dills, Keene, Mello,
and Petris

(Coauthors: Assembly Members Allen, Chandler, and
Norman Waters)

February 18, 1988

An act to add Section 421.5 to the Government Code,
relating to ~~a state dance~~ *state dances*.

LEGISLATIVE COUNSEL'S DIGEST

SB 2460, as amended, Kopp. Official state ~~dance~~ *dances*.

Existing law designates an official state flower and an
official state tree, among other things.

This bill would designate the West Coast Swing Dance as
the official state dance.

*This bill would designate the Square Dance as the official
state folk dance.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares, as
2 follows:

3 (a) West Coast Swing Dancing, also known as Swing,
4 Whip, or Jitterbug, has been a popular cultural activity
5 for more than 50 years and yet it remains relatively
6 unknown as to its origin, its place among the fine arts, its
7 intricacy of performance, and its popularity.

8 ~~(b) West Coast Swing Dancing is the only dance~~

1 ~~native to the State of California that has survived. It came~~
2 ~~came~~ into being in the early 1930's in response to new
3 musical forms then sweeping the land; ~~and it. It was~~
4 created at the grassroots level of our people. Devotees of
5 this art come from every conceivable ethnic, religious,
6 racial, and economic background. Age is no factor, nor is
7 gender. Among the ranks of swing dancers, one can find
8 judges, schoolteachers, lawyers, waitresses, salesmen,
9 doctors, students, and so on.

10 ~~(e)~~ West Coast Swing Dancing is an intricate dance,
11 requiring a great deal of coordination, good timing, and
12 intelligent application. It is a healthy and joyful activity
13 that belongs to all our people. They created it, they
14 nurtured it, and they have kept it alive. ~~Dance clubs~~
15 ~~throughout California today are dedicated to the~~
16 ~~proposition that swing dancing is the greatest of all social~~
17 ~~activities.~~

18 *West Coast Swing is an American dance which is*
19 *danced to American music. It originated in California and*
20 *is danced in competition nationally and internationally.*

21 *(b) Square Dancing is the American folk dance which*
22 *is called, cued, or prompted to the dancers, and includes*
23 *squares, rounds, clogging, contra, line, and heritage*
24 *dances.*

25 *The Square Dance has a long and proud history. It is an*
26 *exciting art form that is truly an original of our country,*
27 *and has been danced continuously in California since*
28 *"Gold Rush Days."*

29 *As our state's population has grown, so has the square*
30 *dance activity. California leads the nation with more than*
31 *200,000 residents square dancing weekly. It conforms to*
32 *our ever changing lifestyles and appeals to people of all*
33 *ages, races, and creeds. Class distinction is forgotten*
34 *when people join together to enjoy the true fellowship of*
35 *the Square Dance.*

36 SEC. 2. Section 421.5 is added to the Government
37 Code, to read:

38 421.5. (a) West Coast Swing Dance is the official
39 state dance.

40 (b) *The Square Dance is the official state folk dance.*

O

JAN RAYMOND

LEGISLATIVE | HISTORY & INTENT

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SENATE THIRD READING

SB 2460 (Kopp) - As Amended: August 22, 1988

SENATE VOTE: 21-9

ASSEMBLY ACTIONS:

COMMITTEE G. O. VOTE 10-4 COMMITTEE _____ VOTE _____

Ayes: Cortese, Harris, Johnson,
Klehs, Polanco, Statham,
Tanner, M. Waters, N. Waters,
Floyd

Ayes:

Nays: Baker, Costa, Frizzelle,
Hill

Nays:

DIGEST

Existing law designates the following official state items:

Gemstone: benitoite; Fish: California Golden Trout; Colors: blue and gold;
Insect: California dog-face butterfly; Nickname: The Golden State; Tree:
California Redwood; Song: I Love you California; Bird: California Valley
quail; Motto: "Eureka"; Flower: golden poppy; Mineral: native gold; Flag:
the Bear Flag; Rock: serpentine; Fossil: saber-toothed cat; Animal:
California Grizzly Bear; Reptile: desert tortoise; Marine mammal: California
gray whale.

Currently there is no designation of an official state dance.

This bill designates the West Coast Swing Dance as California's official state
dance and designates the square dance as California's official state folk
dance.

FISCAL EFFECT

None

- continued -

COMMENTS

1) Background

The term "Swing" was used by jazz musicians to describe a particular character of music that was introduced by Louis Armstrong in 1924 when he joined the Fletcher Henderson Band. On August 21, 1935 at the Palomar Ballroom in Los Angeles, Benny Goodman's band played arrangements by Fletcher Henderson. This is considered to be the beginning of the "swing era." In the 30's, the "in dance" was the Shag or Balboa, then in 1936 the Jitterbug and Lindy Hop were created. In 1946 a smooth style of swing dancing came into fashion, commonly called West Coast Swing because it started in California.

- 2) Square dancing is the most popular form of American folk dance which is called, cued, or prompted to the dancers and includes squares, rounds, clogging, contra, line, and heritage dances. It is an exciting art form that is truly an original American dance and it has been danced continuously in California since Gold Rush Days.

Georgia King
445-3451
8/23/88:ago

SB 2460
Page 2

The term "Swing" was originally used by jazz musicians to describe a particular character of music that was introduced by Louis Armstrong in 1924 when he joined the Fletcher Henderson Band. During this period, Benny Goodman's band had been playing throughout the country but never hit it big until the night of August 21, 1935, at the Palomar Ballroom in Los Angeles when he started playing arrangements by Fletcher Henderson. This is considered the beginning of the "Swing Era."

In the 30's, "The In Dance" was the Shag or Balboa. Then, in 1936, a new more exciting dance was created called Jitterbug and Lindy Hop (named after Charles Lindbergh). By the end of World War II, the mood of the country had changed and Big Swing Bands were losing their popularity. Most of the Big Bands broke-up in 1946, due partly to a two-year musician's strike and the trend was turning to singers and bop with the music being a progressive style of jazz using small combos in nightclubs with small dance floors. The dancers then created a smooth-style of Swing Dancing executed in a slotted form and commonly called West Coast Swing because it started in California.

The United States Swing Dance Council defines Swing as an all-American rhythm dance, consisting basically of 6 beat and 8 beat patterns that cover either a circular or slot area on the dance floor. Swing incorporates underarm turns, side passes, pushes and whips plus variations, syncopations and extensions of the same.

The bill finds that::

1. West Coast Swing Dancing, also known as Swing, Whip, or Jitterbug.
2. West Coast Swing Dancing is an intricate dance, requiring a great deal of coordination, good timing, and intelligent application. It is a healthy and joyful activity that belongs to all our people.
3. West Coast Swing is an American dance which is danced to American music. It originated in California and is danced in competition nationally and internationally.

This bill designates West Coast Swing as the official state dance.

This bill also states that:

1. Square Dancing is the American folk dance which is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, and heritage dances.
2. The Square Dance has a long and proud history. It is an exciting art form that is truly an original of our country, and has been danced continuously in California since "Gold Rush Days."
3. As our state's population has grown, so has the square dance activity. California leads the nation with more than 200,000 residents square dancing weekly. It conforms to our every changing lifestyles and appeals to people of all ages, races, and creeds. Class distinction is forgotten when people join together to enjoy the true fellowship of the Square Dance.

1007

This bill designates the Square Dance is the official state folk dance.

Related Legislation:

In 1984, Senator Doolittle introduced SB 2146 which would have made the square dance the state dance. It failed passage on the Senate Floor.

Roll Call

The names of the absentees were called and SB 2146 was refused passage by the following vote:

AYES (11)—Senators Campbell, Davis, Doolittle, Marks, Montoya, Nielsen, Richardson, Robbins, Royce, Russell, and Speraw.

NOES (16)—Senators Ayala, Boatwright, Deddeh, Foran, Bill Greene, Hart, Johnson, Keene, McCorquodale, Presley, Roberti, Rosenthal, Sierra, Torres, Vuich, and Watson

FISCAL EFFECT: Appropriations: no Fiscal Committee: no Local: no

SUPPORT: (Verified 8/26/88) (Unable to verify support on Assembly Amendment provision which designates the Official State Folk Dance due to time limitations.)

United States Swing Dance Council (Sponsor)
Authur Murray
California Chamber of Commerce
Northern California Black Chamber of Commerce
U. S. Open Swing Dance Championships, Inc.
Rotary Club of San Francisco
Oakland Association of Insurance Agents, Inc.
Coca-Cola USA
Alameda County Bar Association
International Molders and Allied Workers Union Local 164
American Federation of Musicians
Top of Beardslys Swing Dancers Delight
City of Coloma
Bob Bouchard of Bob Bouchard's Big Band

ARGUMENTS IN SUPPORT: According to the United States Swing Dance Council, West Coast Swing Dancing is the only dance native to the State of California that has survived. West Coast Swing Dancing is an intricate dance, requiring a great deal of coordination, good timing, and intelligent application. It is a healthy and joyful activity that belongs to all people.

At a time when the nation is plagued with alcohol and narcotic problems--and exercise has become a way of life--establishing and promoting West Coast Swing Dancing as our State Dance would help reduce the alcohol/drug problem and also save tax dollars.

1308

ASSEMBLY FLOOR VOTE:

Senate Bill No. 3460 passed by the following vote:

AYES—48

Allen	Costa	Hausner	Polanco
Areias	Eaves	Hughes	Quackenbush
Bane	Elder	Johnson	Royball-Allard
Bradley	Farr	Killea	Sher
Bronzan	Felando	Kiehs	Speier
Calderon	Filante	Leonard	Statham
Campbell	Floyd	Leslie	Stirling
Chacon	Friedman	Lewis	Vasconcellos
Chandler	Frizzelle	Margolin	Waters, Maxine
Condit	Grisham	Moore	Waters, Norman
Connelly	Hannigan	O'Connell	
Cortese	Harvey	Peace	

NOES—28

Bader	Ferguson	Johnston	Nolan
Baker	Frazee	Jones	Ross
Brown, Dennis	Hansen	Katz	Seastrand
Burton	Harris	Kelley	Wright
Cluts	Hayden	La Follette	Wyman
Duplessis	Hill	Lancaster	Zeltner
Eastin	Isenberg	Mountjoy	Mr. Speaker

Vote Changes

By unanimous consent, the following vote changes were permitted on Senate Bill No. 3460: Assembly Members Chandler and Filante, from "No" to "Aye".

Bill ordered transmitted to the Senate.

RR:jk 8/27/88 Senate Floor Analyses

SB 2460

Sacto. Bee
8/28/88

Good question — The legislative sashaying over a bill to designate an official state dance is generating some of the more candid comments coming from lawmakers these days. For example, there was the question from Assemblyman Ross Johnson, R-La Habra, when the bill came up on the Assembly floor last week. "Do you think it might be appropriate to include an official legislative dance?" Johnson asked his colleagues. "The side step?"

SACRAMENTO ADDRESS

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California State Senate



STATE SENATOR
QUENTIN L. KOPP

EIGHTH SENATORIAL DISTRICT

REPRESENTING SAN FRANCISCO AND SAN MATEO COUNTIES

August 31, 1988

COMMITTEES

TRANSPORTATION CHAIRMAN
HOUSING & URBAN AFFAIRS
LOCAL GOVERNMENT
REVENUE & TAXATION
TOXICS & PUBLIC SAFETY
MANAGEMENT

Honorable George Deukmejian
State Capitol
Sacramento, CA 95814

RE: SB 2460

Attn: Bob Williams

Dear Governor Deukmejian:

I write to request your signature on Senate Bill 2460, which is now before you for consideration. This measure would 1) designate the West Coast Swing Dance as California's Official State Dance and, 2) the Square Dance as the Official State Folk Dance.

West Coast Swing has been a part of California's culture since World War II. It enhanced the lives of our soldiers no matter where they were, and it kept teenagers off the streets and out of trouble. West Coast Swing is the only dance native to California which has survived. It is a healthy and joyful activity that belongs to all our citizens.

Respecting the square dance, as you wrote last December: "The square dance has a long and proud history. It is an exciting art form that is truly an original of our country, and is enjoyed today by people of all backgrounds."

Both of the dances are a source of pleasure and enjoyment to hundreds of thousands of Californians. Our state is plagued with problems of alcohol and drug abuse. Exercise has become an important part of our health and way of life. Focusing public attention on this type of activity might just help reduce abuse of alcohol and drugs, thereby saving our tax resources.

I urge you to approve SB 2460.

Respectfully yours,

A handwritten signature in cursive script that reads "Quentin L. Kopp".
QUENTIN L. KOPP

QLK:rb

1645

JACK I. MORRIS
JOHN MACKEY
CHIEF DEPUTIES

JAMES L. ASHFORD
JERRY L. BASSETT
STANLEY M. LOUGHEORE
JOHN T. STUBBSAER
JAMES WINE

DAVID D. ALVES
JOHN A. COHEN
C. DAVID DICKINSON
ROBERT CULLEN DUFFY
ROBERT D. GEORGE
SHERWIN C. MACHENZIE, JR.
TRACY O. POWELL II
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Legislative Counsel of California

BION M. GREGORY

Sacramento, California
September 13, 1988

GERALD ROSE ADAMS
MARTIN L. ANDERSON
PAUL ANTELLA
DANA S. APPLING
CHARLES C. ARDILL
RAMON P. BELLILE
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ANGELA I. BUDG
DALEEN J. BURTON
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RICHARD S. WEISSBERG
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JANA T. WHITROVIL
DEBRA J. ZIDICH
CHRISTOPHER ZIRKLE
DEPUTIES

Honorable George Deukmejian
Governor of California
Sacramento, CA

REPORT ON ENROLLED BILL

S.B. 2460 KOPP. State dances.

SUMMARY: See Legislative Counsel's Digest on the
 attached copy of the bill as adopted.

FORM: Approved.

CONSTITUTIONALITY: Approved.

TITLE: Approved.

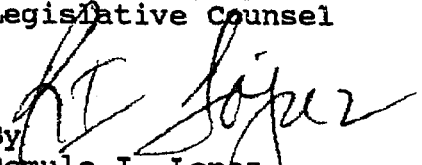
CONFLICTS: This bill and Assembly Bill No. 1535, which
 is also before the Governor, would both add a
 Section 421.5 to the Government Code.

The number of sections in statutes is for purposes of convenience only (Estate of Bull, 153 Cal. 715, 717). There is no constitutional or statutory provision which precludes the enactment of sections of the same number.

Report on S.B. 2460 - p. 2

Thus, if this bill is chaptered, and A.B. 1535 is also chaptered, there will be two versions of Section 421.5 of the Government Code, each of which would be effective and each of which would contain different provisions.

Bion M. Gregory
Legislative Counsel


By
Romulo I. Lopez
Deputy Legislative Counsel

RIL:di

Two copies to Honorable Quentin L. Kopp
and Honorable Tim Leslie,
pursuant to Joint Rule 34.

Volume 3

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1988

Constitution of 1879 as Amended

**Measures Submitted to Vote of Electors,
Primary Election, June 7, 1988
and General Election, November 8, 1988**

**General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature**

1987–88 Regular Session



Compiled by
BION M. GREGORY
Legislative Counsel

is a Purple Heart recipient may apply for special license plates for vehicles which are not used for transportation for hire, compensation, or profit, under this article. The special plates assigned to the vehicle shall run in a separate numerical series, shall have inscribed on the plate the Purple Heart insignia, and shall contain the words "Combat Wounded" and "Purple Heart" or at least the letters "PH" as part of the numerical series. The department shall reserve and issue the special plates to all applicants providing the proof required by subdivision (b).

(b) The applicant shall, by satisfactory proof, show that the applicant is a Purple Heart recipient.

(c) Special plates may be issued pursuant to subdivision (a) only for a vehicle owned or coowned by a Purple Heart recipient and may not be transferred to any other person, including the coowner of the vehicle. The special plates shall be surrendered to the department upon the decease of the Purple Heart recipient.

(d) In addition to the regular fees for an original or renewal registration, a fee sufficient to cover all costs of this program shall be paid.

(e) When an applicant for the Purple Heart license plate qualifies as a disabled veteran as defined in subdivision (a) of Section 22511.9, the applicant may also apply for a distinguishing placard described in subdivision (d) of Section 22511.9 to be used in conjunction with the Purple Heart license plate for the purpose of allowing special parking privileges pursuant to subdivision (b) of Section 22511.9.

(f) Sections 5106 and 5108 do not apply.

SEC. 2. This act shall become operative on July 1, 1989.

CHAPTER 1645

An act to add Section 421.5 to the Government Code, relating to state dances.

[Became law without Governor's signature. Filed with Secretary of State October 1, 1988.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares, as follows:

(a) West Coast Swing Dancing, also known as Swing, Whip, or Jitterbug, came into being in the early 1930's in response to new musical forms then sweeping the land. It was created at the grassroots level of our people. Devotees of this art come from every conceivable ethnic, religious, racial, and economic background. Age is no factor, nor is gender. Among the ranks of swing dancers, one can find judges, schoolteachers, lawyers, waitresses, salesmen, doctors, students, and so on.

West Coast Swing Dancing is an intricate dance, requiring a great

deal of coordination, good timing, and intelligent application. It is a healthy and joyful activity that belongs to all our people. They created it, they nurtured it, and they have kept it alive.

West Coast Swing is an American dance which is danced to American music. It originated in California and is danced in competition nationally and internationally.

(b) Square Dancing is the American folk dance which is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, and heritage dances.

The Square Dance has a long and proud history. It is an exciting art form that is truly an original of our country, and has been danced continuously in California since "Gold Rush Days."

As our state's population has grown, so has the square dance activity. California leads the nation with more than 200,000 residents square dancing weekly. It conforms to our ever changing lifestyles and appeals to people of all ages, races, and creeds. Class distinction is forgotten when people join together to enjoy the true fellowship of the Square Dance.

SEC. 2. Section 421.5 is added to the Government Code, to read:

421.5. (a) West Coast Swing Dance is the official state dance.

(b) The Square Dance is the official state folk dance.

CHAPTER 1646

An act to amend Section 8710 of, and to add Section 9280 to, the Elections Code, relating to elections.

[Became law without Governor's signature. Filed with
Secretary of State October 1, 1988.]

The people of the State of California do enact as follows:

SECTION 1. Section 9280 is added to the Elections Code, to read:

9280. (a) The state central committee may prohibit or limit the power of county central committees established pursuant to Chapter 4 (commencing with Section 9320) to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

(b) The superior court, in any case brought before it by the state central committee or by any registered voter, may issue a temporary or permanent restraining order or injunction to prohibit the endorsement, support, or opposition by a county central committee of any candidate for nomination by the Republican Party for partisan office in the direct primary election, if the endorsement, support, or opposition is in violation of the bylaws or rules of the state central committee. All cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

JAN RAYMOND

LEGISLATIVE | HISTORY & INTENT

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CALIFORNIA LEGISLATURE

1987-88 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed
Constitutional Amendments) Adopted in 1988

and

1979-1988 Statutory Record

VOLUME ONE



DARRYL R. WHITE
Secretary of the Senate

R. BRIAN KIDNEY
Chief Clerk of the Assembly

Compiled by
BION M. GREGORY
Legislative Counsel

Ch. 1642 (AB 4083) Leslie. Business development.

Existing provisions of the Small Business Development Corporation Law provide for the creation of small business development corporations, urban development corporations, and rural development corporations.

This bill would generally revise and recast the above provisions and would delete the reference to Urban and Rural Development Corporations, instead referring to these corporations generally as Small Business Development Corporations.

Existing provisions of the Small Business Development Corporation Law become inoperative on July 1, 1989, and are repealed January 1, 1990.

This bill would extend these dates to July 1, 1991, and January 1, 1992, respectively.

This bill would also make technical clarifying changes.

Ch. 1643 (SB 2148) Rogers. Vehicles: Pearl Harbor Survivor license plates.

(1) Existing law authorizes the Department of Motor Vehicles to issue special license plates, as specified.

This bill would authorize any person who is a certified Pearl Harbor survivor, as specified, to be issued distinctive Pearl Harbor Survivor license plates, commencing July 1, 1989. The bill would require that the department charge a \$35 fee to cover costs related to issuance of the plates or for issuance of substitute plates. The bill would also provide that the plates may be transferred to another vehicle for a \$20 fee, but may not be transferred to other persons, and is required to be surrendered to the department upon the decease of the person to whom the plates were issued.

(2) The bill would require the Controller to transfer \$90,000 from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund, and would appropriate that amount from the account to the department to implement the bill.

Ch. 1644 (AB 3639) Campbell. License plates: Purple Heart recipients.

Under existing law, Congressional Medal of Honor recipients and prisoners of war may apply for special license plates for their vehicles.

This bill would permit Purple Heart recipients to apply for special license plates inscribed with the Purple Heart insignia upon payment of additional fees, as specified.

The bill would become operative on July 1, 1989.

Ch. 1645 (SB 2460) Kopp. Official state dances.

Existing law designates an official state flower and an official state tree, among other things.

This bill would designate the West Coast Swing Dance as the official state dance.

This bill would designate the Square Dance as the official state folk dance.

Ch. 1646 (AB 4187) Nolan. Political parties: direct primary election endorsements: State Central Committee Convention.

Existing law provides that the state convention, state central committee, and the county central committee in each county are the official governing bodies of a political party qualified to participate in the direct primary election. Existing law prohibits these entities of a political party from endorsing, supporting, or opposing any candidate for nomination by that party for partisan office in the direct primary election.

This bill would specifically authorize the state central committee of the Republican Party to prohibit or limit the power of Republican county central committees to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

Existing law requires the Democratic State Central Committee to convene in Sacramento in the January after a general election, on a weekend which shall be no later than the last full weekend of the month.

This bill would instead require this committee to convene in Sacramento after a general election between the first full weekend in January and the first full weekend in March.

NOTE: Superior numbers appear as a separate section at the end of the digests.

California Specific Documents

California Specific Documents

Federal Law

BASIC AUTHORITIES REGARDING THE USE OF LEGISLATIVE INTENT MATERIALS IN FEDERAL COURT

This document, along with other documents related to using legislative documents to find legislative intent, are posted at <https://www.legislativeintent.com/Web/Free.Library/>

A. Federal Court Applying State Law

A Federal Court exercising diversity jurisdiction and seeking to determine the intent of a State legislative enactment will look to the law of that state to determine how the State statute is to be interpreted, as the federal court is bound to render the same decision as would a state court. (See, generally, 28 USC Section 1652, Erie v. Tompkins, 304 U.S. 64, (1938), and Guaranty Trust Co. v. York, 326 U.S. 99 (1945). Generally state procedural rules will be followed as long as there is no direct conflict with the federal rules. (Hanna v. Plummer, 380 U.S. 460 (1965)) If the state and federal law do not directly supercede one another, the courts should try to follow both. (See Gasperini v. Center for Humanities, Inc. 518 U.S. 415 (1996))

B. Federal Court Applying Federal Law

Federal Courts have the power under Federal Rule of Evidence Section 201 to take judicial notice of adjudicative facts. (See generally Sutherland on Statutory Construction, Section 48.04) A number of courts have relied on Section 201(b) to judicially notice documents relating to local, state and federal legislative and administrative enactments. (See for example Carey v. Population Services, Int'l, 431 U.S. 678 (1977), Green v. Bock Laundry Machine Co., 490 U.S. 504 (1989), Rabkin v. Dean, 856 F.Supp. 543 (N.D. Cal., 1994), Heck v. Reed, 529 N.W. 2d 155 (1995)) Rule 201 (b) (2) allows judicial notice of facts that are “capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned.” Under this rule, judicial notice of the legislative history of a statute may be taken. (See Levy v. Scranton 780 F.Supp. 897, 900 (1991))

Researching Federal Law

A. Defining Some Common Federal Legislative Terms

Chaptered Statute – (See also the definition of Public Law below).

Each year, the Congress publishes the bills enacted in that year, organized according to the order in which the President signed the bill, rather than by subject matter, in the Statutes of (year). The first bill signed by the President in that year is Chapter 1, the second is Chapter 2, etc. While the bills' provisions may be changing many different provisions of many codes, the overall bill text becomes Chapter (xx) of the Statutes of (xxxx).

Committee Hearing Transcripts – Recorded proceedings of Committee hearings, typically on one bill or a group of bills on a particular subject matter.

Committee Prints – Reports published by Congressional Committees addressing topics of legislation.

Committee Reports – Reports published by Congressional Committees at the time they send a bill out to the floor setting forth the background behind the bill and the purpose of its provisions.

Congressional Record – Recorded proceedings of the Congress that occur on the floor of the House and Senate.

Floor - Shorthand for House floor, or Senate floor; refers to matters under consideration by the entire House or Senate, as opposed to matters being considered by committees composed of some portion of the entire body.

House/Senate Bill - A formal proposal to add, amend or repeal some provision of existing Federal statutory law. Abbreviated H.R. or S, Congressional bills are reprinted each time amendments are adopted.

Public Law – Federal law allows two types of actions by Congress. Private laws affect only specified persons. Public Laws are laws of general applicability. So the Chaptered Statutes for each Congressional Session will contain both private and public laws. Since very few people have an interest in any particular private law, Congress publishes compilations of only the public laws. The public law number is named by the letters PL followed by the Congressional Session (i.e. 99 for the 99th Congress) followed by the number assigned to this public law among all public laws. Public Law number is often a more accessible tool to use in researching Federal statutory intent.

Uncodified Statute - A bill approved by Congress and signed by the President that, organizationally, has not been formatted for incorporation into the United States Code. Originally, all statutory law was uncodified statutes (See definition for Chaptered Statute above). Codes were created to provide a secondary organizational structure to make the law more accessible.

B. Researching Federal Statutes –

The theoretical Federal Legislative Process -- The Congress consists of the House and the Senate. All Federal legislation is enacted by Congressional and Presidential approval (or veto override) of either a House Bill (H.R.), or a Senate Bill (S.). Bills introduced in the House by members of the House are House Bills, while bills introduced in the Senate by members of the Senate are Senate Bills (S).

The process followed by both House Bills and Senate Bills is similar. Throughout the process, a bill can be amended by vote on the floor of the house in which the bill is then pending. If the bill fails to get the necessary votes for approval, either in committee or on the floor, the bill dies.

Using a House Bill as an example of the process, once a House Bill has been introduced it is sent to a policy committee in the House for consideration. If the committee approves the bill, it is sent to the House floor for consideration by all the members of the House, unless the bill has fiscal ramifications for the state budget, in which case it may also be sent to an House fiscal committee before being sent to the floor. Once on the floor, at the completion of committee deliberations, the members vote on final approval. If approved, the bill is then sent from the House to the Senate, where it will be considered by a Senate policy committee, fiscal committee and then on the Senate floor.

If approved by the Senate in the same form as approved by the House, the bill will then go to the President. If the Senate amended the bill, the House must accept the changes before the bill is sent to the President. If the House does not accept the Senate changes, the Senate and House will form a conference committee composed of a few members of each house to negotiate language acceptable to both houses. If the negotiation is successful and both houses accept the negotiated language, the bill is then sent to the President.

An SB will follow the same process, but will proceed through the Senate first, then go to the House.

The Real Process -

In reality few Congressional legislative proposals are enacted in the bill in which they are first introduced. In order to bypass procedural rules Congress will often take a proposal they want to move along and move it into another bill that is further along in the procedural process, or completely rewrite the proposal and introduce it in a "clean" bill. Congress also tends not to act on individual bills, but instead, once an acceptable proposal has been developed, to clump bills together into larger and larger omnibus proposals, then pass an 800 page monster as the year draws to a close. The lumping together process usually occurs in Committees where individual bills die and their provisions are reincarnated in new bills with many provisions. This death and reincarnation process may happen repeatedly before any particular provision is finally approved by Congress, so finding the history of any particular part of the final product can often be rather like trying to trace a single leaf of a huge tree down to a source deep in the roots.

C. Researching Federal Statutes:

Many of the basic legislative procedures are broadly similar to the procedures in California and other States. However the nature of the documents available are significantly different. For example, while California publishes committee reports before legislative hearings for use by the legislators, Congressional committee reports are after the fact statements of intent. In general the Congressional legislative process is much more voluminously documented than State legislative deliberations. The primary sources for Congressional legislative intent can be found in the Congressional Record, applicable committee reports, or committee prints, and committee hearing transcripts.

The difficulty with performing legislative intent research on federal statutes comes from two factors. First, there is an enormous amount of material published by Congress that may be potentially useful to any particular statutory language. Second, as discussed above, Congress has a tendency to move concepts from bill to bill and then throw scores, or even hundreds of different proposals into one omnibus bill and enact the whole package. Good federal research often depends on your ability to track language back from the omnibus bill that enacted the language through the prior proposals to the original proposal where the concepts were actually developed or discussed. Reviewing actual bill copies for the language in which you are interested is the primary mechanism to track back in time. Once you have identified the first time

the language appeared in a bill you can look for the committee deliberations that produced the bill, or the author's statement when he introduced the bill. Keep in mind you may be going back 4, 6, eight, perhaps even 10 years, as concepts may be pending in Congress for many years before being finally enacted.

D. Sources for Congressional Documents:

Recent enactments - Large portions of research on many Federal statutes enacted in the last couple decades can be found from various on-line sources. Congressional documents began to be published online as early as the 1970's and the later in time the enactment, the more types of documents are available. The primary, and perhaps the most comprehensive source is found at the Library of Congress web site, <http://thomas.loc.gov/>. The materials found at this site will usually include the text and procedural histories of the bills, and for more recent enactments committee reports and Congressional record excerpts. Even recent Hearing transcripts and other publications are sometimes not available on line, but are usually available either in print or microfilm at any Federal Depository library.

Older enactments – If you are researching an older enactment legislative materials you need to make a trip to your local Federal Depository Library. Most county or law school libraries are Federal Depository libraries.

E. Researching the Code of Federal Regulations:

Research on the Code of Federal Regulations begins with the Code itself, and the annotations to the Federal Register found in the Code. Use the annotations to go to the applicable Federal Register(s) to locate the publications leading up to the particular adoption. When you locate adoption publications in the Federal Register they often must be read carefully for references to other publication dates on the same topic. For later years the CFR does have fairly extensive indexing that can often be helpful in determining the location of pertinent provisions.

California Specific Documents

States other than California

**BASIC AUTHORITIES REGARDING THE
USE OF LEGISLATIVE INTENT MATERIALS
IN JURISDICTIONS OTHER THAN CALIFORNIA AND FEDERAL LAW**

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to find legislative intent, are posted at <https://www.legislativeintent.com/Web/Free.Library/>

Detailed general discussion of the importance and use of legislative intent in State and Federal Courts is available in a number of treatises and law review articles widely available in law libraries and/or on line.

Good sources to start a search for more detailed information on the applicable law in an individual jurisdiction include AM JUR, Sutherland on Statutory Construction, and ALR. The discussion in AM JUR 2d is in Volume 73, the annotation regarding "Statutes", beginning at Section 145. A pertinent annotation in ALR is the annotation at 70 ALR 5.

III. Research on the Law of Other Jurisdictions

A. Other States: Few other States are similar to California in the types of materials available for legislative history. For many other states the primary source of legislative history are actual minutes of the committee deliberations. For many states one can only go back a couple of decades, due to the relatively small size of the legislative staffs in small states. For phone numbers, links and information on specific states go to: <https://www.legislativeintent.com/Web/Free.Library/> and find the link for other states. Additional information may be available at The Washington DC law librarians site, www.llsdc.org/sourcebook.

B. Local Governments - Local Government ordinances generally require a visit to the jurisdiction in question to review archival and library sources. Even in the largest jurisdictions the research can be slow, tedious, and the amount of useful material may be limited, particularly as one moves back in time researching older provisions.

Some Online Sources and Contacts Useful for Legislative Intent Research

California Legislative Materials: www.leginfo.ca.gov/bilinfo.html

California State Assembly Chief Clerk:

<http://192.234.213.35/clerkarchive/>

Legislative Counsel history of the California Legislature

<http://www.leginfo.ca.gov/pdf/caleg6.pdf>

California Law Revision Commission: www.clrc.ca.gov

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

State agency index – Link on government link from:

www.ca.gov/state/portal/myca_homepage.jsp

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

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

Code of Federal Regulations and Federal Register:

www.access.gpo.gov/nara/cfr

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Attachment A

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

Item	Sample language typical to code annotations	Comments
	<p>Sample Code Section 1947 -</p> <p>It shall be unlawful to do this, that or the other thing, or to do that, this or the other thing. Any violation of the section shall be a misdemeanor, unless you are a Dodger's fan, in which case it will be a felony.</p> <p>(a) Any person damaged by a violation of this section shall have a private right of action for damages. Damages shall include the fair value of:</p> <p style="padding-left: 40px;">(1) lost profits;</p> <p style="padding-left: 40px;">(2) lost wages;</p> <p style="padding-left: 40px;">(3) lost car keys; and/or</p> <p>(4) any other reasonable or unreasonable claim that arises from your fertile imagination.</p> <p>(b) Actions under this section shall be commenced within three years of the date of injury, except that actions by a person whose last name begins with R shall be tolled until such person decides they want to sue.</p>	
1.	(Added by Stats.1955 c. 1200, p.4444, Section 2, amended by Stats. 1975 c. 1100, p. 3333, Section 1, Stats. 1998 c. 12, p. 344, Section 2)	1. <i>At the end of the actual text of the section are legislative history annotations. When a section is repealed and reenacted rather than simply amended, the annotated codes start this history list from the most recent reenactment.</i>
	Historical and Statutory Notes	2. <i>The bound volumes of Deerings and West's usually follow with historical notes where they summarize changes made since the most recent enactment or reenactment. Online or CD versions of the codes are much less reliable in their legislative history annotations.</i>
2.	1975: Added subdivision designations, in subdivision (a) added (2).	3. <i>Code maintenance references signify the amendment was making technical corrections to the Codes. Code Maintenance bills are expressly stated to have no substantive effect.</i>
3.	1998: Code maintenance.	4. <i>Distinguish between "Former Section" which are annotations regarding (usually) statutory text on a different subject previously using the same section number, and "Derivation" which is the history of the actual language of the present section.</i>
4.	Former Section: Stats. 1949 c. 2222, p. 2222, Section 1, amended by Stats. 1950 c.1100, p.3333, Section 2.	5. <i>Low chapter number from 1930 through 1950 – may be Codification bill without substantive effect.</i>
5.	Derivation: Former Sample Code Section 2174 added by Stats. 1943, c. 90 , p. 1111, Section 4.	6. <i>Absence of enactment annotation signifies it was enacted in 1872 Code.</i>
6.	Former Civil Code Section 9999, amended by 1907 c. 444, p. 555, Section 1	7. <i>Annotations typical for pre-codification statutes. The language of Section 1 of the 1917 statute will be what later bills amend, but each bill has its own internal section numbering, so Section 4 of 1923 will be amending Section 1 of the 1917 act.</i>
7.	Stats. 1917 c. 3553, p. 5335, Section 1, Stats 1923, c.6666, p. 5555, Section 4 , Stats. 1929 c. 232, p. 232, Section 1, Stats 1935 c. 323, p. 232, Section 2.	8. <i>Very little typically available on enactments pre 1872.</i>
8.	Stats. 1850 c. 123, p. 343, Section 4.	9. <i>California Law Revision Commission Comments are comments of the CLRC that have been formally adopted as legislative intent by the legislature through some form of official publication in the Assembly or Senate Journal.</i>
9.	California Law Revisions Commission Comment: We proposed this because we think it is a good idea.	10. <i>Legislative Committee Comment is a reproduction of reports printed in the Journal of the Senate or Assembly. They are rare, most often appearing as revisions to CLRC comments.</i>
10.	Legislative Committee Comment: We do to.	

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Local Ordinances

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