



# ENGR OSSMENT\*



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## NEW! LIS INTRODUCES NEW WEB FEATURE: “CODE SECTION HISTORY”

Over the last year, we have been working on a new page at our website called “[Code Section History](#)” addressing California statutes and their annotated histories. We intend with this new feature to assist researchers and attorneys who are seeking to narrow their legislative history focus at any time of the day and week. If your search through our annotated histories leads to more questions, give us a call we will help you further narrow your research.

When you go to our [Code Section History](#) page, you will find the statutes broken out by specific codes. We will continue to populate these codes with new statutory annotations in order to provide as up-to-date information as we can. In this way, the research that you order, either through our traditional custom research or our quick online store option, will be the most relevant to your research focus. But, if you do not see your statute and its history there, send us a request for a [free quote](#) and we’ll respond quickly!

## HISTORIES OF THE CODES

In setting up our new [Code Section History](#) page, we included a brief history of the specific code. Below, you will find some of these California code histories.

### CA CIVIL CODE

Numerous sections of the current Civil Code can be traced to the 1872 Codification of the Civil Code. Stephen Field, appointed in 1863 to be a United States Supreme Court Associate Justice, brought with him during the 1849 gold rush drafts of the New York Civil Code that were prepared by his brother, New York Code Commissioner David Dudley Field. While New York did not adopt the Commissioner’s drafts, California’s Code Commissioners, Creed Haymond, John Burch, and John McKune, adapted the New York drafts for the new California Code. The 1872 Civil

Code contained within its scope those divisions of the law that were defined by Blackstone at that time as “The Rights of Persons” and “The Rights of Things.”

### CA CORPORATIONS CODE

In 1975, California re-enacted its Corporations Code after a major effort that drew ideas from former California Codes, such as the Civil Code, the 1931 General Corporation Law, and the 1947 enactment of the former Corporations Code, as well as from separate uncodified acts dating back to 1850 and relating to various aspects of a corporation, its principals and shareholders, rights, liabilities and duties. This 1975 Corporations Code also borrowed from numerous other states’ statutes, thus creating new California laws.

Although recodifications can be nonsubstantive, the 1975 codification generated substantive changes to California’s corporations laws and may need to be seriously considered as relevant when reviewing the legislative history of any current Corporations Code statute.

### CA EDUCATION CODE

Laws relating to education have been part of California’s laws from the state’s earliest beginnings in 1850. Over the last two centuries, major education codification reforms have taken place with regularity, such as in 1931, 1943, 1959, and 1976, which were nonsubstantive recodification efforts. To obtain an accurate legislative history of any Education Code statute, the section needs to be traced to the correct origination legislation and not to any of the nonsubstantive re-codification bills.

### CA ELECTIONS CODE

The current Elections Code can be traced to the 1872 former Political Code. Elections played an important role in changes to the state Legislature in 1911, when a populist revolt culminated in the election

of a new Governor. Governor Hiram Johnson ran on a platform calling for extensive election reforms to return power to the people, including the initiative, recall and referendum as mechanisms to express the will of the population. In 1939, the Elections Code was formally adopted. The Elections Code of 1939 was revised and replaced by the 1962 Elections Code. In 1971, a Joint Committee for Revision of the Elections Code was formed to extensively revise the 1962 Elections Code. The Joint Committee's revision was enacted in 1976. This reenactment was repealed and reorganized in 1994.

## CA FOOD AND AGRICULTURAL CODE

Derived from former Agricultural acts and older codes, such as the former Political Code in 1872, the current Food and Agricultural Code was so designated in 1972 when the Agricultural Code of 1967, originally adopted in 1933, was renamed. Besides covering the Department of Food and Agriculture, this code also addresses farm animals and poultry in general, protection of meat and poultry, domestic animals, expositions and fairs, plant quarantine and pest control, animal and poultry commercial feeds, produce, cooperatives, farm products trusts, marketing laws, numerous produce commissions, and dairy and milk products, just to name a few.

## CA GOVERNMENT CODE

In 1943, the Government Code was established. With a few exceptions, most of the 1943 Government Code statutes were derived from California's former Political Code, enacted in 1872 when California first codified its early laws and acts. When adopted in 1872, the former Political Code pertained to state and municipal governments, its political subdivisions, elections and appointment of public officers, powers and duties of public officers, public police regulations, residents of the state, public institutions such as the University of California, state normal school and public schools, and the disposition and management of public property.

## CA INSURANCE CODE

Although the Insurance Code was enacted in 1935, this was a nonsubstantive codification of laws derived from early acts, common law, and former Civil Code, Code of Civil Procedure, and Political Code sections

regulating insurance contracts and the business of insurance from as early as 1850 and 1872. These early laws should be reviewed when considering the origination of specific insurance code language. Significant changes to insurance laws since 1935 reveal this area of the law has been dynamic as it keeps pace with new insurance products and the issues relating to the business of insurance.

## CA LABOR CODE

Early California labor laws owed their successes, in part, on the labor lobby of the early 20th Century, such as the State Federation of Labor, the Brotherhood of Locomotive Engineers, State Building Trades Council, San Francisco Labor Council, Brotherhood of Railroad Trainmen, and the Order of Railroad Conductors, just to name a few. The types of issues raised before the Legislature during the early years of the 20<sup>th</sup> Century involved industrial accidents, worker's compensation, safety, and regulation of hours (such as the Railroadmen's 16-hour law, Child labor laws, and Miners' eight hour law). The 1937 codification was a nonsubstantive enactment of former labor-related acts and earlier laws, such as the former Political Code, mostly dating back to this early, tumultuous time in California legislative history. Thus, consideration of the historical derivation of various Labor Code sections is very important.

For over 25 years, LIS has been researching IWC Orders and the language codified at T. 8 CCR 11000 - 11170 as well as collecting the department files. We have gained insight into the revision process and knowledge about the availability of rulemaking files. This institutional knowledge allows LIS, in most cases, to provide rule-making files quicker than if an individual tries to access the IWC files personally.

## CA PENAL CODE

The current Penal statutes of California originated with the 1872 Penal Code drafted by California Code Commissioners: Creed Haymond, John Burch, and John McKune. This early Code consisted of a systematic classification of public wrongs or offenses against the State, and the laws for their prevention or for the punishment of those public wrongs or offenses. The 1872 Code was based on California's earlier laws, such as the 1851 Criminal Practice Act and common law; it was also inspired by criminal code statutes

enacted already by other states, such as Kansas, Louisiana, and New Jersey.

## CA PROBATE CODE

The current Probate Code can be traced to 1850 when the Legislature enacted "An Act to regulate the Settlement of the Estates of Deceased Persons." In 1872, these provisions were divided between the newly codified Civil Code and Code of Civil Procedure. After more than a century of revisions and former Probate Code enactments, the latest Probate Code was enacted in 1990, following the recommendation of the California Law Revision Commission. Since 1990, the Commission has continued with additional revisions and enactments of new Probate Code statutes.

## CA PUBLIC RESOURCES CODE

Codified in 1939 under the direction of the California Code Commission, the Public Resources Code consolidated and revised the law relating to natural resources, the conservation, utilization, and supervision thereof, along with mines and mining, oil and gas, and forestry.

## CA VEHICLE CODE

The 1959 Vehicle Code in effect is derived from the 1935 Vehicle Code, which consolidated and revised the numerous acts and former statutes relating to vehicles and vehicular traffic, which dated back to at least 1913, when an "*act to regulate the use and operation of vehicles upon the public highways and elsewhere*" was passed. The topics of the current code includes the Department of Motor Vehicles, the California Highway Patrol, drivers' and occupational licenses, registration, certificates of title, rules of the road, and driving while under the influence.

## CA WELFARE AND INSTITUTIONS CODE

The range of issues addressed in this Code includes services relating to welfare, dependent children, mental health, handicapped, elderly, delinquency, foster care, Medi-Cal, food stamps, rehabilitation, and long-term care, just to name a few. While codified in 1937, its historical derivation can be traced to the 1800s. The Code has been substantively and extensively amended since 1937. For example, the Elder Abuse and Dependent Adult Civil Protection Act is one of the

areas in the Code which, since 1982, has seen consistent and substantive amendments following the lead of constituents seeking to improve this area of the law.

## 2012 COMPENDIUM OF NOTABLE LEGISLATION

We have posted up at our website our **2012 Compendium of Notable California Legislation** for your convenient review. If you cannot locate it, go to: <http://www.legintenc.com/legislation/legislation2012.pdf>.

You will find new laws relating to bankruptcy, education, labor, public resources, veterans, and workers compensation, among others, which take effect in 2013.

## FEBRUARY MCLE DEADLINE APPROACHING FAST!

**Attention Group 1(A-G)!** Your deadline is *February 1, 2013* to meet your MCLE requirements. If you need **two hours of MCLE**, we offer two self-study exams that are approved by the California State Bar: 1 hour of regular MCLE on the "**legislative process**" and 1 hour of ethics MCLE on "**ethics and evidence of legislative intent.**" To look over these materials, go to: <http://www.legintenc.com/mclemain.php>

## RECOVERABLE COSTS OF LEGISLATIVE RESEARCH

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

## QUESTIONS? QUOTES? EMAIL US AT:

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