



ENGROSSMENT*

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ELECTRONIC EYEFUL OF OUR LEGISLATIVE MATERIALS

LEGISLATIVE INTENT SERVICE's website is currently under major reconstruction, but one aspect that may be of interest to everyone is the *LONG* list of legislative measures that we have researched over the course of the last 31 years in business. You will find a wide range of bills spanning three centuries that include California measures, bills from other states, and federal legislative measures as well as administrative regulations. Go to www.legintent.com and click on the "Legislative Materials" button to review the **list of tens of thousands of bills** researched and available. Stay tuned for additional features soon to come to our website!

HUNTING AND GATHERING IN AN ELECTRONIC WORLD

Since 1993, the Legislative Counsel has maintained an electronic platform from which to display legislative measures introduced and considered from that year forward. The materials listed by the Legislative Counsel as available on line are: the legislative calendar; the schedule of Legislative committee hearings; a list of matters pending on the floors of both houses of the Legislature; a list of the committees of the Legislature and their members; the text of each bill introduced, including each amended, enrolled, and chaptered form of each bill; the history of each bill introduced and amended; the status of each bill introduced and amended; all bill analyses prepared by legislative committees in connection with each bill; and any veto message concerning a bill.

Our own experiences with these same on-line materials are that *not all* of the analyses are included. Furthermore, there are no legislative bill files included for the legislative committees reviewing the bill, the author, the sponsor, nor the Governor at this website. These **file materials** contain valuable information identifying the sources and background of the legislation and the subsequent amendments to the legislation.

Our **Points and Authorities**, available at www.legintent.com, address over 700 cases in which legislative file materials were offered into court. Recent cases like *Kaufman & Broad Communities, Inc. v. Performance Plastering* (Aug. 30, 2005), coming out of the Third Appellate District, remind attorneys of the important role that legislative history materials play when one or both sides argue that the statutory language is ambiguous. In 2004, the California Supreme Court stated the following regarding the **enrolled bill reports** found in the **Governor's legislative bill file**:

"Uveges challenge Eisner's reliance on the enrolled bill report, arguing that it is irrelevant because it was prepared after passage. However, we have routinely found enrolled bill reports, prepared by a responsible agency contemporaneous with passage and before signing, instructive on matters of legislative intent. (Citations.) Although we do not give great weight to the report, it is instructive." (*Eisner v. Uveges* (2004) 34 Cal.4th 915, 934, fn.19)

The **Legislative Committees' and author's bill files** contain analyses, worksheets, press releases, committee and floor statements, as well as letters of support and opposition suggesting language changes that may show up later in amendments to your bill. The California Supreme Court, in a 2004 case, relied upon a committee **bill analysis worksheet**. (*Martin v. Szeto* (2004) 32 Cal.4th 445, 450) An appellate decision arising out of the Second District Court of Appeal (Division 5) similarly looked to a **bill analysis worksheet**. (*Walker v. Countrywide Home Loans, Inc.* (2002, 2nd District, Division 5) 98 Cal.App.4th 1158, 1171-1172)

Also *not* included at the Legislative Counsel's website are any **interim hearing reports** and background reports from other identified sources. These **reports** are rich with content as to the problems identified and the possible solutions probed by the members of the interim committees and their experts, which ultimately led to the introduction of a specific bill or series of bills.

* *The process of comparing the printed bill to ensure it looks like the original and to verify that amendments have been correctly inserted.*

Of important significance missing from the Legislative Counsel's list of on-line legislative documents are **failed or vetoed predecessor and competitor bills** from which your language of interest may have developed. Whenever such legislation is identified in the materials, we make every reasonable effort to collect all surviving materials on that failed legislation. A full understanding of legislative intent is generally dependent upon knowing about the various proposals competing with or preceding the measure ultimately enacted. This can be especially true where the focus is on particular language; by contrasting that enacted with the unsuccessful proposals can afford insight as to the intended meaning.

The above summary of documents unavailable at the Legislative Counsel's on-line site addresses only the main materials not included on the net. We have, over these 31 years of doing business, learned there are numerous other background documentation of significance to any particular legislation. Having the largest private collection of legislative documents that span three centuries, we can help you find the documents related to the enactment or amendment of any code section of interest to you.

SPEAKING OF ELECTRONIC LEGISLATIVE HISTORY . . .

LEGISLATIVE INTENT SERVICE is gratified to learn that **electronic delivery** is very popular with our clients. We provide two formats of electronic delivery: by **CD** or by a **secured website** downloadable by our clients. As we progress with changes updating our delivery systems over the next few months, we will have electronic deliveries more conveniently available to our clients. If you wish to obtain a CD or net delivery instead of a hardcopy and binder when you order, please let us know. The net posting and the CD still contain our **Legislative History and Analysis reports** and our **declarations** authenticating the materials. We also will include a **Statutory Analysis** of your particular research or section focus.

EVERYBODY WANTS TO KNOW

One of the most common questions asked by clients is whether there is any legislative history surviving on a particular section or bill. The correct answer is always that something has, indeed, survived

and that LEGISLATIVE INTENT SERVICE will find it for them! The documents surviving for 1872 legislation and the earlier acts are different than the documents collected for 1895, 1905, 1945, 1975, 1995 and 2005, but, no matter the age of the legislation, we find the surviving documents on the measure's consideration. So the next time you wonder whether there might be surviving legislative history on a code section or a bill, just say yes, and give us a call. We'll be happy to tell you all about it.

RECOVERING THE COSTS OF LEGISLATIVE INTENT SERVICE

The **fees** paid by your firm that were incurred to have our company research legislative intent can be **recovered** if your position prevails in court. (*Van de Kamp v. Gumbiner*, 221 CA3rd 1260 (1990)).

GOT MCLE?

LEGISLATIVE INTENT SERVICE is an authorized provider of MCLE. We offer 1 hour of MCLE, free, on Legislative history and intent for 10 or more attorneys in your group. You can even ask us to discuss legislation of interest to your group. Please contact us to schedule a free presentation at your firm.

JUDICIAL NOTICE ASSISTANCE

LEGISLATIVE INTENT SERVICE has developed a "Motion for Judicial Notice" form as a guide for our clients seeking to introduce our legislative history materials before the court. You can access this form at our website at www.legintent.com and click on the "P's & A's" button.

CONTACT US!

Call *toll-free* at 1-800-666-1917

Or log on to our *website* at: www.legintent.com

Or send one of our staff attorneys an *email* at:

Dorothy Thomson: dthomson@legintent.com

Filomena Yeroshek: fjeroshek@legintent.com

Maria Sanders: msanders@legintent.com

*"We are professional legislative historians
at your service in the 21st Century"*