

**LEGISLATIVE HISTORY AND INTENT  
AS EXTRINSIC AIDES TO STATUTORY CONSTRUCTION**

**2008 Supplement**

Legislative Intent Service, Inc. publishes annually an update to its seminal works a) Legislative History and Intent as Extrinsic Aides to Statutory Construction, Unabridged; and b) Authority and Procedure for Judicial Consideration of Legislative History and Intent, Unabridged. Taken together with the annual supplements as of 2008, these Points and Authorities will set forth more than 950 California cases utilizing legislative history documents as extrinsic aides to statutory construction.

This document supplements with 2007-2008 cases Legislative History and Intent as Extrinsic Aides to Statutory Construction. The outline of subjects here is the same as in the Unabridged edition. It presents cases organized by the types of legislative history documents generated by the California Legislature. For example, if you care to see the Court cases citing to a Legislative Counsel's Digest, you would turn to that document type in these points and authorities. For a complete understanding of the subject, this supplement must be considered with its unabridged edition.

These Points and Authorities, as well as the unabridged edition are available online at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php).

**TABLE OF CONTENTS**

<b>A. Pre-Enactment History: The Background Circumstances and Events.....</b>	<b>2</b>
1. The Problem to be Solved.....	2
2. Based on Federal, State, Uniform or Model Act.....	2
3. Prior Law Presumption.....	2
<b>B. Enactment History: The Legislative Process.....</b>	<b>3</b>
1. Different Versions of the Bill.....	3
2. Committee Reports and Analyses.....	3
3. Committee Files.....	5
4. Official Commission Reports and Comments.....	6
5. Legislative Counsel's Digest.....	6
6. Legislative Counsel's Opinions.....	7
7. Urgency Clauses, Findings and Declarations and Other Uncodified Language.....	7
8. Ballot Summaries and Arguments/Statement of Vote.....	7
a. Legislative Antecedents.....	8
9. Third Reading Analyses.....	8
a. Assembly Office of Research Analysis.....	8
b. Office of Assembly Floor Analyses.....	8
c. Assembly Third Reading, prepared by Policy Committee.....	8
d. Senate Democratic and Senate Republican Caucus Analyses.....	8
e. Office of Senate Floor Analyses.....	9
f. Senate Republican Floor Commentaries.....	9
g. Assembly Republican Caucus.....	9
h. Senate Floor Amendments Analysis prepared by Senate Policy Committee .....	9
10. Departmental Sponsorship, Support, and Analysis.....	10
a. Attorney General.....	11
11. Transcripts of Hearing.....	11
12. Statements by Sponsors, Proponents and Opponents.....	11
13. News Media and Law Reviews.....	12
14. House Journals and Final Histories.....	13

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

15. Predecessor and Competitor Bills..... 13

16. Statements of Author and Other Individual Legislators..... 13

California Supreme Court..... 13

First District Court of Appeal..... 13

Second District Court of Appeal..... 13

Third District Court of Appeal..... 13

Fourth District Court of Appeal..... 14

Fifth District Court of Appeal..... 14

Sixth District Court of Appeal..... 14

17. The Author's File or documents therefrom..... 14

18. Legislative Analyst..... 14

19. Rejection, Deletion, and Refusal to Act..... 14

20. Conference Committee Reports..... 15

**C. Post-Enrollment History..... 15**

1. Role of the Governor..... 15

2. Enrolled Bill Reports and Memoranda..... 15

3. Governor's Correspondence, Press Releases and Messages..... 16

**D. Post-Enactment History..... 16**

1. Statements and Actions by Subsequent Legislatures..... 16

2. Administrative Agency's Construction of Statutes..... 16

3. Legislative Committee Documents..... 16

4. Author Letter from Legislative Journal..... 16

**E. Regulations, Rules and Ordinances..... 16**

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

**1. The Problem to be Solved**

For cases regarding this topic see the Unabridged Points and Authorities at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

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

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

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*Farm Raised Salmon Cases* (2008) 42 Cal.4<sup>th</sup> 1077, 1090

**3. Prior Law Presumption**

For cases regarding this topic see the Unabridged Points and Authorities at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

1  
2 **B. Enactment History: The Legislative Process**

3 **1. Different Versions of the Bill**

4 As originally proposed, the legislation was an amendment to Civil Code  
5 section 3294 and would have barred any recovery of punitive damages  
6 against charitable organizations, including religious corporations . .  
7 . The legislation was amended several times in committee, resulting in  
8 the substitution of the pleading hurdle for the original absolute bar  
9 against punitive damages and the replacement of "charitable  
10 organizations" with religious corporations.

11 *Little Company of Mary Hospital v. Superior Court of Los Angeles*  
12 (2008, 2<sup>nd</sup> District Div 7) 162 Cal.App.4<sup>th</sup> 261, 268 fn.3

13 -----

14 *People v. Allegheny Casualty Company* (2007), 41 Cal.4<sup>th</sup> 704, 711-12,  
15 *People v. Medina* (2007) 41 Cal. 4th 685, 696; *Beal Bank SSB, v. Arter*  
16 & *Hadden, LLP*(2007) 42 Cal.4th 503, 510; *In re Marriage Cases* (2008)  
17 43 Cal.4<sup>th</sup> 757, 795.

18 -----

19 *Friends of Lagoon Valley v. City of Vacaville* (2007, 1<sup>st</sup> District Div. 3) 154  
20 Cal.App.4<sup>th</sup> 807, 826, 828, 831; *Starrh And Starrh Cotton Growers v. Aera*  
21 *Energy LLC* (2007, 5<sup>th</sup> District) 153 Cal.App.4<sup>th</sup> 583, 608; *Sisemore v. Master*  
22 *Financial, Inc.* (2007, 6<sup>th</sup> District) 151 Cal. App. 4<sup>th</sup> 1386, 1412; *Plumbers*  
23 *and Steamfitters, Local 290 v. Duncan* (2007, 1<sup>st</sup> District Div 3) 157  
24 Cal.App.4<sup>th</sup> 1083, 1091; *Millard v. Biosources, Inc.* (2007, 4<sup>th</sup> District,,  
25 Div. 1) 156 Cal.App.4<sup>th</sup> 1338, 1352; *People v. Quitiquit* (2007, 4<sup>th</sup> District,  
26 Div. 1) 155 Cal.App.4<sup>th</sup> 1, 9; *Burks v. Kaiser Foundation Health Plan, Inc.*,  
27 (2008, 3<sup>rd</sup> District) 160 Cal.App.4<sup>th</sup> 1021, 1028; *Block v. Orange County*  
28 *Employees' Retirement System* (2008, 4<sup>th</sup> District Div 3) 161 Cal.App.4<sup>th</sup> 1297,  
1310; *Burks v. Kaiser Foundation Health Plan, Inc* (2008, 3<sup>rd</sup> District) 160  
Cal.App.4<sup>th</sup> 1021, 1028; *Fiscal v. City and County of San Francisco* (2008, 1<sup>st</sup>  
District Div 4) 158 Cal.App.4<sup>th</sup> 895, 914; *South San Joaquin Irrigation*  
*District v. Superior Court* (2008, 3rd District) 162 Cal.App.4th 146, 156

20 **2. Committee Reports and Analyses**

21 Finally, reviewers of Assembly Bill No. 2083 criticized  
22 the assumption, implicit in the author's comments in support of  
23 the legislation, that a declaration-in-open-court requirement  
24 generally would allow bail agents. . . . A May 1, 1998, Assembly  
25 Republican Bill Analysis commented . . .

26 *People v. Allegheny Casualty Company* (2007), 41 Cal.4<sup>th</sup> 704, 711

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

There are two items in the legislative history that, in fact,  
support the trial court's interpretation against repealing section

15627. The strongest is on page 3 of the June 21, 2005 report on SB 370 of the Assembly Committee on Elections and Redistricting. *Nguyen v. Nguyen* (2008, 4<sup>th</sup> District Div 3) 158 Cal.App.4<sup>th</sup> 1636, 1659

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

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

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

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*Beal Bank SSB, v. Arter & Hadden, LLP*(2007) 42 Cal.4<sup>th</sup> 503, 510; *Commission on Peace Officer Standards and Training v. Superior Court* (2007) 42 Cal.4<sup>th</sup> 278, 293, 317; *Green v. State of California* (2007) 42 Cal.4<sup>th</sup> 254, 264; *Shirk v. Vista Unified School District* (2007) 42 Cal.4<sup>th</sup> 201, 212; *In re Tobacco Cases II* (2007) 41 Cal.4<sup>th</sup> 1257, 1273; *People v. Medina* (2007) 41 Cal. 4th 685, 696; *Tonya M. v. Superior Court*(2007) 42 Cal.4<sup>th</sup> 836, 846; *People v. Licas* (2007) 41 Cal. 4<sup>th</sup> 362, 369 fn. 2; *Gattuso v. Harte-Hanks Shoppers, Inc.* (2007) 42 Cal.4<sup>th</sup> 554, 562; *Doe v. City of Los Angeles* (2007) 42 Cal.4<sup>th</sup> 531, 548-550; *Catholic Mutual Relief Society v. Superior Court* (2007) 42 Cal.4th 358, 371-372; *In re Smith* (2008) 42 Cal.4<sup>th</sup> 1251, 1260-1261; *Richardson v. Superior Court of Tulare County* (2008) 43 Cal.4<sup>th</sup> 1040, 1049; *City of Santa Monica v. Gonzalez* (2008) 43 Cal.4<sup>th</sup> 905, 926; *In re Marriage Cases* (2008) 43 Cal.4<sup>th</sup> 757, 795; *Mays v. City of Los Angeles* (2008) 43 Cal.4<sup>th</sup> 313, 324; *Lonicki v. Sutter Health Central* (2008) 43 Cal.4<sup>th</sup> 201, 220; *Jones v. Lodge at Torrey Pines Partnership* (2008) 42 Cal.4<sup>th</sup> 1158, 1170; *In re Joshua S* (2008) 42 Cal.4<sup>th</sup> 945, 956; *Marathon Entertainment, Inc v. Blasi* (2008) 42 Cal.4<sup>th</sup> 974, 998.

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*State v. Hewlett-Packard Company* (2007, 1<sup>st</sup> District, Div. 5) 153 Cal.App.4<sup>th</sup> 307, 316; *People v. Quitiquit* (2007, 4<sup>th</sup> District, Div. 1) 155 Cal.App.4<sup>th</sup> 1, 9; *Chabak v. Monroy* (2007, 5<sup>th</sup> District) 154 Cal.App.4<sup>th</sup> 1502, 1517; *Miller v. Collectors Universe, Inc.* (2007, 4<sup>th</sup> District Div. 3) 65 Cal. Rptr.3<sup>rd</sup> 351, 361, 362; *Friends of Lagoon Valley v. City of Vacaville* (2007, 1<sup>st</sup> District Div. 3) 154 Cal.App.4<sup>th</sup>

807, 827, 831; *Kelsoe v. California State Water Resources Control Board* (2007, 1<sup>st</sup> District Div 1) 153 Cal.App.4<sup>th</sup> 569, 580; *Starrh And Starrh Coton Growers v. Aera Energy LLC* (2007, 5<sup>th</sup> District) 153 Cal.App.4<sup>th</sup> 583, 603, 607-608; *In re Valerie A.* (2007, 4<sup>th</sup> District, Div. 1) 152 Cal.App.4<sup>th</sup> 987, 998; *Foothill-De Anza Community College District v. Emerich* (2007, 6<sup>th</sup> District) 158 Cal.App.4<sup>th</sup> 11, 27; *Friends of Bay Meadows v. City of San Mateo* (2007, 1<sup>st</sup> District Div 2) 157 Cal.App.4<sup>th</sup> 1175, 1190; *Plumbers and Steamfitters, Local 290 v. Duncan* (2007, 1<sup>st</sup> District Div 3) 157 Cal.App.4<sup>th</sup> 1083, 1089; *Richardson-Tunnell v. School Insurance Program For Employees* (2007, 2<sup>nd</sup> District Div 6) 157 Cal.App.4<sup>th</sup> 1056, 1064; *People v. Superior Court* (2007, 2<sup>nd</sup> District Div 5) 157 Cal.App.4<sup>th</sup> 694, 705; *County of Los Angeles v. James* (2007, 2<sup>nd</sup> District, Div. 8) 152 Cal. App. 4<sup>th</sup> 253, 257; *San Diego County Employees Retirement Association v. County of San Diego* (2007, 4<sup>th</sup> District Div. 1) 151 Cal. App. 4<sup>th</sup> 1163, 1176; *Abernathy v. Superior Court* (2007, 1<sup>st</sup> District, Div.3) 157 Cal.App.4<sup>th</sup> 642, 649; *Joshua D. v Superior Court* (2007, 4<sup>th</sup> District, Div.3) 157 Cal.App.4<sup>th</sup> 549, 560; *In re Jesse W.* (2007, 4<sup>th</sup> District, Div. 1) 157 Cal.App.4<sup>th</sup> 49, 64; *Millard v. Biosources, Inc.* (2007, 4<sup>th</sup> District,, Div. 1) 156 Cal.App.4<sup>th</sup> 1338, 1352; *Sisemore v. Master Financial, Inc.* (2007, 6<sup>th</sup> District) 151 Cal. App. 4<sup>th</sup> 1386, 1412; *Dina v. People ex rel. Department of Transportation* (2007, 2<sup>nd</sup> District, Div. 2) 151 Cal.App.4<sup>th</sup> 1029, 1042; *People v. Price* (2007, 2<sup>nd</sup> District, Div. 3) 155 Cal.App.4<sup>th</sup> 987, 995; *People v. McNeal* (2007, 4<sup>th</sup> District, Div.2) 66 Cal.Rptr.3d 212, 222-223; *Contra Costa County Bureau of Children and Family Services v. Sandra S.* (2007, 1<sup>st</sup> District, Div. 5) 154 Cal.App.4<sup>th</sup> 986, 993; *Russell v. Foglio* (2008, 2<sup>nd</sup> District Div 8) 160 Cal.App.4<sup>th</sup> 653, 664; *In re J.T (2007, 1<sup>st</sup> District Div. 5) 154 Cal.App.4<sup>th</sup> 986, 993*; *Katosh v. Sonoma County Employees' Retirement Association* (2008, 1<sup>st</sup> District Div 2) 163 Cal.App.4<sup>th</sup> 56, 67; *Serrano v. Stefan Merli Plastering Company, Inc* (2008, 2<sup>nd</sup> District Div 3) 162 Cal.App.4<sup>th</sup> 1014, 1036; *Little Company of Mary Hospital v. Superior Court of Los Angeles* (2008, 2<sup>nd</sup> District Div 7) 162 Cal.App.4<sup>th</sup> 261,267; *South San Joaquin Irrigation District v. Superior Court* (2008, 3<sup>rd</sup> District) 162 Cal.App.4<sup>th</sup> 146, 155, 156; *California Water Impact Network v. Newhall County Water District* (2008, 2<sup>nd</sup> District Div 7) 161 Cal.App.4<sup>th</sup> 1464, 1478 fn.11, 1479 fn. 12; *Committee For Green Foothills v. Santa Clara County Board of Supervisors* (2008, 6<sup>th</sup> District) 161 Cal.App.4<sup>th</sup> 1204, 1235; *Block v. Orange County Employees' Retirement System* (2008, 4<sup>th</sup> District Div 3) 161 Cal.App.4<sup>th</sup> 1297, 1311, 1312; *State Water Resources Control Board Cases* (2008, 3<sup>rd</sup> District) 161 Cal.App.4<sup>th</sup> 304, 314; *Jakks Pacific, Inc. v. Superior Court* (2008, 2<sup>nd</sup> District Div 1) 160 Cal.App.4<sup>th</sup> 596, 604; *Taheri Law Group v. Evans* (2008, 2<sup>nd</sup> District Div 8) 160 Cal.App.4<sup>th</sup> 482, 491; *Canister v. Emergency Ambulance Service* (2008, 2<sup>nd</sup> District Div 8) 160 Cal.App.4<sup>th</sup> 388, 401, fn.6; *Nygaard, Inc v. Uusi-Kerttula* (2008, 2<sup>nd</sup> District Div 4) 159 Cal.App.4<sup>th</sup> 1027, 1039-1040; *County of Los Angeles v. Raytheon Company* (2008, 2<sup>nd</sup> District Div 7) 159 Cal.App.4<sup>th</sup> 27, 35, fn.7; *Fiscal v. City and County of San Francisco* (2008, 1<sup>st</sup> District Div 4) 158 Cal.App.4<sup>th</sup> 895, 914; *People v. Kelly* (2008, 2<sup>nd</sup> District Div 3) 77 Cal.Rptr.3d 390,400; *Schmidlin v. City of Palo Alto* (2008, 6<sup>th</sup> District) 157 Cal.App.4<sup>th</sup> 728,756.

### 3. Committee Files

For cases regarding this topic see the Unabridged Points and Authorities at [www.legintenc.com/pointsauthorities.php](http://www.legintenc.com/pointsauthorities.php)

1  
2 **Bill Analysis Worksheets:**

3 For cases regarding this topic see the Unabridged Points  
4 and Authorities at [www.legintenc.com/pointsauthorities.php](http://www.legintenc.com/pointsauthorities.php)

5 **4. Official Commission Reports and Comments**

6 California's current marriage statutes derive in part from  
7 this state's Civil Code, enacted in 1872, which was based in large  
8 part upon Field's New York Draft Civil Code. As adopted in 1872,  
9 former [section 55 of the Civil Code](#) provided that marriage is "a  
10 personal relation arising out of a civil contract, to which the  
11 consent of the parties capable of making it is necessary," <sup>FN13</sup> and  
12 former section 56 of that code, in turn, provided that "[a]ny  
13 unmarried male of the age of eighteen years or upwards, and any  
14 unmarried female of the age of fifteen years or upwards, and not  
15 otherwise disqualified, are capable of consenting to and  
16 consummating marriage." Although these statutory provisions did  
17 not expressly state that marriage could be entered into only by a  
18 man and a woman, the statutes clearly were intended to have that  
19 meaning and were so understood. (See [1 Ann. Civ.Code](#) (1st ed.  
20 1872, *Haymond & Burch, commrs. annotators*) note foll. [§ 55](#), p.  
21 28.) Thus, this court's decisions of that era declared that. . .  
22 *In re Marriage Cases* (2008) 43 Cal.4<sup>th</sup> 757,793

23 -----  
24 *City of Stockton v. Superior Court* (2007) 42 Cal.4<sup>th</sup> 730, 739; *Shirk v. Vista*  
25 *Unified School District* (2007) 42 Cal.4<sup>th</sup> 201, 212.

26 -----  
27 *County of Los Angeles v. American Contractors Indemnity Company* (2007, 2<sup>nd</sup>  
28 District, Div. 7) 152 Cal.App.4<sup>th</sup> 661, 667 fn. 15; *Dina v. People ex rel.*  
29 *Department of Transportation* (2007, 2<sup>nd</sup> District, Div. 2) 151 Cal.App.4<sup>th</sup>  
30 1029, 1042; *Estate of Yool v. Yool* (2007, 1<sup>st</sup> District, Div. 4) 151 Cal. App.  
31 4<sup>th</sup> 867, 872, fn. 2; *People v. Price* (2007, 2nd District, Div. 3) 155  
32 Cal.App.4<sup>th</sup> 987, 995.

33 **5. Legislative Counsel's Digest**

34 Although the Legislative Counsel's summaries are not binding  
35 [Citations] they are entitled to great weight. [Citation.] "It is  
36 reasonable to presume that the Legislature amended those sections  
37 with the intent and meaning expressed in the Legislative  
38 Counsel's Digest." [Citation.]  
39 *Jones v. Lodge at Torrey Pines Partnership* (2008) 42 Cal.4<sup>th</sup> 1158,  
40 1169

41 -----  
42 *Lonicki v. Sutter Health Central* (2008) 43 Cal.4<sup>th</sup> 201, 219; *People v. Whaley*  
43 (2008) 160 Cal.App.4<sup>th</sup> 779, 802; *People v. Alford* (2007) 42 Cal.4<sup>th</sup> 749, 757

1 *Chabak v. Monroy* (2007, 5<sup>th</sup> District) 154 Cal.App.4<sup>th</sup> 1502, 1518; *Teachers'*  
2 *Retirement Board v. Genest* (2007, 3<sup>rd</sup> District) 154 Cal.App.4<sup>th</sup> 1012, 1031;  
3 *Starrh And Starrh Cotton Growers v. Aera Energy LLC* (2007, 5<sup>th</sup> District) 153  
4 Cal.App.4<sup>th</sup> 583, 603, 608; *Sisemore v. Master Financial, Inc.* (2007, 6<sup>th</sup>  
5 District) 151 Cal. App. 4<sup>th</sup> 1386, 1412; *People v. Superior Court* (2007, 2<sup>nd</sup>  
6 District Div 5) 157 Cal.App.4<sup>th</sup> 694, 705; *Gately v. Cloverdale Unified School*  
7 *District* (2007, 1<sup>st</sup> District, Div. 5) 156 Cal.App.4<sup>th</sup> 487, 495; *Committee For*  
8 *Green Foothills v. Santa Clara County Board of Supervisors* (2008, 6<sup>th</sup>  
9 District) 161 Cal.App.4<sup>th</sup> 1204, 1235; *California Highway Patrol v. Superior*  
10 *Court of Sacramento County* (2008) 162 Cal.App.4<sup>th</sup>, 1144, 1152; *Adair v.*  
11 *Stockton Unified School District* (2008, 3<sup>rd</sup> District) 162 Cal.App.4<sup>th</sup> 1436,  
12 1443; *Little Company of Mary Hospital v. Superior Court of Los Angeles*  
13 (2008, 2<sup>nd</sup> District Div 7) 162 Cal.App.4<sup>th</sup> 261, 268; *South San Joaquin*  
14 *Irrigation District v. Superior Court* (2008, 3<sup>rd</sup> District) 162 Cal.App.4<sup>th</sup>  
15 146, 156; *Committee For Green Foothills v. Santa Clara County Board of*  
16 *Supervisors* (2008, 6<sup>th</sup> District) 161 Cal.App.4<sup>th</sup> 1204, 1235; *Block v. Orange*  
17 *County Employees' Retirement System* (2008, 4<sup>th</sup> District Div 3) 161  
18 Cal.App.4<sup>th</sup> 1297, 1311, 1312; *California Highway Patrol v. Superior Court*  
19 (2008, Third District) 162 Cal.App.4<sup>th</sup> 1144, 1152

## 11 **6. Legislative Counsel's Opinions**

12 Miller relies heavily on this purpose, and as further support for  
13 his interpretation of section 3344(a), refers us to a 1977 Legislative  
14 Counsel's opinion interpreting . . . (Citations.) [Opinions of  
15 Legislative Counsel may be considered when construing a statute].

16 . . . .  
17 Despite the limited weight we accord the 1977 Legislative  
18 Counsel's opinion as an expression of legislative intent, we believe  
19 the reasoning contained in the opinion is basically sound.  
20 *Miller v. Collectors Universe, Inc.* (2007, 4<sup>th</sup> District) 65 Cal. Rptr.  
21 3<sup>rd</sup> 351, 362

22 Among the materials of which Trung Nguyen has requested that  
23 we take judicial notice is an opinion of the Legislative Counsel.  
24 . . . While we take notice of the Legislative Counsel's opinion,  
25 we note, . . . the opinion is only as "persuasive as its  
26 reasoning." . . .  
27 *Nguyen v. Nguyen* (2008, 4<sup>th</sup> District Div 3) 158 Cal.App.4<sup>th</sup> 1636,  
28 1658, fn.22

## 21 **7. Urgency Clauses, Findings and Declarations and Other Uncodified Language**

22 For cases regarding this topic see the Unabridged Points  
23 and Authorities at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

## 25 **8. Ballot Summaries and Arguments/Statement of Vote**

26 Furthermore, the ballot arguments pertaining to Proposition  
27 22 indicate that section 308.5, . . . , was intended to ensure  
28 that . . . and these arguments do not contain any suggestion that  
the initiative measure was grounded in an outdated stereotypical  
view of the appropriate roles of men and women in a marriage.

1 *In re Marriage Cases* (2008) 43 Cal.4<sup>th</sup> 757, 798

2 At the Board's request, we take judicial notice of the  
3 ballot materials for Propositions 13 and 58 as accepted indicia  
4 of the voters' intent and understanding of initiative measures.  
5 *Strong v. State Board of Equalization* (2007)155 Cal.App.4<sup>th</sup> 1182,  
6 1188, fn.3

7 -----  
8 *Bourquez v. Superior Court* (2007, 3<sup>rd</sup> District) 156 Cal.App.4<sup>th</sup> 1275 1285  
9 *People v. Whaley* (2008) 160 Cal.App.4<sup>th</sup> 779, 801; *People v. Kelly* (2008, 2<sup>nd</sup>  
10 District Div 3) 77 Cal.Rptr.3d 390,398;

11 -----  
12 **a. Legislative Antecedents**

13 For cases regarding this topic see the "Points and Authorities"  
14 at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

15 **9. Third Reading Analyses**

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

17 For cases regarding this topic see the "Points and Authorities"  
18 at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

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

20 For cases regarding this topic see the "Points and Authorities"  
21 at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

22 **c. Assembly Third Reading, prepared by Policy Committee**

23 *Jones v. Lodge at Torrey Pines Partnership* (2008) 42 Cal.4<sup>th</sup> 1158, 1170;  
24 *Catholic Mutual Relief Society v. Superior Court* (2007) 42 Cal.4<sup>th</sup> 358, 371-  
25 372; *Tonya M. v. Superior Court of Los Angeles County* (2007) 42 Cal.4<sup>th</sup> 836,  
26 846; *People v. Alford* (2007) 42 Cal.4<sup>th</sup> 749, 756; *Doe v. City of Los Angeles*  
27 (2007) 42 Cal.4<sup>th</sup> 531, 544.

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29 *Teachers' Retirement Board v. Genest* (2007, 3<sup>rd</sup> District) 154 Cal.App.4<sup>th</sup>  
30 1012, 1023 (Concurrence in Senate Amendments Analysis); *County of Orange v.*  
31 *Superior Court* (2007, 4<sup>th</sup> District, Div. 3) 155 Cal.App.4<sup>th</sup> 1253, 1260;  
32 *Starrh And Starrh Cotton Growers v. Aera Energy LLC* (2007, 5<sup>th</sup> District) 153  
33 Cal.App.4<sup>th</sup> 583, 603; *People v. Quitiquit* (2007, 4<sup>th</sup> District, Div. 1) 155  
34 Cal.App.4<sup>th</sup> 1, 9 (Concurrence in Senate Amendments analysis); *Canister v.*  
35 *Emergency Ambulance Service* (2008, 2<sup>nd</sup> District Div 8) 160 Cal.App.4<sup>th</sup> 388,  
36 401, fn. 6.

37 **d. Senate Democratic and Senate Republican Caucus Analyses**

38 For cases regarding this topic see the "Points and Authorities"  
39 at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

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2 **e. Office of Senate Floor Analyses**

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4 *Tonya M. v. Superior Court of Los Angeles County* (2007) 42 Cal.4<sup>th</sup> 836, 846  
5 *Catholic Mutual Relief Society v. Superior Court* (2007) 42 Cal.4<sup>th</sup> 358, 371-  
6 *Gattuso v. Harte-Hanks Shoppers, Inc.* (2007) 42 Cal.4<sup>th</sup> 554, 562; *In re*  
7 *Tobacco Cases II* (2007) 41 Cal.4<sup>th</sup> 1257, 1273; *City of Santa Monica v.*  
8 *Gonzalez* (2008) 43 Cal.4<sup>th</sup> 905, 925, 926; *Mays v. City of Los Angeles* (2008)  
9 43 Cal.4<sup>th</sup> 313, 324; *Marathon Entertainment, Inc v. Blasi* (2008) 42 Cal.4<sup>th</sup>  
10 974, 998.  
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12 *State v. Hewlett-Packard Company* (2007, 1<sup>st</sup> District, Div. 5) 153 Cal.App.4<sup>th</sup>  
13 307, 316; *Teachers' Retirement Board v. Genest* (2007, 3<sup>rd</sup> District) 154  
14 Cal.App.4<sup>th</sup> 1012, 1023; *Starrh And Starrh Cotton Growers v. Aera Energy LLC*  
15 (2007, 5<sup>th</sup> District) 153 Cal.App.4<sup>th</sup> 583, 603, 608; *Richardson-Tunnell v.*  
16 *School Insurance Program For Employees* (2007, 2<sup>nd</sup> District Div 6) 157  
17 Cal.App.4<sup>th</sup> 1056, 1063-65; *Prentice v. Board of Administration, California*  
18 *Public Employees' Retirement System* (2007, 4<sup>th</sup> District Div 1) 157  
19 Cal.App.4<sup>th</sup> 983, 990, fn.4; *People v. Superior Court* (2007, 2<sup>nd</sup> District Div  
20 5) 157 Cal.App.4<sup>th</sup> 694, 705; *San Diego County Employees Retirement*  
21 *Association v. County of San Diego* (2007, 4<sup>th</sup> District Div. 1) 151 Cal. App.  
22 4<sup>th</sup> 1163, 1176; *Dina v. People ex rel. Department of Transportation* (2007,  
23 2<sup>nd</sup> District, Div. 2) 151 Cal.App.4<sup>th</sup> 1029, 1042; *Foothill-De Anza Community*  
24 *College District v. Emerich* (2007, 6<sup>th</sup> District) 158 Cal.App.4<sup>th</sup> 11, 27;  
25 *People v. Kelly* (2008, 2<sup>nd</sup> District Div 3) 77 Cal.Rptr.3d 390,396 fn.7; *In re*  
26 *Domestic Partnership of Ellis* (2008, 4<sup>th</sup> District Div 3) 162 Cal.App.4<sup>th</sup>  
27 1000, 1006; *Korean Air Lines v. County of Los Angeles* (2008, 2<sup>nd</sup> District Div  
28 1) 162 Cal.App.4<sup>th</sup> 552, 559; *Northwest Energetic Services, LLC v. California*  
*Franchise Tax Board* (2008 1<sup>st</sup> District Div 5) 159 Cal.App.4<sup>th</sup> 841, 852;  
*Sweitzer v. Westminster Investments et al.* (2008, 4<sup>th</sup> District, Div. 1) 157  
Cal.App.4<sup>th</sup> 1195, 1205.

18 **f. Senate Republican Floor Commentaries**

19 For cases regarding this topic see the "Points and Authorities"  
20 at [www.legintenc.com/pointsauthorities.php](http://www.legintenc.com/pointsauthorities.php)

21 **g. Assembly Republican Caucus Analysis**

22 For cases regarding this topic see the "Points and Authorities"  
23 at [www.legintenc.com/pointsauthorities.php](http://www.legintenc.com/pointsauthorities.php)

24 **h. Senate Floor Amendments Analysis prepared by Senate  
25 Policy Committee**

26 Section 21084.1 was enacted in 1992 as part of Assembly  
27 Bill No. 2881 (1991-1992 Reg. Sess.). The original bill was  
28 amended before passage, and a staff analysis, which appears to  
be attached to or included in an analysis of Senate Floor  
Amendments by the Senate Committee on Natural Resources and  
Wildlife, states the following regarding . . .

1 Valley Advocates v. City of Fresno (2008 5<sup>th</sup> District) 160  
2 Cal.App.4<sup>th</sup> 1039, 1070

## 3 10. Departmental Sponsorship, Support, and Analysis

4 All indications are that Assembly Bill No. 1167 had no  
5 significant opposition. A bill analysis by the Department of  
6 Fair Employment and Housing (DFEH), signed by the "Department  
7 Director," described the bill, as amended on April 28, 1987 as .  
8 . .  
9 *Jones v. Lodge at Torrey Pines Partnership* (2008) 42 Cal.4<sup>th</sup>  
10 1158, 1170

11 Indeed, the former State Department of Health Services  
12 sponsored the 2001 amendment. . .and its deputy director wrote,  
13 in a letter to the Chair of the Assembly Committee on  
14 Governmental Organization urging passage of the amending  
15 legislation, that. . .  
16 *In re Tobacco Cases II* (2007) 41 Cal.4<sup>th</sup> 1257, 1273;

17 The two committee reports also observed that the Judicial  
18 Council opposed the bill on the related grounds that bail agents  
19 promptly were notified under the existing system, and that  
20 requiring each bail forfeiture to be declared in open court  
21 would significantly and unnecessarily burden the system. . .  
22 .The Assembly Committee Analysis rejected those criticisms  
23 reasoning. . .  
24 *People v. Allegheny Casualty Company* (2007), 41 Cal.4<sup>th</sup> 704, 711-  
25 712

26 The amendment to section 425.13 alone is not the only  
27 indication of the Legislature's deliberate intent to omit  
28 limiting language from section 425.14. Indeed, opponents of the  
legislation that ultimately became section 425.14, including the  
Department of Consumer Affairs, highlighted the . . . . (See  
Analysis of Sen. Bill No. 1, as amended Aug. 26, 1988, Dept. of  
Consumer Affairs, Sept. 19, 1998, at p. 6.)  
*Little Company of Mary Hospital v. Superior Court of Los Angeles*  
(2008, 2<sup>nd</sup> District Div 7) 162 Cal.App.4<sup>th</sup> 261, 270 fn.5

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

Any doubt about the plain meaning of the statute is  
resolved by the concededly meager legislative history of the  
section. In recommending that Governor Reagan sign Assembly Bill  
No. 2310 (1967-1968 Reg. Sess., as amended June 27, 1967). . the  
Department of Professional and Vocational Standards explained  
the bill was a response to . . . .(Memorandum to Governor Ronald  
Reagan from Department of Professional and Vocational Standards,  
Aug. 1, 1967, p. 1;. . .  
*California Veterinary Medical Association v. City of West  
Hollywood* (2007, 2nd District Div. 7) 152 Cal.App.4<sup>th</sup> 536, 554

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2 *Friends of Lagoon Valley v. City of Vacaville* (2007, 1<sup>st</sup> District Div.  
3 3) 154 Cal.App.4<sup>th</sup> 807, 828; *Tonya M. v. Superior Court of Los Angeles*  
4 *County* (2007) 42 Cal.4<sup>th</sup> 836, 846; *In re Smith* (2008) 42 Cal.4<sup>th</sup> 1251,  
5 1261.

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7 *Committee For Green Foothills v. Santa Clara County Board of*  
8 *Supervisors* (2008, 6<sup>th</sup> District) 161 Cal.App.4<sup>th</sup> 1204, 1235; *Taheri Law*  
9 *Group v. Evans* (2008, 2<sup>nd</sup> District Div 8) 160 Cal.App.4<sup>th</sup> 482, 491;  
10 *Northwest Energetic Services, LLC v. California Franchise Tax Board*  
11 *(2008 1<sup>st</sup> District Div 5)* 159 Cal.App.4<sup>th</sup> 841, 856-857; *Coastside*  
12 *Fishing Club v. California Resources Agency* (2008, 1<sup>st</sup> District Div 2)  
13 158 Cal.App.4<sup>th</sup> 1183, 1197.

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**a. Attorney General**

29 *Casella v. Southwest Dealer Services, Inc* (2007, 4<sup>th</sup> District Div 3) 157  
30 Cal.App.4<sup>th</sup> 1127, 1137.

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**11. Transcripts of Hearing**

101 . . .Testimony before the Senate Committee on the Judiciary  
102 on behalf of section 1021.5 affirmed that the statute would. .  
103 .(Sen. Com. On Judiciary, Hearing on . . . .As these passages  
104 suggest. . .

105 *In re Joshua S* (2008) 42 Cal.4<sup>th</sup> 945, 956

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

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

306 *People v. Allegheny Casualty Company* (2007), 41 Cal.4<sup>th</sup> 704, 711

307 However, after the Litigation Section of the California State  
308 Bar objected that the proposed bill's failure to require a . . .(Barry  
309 Rosenbaum, State Bar Litigation Section, Legislative Com., mem. to  
310 Larry Doyle, Director Office of Governmental Affairs re Assem. Bill  
311 No. 2068 . . .), the bill was amended to include the "at or near"  
312 language, as proposed by the Litigation Section so that there would be  
313 "a short time frame" between the making of the statement and the event  
314 to which it related.

315 *People v. Quitiquit* (2007, 4<sup>th</sup> District, Div. 1) 155 Cal.App.4<sup>th</sup> 1, 9

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1 FN3. Legislative history material provided by Legislative Intent  
Service.  
2 *Chabak v. Monroy* (2007, 5<sup>th</sup> District) 154 Cal.App.4<sup>th</sup> 1502, 1516

3 Legislative history reflects that the only organizations opposed to  
4 Senate Bill No. 1818 were the California Chapter of the American  
Planning Association (CCAPA), the League of California Cities (League)  
5 and the California State Association of Counties (CSAC). In a July  
2004 memorandum, they repeated their opposition to the density bonus  
6 range set forth in the bill and explained . . . .  
*Friends of Lagoon Valley v. City of Vacaville* (2007, 1<sup>st</sup> District Div.  
7 3) 154 Cal.App.4<sup>th</sup> 807, 828

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

12 -----  
13 *In re Smith* (2008) 42 Cal.4<sup>th</sup> 1251, 1261; *In re Tobacco Cases II* (2007)  
41 Cal.4<sup>th</sup> 1257, 1273

14 -----  
15 *Simpson Strong-Tie Company, Inc v. Gore* (2008, 6<sup>th</sup> District) 162 Cal.App.4<sup>th</sup>  
16 737, 757; *Block v. Orange County Employees' Retirement System* (2008, 4<sup>th</sup>  
District Div 3) 161 Cal.App.4<sup>th</sup> 1297, 1312; *Nguyen v. Nguyen* (2008, 4<sup>th</sup>  
17 District Div 3) 158 Cal.App.4<sup>th</sup> 1636, 1656, fn.19; *Schmidlin v. City of Palo*  
*Alto* (2008, 6<sup>th</sup> District) 157 Cal.App.4<sup>th</sup> 728,756.

### 18 **13. News Media and Law Reviews**

19 The problems we foresaw in Neel and Budd began to manifest  
20 themselves in the form of rapidly rising malpractice insurance  
premiums. (Mallen, Panacea or Pandor's Box? A Statute of  
21 Limitations for Lawyers (1977) 52 Cal. St. B.J. 22,22. . .The  
1977 Mallen article included a proposed model attorney  
22 malpractice statute of limitations (Citation.) The article was  
circulated to legislators, and later in 1977, drawing heavily  
23 from Mallen's proposed language, the Legislature passed Assembly  
Bill No. 298. . .

24 *Beal Bank SSB, v. Arter & Hadden, LLP*(2007) 42 Cal.4<sup>th</sup> 503, 510

25 -----  
*People v. McNeal* (2007, 4<sup>th</sup> District, Div.2) 66 Cal.Rptr.3d 212, 222-  
223; *Chosak v. Alameda County Medical Center* (2007, 1<sup>st</sup> District Div 1)  
26 153 Cal.App.4<sup>th</sup> 549, 563; *Simpson Strong-Tie Company, Inc v. Gore* (2008,  
6<sup>th</sup> District) 162 Cal.App.4<sup>th</sup> 737, 757; *Fiscal v. City and County of San*  
27 *Francisco* (2008, 1<sup>st</sup> District Div 4) 158 Cal.App.4<sup>th</sup> 895, 913.

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**14. House Journals and Final Histories**

For cases regarding this topic see the "Points and Authorities" at [www.legintenc.com/pointsauthorities.php](http://www.legintenc.com/pointsauthorities.php)

**15. Predecessor Bills, Competitor Bills**

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

*Olson v. Automobile Club of Southern California* (2008) 42 Cal.4<sup>th</sup> 1142, 1153, fn.5

**16. Statements of Author and Other Individual Legislators**

**California Supreme Court**

Committee reports concerning Assembly Bill No. 2083 were prepared by the Senate Committee on Public Safety and by the Assembly Committee on Public Safety. Both reports noted that, according to the bill's author, under existing law and practice, . . . .

*People v. Allegheny Casualty Company* (2007), 41 Cal.4<sup>th</sup> 704, 711

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*In re Smith* (2008) 42 Cal.4<sup>th</sup> 1251, 1261

**First District Court of Appeal**

. . . A letter from the author of SB 469, Senator Beverly, to Governor Wilson, dated August 31, 1994, states . . .

*Northwest Energetic Services, LLC v. California Franchise Tax Board* (2008 1<sup>st</sup> District Div 5) 159 Cal.App.4<sup>th</sup> 841, 856

**Second District Court of Appeal**

*People v. Price* (2007, 2nd District, Div. 3) 155 Cal.App.4<sup>th</sup> 987, 994-5.

**Third District Court of Appeal**

Arguing to the contrary, the Commissioner cites a 1976 letter urging the Governor to sign the bill creating Berman hearings, in which Assemblyman Berman said the bill solved . . . Appellants submitted the letter to the trial court. However, the author's letter to the Governor does not constitute cognizable legislative history because the Commissioner cites nothing indicating that the author's view was made known to the Legislature as a whole before it voted on the bill.

( [Citation.](#) ) The letter merely said, "While questions concerning the

1 bill's constitutionality have been raised, I am satisfied, as are the  
2 supporters of the bill, that there are no constitutional problems in  
3 this area." In any event, a legislator's view about constitutionality  
4 is not binding on the judiciary, which is the final arbiter on this  
5 constitutional issue. (Citation.)  
6 *Corrales v. Bradstreet* (2007, 3<sup>rd</sup> District) 153 Cal. App. 4<sup>th</sup> 33, 61

#### 4 **Fourth District Court of Appeal**

5 The statute's legislative history reveals section 3344(a) was  
6 intended to . . . (Assembly member Vasconcellos, Letter to Gov.  
7 Reagan, Nov. 10, 1971 . . .  
8 *Miller v. Collectors Universe, Inc* (2008, 4<sup>th</sup> District) 65  
9 Cal.Rptr.3<sup>rd</sup> 351,361

#### 8 **Fifth District Court of Appeal**

9 For cases regarding this topic see the "Points and Authorities"  
10 at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

#### 11 **Sixth District Court of Appeal**

12 *Schmidlin v. City of Palo Alto* (2008, 6<sup>th</sup> District) 157 Cal.App.4<sup>th</sup> 728,756.

#### 13 **17. The Author's File**

14 *People v. Price* (2007, 2nd District, Div. 3) 155 Cal.App.4<sup>th</sup> 987, 994-5.

#### 15 **18. Legislative Analyst**

16 Former section . . . was enacted in response to a concern  
17 that . . . A September 1979 Legislative Analyst's report stated: .  
18 . . . (Legis. Analyst, Review of Retirement Systems Established  
19 Under the County Employees' Retirement Law of 1937. . .  
20 *Block v. Orange County Employees' Retirement System* (2008, 4<sup>th</sup>  
21 District Div 3) 161 Cal.App.4<sup>th</sup> 1297, 1310

19 -----

20 *Committee For Green Foothills v. Santa Clara County Board of*  
21 *Supervisors* (2008, 6<sup>th</sup> District) 161 Cal.App.4<sup>th</sup> 1204, 1235; *Board of*  
22 *Trustees of the California State University v. Public Employment*  
23 *Relations Board* (2007) 155 Cal. App. 4<sup>th</sup> 866, 883.

#### 23 **19. Rejection, Deletion, and Refusal to Act**

24 After the Senate Judiciary Committee criticized that . . . the  
25 Legislature deleted the phrase. (Citations.) We concluded that  
26 "the Legislature's subsequent deletion of the . . .  
27 *People v. Medina* (2007) 41 Cal.4<sup>th</sup> 685, 696

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

1 Our Supreme Court has cautioned courts not to read too much  
2 into deletions from bills when ascertaining legislative intent.  
(Citation.) However. . .  
3 *Fiscal v. City and County of San Francisco* (2008, 1<sup>st</sup> District Div  
4) 158 Cal.App.4<sup>th</sup> 895, 914

## 20. Conference Committee Reports

4 For cases regarding this topic see the "Points and Authorities"  
5 at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

## 6 C. Post-Enrollment History

### 7 1. Role of the Governor

8 For cases regarding this topic see the "Points and Authorities"  
9 at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

### 10 2. Enrolled Bill Reports and Memoranda

11 We find the enrolled bill report instructive in ascertaining  
12 legislative intent. [Citation.]  
*Canister v. Emergency Ambulance Service* (2008, 2<sup>nd</sup> District Div 8) 160  
13 Cal.App.4<sup>th</sup> 388, 402

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

19 Any doubt about the plain meaning of the statute is  
20 resolved by the concededly meager legislative history of the  
21 section. In recommending that Governor Reagan sign Assembly Bill  
22 No. 2310 (1967-1968 Reg. Sess., as amended June 27, 1967). . the  
23 Department of Professional and Vocational Standards explained  
24 the bill was a response to . . . .(Memorandum to Governor Ronald  
25 Reagan from Department of Professional and Vocational Standards,  
26 Aug. 1, 1967, p. 1; . . . .  
*California Veterinary Medical Association v. City of West  
27 Hollywood* (2007, 2nd District Div. 7) 152 Cal.App.4th 536, 554

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

25 -----  
26 *In re Marriage Cases* (2008) 43 Cal.4<sup>th</sup> 757, 795; *Lonicki v. Sutter Health  
27 Central* (2008) 43 Cal.4<sup>th</sup> 201, 220; *Jones v. Lodge at Torrey Pines  
28 Partnership* (2008) 42 Cal.4<sup>th</sup> 1158, 1170-2.  
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29 *TJX Companies, Inc v. Superior Court of Orange County* (2007, 4<sup>th</sup> District Div  
30) 163 Cal.App.4<sup>th</sup> 80, 89; *Plumbers and Steamfitters, Local 290 v. Duncan*  
(2007, 1<sup>st</sup> District Div 3) 157 Cal.App.4<sup>th</sup> 1083, 1089; *Collier v. City and*

County of San Francisco (2007 1<sup>st</sup> District Div. 3) 151 Cal.App.4<sup>th</sup> 1326, 1342, fn. 11; *Eicher v. Advanced Business Integrators, Inc.* (2007, 3d District) 151 Cal.App.4<sup>th</sup> 1363, 1382; *Committee For Green Foothills v. Santa Clara County Board of Supervisors* (2008, 6<sup>th</sup> District) 161 Cal.App.4<sup>th</sup> 1204, 1235.

### 3. Governor's Correspondence, Press Releases and Message

The Governor vetoed both measures. In returning the 2005 bill to the Assembly without his signature, the Governor stated he believed that Proposition 22 required such legislation to be submitted to a vote of the people - a condition that the 2005 bill did not fulfill - and the Governor further noted that "[t]he ultimate issue regarding the constitutionality of section 308.5 and its prohibition against same-sex marriage is currently before the Court of Appeal in San Francisco and will likely be decided by the Supreme Court."

*In re Marriage Cases*(2008)43 Cal.4<sup>th</sup> 757, 797

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*O'Connell v. City of Stockton* (2007) 41 Cal.4<sup>th</sup> 1061, 1078, fn.1.  
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*Miller v. Collectors Universe, Inc* (2007, 4<sup>th</sup> District, Div. 3) 65 Cal. Rptr. 3<sup>rd</sup> 351, 361; *Northwest Energetic Services, LLC v. California Franchise Tax Board* (2008 1<sup>st</sup> District Div 5) 159 Cal.App.4<sup>th</sup> 841,855-856; *Nguyen v. Nguyen* (2008, 4<sup>th</sup> District Div 3) 158 Cal.App.4<sup>th</sup> 1636, 1656,fn.19,1659-60; *People v. Kelly* (2008, 2<sup>nd</sup> District Div 3) 77 Cal.Rptr.3d 400; *Schmidlin v. City of Palo Alto* (2008, 6<sup>th</sup> District) 157 Cal.App.4<sup>th</sup> 728,756; *People v. Price* (2007, 2nd District, Div. 3) 155 Cal.App.4<sup>th</sup> 987, 994-5.

### D. Post-Enactment History

#### 1. Statements and Actions by Subsequent Legislatures

For cases regarding this topic see the "Points and Authorities" at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

#### 2. Administrative Agency's Construction of Statutes

For cases regarding this topic see the "Points and Authorities" at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

#### 3. Legislative Committee Documents

For cases regarding this topic see the "Points and Authorities" at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

#### 4. Author Letter from Legislative Journal and Otherwise

For cases regarding this topic see the "Points and Authorities" at [www.legintent.com/pointsauthorities.php](http://www.legintent.com/pointsauthorities.php)

### E. Regulations, Rules and Ordinances

The administrative construction of the governing laws through the promulgation of regulations by the Office of Environmental Health Hazard Assessment is "'entitled to great weight'" in determining what the Legislature intended when it enacted the statutory scheme in controversy. (Citation.) . . .According to the regulations. . .A

1 "reasonably anticipated" rate of exposure is. . . .(OEHHA, Final  
Statement of Reasons: Article 8 (June, 1989) p 83. . . )  
2 *DiPirro v. Bondo Corporation*, (2007, 1<sup>st</sup> District, Div. 1) 153  
Cal.Ap.4<sup>th</sup> 150, 191

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