



# ENGROSSMENT\*

[www.legintent.com](http://www.legintent.com) 1-800-666-1917

## WINTER WEBSITE WORK

LEGISLATIVE INTENT SERVICE is in the process this Winter of updating its website. Log on to see the new look, fonts, and information. Our archives materials are noted, which lists over 30,000 bills that you may want to scroll through – we have approximately 9 million legislative research documents in our private collection. And, of course, every year generates new bills and accompanying documents to be preserved. The website will soon have a store (“*LegIntentStore.com*”) available for on-line ordering of digitized legislative history documents. Log on to [legintent.com](http://legintent.com) or give us a call at (800) 666-1917 if you’d like to learn more.

## DIGITAL AGE VS. PAPER, PARCHMENT AND ONION SKIN

On December 14, 2005, the **Sacramento Bee** reported on the loss of state and federal government documents that were once posted on the net and then cleaned out after a period of time. Currently, there is no uniform or consistent procedure to avoid losing government materials. According to the news article, a conservative estimate puts the loss at about half of whatever was posted on the net by the government. An information officer noted that “We probably don’t even know what we’re losing.” Another interviewee described this as “digital death” and the “digital dark ages.” The complexities involved with publishing online by government agencies have helped to create havoc with timelines, security, costs, and preservation. It turns out that “digital archiving” is more costly than expected because technicians must be paid to upload and maintain the documents, and “[s]oftware must be written or adapted to capture and authenticate the staggering amounts of data.”

While others worry that our legislators are not thinking about the catastrophic loss of digital documents, we at LEGISLATIVE INTENT SERVICE have been giving it some very serious thought for years now. Our collection is mostly paper, gathered these 30 years, and is slowly, but surely, being digitized to meet our clients’ needs for online research services. The **Sacramento Bee** noted that:

“People come in from the agencies, from the Governor’s Office, from the Legislature wanting examples of what took place in 1950, in 1960, ’70 or ’80. . . They want to see what’s happened before so they can go forward.”

Our collection includes a lot of these missing agency documents from the 50’s (and earlier!), 60’s, 70’s and 80’s as well as later digital materials (saved in paper form) that were collected on legislation enacted in the 90’s and into the 21<sup>st</sup> Century that may no longer be available online or from any other source. The **Sacramento Bee** article concluded with the following quote by the chief of state library services for the California State Library: “If we absolutely, positively want to ensure that we have the item in 150 years, . . . our best preservation is print.” This is something we have at LEGISLATIVE INTENT SERVICE – nearly 9 million documents worth of “print,” at your service in the 21<sup>st</sup> Century!

## NOTABLE LEGISLATION NEWSLETTER LAUNCHED

For the first time, LEGISLATIVE INTENT SERVICE has published a compendium of notable legislation from the 2005 legislation. You can find it at our website at [legintent.com](http://legintent.com). The 2005 Notable Legislation bills are identified in chronological order and contain a short descriptive digest for your quick review.

If you see a bill in this 2005 Notable Legislation newsletter that you would like to have researched by us, please be sure to use the **20% discount coupon** noted in the Newsletter. The coupon is good for the entire year of 2006 and is applicable **only** to any of the 106 2005 bills listed in the Newsletter. There is no limit as to how many times a law firm can use the coupon to order any of the 2005 bills noted, but there is a limit of one per *individual* from that firm ordering. Just tell us the coupon number and we’ll be happy to give you your discount!

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

## SUCCESS AT THE STATE BAR ANNUAL MEETING

LEGISLATIVE INTENT SERVICE presented a MCLE-approved panel on legislative history and procedure that was entitled: "Win Your Next Case Using Legislative History" at the State Bar Annual Meeting in September, 2005. We had an excellent turnout for this class and the comments by the attendees were laudatory and made some of us blush! So, we are encouraged to do it again at the October State Bar Annual Meeting in 2006. See you there!

## TRI-INSTITUTE ALL MEETINGS IN SACRAMENTO

Regulations are challenging to research, requiring registers possibly traced to the early and mid-20<sup>th</sup> Century administrative codes, collecting Z-Notices and Secretary of State filings, and eventually tracking down rulemaking files from the specific agencies. You would be surprised how many agencies do not know where they have archived older materials and how long it can take to obtain such files. At the "California Joint Institute for SCALL, NOCALL, and SANDALL" to be held in Sacramento, California March 31 - April 1, LEGISLATIVE INTENT SERVICE will be presenting a panel on this issue. We appreciate the opportunity to discuss regulations research with the law librarians attending the conference and are always happy to answer their questions, either at the meetings coming up or by telephone to our office.

## DECONSTRUCTING THIRD DCA RULING ADDRESSING LEGISLATIVE HISTORY DOCUMENTS

This summer, the 3<sup>rd</sup> DCA published *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* in response to a motion for judicial notice of selected documents in the legislative history of a 1998 bill. It drew the attention of litigation and appellate attorneys because it appeared to state it would no longer accept a motion for judicial notice of a complete, compiled legislative history where the documents are not segregated and no attempt was made in the memorandum of points and authorities to justify each request for judicial notice. This

Court provided a laundry list of legislative history documents constituting cognizable legislative history and those not constituting legislative history for the 3<sup>rd</sup> DCA. We responded with an article published at our website that deconstructed the opinion and offered points and authorities in support of the opposite view espoused by the court. Our article noted that LEGISLATIVE INTENT SERVICE has accumulated more than 700 cases in its unabridged points and authorities on *Legislative History and Intent as Aides to Statutory Construction, and Authority and Procedure for Judicial Consideration of Legislative History and Intent*, both of which are available free online at [legintent.com](http://legintent.com). In the majority of these cases, courts, including the state Supreme Court and the 3<sup>rd</sup>DCA, have utilized legislative history materials found in both lists to construe statutory language, with some directly discussing the propriety of using a particular document type as an aide to statutory construction while most simply refer to and use the document type, demonstrating an inference that the document was found properly judicially noticeable. You can read the entire article at our website.

## GOT MCLE?

### FREE MCLE – WE CAN ADDRESS:

- Appellate Procedural Considerations
- Legislative Intent, Research and History
- 2005 Legislative Review

To schedule your free 1 hour MCLE at your location, contact Maria Sanders at:  
(800) 666-1917 or [msanders@legintent.com](mailto:msanders@legintent.com)

## CONTACT US!

Call toll-free at 1-800-666-1917  
Or log on to our website at: [www.legintent.com](http://www.legintent.com)  
Or send one of our staff attorneys an email at:  
Dorothy Thomson: [dthomson@legintent.com](mailto:dthomson@legintent.com)  
Filomena Yeroshek: [fjeroshek@legintent.com](mailto:fjeroshek@legintent.com)  
Maria Sanders: [msanders@legintent.com](mailto:msanders@legintent.com)

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