

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

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 2009, these Points and Authorities will set forth more than 950 California cases utilizing legislative history documents as extrinsic aides to statutory construction. The cases are organized by the types of legislative history documents generated by the California Legislature. For a complete understanding of the subject, this unabridged edition must be considered with the 2009 supplement. These Points and Authorities, as well as the 2009 Supplement are available online at www.legintent.com/capa.php.

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

Sutherland on Statutory Construction, courts have traditionally examined statutory language in terms of the context from which it originated and the events which give it form and substance.

It is established practice in American legal processes to consider relevant information concerning the historical background of enactment in making decisions about how a statute is to be construed and applied.... These extrinsic aids may show the circumstances under which the statute was passed, the mischief at which it was aimed and the object it was supposed to achieve. Although a court may make and pronounce findings about the purpose of a statute, or the mischief it was to remedy, without referring to its historical background, knowledge of circumstances and events which comprise the relevant background of a statute is a natural basis for making such findings. Singer, Sutherland on Statutory Construction, (6th Ed. 2000) Extrinsic Aides-Legislative History, §48.03

Courts will look to a wide variety of aides in analyzing legislative intent:

To resolve ambiguities, courts may employ a variety of extrinsic construction aids, including legislative history, and will adopt the construction that best harmonizes the statute both internally and with related statutes. [Citations.] *Summers v. Newman* (1999) 20 Cal.4th 1021, 1026

To determine the merits of the Attorney General's argument, we apply well-established rules of statutory construction. "The goal of statutory construction is to ascertain and effectuate the intent of

1 the Legislature. [Citations]" ... "When the language is susceptible
2 of more than one reasonable interpretation,... we look to a variety
3 of extrinsic aids, including the ostensible objects to be achieved,
4 the evils to be remedied, the legislative history, public policy,
5 contemporaneous administrative construction, and the statutory scheme
6 of which the statute is a part." [Citations.] *People v. Jefferson*
7 (1999) 21 Cal.4th 86, 94

8 In March 1988 ... the Attorney General sponsored and supported
9 Assembly Bill No. 4282, which added paragraph (2) to section 1318,
10 subdivision (a),... The parties focus their arguments upon this
11 amendment to ... They do not dispute the Court of Appeal's conclusion
12 that the amendment is ambiguous as to ... nor do they contest the
13 appellate court's efforts to go behind the statutory language and
14 explore its legislative history in an effort to determine the
15 Legislature's intent. Because we agree with the parties (and with the
16 Court of Appeal) ... we, too, have reviewed the pertinent legislative
17 history in an effort to discover any indications of legislative
18 intent. [Citations.] *In re York* (1995) 9 Cal.4th 1133, 1143-1145

19 While the appellate decision has been superseded by the Supreme Court
20 decision, it is relevant to the extent it reveals that which the Supreme Court
21 was agreeing with, as noted in the quote above. (In an analogous fashion, an
22 appellate court in *Zhao v. Wong* (1996, 1st Dist, Div. 1) 48 Cal.App.4th 1114,
23 1124, examined a depublished decision as "the facts of the case are relevant to
24 the extent that they provide insight into the legislative intent.") The appellate
25 court looked to the legislative history and intent stating:

26 ... we have reviewed the pertinent legislative history in an
27 effort to uncover any indications of legislative intent. [Citation.]
28 We consider the circumstances and events leading up to the
introduction of the bill, including statements by various parties
concerning the nature and effect of the proposed law, and the actions
taken and statements made during legislative consideration. We also
take into account "the object in view, the evils to be remedied, the
history of the times, legislation upon the same subject, public
policy and contemporaneous construction" [Citations].... *In re York*
(1994, 6th Dist) 27 Cal.Rptr.2d 771, 775-776

29 Consider also these cases:

30 Because the facts are undisputed and the issue turns solely on
31 the interpretation of relevant statutes, we conduct a de novo review.
32 [Citation.] ... In so doing, our goal is to ascertain and carry out
33 the Legislature's intent, looking first to the words of the statute,
34 giving them their usual and ordinary meaning. [Citation.] If the
35 language of the statute is susceptible to more than one reasonable
36 construction, we look to the legislative history to aid in
37 ascertaining the legislative intent. [Citation.] We are further

1 guided by the fundamental rule "'that the objective sought to be
2 achieved by a statute as well as the evil to be prevented is of prime
3 consideration in its interpretation." ...'" [Citation.] *Peoples v.*
4 *San Diego Unified School District* (2006, 4th Dist, Div. 1) 138
5 Cal.App.4th 463, 468

6 "When the plain meaning of the statutory text is insufficient
7 to resolve the question of its interpretation, the courts may turn to
8 rules or maxims of construction 'which serve as aids in the sense
9 that they express familiar insights about conventional language
10 usage.' (2A Singer, *Statutes and Statutory Construction* (6th ed.
11 2000) p. 107.) Courts also look to the legislative history of the
12 enactment. 'Both the legislative history of the statute and the wider
13 historical circumstances of its enactment may be considered in
14 ascertaining the legislative intent.'" [Citations.] *Branciforte*
15 *Heights, LLC v. City of Santa Cruz* (2006, 6th District) 138
16 Cal.App.4th 914, 926

17 "[T]he legislative history of the statute and the wider
18 historical circumstances of its enactment are legitimate and valuable
19 aids in divining the statutory purpose." [Citation.] *ARP Pharmacy*
20 *Services, Inc. v. Gallagher Bassett Services, Inc.* (2006, 2nd Dist,
21 Div. 4) 138 Cal.App.4th 1307, 1319, fn.4 [Review Granted]

22 We may properly look to the legislative history of an
23 enactment, including legislative committee reports and other
24 legislative records, as an aid to ascertaining the Legislature's
25 intent. *In re Rottanak K.* (1995, 5th District) 37 Cal.App.4th 260,
26 267, fn.8

27 Where appropriate, courts may seek guidance in defining the
28 legislative intent from such materials as the statutory history,
committee reports, and legislative debates. *Perez v. Smith* (1993, 1st
Dist, Div, 5) 19 Cal.App.4th 1595, 1598

1. **The Problem to be Solved:**

One ferrets out the legislative purpose of a statute by
considering its objective, the evils which it is designed to prevent,
the character and context of the legislation in which the particular
words appear, the public policy enunciated and vindicated, the social
history which attends it, and the effect of the particular language
on the entire statutory scheme. *Santa Barbara County Taxpayers Assn.*
v. County of Santa Barbara (1987) 194 Cal.App.3d 674, 680

Thus in analyzing the legislative usage of certain words, the
object sought to be achieved by a statute as well as the evil to be
prevented is of prime consideration.... *Leslie Salt Co. v. S.F. Bay*
Conserv. and Develop. Comm. (1984) 153 Cal.App.3d 605, 614

A wide variety of factors may illuminate legislative design,
such as context, object in view, evils to be remedied, history of
times, and of legislation upon the same subject, public policy, and
contemporaneous construction. *People v. White* (1978) 77 Cal.App.3d
Supp. 17; *Cossack v. City of Los Angeles* (1974) 11 Cal.3d 726, 733;
and *Alford v. Pierno* (1972) 27 Cal.App.3d 682, 688

1 *Hancock Oil Company of California v. Independent Distributing Company* (1944) 24 Cal.2d 497; *Wolton v.*
2 *Bush* (1953) 41 Cal.2d 460; *People ex rel S.F. Bay Comm. v. Town of Emeryville* (1968) 69 Cal.2d 533,
3 543

4 -----
5 *Gallagher v. Campodonica* (1932) 121 Cal.App.1st 765; *Abram v. San Joaquin Cotton Oil Company* (1943)
6 49 F. Supp. 393; *Koenig v. Johnson* (1945) 71 Cal.App.2d 739, 750-751; *H. S. Mann Corporation v. Moody*
7 (1956) 144 Cal.App.2d 310; *Zidell v. Bright* (1968) 264 Cal.App.2d 867; *Blumenfeld v. S.F. Bay*
8 *Conserv. Comm.* (1974) 43 Cal.App.3d 50, 55; *Arvin Union School District v. Ross* (1985, 2nd Dist, Div.
9 2) 176 Cal.App.3d 189, 199; *Southern Pacific Pipe Lines v. Board of Supervisors* (1992) 9 Cal.App.4th
10 451, 460; *Adoption of Haley A.* (1996, 1st Dist, Div. 2) 49 Cal.App.4th 1351,1367, fn.10; *Zhao v. Wong*
11 (1996, 1st Dist, Div 1) 48 Cal.App.4th 1114, 1123-1125

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

7 This similarity between the state and federal enactments is not
8 a coincidence, but reflects the Legislature's deliberate effort in
9 1992 to conform the FEHA to this ADA provision. As the legislative
10 history discloses, the Legislature amended the FEHA in 1992 by
11 clarifying that an employee must be able to perform the "essential
12 duties with reasonable accommodations." ... In passing the amendment,
13 at least one legislative analysis observed the Legislature's
14 "conformity [to the ADA rules] will benefit employers and businesses
15 because they will have one set of standards with which they must
16 comply in order to be certain that they do not violate the rights of
17 individuals with physical or mental disabilities." ... It is clear,
18 then, that the Legislature incorporated the ADA requirement with full
19 knowledge *Green v. State of California* (2007) 42 Cal.4th 254,
20 263

21 The legislative history behind the UDITPA favors Microsoft's
22 position. As in ... because the Legislature adopted the UDITPA almost
23 verbatim, we look to the drafting history of the UDITPA. An early
24 version of the UDITPA defined (Compare Proceedings of Com. Of
25 Whole for UDITPA, transcript of August 22, 1956 ... with Proceedings
26 of Com. Of Whole for UDITPA, transcript of July 9, 1957. ...
27 *Microsoft Corporation v. Franchise Tax Board* (2006) 39 Cal.4th 750,
28 760

29 Likewise, the Uniform Probate Code, on which the Commission at
30 times relied in drafting its recommendations, contains no express
31 language addressing A comment to the Uniform Probate Code
32 section The comment was of course not before the Legislature
33 when it enacted section 6110 several years earlier. Moreover, nothing
34 in the legislative history of the enactment, reenactment, or
35 amendment of section 6110 refers to this comment or contains any
36 similar language regarding postdeath attestation. *Estate of*
37 *Saueressig* (2006) 38 Cal.4th 1045, 1050 fn.7

38 We note that although California has not adopted the ABA Model
39 Rules, they may be "helpful and persuasive in situations where the
40 coverage of our Rules is unclear or inadequate." [Citations.] The ABA
41 Model Rules are not binding, of course. [Citation.] *Frye v.*
42 *Tenderloin Housing Clinic, Inc.* (2006) 38 Cal.4th 23, 52, fn.12

43 Real party asserts that the predecessor to section 631 was
44 based upon the 1850 New York Code of Civil Procedure. fn.8 Real party
45 adds that New York courts enforce predispute jury waivers. We agree
46 that the New York statute, which was part of the influential Field

1 Code, was the model for our own, but this fact adds little weight to
2 real party's position. Unlike the California decisions reviewed
3 above, New York courts hold that *Grafton Partners v. Superior*
4 *Court (PriceWaterhouseCoopers LLP)* (2005) 36 Cal.4th 944, 962

5 We also briefly examine the Arizona statute (Ariz. Rev. Stat.,
6 § 13-901.01) that had its source in an initiative endorsed by the
7 Arizona voters (Proposition 200), which became the model for
8 California's similar initiative measure. *People v. Canty* (2004) 32
9 Cal.4th 1266, 1283

10 We also have evidence of legislative intent to this effect. As
11 the court in [citation] observed, when Congress enacted the Federal
12 Railroad Safety Act in 1970, it specifically identified the BIA as
13 among the "particular laws" governing railroad safety that "have
14 served well," so well that the Committee on Interstate and Foreign
15 Commerce reviewing the matter "chose to continue them without
16 change." [Citation.] In discussing the role of the states in this
17 area, the committee noted that "[a]t the present time where the
18 Federal government has authority [e.g., under the BIAS], with respect
19 to rail safety, it preempts the field." [Citation] Additionally,
20 when Congress recodified the BIA in 1994, the House Report stated
21 "this bill makes no substantive change" and disclaimed any intent to
22 "impair the precedent value of earlier judicial decisions"
23 [Citation.] In light of this explicit statement, we may "apply the
24 presumption that Congress was aware of ... either judicial
25 interpretations [including *Napier*] and, in effect, adopted them.
26 [Citations.]" *Scheidig v. General Motors Corp.* (2000) 22 Cal.4th
27 471, 478

28 We also note that the SVPA was modeled upon a civil commitment
scheme adopted in the State of Washington. (See Sen.Com. on
Appropriations, Rep. on Assembly Bill No. 888...) *People v. Calhoun*
(2004, 1st Dist, Div. 1) 118 Cal.App.4th 519, 527

The pattern for the 1929 provision was section 13 of the
Uniform Motor Vehicle Act Regulating the Operation of Vehicles, one
of four separate acts comprising the Uniform Motor Vehicle Code.
When codifying former section 114 ½, subdivision (b), the Legislature
adopted the language of the uniform act,... (11 Uniform Laws
Annotated (1938) Motor Vehicles, pp. 5, 16; Rep. of the Assembly
Interim Com. on Motor Vehicle Laws (1937) ...) *Sanctity of Human Life*
Network v. California Highway Patrol (2003) 105 Cal.App.4th 858, 867

... The similarity in language is apparent, and the legislative
history shows that CESA [California Endangered Species Act] was
patterned after FESA [Federal Endangered Species Act] in this
respect.... Given these patterned similarities in language, structure
and focus, it is appropriate to consult federal authority to help
interpret this language. It is a basic premise of statutory
construction that when a state law is patterned after a federal law,
the two are construed together. *Natural Resources Defense Council v.*
Fish & Game Commission (1994, 3rd District) 28 Cal.App.4th 1104,
1117-1118

1 Furthermore, it is a basic premise of statutory construction
2 that when a state law is patterned after a federal law, the two are
3 construed together.... In these situations, the federal cases
4 interpreting the federal law offer persuasive rather than controlling
5 authority in construing the state law. *Moreland v. Department of*
6 *Corporations* (1987) 194 Cal.App.3d 506, 512

7 However, where California law parallels sister state
8 legislation on the same subject ... the judicial interpretation by
9 the sister state courts of their legislation may be relevant in
10 construing the California legislation. Correspondingly, an
11 examination of the policies promoted by sister state legislation may
12 be relevant in determining the policies and purpose of the parallel
13 California legislation. *Webster v. State Board of Control* (1987) 197
14 Cal.App.3d 29, 37, fn.3

15 *Kaplan's Fruit and Produce Company v. Superior Court* (1979) 26 Cal.3d 60, 65; *Moradi-Shalal v.*
16 *Fireman's Fund* (1988) 46 Cal.3d 287, 299; *Williams v. Superior Court* (1993) 5 Cal.4th 337, 352; *Reno*
17 *v. Baird* (1998) 18 Cal.4th 640, 647-651, 654, 655, 661; *Lane v. Hughes Aircraft Co.* (2000) 22 Cal.4th
18 405, 424-429; *In re Jorge M.* (2000) 23 Cal.4th 866, 876; *Mejia v. Reed* (2003) 31 Cal.4th 657, 664; *In*
19 *re Jesusa V.* (2004) 32 Cal.4th 588, 639-640, 650 (dissent); *Kulshrestha v. First Union Commercial*
20 *Corp.* (2004) 33 Cal.4th 601, 615-616; *Farm Raised Salmon Cases* (2008) 42 Cal.4th 1077, 1090

21 -----
22 *Solano County Employees' Assn. v. County of Solano* (1982) 136 Cal.App.3d 256, 259; *J.R. Norton Co. v.*
23 *Teamsters, Local 890* (1989) 208 Cal.App.3d 430, 442; *Sutherland on Statutory Construction*, Section
24 57.06; *People v. Butler* (1996, 2nd Dist, Div. 4) 43 Cal.App.4th 1224, 1237; *John Hancock Mutual Life*
25 *Insurance Co. v. Greer* (1998, 1st Dist, Div. 2) 60 Cal.App.4th 877, 882; *Flannery v. Prentice* (1999,
26 1st District) 72 Cal.App.4th 395, 400-401; *People v. Angel* (1999, 5th District) 70 Cal.App.4th 1141,
27 1149; *Roy v. Superior Court (Lucky Star Industries, Inc.)* (2005, 4th Dist, Div. 2) 127 Cal.App.4th
28 337, 342

3. Prior Law and the Presumption of Legislative Knowledge:

1 Closely related to the examination of the pre-enactment history of a
2 statute is the maxim of statutory construction stating that the Legislature is
3 deemed to be aware of existing law and judicial decisions.

4 We presume that the legislators were aware of the law of
5 burglary in enacting section 1192.7(c)(18), and of judicial decisions
6 interpreting the language they chose to employ. *People v. Cruz* (1996,
7 1st District) 13 Cal.4th 764, 775

8 Generally, the drafters who frame an initiative statute and the
9 voters who enact it may be deemed to be aware of the judicial
10 construction of the law that served as its source. *In re Harris*
11 (1989) 49 Cal.3d 131, 136

12 In addition, the Legislature is deemed to be aware of existing
13 laws and judicial decisions in effect at the time legislation is
14 enacted and to have enacted and amended statutes in the light of such
15 decisions as have a direct bearing upon them. *People v. Overstreet*
16 (1986) 42 Cal.3d 891, 897

17 *Bailey v. Superior Court* (1977) 19 Cal.3d 970, 977-978, fn.10; *People v. Tanner* (1979) 24 Cal.3d 514;
18 *In re Misener* (1985) 38 Cal.3d 543, 552; *People v. Harrison* (1989) 48 Cal.3d 321, 329; *Central*
19 *Pathology Service Medical Clinic v. Superior Court* (1992) 3 Cal.4th 181, 187; *Mercy Hospital and*
20 *Medical Center v. Farmers Insurance Group of Companies* (1997) 15 Cal.4th 213, 221

1 *Estate of Simoni* (1963) 220 Cal.App.2d 339, 341; *Rosenthal v. Cory* (1977) 69 Cal.App.3d 950, 953;
2 *People v. Horn* (1984) 158 Cal.App.3d 1014; *Tafoya v. Hastings College of Law* (1987) 191 Cal.App.3d
3 437, 447; *Yoffie v. Marin Hospital District* (1987) 193 Cal.App.3d 743, 748; *People v. Stockton*
4 *Pregnancy Control Clinic* (1988) 203 Cal.App.3d 225, 233-34; *Bullock v. City and County of San*
5 *Francisco* (1990, 1st Dist, Div. 4) 221 Cal.App.3d 1072, 1096; *Hobbs v. Municipal Court* (1991, 4th
6 Dist, Div. 1) 233 Cal.App.3d 670, 682; *In re Thanh Q* (1992, 4th Dist, Div. 3) 2 Cal.App.4th 1386,
7 1389; *State Board of Education v. Honig* (1993, 3rd District) 13 Cal.App.4th 720, 733; *Southern*
8 *Pacific Pipe Lines v. State Board of Equalization* (1993) 14 Cal.App.4th 42, 54; *In re Rottanak K.*
9 (1995, 5th District) 37 Cal.App.4th 260, 267; *Stone v. New England Insurance Co.* (1995, 2nd Dist,
10 Div. 3) 33 Cal.App.4th 1175, 1211; *In re Walters* (1995, 3rd District) 39 Cal.App.4th 1546, 1557;
11 *People v. Ledesma* (1997) 16 Cal.4th 90, 98, 100; *County of Orange v. Ranger Insurance Co.* (1998, 4th
12 Dist, Div. 3) 61 Cal.App.4th 795, 801; *Dant v. Superior Court* (1998, 1st Dist, Div. 1) 61 Cal.App.4th
13 380, 387, fn.10; *Covarrubias v. Superior Court* (1998, 6th District) 60 Cal.App.4th 1168, 1177; *In re*
14 *Marriage of Perry* (1998, 3rd District) 61 Cal.App.4th 295, 305, 306; *People v. Garcia* (1998, 1st
15 Dist, Div. 1) 63 Cal.App.4th 820, 830; *Townzen v. County of El Dorado* (1998, 3rd District) 64
16 Cal.App.4th 1350, 1357, 1358; *Edgar v. Workers' Compensation Appeals Board* (1998, 4th Dist, Div. 1)
17 65 Cal.App.4th 1, 18

18 A 1992 Supreme Court case discusses Attorney General Opinions in the
19 context of presumption of legislative knowledge:

20 When construing a statute, we may presume that the Legislature
21 acts with knowledge of the opinions of the Attorney General which
22 affect the subject matter of proposed legislation. (Cal. State
23 *Employees Assn. v. Trustees of Cal. State Colleges* (1965) 237
24 Cal.App.2d 530, 536 [47 Cal.Rptr. 73].) [1c] Here it is significant
25 that, before the Bill of Rights Act was enacted, a published opinion
26 of the California Attorney General had concluded that "cadets" and
27 "trainee officers" were not peace officers under former Penal Code
28 section 817, the predecessor statute to Penal Code section 830 et
seq. fn.11. *Burden v. Snowden* (1992) 2 Cal.4th 556, 564

29 **B. Enactment History: The Legislative Process.**

30 The most common source of legislative intent is the Legislature itself.
31 The Legislature generates and attracts varying degrees of commentary on each bill
32 from the date it is introduced through enrollment to the Governor after each
33 house has passed the measure. It is this commentary in the form of statements,
34 analyses, reports, and transcripts which has been most heavily relied on for its
35 interpretive value by the supreme and appellate courts of California. These are
36 the extrinsic aides to statutory construction. Sutherland summarizes the
37 situation succinctly when it states:

38 The events occurring immediately prior to the time when an act
39 becomes law comprise an instructive source, indicative of what
40 meaning the legislature intended. Therefore, the history of events
41 during the process of enactment, from its introduction in the
42 legislature to its final validation, has generally been the first
43 extrinsic aid to which courts have turned in attempting to construe
44 an ambiguous act.

45 ...

1 The contemporary history of events during this period consists
2 chiefly in statements by various parties concerning the nature and
3 effect of the proposed law and statements or other evidence on the
4 evils to be remedied. Contemporary history also includes information
5 concerning the activities of pressure groups, economic conditions in
6 the country at the time, prevailing business practices, and the prior
7 state of the law, including judicial decisions, applicable to the
8 subject of the legislation in question. Sutherland on Statutory
9 Construction, section 48.04

10
11 **1. Different Versions of the Bill:**

12 The Senate later amended Bill No. 2509, deleting ... This
13 deletion, far from supporting KCP's position, is further evidence
14 against it. "The rejection of a specific provision contained in an
15 act as originally introduced is 'most persuasive' that the act should
16 not be interpreted to include what was left out." *Murphy v. Kenneth*
17 *Cole Productions* (2007) 40 Cal.4th 1094, 1107

18 The legislative history of the CFCA contains no explicit
19 discussion of the scope of the word "person." Nonetheless, the
20 limited evidence available suggests there was no intent to ... A
21 substantial subsequent amendment to the bill excised ... Our past
22 decisions note deletions from bills prior to their passage as
23 significant indicia of legislative intent. (Citations) *Wells v.*
24 *Onezone Learning Foundation* (2006) 39 Cal.4th 1164, 1191-1192

25 As originally introduced, Assembly Bill No. 1675 provided ...
26 (Assem. Bill No. 1675 (1999-2000 Reg. Sess.) as introduced Mar. 16,
27 1999, p. 2, italics added.) The Legislature later deleted the
28 (See Assem. Bill No. 1675 (1999-2000 Reg. Sess.) as amended July 6,
1999, p. 2.) In analyzing the proposed deletion, the Senate Committee
on the Judiciary reported *Varian Medical Systems, Inc. v.*
Delfino (2005) 35 Cal.4th 180, 194

Indeed, the legislative history of the 1994 amendments to
section 128.5 makes it clear that the Legislature intended Early
drafts of Assembly Bill No. 3594 would have

Later, the Assembly decided to amend, rather than repeal
section Thereafter, the Senate modified the bill by adding
Olmstead v. Arthur J. Gallagher & Co. (2004) 32 Cal.4th 804, 814

As originally proposed, the legislation was an amendment to
Civil Code section 3294 and would have barred any recovery of
punitive damages against charitable organizations, including
religious corporations The legislation was amended several times
in committee, resulting in the substitution of the pleading hurdle
for the original absolute bar against punitive damages and the
replacement of "charitable organizations" with religious
corporations. *Little Company of Mary Hospital v. Superior Court of*
Los Angeles (2008, 2nd Dist, Div. 7) 162 Cal.App.4th 261, 268 fn.3

We take judicial notice of certain materials from the
legislative history of section 8026, including legislative committee
reports and various versions of AB 2582 as appearing in the Assembly

1 and Senate committee bill files. We also grant the County's request
2 to take judicial notice of the letter from the sponsor of AB 2582
3 transmitting the final version of the bill to the Governor for
4 signing. *Faulder v. Mendocino County Board of Supervisors* (2006, 1st
5 Dist, Div. 4) 144 Cal.App.4th 1362, 1376 fn.4

6 An examination of the 1990 legislative history of ... reveals
7 that the Legislature rejected a version of the exemption statute that
8 would have included As a general principle, the Legislature's
9 rejection of specific language constitutes persuasive evidence a
10 statute should not be interpreted to include the omitted language.
11 *Doe v. Saenz* (2006, 1st Dist, Div. 3) 140 Cal.App.4th 960, 984-5

12 The evolution of a proposed statute after its original
13 introduction in the Senate or Assembly can offer considerable
14 enlightenment as to legislative intent. *People v. Goodloe* (1995, 1st
15 Dist, Div. 1) 37 Cal.App.4th 485, 491

16 Senate Bill No. 1137 was amended during the July 9, 1991,
17 hearing before the Assembly Committee on Public Safety. It was this
18 amendment which added subdivisions (b) and (c) to Section 800.
19 Especially when considering subdivision (b)(4), the evolution of the
20 bill's language clearly suggests the Legislature intended to expand
21 the People's right to appeal.... *In re Rottanak K.* (1995, 5th
22 District) 37 Cal.App.4th 260, 267

23 The original version of Senate Bill No. 1294 Subsequent
24 amendments to the bill narrowed the language to deny recovery
25 The final version limited the application of the law Defendant
26 is asking this court to adopt an interpretation of Civil Code Section
27 1714.7 which was specifically rejected by the Legislature. For three
28 justices to construe a law in a fashion inconsistent with the
statutory language deliberately chosen by a majority of the
Legislature and approved by the Governor, in the absence of a
constitutional infirmity, is an act squarely in contravention of the
fundamental principles of a democratic form of government. *Wiley v.*
So. Pacific Trans. Co. (1990, 2nd Dist, Div. 5) 220 Cal.App.3d 177,
192, fn.8

Our conclusion is supported by the legislative history of Penal
Code Section 653k. The original bill became increasingly broader in
scope as it went through successive drafts and when it was amended.
People v. Quattrone (1989) 211 Cal.App.3d 1389, 1398

California Mfrs. Assn. v. Public Utilities Commission (1979) 24 Cal.3d 836, 844, 846; *People v. Jeffers* (1987) 43 Cal.3d 984, 994-997; *County of San Bernardino v. City of San Bernardino* (1997) 15 Cal.4th 909, 917, 926; *Jordache Enterprises, Inc. v. Brobeck, Phleger & Harrison* (1998) 18 Cal.4th 739, 748; *People v. Birkett* (1999) 21 Cal.4th 226, 240-242; *White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 576; *People v. Allen* (1999) 21 Cal.4th 846, 862-863; *People v. Robles* (2000) 23 Cal.4th 1106, 1120; *People v. Epps* (2001) 25 Cal.4th 19, 25; *Post v. Palo/Haklar & Associates* (2000) 23 Cal.4th 942, 950; *People v. Mendoza* (2000) 23 Cal.4th 896, 920, 935; *Myers v. Philip Morris Companies, Inc.* (2002) 28 Cal.4th 828, 844; *People v. Acosta* (2002) 29 Cal.4th 105, 119-120, 126-127; *People v. Lopez* (2003) 31 Cal.4th 1051, 1058; *Southern California Edison Co. v. Peevey* (2003) 31 Cal.4th 781, 790; *Alford v. Superior Court (People)* (2003) 29 Cal.4th 1033, 1040-1041; *Peracchi v. Superior Court (People)* 30 Cal.4th 1245, 1262; *Martin v. Szeto* (2004) 32 Cal.4th 445, 450-451; *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 194; *In re Jennings* (2004) 34 Cal.4th 254, 270; *People v. Holmes* (2004) 32 Cal.4th 432, 439; *People v. Allegheny Casualty Company* (2007), 41 Cal.4th 704, 711-12; *People v. Medina* (2007) 41 Cal.4th 685, 696; *Beal Bank SSB v. Arter & Hadden, LLP* (2007) 42 Cal.4th 503, 510; *In re Marriage Cases* (2008) 43 Cal.4th 757, 795

1 Estate of Wanamaker (1977) 65 Cal.App.3d 587, 593; State Farm Mutual Auto Insurance Co. v. Haight
2 (1988) 205 Cal.App.3d 223, 236; California Trout, Inc. v. State Water Resources Control Board (1989,
3 3rd District) 207 Cal.App.3d 585, 601; Zipton v. W.C.A.B. (1990, 1st Dist, Div. 3) 218 Cal.App.3d
4 980, 988, 989; Schwetz v. Minnerly (1990, 4th Dist, Div. 1) 220 Cal.App.3d 296, 308; Perez v. So.
5 Pacific Trans. Co. (1990, 2nd Dist, Div. 2) 218 Cal.App.3d 462, 467; Billings v. Health Plan of
6 America (1990, 2nd Dist, Div. 1) 225 Cal.App.3d 250, 257, fn.3; Farnow v. Superior Court (1990, 1st
7 Dist, Div. 2) 226 Cal.App.3d 481, 487, fn.4; Clark v. W.C.A.B. (1991, 2nd Dist, Div. 7) 230
8 Cal.App.3d 684, 695; O'Brien v. Dudenhoeffer (1993, 2nd Dist, Div. 6) 16 Cal.App.4th 327, 354; WDT-
9 Winchester v. Nilsson (1994, 6th District) 27 Cal.App.4th 516, 534; JA Jones Construction Co. v.
10 Superior Court (1994, 4th Dist, Div. 3) 27 Cal.App.4th 1568, 1581; People v. Olecik (1995, 6th
11 District) 51 Cal.App.4th 54, 67, 69; Joyce G. v. Superior Court (1995, 3rd District) 38 Cal.App.4th
12 1501, 1509; Coniglio v. Department of Motor Vehicles (1995, 6th District) 39 Cal.App.4th 666, 675;
13 Walsh v. Superior Court (1996, 2nd Dist, Div. 4) 42 Cal.App.4th 1822, 1831, 1834; Building Industry
14 Assn. v. City of Livermore (1996, 1st Dist, Div. 3) 45 Cal.App.4th 719, 737; Quarterman v. Kefauver
15 (1997, 1st Dist, Div. 1) 55 Cal.App.4th 1366, 1373-1375; Soil v. Superior Court (1997, 2nd Dist, Div.
16 2) 55 Cal.App.4th 872, 878; People v. Prothero (1997, 3rd District) 57 Cal.App.4th 126, 132, fn.5;
17 Federal National Mortgage Assn. v. Bugna (1997, 4th Dist, Div. 1) 57 Cal.App.4th 529, 540; Azusa Land
18 Reclamation Co. v. Main San Gabriel Basin Watermaster (1997, 2nd Dist, Div. 7) 52 Cal.App.4th 1165,
19 1203; In re Parker (1998, 4th Dist, Div. 1) 60 Cal.App.4th 1453, 1465, fn.12; Sears v. Baccaglio
20 (1998, 1st Dist, Div. 2) 60 Cal.App.4th 1136, 1144, 1145; California Correctional Peace Officers
21 Assn. v. Department of Corrections (1999, 3rd District) 72 Cal.App.4th 1331, 1358; People v.
22 Patterson (1999, 3rd District) 72 Cal.App.4th 438, 442-443; In re Polk (1999, 1st District) 71
23 Cal.App.4th 1230, 1235; Hayward Area Planning Assn. v. Alameda County Transportation Authority (1999,
24 1st District) 72 Cal.App.4th 95, 105, fn.5; Ream v. Superior Court (1996, 3rd District) 48
25 Cal.App.4th 1812, 1820; Bollinger v. San Diego Civil Service Commission (1999, 4th District) 71
26 Cal.App.4th 568, 574-575; Merrill v. Navegar, Inc. (1999, 1st Dist, Div. 2) 75 Cal.App.4th 500, 541,
27 fn.19; People v. Hunt (1999, 3rd District) 74 Cal.App.4th 939, 947; People v. Pena (1999, 5th
28 District) 74 Cal.App.4th 1078, 1083; Hahn v. State Board of Equalization (1999, 2nd Dist, Div. 1) 73
Cal.App.4th 985, 993, fn.7; San Rafael Elementary School District v. State Board of Education (1999,
3rd District) 73 Cal.App.4th 1018, 1028-1029; People v. Hurtado (1999, 4th Dist, Div. 1) 73
Cal.App.4th 1243, 1254; Beverly v. Anderson (1999, 3rd District) 76 Cal.App.4th 480, 486; People v.
Lamb (1999, 1st Dist, Div. 2) 76 Cal.App.4th 664, 678-679; People v. Zaragoza (2000, 2nd Dist, Div.
5) 77 Cal.App.4th 1032, 1037; Zink v. Gourley (2000, 2nd Dist, Div. 5) 77 Cal.App.4th 774, 782, fn.8;
Landau v. Superior Court (Medical Board of California) (2000, 1st Dist, Div. 2) 81 Cal.App.4th 191,
203, 204; Zabetian v. Medical Board (2000, 3rd District) 80 Cal.App.4th 462, 468; Pacific Bell v.
Public Utilities Commission (2000, 1st Dist, Div. 5) 79 Cal.App.4th 269, 280; People v. Tokash (2000,
4th Dist, Div. 1) 79 Cal.App.4th 1373, 1378; Trafficschoolonline, Inc. v. Superior Court (Ohlrich)
(2001, 2nd Dist, Div. 5) 89 Cal.App.4th 222, 233; People v. Munoz (2001, 2nd Dist, Div. 5) 87
Cal.App.4th 239, 244; In re John S. (2001, 3rd District) 88 Cal.App.4th 1140, 1145, fn.2; Hicks v.
E.T. Legg & Associates (2001, 4th Dist, Div. 1) 89 Cal.App.4th 496, 505, 507; Adoption of Alexander
M. (2001, 4th Dist, Div. 3) 94 Cal.App.4th 430, 437; People v. Arjon (2004, 2nd Dist, Div. 8) 119
Cal.App.4th 185, 191; Alch v. Superior Court (Time Warner Entertainment) (2004, 2nd Dist, Div. 8) 122
Cal.App.4th 339, 364 fn.11; Rincon Del Diablo Municipal Water District v. San Diego County Water
Authority (2004, 4th Dist, Div. 1) 121 Cal.App.4th 813, 820; James F. O'Toole Co., v. Los Angeles
Kingsbury Court Owners Assn. (2005, 2nd Dist, Div. 1) 126 Cal.App.4th 549, 558-560; ARP Pharmacy
Services, Inc. v. Gallagher Bassett Services, Inc. (2006, 2nd Dist, Div. 4) 138 Cal.App.4th 1307,
1319 [Review Granted]; Kim v. Superior Court (People) (2006, 2nd Dist, Div. 7) 136 Cal.App.4th 937,
942; Ung v. Koehler (2005, 1st Dist, Div. 1) 135 Cal.App.4th 186, 199; California Highway Patrol v.
Superior Court (Allende) (2006, 1st Dist, Div. 3) 135 Cal.App.4th 488, 500; People v. Superior Court
(Ferguson) (2005, 1st Dist, Div. 3) 132 Cal.App.4th 1525, 1535; Matera v. McLeod (2006, 2nd Dist,
Div. 3) 145 Cal.App.4th, 44, 67; An Independent Home Support Service, Inc. v. Superior Court (San
Diego) (2006, 4th Dist, Div. 1) 145 Cal.App.4th 1418, 1433-38; Gravillis Jr. v. Coldwell Banker
Residential Brokerage Company (2006, 2nd Dist, Div. 1) 143 Cal.App.4th 761, 778-779; Wirth v. State
of California (2006, 3rd District) 142 Cal.App.4th 131, 141, fn.6; American Liberty Bail Bonds, Inc.
v. Garamendi (2006, 2nd Dist, Div. 3) 141 Cal.App.4th 1044, 1055-56; Doe v. Saenz (2006, 1st Dist,
Div. 3) 140 Cal.App.4th 960, 984; North Gualala Water Company v. State Water Resources Control Board
(2006, 1st Dist, Div. 1) 139 Cal.App.4th 1577, 1591; Sabbah v. Sabbah (2007, 4th Dist, Div. 3) 151
Cal.App.4th 818 824; Berry v. American Express Publishing Inc. (2007, 4th Dist, Div. 3) 147
Cal.App.4th 224, 230; People v. Coleman (2007, 2nd Dist, Div. 2) 146 Cal.App.4th 1363, 1369; Pugliese
v. Superior Court (Los Angeles County) (2007, 2nd Dist, Div. 2) 146 Cal.App.4th 1444, 1454; Friends
of Lagoon Valley v. City of Vacaville (2007, 1st Dist, Div. 3) 154 Cal.App.4th 807, 826, 828, 831;
Starrh And Starrh Cotton Growers v. Aera Energy LLC (2007, 5th District) 153 Cal.App.4th 583, 608;
Sisemore v. Master Financial, Inc. (2007, 6th District) 151 Cal.App.4th 1386, 1412; Plumbers and
Steamfitters, Local 290 v. Duncan (2007, 1st Dist, Div. 3) 157 Cal.App.4th 1083, 1091; Millard v.
Biosources, Inc. (2007, 4th Dist, Div. 1) 156 Cal.App.4th 1338, 1352; People v. Quitquit (2007, 4th
Dist, Div. 1) 155 Cal.App.4th 1, 9; Burks v. Kaiser Foundation Health Plan, Inc. (2008, 3rd District)
160 Cal.App.4th 1021, 1028; Block v. Orange County Employees' Retirement System (2008, 4th Dist, Div.
3) 161 Cal.App.4th 1297, 1310; Fiscal v. City and County of San Francisco (2008, 1st Dist, Div. 4)
158 Cal.App.4th 895, 914; South San Joaquin Irrigation District v. Superior Court (2008, 3rd
District) 162 Cal.App.4th 146, 156

1 **2. Committee Reports and Analyses:**

2 Finally, reviewers of Assembly Bill No. 2083 criticized the
3 assumption, implicit in the author's comments in support of the
4 legislation, that a declaration-in-open-court requirement generally
5 would allow bail agents A May 1, 1998, Assembly Republican Bill
6 Analysis commented *People v. Allegheny Casualty Company* (2007)
7 41 Cal.4th 704, 711

8 To determine the purpose of legislation, a court may
9 consult contemporary legislative committee analyses of that
10 legislation, which are subject to judicial notice. [Citations.] As
11 this court has recognized,... these materials, "including analyses of
12 both the Senate and Assembly Committees on the Judiciary, show an
13 intent to codify" *In Re J.W.* (2002) 29 Cal.4th 200, 211-212

14 The Court of Appeal granted RVLG's request for judicial notice
15 of documents bearing on the legislative history of section
16 Among the documents the court judicially noticed were the analysis of
17 Senate Bill No. 1397 prepared for the Assembly Committee on Labor,
18 Employment, and Consumer Affairs,... fn.7 [fn.7: We have likewise
19 granted RVLG's request in this court to take judicial notice of these
20 same legislative history materials.] *Smith v. Rae-Venter Law Group*
21 (2002) 29 Cal.4th 345,359 fn.7

22 We are persuaded the Legislature intended §12022.5(d) to be
23 mandatory for several reasons. Legislative history materials for
24 Assembly Bill 476, ... include a bill analysis prepared for the
25 Assembly Committee on Criminal Justice stating:... *People v. Ledesma*
26 (1997) 16 Cal.4th 90, 98, 100

27 The Court of Appeal declined to consider this report, (Assembly
28 Committee on Judiciary) stating that "the views of a committee staff
member are not appropriate legislative history." However it is well
established that reports of legislative committees and commissioners
are part of a statute's legislative history and may be considered
when the meaning of a statute is uncertain. [Citations.] The United
States Supreme Court has long followed a similar practice in using
committee reports as an aid in construing federal legislation.
[Citations.] The rationale for considering committee reports when
interpreting statutes is similar to the rationale for considering
voter materials when construing an initiative measure. In both cases
it is reasonable to infer that those who actually voted on the
proposed measure read and considered the materials presented in
explanation of it, and that the materials therefore provide some
indication of how the measure was understood at the time by those who
voted to enact it. *Hutnick v. U.S. Fidelity and Guaranty Co.* (1988)
47 Cal.3d 456, 465, fn.7

On the other hand, it does appear safe to say that the
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

1 Intent Service, Inc. constituting the legislative history of Senate
Bill 370.)

2 There are two items in the legislative history that, in fact,
3 support the trial court's interpretation against repealing section
4 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*
5 v. *Nguyen* (2008, 4th Dist, Div. 3) 158 Cal.App.4th 1636, 1659

6 Second, the legislative history provides a window into some of
7 the relevant economic reasoning. In 1965, before the passage of the
8 Pooling Act, the Assembly Interim Committee on Agriculture studied
9 the operation of the Stabilization Act and issued a report.... One of
10 the concerns the report expressed was that *Kawamura v. Organic*
11 *Pastures Dairy Company LLC* (2008, 5th District) 160 Cal.App.4th 1374,
12 1387

13 As reflected in a senate committee report, anti-SLAPP motions
14 were themselves being used as a kind of SLAPP to inhibit litigation
15 against well-heeled defendants. Senate Bill 515, which became section
16 425.17, was proposed by the Consumer Attorneys of California (CAOC),
17 who complained that "in recent years, a growing number of large
18 corporations have invoked the anti-SLAPP statute to delay and
19 discourage litigation against them by filing meritless SLAPP motions,
20 using the statute as a litigation weapon." *Simpson Strong-Tie*
21 *Company, Inc v. Gore* (2008, 6th District) 162 Cal.App.4th 737, 757

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

28 We have taken judicial notice of the Senate and Assembly
Committees on Judiciary's analyses of Senate Bill No. 218. (See *In re*
J.W. 2002) 29 Cal. 4th 200, 211,... ["To determine the purpose of
legislation, a court may consult contemporary legislative committee
analyses of that legislation, which are subject to judicial
notice"].) *Wayne F. v. Superior Court of San Diego County* (2006, 4th
District) 145 Cal. App. 4th 1331, 1339 fn.3

... legislative history of section 8026. As to these materials,
"[s]tatements in legislative committee reports concerning the
statutory purposes which are in accordance with a reasonable
interpretation of the statute will be followed by the courts. It will
be presumed that the Legislature adopted the proposed legislation
with the intent and meaning expressed in committee reports.'
[Citation]" [Citations.] *Faulder v. Mendocino County Board of*
Supervisors (2006, 1st Dist, Div. 4) 144 Cal.App.4th 1362, 1376

A staff analysis is a useful indicator of legislative intent.
[Citation.] *Coburn v. Sievert* (2005, 5th District) 133 Cal.App.4th
1483, 1500

When looking to legislative history, we may consider
legislative committee reports and analyses, including statements

1 pertaining to the bill's purpose (Citation) and the Legislative
2 Counsel's Digest. [Citations.] *Sully-Miller Contracting Co. v.*
3 *California Occupational Safety & Health Appeals Bd.* (2006, 3rd
4 District) 138 Cal.App.4th 684, 698-9 fn.6

5 Contemporaneous legislative committee analyses are subject to
6 judicial notice. [Citation.] We may also regard them as reliable
7 indicia of the legislative intent underlying the enacted statute.
8 [Citation.] We find particularly instructive a Senate Floor analysis
9 *In re Microsoft I-V Cases* (2006, 1st Dist, Div. 1) 135
10 Cal.App.4th 706, 719-720

11 Further support for this interpretation is found in the 1989
12 Legislative Summary by the Assembly Committee on Education pertaining
13 to Assembly Bill No. 181 (1989-1990 Reg. Sess.).... We give this
14 summary, prepared shortly after the bill was signed by the Governor,
15 due deference, yet recognize that it is only a post hoc expression of
16 the opinion of the Assembly Committee on Education as to what the
17 Legislature meant when it adopted former Government Code section
18 Nonetheless, we find the summary to be persuasive, inasmuch as it is
19 consistent with the Department of Finance ... Enrolled Bill Report.
20 *Warmington Old Town Associates v. Tustin Unified School District*
21 (2002, 4th Dist, Div. 3) 101 Cal.App.4th 840, 853

22 In construing a statute, legislative committee reports, bill
23 reports and other legislative records are appropriate sources from
24 which legislative intent may be ascertained. [Citation.] *In re John*
25 *S.* (2001, 3rd District) 88 Cal.App.4th 1140, 1145, fn.2

26 Statements of legislative committees pertaining to the purpose
27 of legislation are presumed to express the legislative intent of
28 statutes as enacted. [Citation.] *Conley v. Roman Catholic Archbishop*
29 (2000, 1st Dist, Div. 4) 85 Cal.App.4th 1126, 1134, fn.3

30 Statements in legislative committee reports concerning the
31 statutory objects and purposes which are in accord with a reasonable
32 interpretation of the statutes are legitimate aids in determining
33 legislative intent. *National R.V., Inc. v. Foreman* (1995, 4th Dist,
34 Div. 1) 34 Cal.App.4th 1072, 1083

35 ... a legislative staff analysis of a measure may be relevant
36 to ascertaining legislative intent when the analysis is consistent
37 with a reasonable interpretation of the enactment. *Pacific Bell v.*
38 *California State Consumer Services Agency* (1990, 1st Dist, Div. 3)
39 225 Cal.App.3d 107, 116

40 *So. Pacific Co. v. Industrial Accident Commission* (1942) 19 Cal.2d 271, 275; *People v. Tanner* (1979)
41 24 Cal.3d 514; *So. California Gas Co. v. Public Utilities Commission* (1979) 24 Cal.3d 653, 659;
42 *Milligan v. City of Laguna Beach* (1983) 34 Cal.3d 829, 831-32; *Dyna Med, Inc. v. F.E.H.C.* (1987) 43
43 Cal.3d 1379, 1387; *Altaville Drug Store v. EDD* (1988) 44 Cal.3d 231, 238; *City of Santa Cruz v.*
44 *Municipal Court* (1989) 49 Cal.3d 74, 89; *Mutual Life Insurance Co. v. City of Los Angeles* (1990) 50
45 Cal.3d 402, 424; *Napa Valley Wine Train v. Public Utilities Commission* (1990) 50 Cal.3d 370, 382
46 fn.19; *People v. Tilbury* (1991) 54 Cal.3d 56, 62; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d
47 1325, 1335; *Nickelsberg v. W.C.A.B.* (1991) 54 Cal.3d 288, 295; *Central Pathology Service Medical*
48 *Clinic v. Superior Court* (1992) 3 Cal.4th 181, 189; *People v. Thomas* (1992) 4 Cal.4th 206, 213;
49 *People v. Hansel* (1992) 1 Cal.4th 1211, 1217; *City of San Jose v. Superior Court* (1993) 5 Cal.4th 47,
50 56; *DuBois v. W.C.A.B.* (1993) 5 Cal.4th 382, 393-394; *People v. Cruz* (1996, 1st Dist) 13 Cal.4th 764,
51 773, 774, fn.5; *California Teachers Assn. v. Governing Board of Rialto Unified School District* (1997)
52 14 Cal.4th 627, 646-648; *People v. Loeun* (1997) 17 Cal.4th 1, 13; *Garcia v. McCutchen* (1997) 16

1 Cal.4th 469, 481; *Torres v. Automobile Club of So. California* (1997) 15 Cal.4th 771, 779; *People v.*
2 *Snook* (1997) 16 Cal.4th 1210, 1218; *Murillo v. Fleetwood Enterprises, Inc.* (1998) 17 Cal.4th 985,
3 1003 (dissent); *People v. Benson* (1998) 18 Cal.4th 24, 33; *Estate of Joseph* (1998) 17 Cal.4th 203,
4 209, 210, 217; *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 783, fn.7; *County of*
5 *Santa Clara v. Perry* (1998) 18 Cal.4th 435, 444; *Planning & Conservation League v. Department of*
6 *Water Resources* (1998) 17 Cal.4th 264, 271, 272; *Quelimane Company, Inc. v. Stewart Title Guaranty*
7 *Co.* (1998) 19 Cal.4th 26, 45; *Bank of America v. Lallana* (1998) 19 Cal.4th 203, 212; *Delaney v. Baker*
8 (1999) 20 Cal.4th 23, 30, 36; *Briggs v. Eden Council for Hope and Opportunity* (1997) 19 Cal.4th 1106,
9 1120; *Jordache Enterprises, Inc. v. Brobeck, Phleger & Harrison* (1998) 18 Cal.4th 739, 748, 749;
10 *Calvillo-Silva v. Home Grocery* (1998) 19 Cal.4th 714, 722-723, 726; *People v. Nguyen* (1999) 21
11 Cal.4th 197, 206; *Daily Journal Corp. v. Superior Court* (1999) 20 Cal.4th 1117, 1128, fn.7; *White v.*
12 *Ultramar, Inc.* (1999) 21 Cal.4th 563, 572, fn.3; *People v. Frazer* (1999) 21 Cal.4th 737, 753; *Wilcox*
13 *v. Birtwhistle* (1999) 21 Cal.4th 973, 981; *Samuels v. Mix* (1999) 22 Cal.4th 1, 12; *People v.*
14 *Rubalcava* (2000) 23 Cal.4th 322, 330; *In re Marriage of Pendleton & Fireman* (2000) 24 Cal.4th 39, 45;
15 *People v. Robles* (2000) 23 Cal.4th 1106, 1113, 1114, 1119; *People v. Castenada* (2000) 23 Cal.4th 743,
16 749; *People v. Mendoza* (2000) 23 Cal.4th 896, 941, fn.11; *Kraus v. Trinity Management Services, Inc.*
17 (2000) 23 Cal.4th 116, 157; *People v. Epps* (2001) 25 Cal.4th 19, 25; *Albertson v. Superior Court*
18 *(People)* (2001) 25 Cal.4th 796, 806-807; *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826,
19 850, fn.10; *Harrott v. County of Kings* (2001) 25 Cal.4th 1138, 1151; *People v. Ansell* (2001) 25
20 Cal.4th 868, 881-882; *Curle v. Superior Court (Gleason)* (2001) 24 Cal.4th 1057, 1067; *Preston v.*
21 *State Board of Equalization* (2001) 25 Cal.4th 197, 216-218; *In re Resendiz* (2001) 25 Cal.4th 230,
22 261; *People v. Acosta* (2002) 29 Cal.4th 105, 126-127; *Myers v. Philip Morris Companies, Inc.* (2002)
23 28 Cal.4th 828, 844; *Smith v. Rae-Venter Law Group* (2002) 29 Cal.4th 345, 359 and 369, fn.9; *People*
24 *v. Stanistreet* (2002) 29 Cal.4th 497, 502-504; *People v. Walker* (2002) 29 Cal.4th 577, 583-587;
25 *People v. Seneca Ins. Co.* (2003) 29 Cal.4th 954, 963, Dissent, page 967-968; *Colmenares v. Braemar*
26 *Country Club, Inc.* (2003) 29 Cal.4th 1019, 1027-1028; *Robert L. v. Superior Court (People)* (2003) 30
27 Cal.4th 894, 904; *Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 377; *Sharon S. v. Superior Court*
28 *(Annette F.)* (2003) 31 Cal.4th 417, 459 (Brown, J. concurrence and dissent); *Teter v. City of Newport*
Beach (2003) 30 Cal.4th 446, 455; *Olszewski v. Scripps Health* (2003) 30 Cal.4th 798, 805; *Palmer v.*
GTE California, Inc. (2003) 30 Cal.4th 1265, 1272; *People v. Flores* (2003) 30 Cal.4th 1059, 1066;
Southern California Edison Co. v. Peevey (2003) 31 Cal.4th 781, 803-804, 811 and 817 (dissent);
Hassan v. Mercy American River Hospital (2003) 31 Cal.4th 709, 721-722; *People v. Lopez* (2003) 31
Cal.4th 1051, 1057; *People v. Meloney* (2003) 30 Cal.4th 1145, 1159; *Fernandez v. Lawson* (2003) 31
Cal.4th 31, 43 (concurrence); *In re Marriage of Goddard* (2004) 33 Cal.4th 49, 55; *In re Jesusa V.*
(2004) 32 Cal.4th 588, 623; *Olmstead v. Arthur J. Gallagher & Co.* (2004) 32 Cal.4th 804, 814, 816-
817; *In re Jennings* (2004) 34 Cal.4th 254, 264 and 270; *Eisner v. Uveges* (2004) 34 Cal.4th 915, 929-
930; *City of Long Beach v. Department of Industrial Relations* (2004) 34 Cal.4th 942, 952; *People v.*
Lopez (2005) 34 Cal.4th 1002, 1010; *In re Marriage of Goddard* (2004) 33 Cal.4th 49, 55; *In re Alva*
(2004) 33 Cal.4th 254, 292, fn.21; *People v. Majors* (2004) 33 Cal.4th 321, 335; *Kulshrestha v. First*
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(2004) 33 Cal.4th 642, 650; *People v. Wilkinson* (2004) 33 Cal.4th 821, 845; *In re Jesusa V.* (2004) 32
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28 *Appellate Division, Superior Court, Los Angeles*) (2003) 122 Cal.App.4th Supp.8, Supp.12; *People v.*
Calhoun (2004, 1st Dist, Div. 1) 118 Cal.App.4th 519, 524; *Ochs v. PacifiCare of California* (2004,
2nd Dist, Div. 6) 115 Cal.App.4th 782, 790-791; *Ritchie v. Konrad* (2004, 2nd Dist, Div. 7) 115
Cal.App.4th 1275, 1287, fn.15; *People v. Connor* (2004, 6th District) 115 Cal.App.4th 669, 681, fn.3;
Hindin v. Rust (2004, 2nd Dist, Div. 7) 118 Cal.App.4th 1247, 1256, fn.5 and fn.6; *People v. Ozkan*
(2004, 1st Dist, Div. 5) 124 Cal.App.4th 1072, 1080-1081; *People v. Miranda* (2004, 2nd Dist, Div. 2)
123 Cal.App.4th 1124, 1131; *Estate of Thomas* (2004, 2nd Dist, Div. 2) 124 Cal.App.4th 711, 724; *Tesco*
Controls, Inc. v. Monterey Mechanical Co. (2004, 3rd District) 122 Cal.App.4th 1467, 1478-1479;
Kramer v. Intuit Inc. (2004, 2nd Dist, Div. 2) 121 Cal.App.4th 574, 579; *Whaley v. Sony Computer*
Entertainment America, Inc. (2004, 4th Dist, Div. 1) 121 Cal.App.4th 479, 488; *Salawy v. Ocean Towers*
Housing Corp. (2004, 2nd Dist, Div. 5) 121 Cal.App.4th 664, 677 (dissent); *Rincon Del Diablo*
Municipal Water Dist v. San Diego County Water Authority (2004, 4th Dist, Div. 1) 121 Cal.App.4th
813, 820; *People v. Morris* (2005, 4th Dist, Div. 1) 126 Cal.App.4th 527, 546; *James F. O'Toole Co.,*
v. Los Angeles Kingsbury Court Owners Assn. (2005, 2nd Dist, Div. 1) 126 Cal.App.4th 549, 558-560;
City of Santa Monica v. Stewart (2005, 2nd Dist, Div. 8) 126 Cal.App.4th 43, 80-81; *Reis v. Biggs*
Unified School Dist (2005, 3rd District) 126 Cal.App.4th 809, 825; *Diede Construction, Inc. v.*
Monterey Mechanical Co. (2004, 1st Dist, Div. 3) 125 Cal.App.4th 380, 388; *In re Elijah S.* (2005, 1st
Dist, Div. 3) 125 Cal.App.4th 1532, 1556; *Roy v. Superior Court (Lucky Star Industries, Inc.)* (2005,
4th Dist, Div. 2) 127 Cal.App.4th 337, 342; *Cacho v. Boudreau* (2005, 4th Dist, Div. 1) 127
Cal.App.4th 707, 729; *People v. Hagedorn* (2005, 5th District) 127 Cal.App.4th 734, 743; *People v.*
Carmony (2005, 3rd District) 127 Cal.App.4th 1066, 1078; *In re Carlos E.* (2005, 5th District) 127
Cal.App.4th 1529, 1541; *In re Kerry K.* (2006, 3d District) 139 Cal.App.4th 1, 6; *Huff v. Wilkins*
(2006, 4th Dist, Div. 1) 138 Cal.App.4th 732, 742; *Branciforte Heights, LLC v. City of Santa Cruz*
(2006, 6th District) 138 Cal.App.4th 914, 926; *People v. Sanchez* (2006, 2nd Dist, Div. 8) 138
Cal.App.4th 1085, 1094 [review granted]; *In re Marriage of Cauley* (2006, 6th District) 138
Cal.App.4th 1100, 1108; *People v. Lai* (2006, 2nd Dist, Div. 4) 138 Cal.App.4th 1227, 1243; *ARP*
Pharmacy Services, Inc. v. Gallagher Bassett Services, Inc. (2006, 2nd Dist, Div. 4) 138 Cal.App.4th
1307, 1319 [Review Granted]; *In re Marriage of Walker* (2006, 1st Dist, Div. 5) 138 Cal.App.4th 1408,
1426; *People v. Gokcek* (2006, Appellate Division, Superior Court, Santa Clara) 138 Cal.App.4th Supp.
8; *Doran v. North State Grocery, Inc.* (2006, 3rd District) 137 Cal.App.4th 484, 491-2; *Kuperman v.*
San Diego Assessment Appeals Bd. No. 1 (Smith) (2006, 4th Dist, Div. 1) 137 Cal.App.4th 918, 934;
Cedars-Sinai Medical Center v. Shewry (2006, 2nd Dist, Div. 2) 137 Cal.App.4th 964, 976, fn.4; *Club*
Members for an Honest Election v. Sierra Club (2006, 1st Dist, Div. 1) 137 Cal.App.4th 1166, 1174
[Review Granted]; *Aaronoff v. Martinez-Senftner* (2006, 3rd District) 136 Cal.App.4th 910, 922; *Kim v.*
Superior Court (People) (2006, 2nd Dist, Div. 7) 136 Cal.App.4th 937, 942; *Fritz v. Ehrmann* (2006)
136 Cal.App.4th 1374, 1390; *Stamps v. Superior Court (Kenny-Shea-Traylor-Frontier-Kemper, JV)* (2006,
2nd Dist, Div. 8) 136 Cal.App.4th 1441, 1446; *Ung v. Koehler* (2005, 1st Dist, Div. 1) 135 Cal.App.4th
186, 199 (Committee Comment); *California Highway Patrol v. Superior Court (Allende)* (2006, 1st Dist,
Div. 3) 135 Cal.App.4th 488, 500; *In re Marriage of Burkle* (2006, 2nd Dist, Div. 8) 135 Cal.App.4th
1045, 1064; *National Steel and Shipbuilding Co. v. Superior Court (Godinez)* (2006, 4th Dist, Div. 1)
135 Cal.App.4th 1072, 1083 [Review Granted.]; *Bell v. Farmers Ins. Exchange* (2006, 1st Dist, Div.1)
135 Cal.App.4th 1138, 1150; *Lackner v. North* (2006, 3rd District) 135 Cal.App.4th 1188, 1208; *In re*
Baby Girl M. (2006, 4th Dist, Div.1) 135 Cal.App.4th 1528, 1537; *Mills v. Superior Court (Bed, Bath &*
Beyond Inc.) (2006, 2nd Dist, Div. 5) 135 Cal.App.4th 1547, 1552 [Review Granted.]; *Caliber*

1 *Bodyworks, Inc. v. Superior Court (Herrera)* (2005, 2nd Dist, Div. 7) 134 Cal.App.4th 365, 374; *Murphy*
2 *v. Kenneth Cole Productions, Inc.* (2005, 1st Dist, Div. 1) 134 Cal.App.4th 728, 748, 752 [Review
3 *Granted*]; *MacIsaac v. Waste Management Collection & Recycling, Inc.* (2005, 1st Dist, Div.2) 134
4 Cal.App.4th 1076, 1090; *Major v. Silna* (2005, 2nd Dist, Div.4) 134 Cal.App.4th 1485, 1496 fn.8;
5 *People v. Germany* (2005, 2nd Dist, Div. 5) 133 Cal.App.4th 784, 791; *People v. Palmer* (2005, 2nd
6 Dist, Div. 3) 133 Cal.App.4th 1141, 1150; *Coburn v. Sievert* (2005, 5th District) 133 Cal.App.4th
7 1483, 1500; *Brill Media Co., LLC v. TCW Group, Inc.* (2005, 2nd Dist, Div. 5) 132 Cal.App.4th 324,
8 331; *In re Maurice E.* (2005, 1st Dist, Div. 3) 132 Cal.App.4th 474, 481; *CPF Agency Corp. v. R&S*
9 *Towing* (2005, 4th Dist, Div. 1) 132 Cal.App.4th 1014, 1028; *CPF Agency Corp. v. Sevel's 24 Hour*
10 *Towing Service* (2005, 4th Dist, Div. 1) 132 Cal.App.4th 1034, 1050; *Doheny Park Terrace Homeowners*
11 *Assn., Inc. v. Truck Ins. Exchange* (2005, 2nd Dist, Div. 3) 132 Cal.App.4th 1076, 1091, fn.12; *People*
12 *v. Superior Court (Ferguson)* (2005, 1st Dist, Div. 3) 132 Cal.App.4th 1525, 1532; *City of La Mesa v.*
13 *California Joint Powers Ins. Authority* (2005, 1st Dist, Div. 5) 131 Cal.App.4th 66, 76; *In re*
14 *Bartholomew D.* (2005, 1st Dist, Div. 5) 131 Cal.App.4th 317, 326; *People v. Leon* (2005, 2nd Dist,
15 Div. 8) 131 Cal.App.4th 966, 978, fn.6 [Review Granted.]; *Watson Land Co. v. Shell Oil Co.* (2005, 2nd
16 Dist, Div. 2) 130 Cal.App.4th 69, 79; *In re Marriage of McClellan* (2005, 4th Dist, Div. 1) 130
17 Cal.App.4th 247, 256, fn.6 and fn.7; *In re Jacob J.* (2005, 3rd District) 130 Cal.App.4th 429, 437;
18 *Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co.* (2005, 2nd Dist, Div. 1) 130 Cal.App.4th
19 890, 901; *Regents of University of California v. East Bay Municipal Utility Dist.* (2005, 1st Dist,
20 Div. 5) 130 Cal.App.4th 1361, 1381; *Bullard v. California State Automobile Assn.* (2005, 3rd District)
21 129 Cal.App.4th 211, 218; *People v. Superior Court (Vidal)* (2005, 5th District) 129 Cal.App.4th 434,
22 466, fn.30 [Review Granted.]; *People v. Tapia* (2005, 2nd Dist, Div. 3) 129 Cal.App.4th 1153, 1164;
23 *Shirk v. Vista Unified School Dist.* (2005, 4th Dist, Div. 1) 128 Cal.App.4th 156, 169 [Review
24 *Granted.*]; *Mendoza v. Town of Ross* (2005, 1st Dist, Div. 2) 128 Cal.App.4th 625, 637; *Deborah M. v.*
25 *Superior Court (Daryl W.)* (2005, 4th Dist, Div. 1) 128 Cal.App.4th 1181, 1190-1; *In re H.G.* (2006,
26 4th Dist, Div. 1) 146 Cal.App.4th 1, 14 fn.9; *Lozada v. City and County of San Francisco* (2006, 1st
27 Dist, Div. 2) 145 Cal.App.4th 1139, 1154-1155; *Wakefield v. Bohlin* (2006 6th District) 145 Cal.App.4th
28 963, 995; *People v. Johnson* (2006, 1st Dist, Div. 5) 145 Cal.App.4th 895, 901, fn.10; *Sanchez v. City*
of Modesto (2006, 5th District) 145 Cal. App.4th 660, 669; *Doe v. Luster* (2006, 2nd Dist, Div. 7) 145
Cal.App.4th 139, 145; *People v. Ranger Insurance Company* (2006, 2nd Dist, Div. 2) 145 Cal.App.4th 23,
29; *An Independent Home Support Service, Inc. v. Superior Court (San Diego)* (2006, 4th Dist, Div. 1)
145 Cal.App.4th 1418, 1433; *People v. Rasmuson* (2006, 2nd Dist, Div. 2) 145 Cal.App.4th 1487, 1501;
Gunther v. Lin (2006, 4th Dist, Div. 3) 144 Cal.App.4th 223, 243; *Park City Services, Inc., v. Ford*
Motor Company (2006, 4th Dist, Div. 2) 144 Cal.App.4th 295, 307; *Gravillis Jr. v. Coldwell Banker*
Residential Brokerage Company (2006, 2nd Dist, Div. 1) 143 Cal.App.4th 761, 778-779; *Robson v. Upper*
San Gabriel Valley Municipal Water Dist (2006, 2nd Dist, Div. 3) 142 Cal.App.4th 877, 886; *Ailanto*
Properties, Inc. v. City of Half Moon Bay (2006, 1st Dist, Div. 5) 142 Cal.App.4th 572, 586;
Petropoulos v. Department of Real Estate (2006, 1st Dist, Div. 1) 142 Cal.App.4th 554, 562-563;
Armenta ex rel City of Burbank v. Mueller Co. (2006, 2nd Dist, Div. 1) 142 Cal.App.4th 636, 648;
Frazier Nuts, Inc. v. American Ag Credit (2006, 5th District) 141 Cal.App.4th 1263, 1272; *Estate of*
Stevenson (2006, 2nd Dist, Div. 1) 141 Cal.App.4th 1074, 1084; *In re Jeffrey M.* (2006, 5th District)
141 Cal.App.4th 1017, 1026; *American Liberty Bail Bonds, Inc. v. Garamendi* (2006, 2nd Dist, Div. 3)
141 Cal.App.4th 1044, 1055-56; *In re Geneva C.* (2006 2nd Dist, Div. 4) 141 Cal.App.4th 754, 759; *Santa*
Clara Valley Transportation Authority v. Rea (2006, 6th District) 140 Cal.App.4th 1303, 1317; *Pacific*
Bell Wireless LLC v. Public Utilities Commission of the State of California (2006, 4th Dist, Div. 3)
140 Cal.App.4th 718, 737; *People v. Mason* (2006, 2nd Dist, Div. 5) 140 Cal.App.4th 1190, 1198; *Casden*
v. Superior Court (Los Angeles County) (2006, 2nd Dist, Div. 7) 140 Cal.App.4th 417, 424; *O'Grady v.*
Superior Court (Santa Clara County) (2006, 6th District) 139 Cal.App.4th 1423, 1463; *Hesperia Citizens*
for Responsible Development v. City of Hesperia (2007, 4th Dist, Div. 1) 151 Cal.App.4th 653, 659; *Los*
Angeles Unified School Dist v. Superior Court (Los Angeles County) (2007, 2nd Dist, Div. 3) 151
Cal.App.4th 759, 773; *Sabbah v. Sabbah* (2007, 4th Dist, Div. 3) 151 Cal.App.4th 818 824; *Rotolo v. San*
Jose Sports and Entertainment, LLC. (2007, 6th District) 151 Cal.App.4th 307, 319; *In re Vincent M.*
(2007, 6th District) 150 Cal.App.4th 1247, 1264; *In re Joseph M.* (2007, 2nd Dist, Div. 5) 150
Cal.App.4th 889, 896; *In re Marilyn A.* (2007, 2nd Dist, Div. 7) 148 Cal.App.4th 285, 312; *Fremont*
Indemnity Company v. Fremont General Corporation (2007, 2nd Dist, Div. 3) 148 Cal.App.4th 97, 128-
129; *California School Employees Association v. Tustin Unified School Dist* (2007, 4th Dist, Div. 3)
148 Cal.App.4th 510, 518; *Guillen v. Schwarzenegger* (2007, 1st Dist, Div. 3) 147 Cal.App.4th 929, 941;
In re Walker (2007, 2nd Dist, Div. 7) 147 Cal.App.4th 533, 547; *Breslin v. City and County of San*
Francisco (2007, 1st Dist, Div. 4) 146 Cal.App.4th 1064, 1084; *Samples v. Brown* (2007, 1st Dist, Div.
2) 146 Cal.App.4th 787, 807; *State v. Hewlett-Packard Company* (2007, 1st Dist, Div. 5) 153
Cal.App.4th 307, 316; *People v. Quitiquit* (2007, 4th Dist, Div. 1) 155 Cal.App.4th 1, 9; *Chabak v.*
Monroy (2007, 5th District) 154 Cal.App.4th 1502, 1517; *Miller v. Collectors Universe, Inc.* (2007,
4th Dist, Div. 3) 65 Cal.Rptr.3rd 351, 361, 362; *Friends of Lagoon Valley v. City of Vacaville* (2007,
1st Dist, Div. 3) 154 Cal.App.4th 807, 827, 831; *Kelsoe v. California State Water Resources Control*
Board (2007, 1st Dist, Div. 1) 153 Cal.App.4th 569, 580; *Starrh And Starrh Coton Growers v. Aera*
Energy LLC (2007, 5th District) 153 Cal.App.4th 583, 603, 607-608; *In re Valerie A.* (2007, 4th Dist,
Div. 1) 152 Cal.App.4th 987, 998; *Foothill-De Anza Community College Dist v. Emerich* (2007, 6th Dist)
158 Cal.App.4th 11, 27; *Friends of Bay Meadows v. City of San Mateo* (2007, 1st Dist, Div. 2) 157
Cal.App.4th 1175, 1190; *Plumbers and Steamfitters, Local 290 v. Duncan* (2007, 1st Dist, Div. 3) 157
Cal.App.4th 1083, 1089; *Richardson-Tunnell v. School Insurance Program For Employees* (2007, 2nd Dist,
Div. 6) 157 Cal.App.4th 1056, 1064; *People v. Superior Court* (2007, 2nd Dist, Div. 5) 157 Cal.App.4th

1 694, 705; *County of Los Angeles v. James* (2007, 2nd Dist, Div. 8) 152 Cal.App.4th 253, 257; *San Diego*
2 *County Employees Retirement Association v. County of San Diego* (2007, 4th Dist, Div. 1) 151
3 Cal.App.4th 1163, 1176; *Abernathy v. Superior Court* (2007, 1st Dist, Div. 3) 157 Cal.App.4th 642,
4 649; *Joshua D. v Superior Court* (2007, 4th Dist, Div. 3) 157 Cal.App.4th 549, 560; *In re Jesse W.*
5 (2007, 4th Dist, Div. 1) 157 Cal.App.4th 49, 64; *Millard v. Biosources, Inc.* (2007, 4th Dist, Div. 1)
6 156 Cal.App.4th 1338, 1352; *Sisemore v. Master Financial, Inc.* (2007, 6th District) 151 Cal.App.4th
7 1386, 1412; *Dina v. People ex rel. Department of Transportation* (2007, 2nd Dist, Div. 2) 151
8 Cal.App.4th 1029, 1042; *People v. Price* (2007, 2nd Dist, Div. 3) 155 Cal.App.4th 987, 995; *People v.*
9 *McNeal* (2007, 4th Dist, Div. 2) 66 Cal.Rptr.3d 212, 222-223; *Contra Costa County Bureau of Children*
10 *and Family Services v. Sandra S.* (2007, 1st Dist, Div. 5) 154 Cal.App.4th 986, 993; *Russell v. Foglio*
11 (2008, 2nd Dist, Div. 8) 160 Cal.App.4th 653, 664; *In re J.T.* (2007, 1st Dist, Div. 5) 154 Cal.App.4th
12 986, 993; *Katosh v. Sonoma County Employees' Retirement Association* (2008, 1st Dist, Div. 2) 163
13 Cal.App.4th 56, 67; *Serrano v. Stefan Merli Plastering Company, Inc* (2008, 2nd Dist, Div. 3) 162
14 Cal.App.4th 1014, 1036; *Little Company of Mary Hospital v. Superior Court of Los Angeles* (2008, 2nd
15 Dist, Div. 7) 162 Cal.App.4th 261,267; *South San Joaquin Irrigation Dist v. Superior Court* (2008, 3rd
16 District) 162 Cal.App.4th 146, 155, 156; *California Water Impact Network v. Newhall County Water Dist*
17 (2008, 2nd Dist, Div. 7) 161 Cal.App.4th 1464, 1478 fn.11, 1479 fn.12; *Committee For Green Foothills*
18 *v. Santa Clara County Board of Supervisors* (2008, 6th District) 161 Cal.App.4th 1204, 1235; *Block v.*
19 *Orange County Employees' Retirement System* (2008, 4th Dist, Div. 3) 161 Cal.App.4th 1297, 1311, 1312;
20 *State Water Resources Control Board Cases* (2008, 3rd District) 161 Cal.App.4th 304, 314; *Jakks*
21 *Pacific, Inc. v. Superior Court* (2008, 2nd Dist, Div. 1) 160 Cal.App.4th 596, 604; *Taheri Law Group*
22 *v. Evans* (2008, 2nd Dist, Div. 8) 160 Cal.App.4th 482, 491; *Canister v. Emergency Ambulance Service*
23 (2008, 2nd Dist, Div. 8) 160 Cal.App.4th 388, 401, fn.6; *Nygaard, Inc v. Uusi-Kerttula* (2008, 2nd
24 Dist, Div. 4) 159 Cal.App.4th 1027, 1039-1040; *County of Los Angeles v. Raytheon Company* (2008, 2nd
25 Dist, Div. 7) 159 Cal.App.4th 27, 35, fn.7; *Fiscal v. City and County of San Francisco* (2008, 1st
26 Dist, Div. 4) 158 Cal.App.4th 895, 914; *People v. Kelly* (2008, 2nd Dist, Div. 3) 77 Cal.Rptr.3d
27 390,400; *Schmidlin v. City of Palo Alto* (2008, 6th District) 157 Cal.App.4th 728,756

12 3. Committee Files:

13 California courts examine documents generated during legislative
14 consideration of a bill found in committee files. These documents, usually
15 memoranda, letters, statements of background information, are cited in numerous
16 ways. Often the document is only described by date, author and person or entity
17 to whom it is directed. Sometimes the document will be noted as coming from a
18 particular committee file. Regardless of how the Court cites the document, these
19 types of materials are only found in committee files.

20 The legislative history pertaining to the addition of
21 subdivision (b)(4) to Civil Code section 47 ... reflects the
22 Legislature's agreement with the dissenting justices in *Hackethal*
23 that the Civil Code 47 privilege ... see Sen. Com. On Judiciary,
24 Background Information on Assemb. Bill No. 478. *Kibler v. Northern*
25 *Inyo County Local Hospital District* (2006) 39 Cal.4th 192, 202

26 Similarly, an opposition letter submitted on behalf of Cole
27 National Corporation argued that the revised statute ... (Donald
28 Brown, Advocation, Inc., letter to Assemblymember Daniel Boatwright
re: Assemb. Bill No. 1125...) *People v. Cole* (2006) 38 Cal.4th 964, 983

On April 5, 1983 the Executive Committee of the Estate
Planning, Trust and Probate Law Section of the State Bar of
California wrote to the Assembly Committee on Judiciary. As relevant
here, the executive committee opposed This concern was quoted in

1 an Assembly Committee on the Judiciary analysis of Assembly Bill No.
25 *Estate of Saueressig* (2006) 38 Cal.4th 1045, 1054

2 On April 11, 1983, the California Law Revision Commission wrote
3 to the Assembly Committee on Judiciary, apparently in response to the
4 executive committee' concerns ... The "justification of the change
5 recommended by the Commission is given in more detail" in an attached
6 December 17, 1982 letter from professor Jesse Dukeminier.... In that
7 letter, Professor Dukeminier responded to the executive committee's
8 concern ... fn. 10 (Typically we do not ascribe legislative intent to
9 letters written to the Legislature. The letters here, however, came
10 from the Commission, which had been asked to propose changes to the
11 Probate Code and which drafted the provisions on which Assembly Bill
12 No. 25 was based, and a letter that the Commission expressly stated
13 set forth its own reasons for recommending deletion of the
14 simultaneous presence requirement.) *Estate of Saueressig* (2006) 38
15 Cal.4th 1045, 1054-55

16 Defendant contests this interpretation of the foregoing
17 legislative history. Relying upon three documents, he asserts that
18 ... We disagree. The first document, apparently dated April 2, 1992,
19 is from the Sacramento Legislative Office of the Los Angeles District
20 Attorney and is titled "Explanation of Proposed Amendments to SB 1342
21 (Royce)." According to defendant, this document was located in the
22 Senate Committee on Judiciary's bill file for Senate Bill No. 1342
23 ... The second document, dated April 7, 1992, stamped "working copy,"
24 and prepared for a hearing on April 7, 1992, appears to be a product
25 of the Senate Committee on Judiciary, analyzing Senate Bill No. 1342
26 ... as introduced and stating that the bill "reflects author's
27 amendments to be offered in committee." The third document, dated
28 April 21, 1992, and also stamped "working copy," is, according to
defendant, the "Third Reading floor analysis of SB 1342 from the
Legislative Bill file of the Assembly Committee on Public Safety...."
People v. Corpuz (2006) 38 Cal.4th 994, 998

18 The parties also have filed a number of requests that we take
19 judicial notice of public documents that include ... the legislative
20 history of Assembly Bill No. 1630 prior to its consideration and veto
21 by the Governor and excerpts from legislative material prepared by the
22 Assembly Revenue and Taxation Committee when legislation was under
23 consideration to conform state tax law with federal tax law as
24 revised in 1978. We take judicial notice of these documents pursuant
25 to Evidence Code section 459, subdivision (a) and 452, subdivision
26 (c), permitting judicial notice to be taken of "[o]fficial acts of
27 the legislative, executive or judicial departments ... of any state
28 of the United States." "Official acts include records, reports and
order of administrative agencies." [Citation.] *Ordlock v. Franchise
Tax Board* (2006) 38 Cal.4th 897, 912, fn.8

25 ... Assemblyman Robert Campbell responded to the uncertainty by
26 introducing Assembly Bill No. 555 (1983-1984 Reg. Sess.), which
27 proposed new Government Code section 831.7. The bill's source, the
28 East Bay Regional Park District, had expressed concern that ... Other
supporters decried allegedly baseless personal injury and property
damage suits by recreational public property users. (Assem. Com. on
Judiciary, Analysis of Assem. Bill No. 555 (1983-1984 Reg. Sess.) as

1 introduced Feb. 10, 1983, p. 2; Richard C. Trudeau, General Manager,
2 East Bay Regional Park District, letter to Senate Com. on Judiciary,
3 May 26, 1983;... *Avila v. Citrus Community College Dist.* (2006) 38
4 Cal.4th 148, 157

5 The MFAA's legislative history also supports the conclusion
6 that section 473, subdivision (b) relief is unavailable here. In
7 describing what would become the MFAA, the statute's crafters stated
8 that ... (Special Com. on Resolution of Attorney Fee Disputes, letter
9 to Bd. of Governors, State Bar of Cal., supra, p. 7.) *Maynard v.*
10 *Brandon* (2005) 36 Cal.4th 364, 377

11 Indeed, to say precisely this may well have been the author's
12 intention. The concern had been expressed that the proposed
13 legislation The same concern had been raised by the California
14 Probation, Parole and Correctional Association while the original
15 version of the bill that became section 2933.1 ... was pending in the
16 Legislature. (Executive Director Susan Cohen, Cal. Probation, Parole
17 and Correctional Assn., letter to Assemblyman Richard Katz, Apr. 15,
18 1993.)

19 We grant the People's request for judicial notice of the
20 legislative history of section 2933.1. *In re Reeves* (2005) 35 Cal.4th
21 765, 776, fn.15

22 The California Supreme Court judicially noticed "individual legislators'
23 (including co-authors') comments from the Assembly and Senate committee bill
24 files." (*White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 572, fn.3. The court
25 referred to these materials, among others noticed, stating these materials were
26 "expressions of legislative intent to construe it [the term "managing agent"] in
27 the statute's relative context. fn. 3" (*Id.*, at page 572)

28 In another case, the California Supreme Court quoted from a Memorandum of
the California Fair Political Practices Commission to the Senate Committee on
Elections and Reapportionment. The court stated as follows:

Moreover, the purpose of the legislation was to broaden the
reach of the Act. The FPPC sponsored Senate Bill No. 1438 (1983-1984
Reg. Sess.), which eventually became section 83116.5. The bill was
prompted by concern that "in certain circumstances, violations of the
Act cannot fairly be attributed to those persons named in the Act,
particularly true [sic] in the area of campaign reporting where the
candidate and treasurer are responsible for violations of the Act,
and yet, rely on others who cannot be held liable for their errors
and omissions under the Act." (FPPC, Mem. to Sen. Com. On Elections &
Reapportionment (Feb. 27, 1984) p. 1; *id.*, (May 22, 1984) p. 1.)
fn.5. *People v. Snyder* (2000) 22 Cal.4th 304, 309

1 Looking to the appellate courts, in 2007, the Fourth District, reviewing
2 certain documents from a Committee file, addresses committee files as a source of
3 legislative history as follows:

4 There is a body of case law involving what is, and what is not,
5 appropriate for examination as legislative history, assuming, for
6 sake of argument, that reference to legislative history is
7 appropriate in the first place. A court is always on firm ground to
8 "consider legislative committee reports and analyses, including
9 statements pertaining to the bill's purpose." (See Sully-Miller
10 Contracting Co. v. California Occupational Safety & Health Appeals
11 Bd. (2006) 138 Cal.App.4th 684, 698, fn.6, 41 Cal.Rptr.3d 742; see
12 also Hutnick v. United States Fidelity & Guaranty Co. (1988) 47
13 Cal.3d 456, 465, fn.7, 253 Cal.Rptr. 236, 763 P.2d 1326.) There is
14 also authority that mere summaries by proponents of bills are not
15 appropriate legislative history (see Williams v. Superior Court
16 (2001) 92 Cal.App.4th 612, 621, fn.6, 111 Cal.Rptr.2d 918), and in
17 that vein there is the well established "judicial reticence [sic] to
18 rely on statements made by individual members of the Legislature as
19 an expression of the intent of the entire body." (Friends of Mammoth
20 v. Board of Supervisors (1972) 8 Cal.3d 247, 258, 104 Cal.Rptr. 761,
21 502 P.2d 1049.) We may therefore arguably be incorrect in even
22 looking at the miscellaneous materials from the Senate Judiciary
23 Committee's bill file to test what is otherwise a clear conclusion
24 dictated by the language of the statute and canons of statutory
25 construction. Perhaps we should confine our discussion to the
26 legislative committee reports and analyses-at the very least this
27 opinion would be shorter. In any event, this opinion should not be
28 read as authority for the idea that miscellaneous materials in
committee files are good legislative history. However, by consulting
these materials as well as looking at the committee reports and
analyses we are able to say with confidence that *nothing* in the
legislative history shows an intent to change what *Harris* said about
section 52. (The issue is, as it turns out, ultimately academic. Only
if it turned out that the miscellaneous materials from the committee
bill file *clearly* showed an intent to reverse *Harris* (which they
don't) would we be forced to confront their independent value
probably little or none-as legislative history.) Gunther v. Lin
(2007, 4th Dist, Div. 3) 144 Cal.App.4th 223, 244, fn.19

Further appellate decisions:

While the legislation was pending the California Trial Lawyers
Association (CTLA) informed the bill's sponsor by letter that it was
opposed to the law, stating ... (CTLA, letter to Assemblyman Byron
Sher, July 18, 1988) Gravillis Jr. v. Coldwell Banker Residential
Brokerage Company (2006, 2nd Dist, Div. 1) 143 Cal.App.4th 761, 778-
779

In an analysis of the CFCA prepared by the Center for Law in
the Public Interest, the sponsor of the bill ... it was explained ...
(Section by section Analysis of Draft Prepared by Center for Law in

1 the Public Interest...) ... *Armenta ex rel City of Burbank v. Mueller*
2 Co. (2006, 2nd Dist, Div. 1) 142 Cal.App.4th 636, 648

3 In addition, the Legislature noted its intent to promote the
4 just, speedy, and economical ... (Chief Counsel Rubin R. Lopez,
5 letter to Assemblyman Elihu M. Harris, Nov. 6, 1986) *Carpenter v.*
6 *Superior Court (Alameda County)* (2006 1st Dist, Div. 5) 141
7 Cal.App.4th 249, 266

8 That history includes a May 23, 1990 memo from the office of
9 San Diego's county counsel that is addressed to all counties in the
10 State. Attached to the memo is a proposed amendment to Senate Bill
11 2791. That proposed amendment is essentially the language of
12 subdivision (c) of section 4985.2. The San Diego memo notes The
13 addition of subdivision (c) to Senate Bill 2791 came in the June 12,
14 1990 amendment of that bill, which was approximately three weeks
15 after San Diego's county counsel's office sought such an addition.
16 *People ex rel. Strumpfer v. Westoaks Investment #27* (2006, 2nd Dist,
17 Div. 3) 139 Cal.App.4th 1038, 1047

18 The proposed legislation was applauded by several nonprofit
19 agencies ... but was not welcomed by all of California's school
20 districts. This letter to Senator John Vasconcellos sums up the
21 opposition:... (Superintendent Johanna VanderMolen, Campbell Union
22 School District, letter to Sen. Vasconcellos, Mar. 28, 2003.)
23 *Benjamin G. v. Special Ed. Hearing Office (Long Beach Unified School*
24 *Dist.)* (2005, 2nd Dist, Div. 1) 131 Cal.App.4th 875, 882 fn.6

25 The origins of the amendment can be found in Resolution 5-9-91,
26 which was passed by the Conference of Delegates of the State Bar of
27 California in the summer of 1991. In writing to the legislative
28 counsel for the State Bar, the resolution's author explained....

Those connected to Assembly Bill No. 2663 (1991-1992 Reg.
Sess.), the bill prompted by Resolution 5-9-91 and sponsored by the
State Bar to amend Civil Code section 3334, discussed the purpose of
the bill in a variety of ways and used the following language ...
(Amelia V. Stewart, legislative representative of the State Bar of
California, letter of support for Assembly Bill No. 2663 to
Assemblyman Phillip Isenberg, Chair of the Assembly Judiciary
Committee, March 19, 1992);... (Michael D. Schwartz, letter of
support for Assembly Bill No. 2663 to Amelia V. Stewart, legislative
representative of the State Bar of California, March 20, 1992);...
Watson Land Co. v. Shell Oil Co. (2005, 2nd Dist, Div. 2) 130
Cal.App.4th 69, 79

29 In *Conservatorship of Davidson* (2003, 1st Dist, Div. 3) 113 Cal.App.4th
30 1035, 1050-1051, the court judicially noticed a State Bar Legislative Proposal
31 found in the file of the Senate Committee on Judiciary.

32 In addition, the legislative bill file of the Senate Committee
33 on Education contains an analysis explaining that Senate Bill no....
34 *Warmington Old Town Associates v. Tustin Unified School District*
35 (2002, 4th Dist, Div. 3) 101 Cal.App.4th 840, 853

1 This report, contained within the files of the Senate Judiciary
2 Committee, clearly states the Legislature's understanding that
3 Section 1157, as a "peer review statute," was intended to provide a
4 bar to civil, as opposed to criminal discovery. We must assume the
committee relied upon this report in making their recommendations to
the full Senate. *People v. Superior Court (Memorial Medical Center)*
(1991, 2nd Dist, Div. 7) 234 Cal.App.3d 363, 380

5 *American Liberty Bail Bonds, Inc. v. Garamendi* (2006, 2nd Dist, Div. 3) 141 Cal.App.4th 1044, 1055-57

6 **Bill Analysis Worksheets**

7 In two 2004 cases, committee bill analysis worksheets, documents found only
8 in committee files, were relied upon. *Martin v. Szeto* (2004) 32 Cal.4th 445, 450;
9 *In re Jesusa V.* (2004) 32 Cal.4th 588, 623; similarly, see *Walker v. Countrywide*
10 *Home Loans, Inc.* (2002, 2nd Dist, Div. 5) 98 Cal.App.4th 1158, 1171-1172.

11 Other cases where a court examined a bill analysis worksheet:

12 The legislative history pertaining to the addition of
13 subdivision (b)(4) to Civil Code section 47 ... reflects the
14 Legislature's agreement with the dissenting justices in *Hackethal*
that the Civil Code 47 privilege ... see Sen. Com. On Judiciary,
15 Background Information on Assemb. Bill No. 478. *Kibler v. Northern*
Inyo County Local Hospital District (2006) 39 Cal.4th 192, 202

16 The Assembly Committee on Labor and Employment, chaired by the
17 bill's author, offered a Fact Sheet on Assembly Bill No. 3486 ...
(Assem. Com. on Labor and Employment, Fact Sheet on Assem. Bill No.
18 3486 (1991-1992 Reg. Sess.), April 21, 1992, p. 1.) *Campbell v.*
Regents of the University of Cal. (2005) 35 Cal.4th 311, 331

19 Courts may take judicial notice of relevant legislative history
20 to resolve ambiguities and uncertainties concerning the purpose and
21 meaning of a statute. (See Evid. Code, § 452, subd. (c) [permitting
judicial notice of official acts of the Legislature]; *Quelimane Co.*
22 *v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 45, fn.9.
Moreover, as a reviewing court, we must, and here do, take judicial
23 notice of those materials properly noticed by the trial court,
including enrolled bill reports to the governor and legislative
24 committee and caucus reports, work sheets, and digests. (Evid. Code,
§ 459, subd. (a); [Citations.] *People v. Connor* (2004, 6th District)
115 Cal.App.4th 669, 681 fn.3

25 Our inquiry begins with the California Assembly Committee on
26 Finance and Insurance Background Information request on Assembly Bill
No. 2920 *Florez v. Linens 'N Things, Inc.* (2003, 4th Dist, Div.
27 3) 108 Cal.App.4th 447, 452 fn.4

28 *Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 899-900

1 Van De Kamp v. Gumbiner (1990, 2nd Dist, Div. 5) 221 Cal.App.3d 1260, 1280; Farnow v. Superior Court
2 (1990, 1st Dist, Div. 2) 226 Cal.App.3d 481, 490; Mosier v. DMV (1993, 4th Dist, Div. 3) 18
3 Cal.App.4th 420, 424; Walsh v. Superior Court (1996, 2nd Dist, Div. 4) 42 Cal.App.4th 1822, 1832,
4 1833; County of Orange v. Ranger Insurance Co. (1998, 4th Dist, Div. 3) 61 Cal.App.4th 795, 800, 801;
5 Zink v. Gourley (2000, 2nd Dist, Div. 5) 77 Cal.App.4th 774, 782, fn.9; Landau v. Superior Court
(Medical Board of California) (2000, 1st Dist, Div. 2) 81 Cal.App.4th 191, 204; People v. Drennan
(2000, 3rd District) 84 Cal.App.4th 1349, 1357-1358; Florez v. Linens 'N Things, Inc. (2003, 4th
6 Dist, Div. 3) 108 Cal.App.4th 447, 452; People ex rel. Allstate Ins. Co. v Weitzman (2003, 2nd Dist,
7 Div. 5) 107 Cal.App.4th 534, 547-9; In re Danny H. (2002, 2nd Dist, Div. 3) 104 Cal.App.4th 92, 102;
8 Guerrero v. South Bay Union School District (2003, 4th Dist, Div. 1) 114 Cal.App.4th 264, 280
(Dissent); People v. Tapia (2005, 2nd Dist, Div. 3) 129 Cal.App.4th 1153, 1163 (committee worksheet);
9 Armenta ex rel City of Burbank v. Mueller Co. (2006, 2nd Dist, Div. 1) 142 Cal.App.4th 636, 648

6 **4. Official Commission Reports and Comments:**

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

23 Because the official comments of the California Law Revision
24 Commission 'are declarative of the intent not only of the draftsman
25 of the code but also of the legislators who subsequently enacted it'
26 [Citation] the comments are persuasive, albeit not conclusive,
27 evidence of that intent. *Department of Alcoholic Beverage Control v.*
28 *Alcoholic Beverage Control Appeals Board* (2006) 40 Cal.4th 1, 13,
fn.9

The Law Revision Commission comment to section 4 confirms this
interpretation. The Commission explains ... The comment then
notes:... Thus, as a general rule, future changes to the Family Code
.... *In re Marriage of Fellows* (2006) 39 Cal.4th 179, 186

On April 11, 1983, the California Law Revision Commission wrote
to the Assembly Committee on Judiciary, apparently in response to the
executive committee' concerns ... The "justification of the change
recommended by the Commission is given in more detail" in an attached
December 17, 1982 letter from professor Jesse Dukeminier In that
letter, Professor Dukeminier responded to the executive committee's
concern ... fn.10 (Typically we do not ascribe legislative intent to
letters written to the Legislature. The letters here, however, came
from the Commission, which had been asked to propose changes to the
Probate Code and which drafted the provisions on which Assembly Bill
No. 25 was based, and a letter that the Commission expressly stated
set forth its own reasons for recommending deletion of the

1 simultaneous presence requirement.) *Estate of Saueressig* (2006) 38
Cal.4th 1045, 1054-55

2 Reports of commissions which have proposed statutes that are
3 subsequently adopted are entitled to substantial weight in construing
4 the statutes. [Citations.] This is particularly true where the
5 statute proposed by the commission is adopted by the Legislature
6 without any change whatsoever and where the commission's comment is
7 brief, because in such a situation there is ordinarily strong reason
8 to believe that the legislators' votes were based in large measure
9 upon the explanation of the commission proposing the bill." [Citation.]
10 *Jevne v. Superior Court (JB Oxford Holdings, Inc.)* (2005)
11 35 Cal.4th 935, 947-8

12 Comments made during the debate at a Constitutional Convention,
13 including failed motions to amend, may properly be referenced for the
14 light they shed on provisions actually enacted. [Citations.] *Grafton*
15 *Partners v. Superior Court (PriceWaterhouseCoopers LLP)* (2005) 36
16 Cal.4th 944, 954, fn.5

17 Similarly, the National Conference of Commissioners on Uniform
18 State Laws, which drafted the 1973 Uniform Parentage Act (1973 Act)
19 from which California's UPA was derived (Citation) explained that the
20 1973 Act's presumptions are rebuttable.... *In re Jesusa V.* (2004) 32
21 Cal.4th 588, 650

22 Husband argues that the history of ... shows that the
23 Legislature did not intend to ... in 1984, when the Legislature was
24 considering The Law Revision Commission rejected ... saying: ...
25 (Nathaniel Sterling, Cal. Law Revision Com. Letter to Assemblyman
26 ...). This historical account would support an inference *Mejia*
27 *v. Reed* (2003) 31 Cal.4th 657, 667

28 Because the official comments of the California Law Revision
Commission "are declarative of the intent not only of the draftsman
of the code but also of the legislators who subsequently enacted it"
[citation] the comments are persuasive, albeit not conclusive,
evidence of that intent. [Citation.] *Bonanno v. Central Contra Costa*
Transit Authority (2003) 30 Cal.4th 139

We have reviewed the relevant passages of the debates that
preceded adoption of the 1849 and 1879 Constitutions. (See Browne,
Report of the Debates in Convention of Cal. On Formation of State
Const. (1850) ... 2 Willis & Stockton, Debates and Proceedings, Cal.
Const. Convention 1878-1879.... Nor have we discovered any evidence
that the drafters of the 1974 revision, ... considered the issue or
had any such intent (See Cal. Const. Revision Com., Article I ...
Background Study ... *Katzberg v. Regents of University of California*
(2002) 29 Cal.4th 300, 319-320

Our review of the relevant policy considerations provides
additional support. The purpose of the spousal testimony privilege is
to preserve marital harmony. (See Tent. Recommendation: Study
Relating to the Uniform Rules of Evidence (Feb. 1964) 6 Cal. Law
Revision Com. Rep. (1965) p. 242....) *People v. Sinohui* (2002) 28
Cal.4th 205, 213

1 The Reporter's Notes [State Bar/Judicial Council of Cal., Joint
2 Committee on Discovery, Reporter's Notes to the Proposed Civil
3 Discovery Act of 1986] to subdivision (m) provide additional support.
4 (See *Van Arsdale v. Hollinger* [Citation] "[r]eports of commissions
5 which have proposed statutes that are subsequently adopted are
6 entitled to substantial weight in construing proposed the statutes.")
7 *Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 980

8 The requirement that ... was added to article VI, section 2, of
9 the California Constitution in 1879. Nothing in the 1879
10 constitutional debates suggests that the drafters intended this
11 provision to restrict the preexisting power to issue preemptory writs
12 in the first instance, without hearing oral argument. *Lewis v.*
13 *Superior Court* (1999) 19 Cal.4th 1232, 1257

14 Petitioner requests us to take judicial notice of the records
15 of the Law Revision Commission containing the language quoted in the
16 text, specifically, a two-page document entitled "March '83 ECH-
17 Notes." (The initials evidently refer to the notes' author, who was
18 apparently Professor Edward C. Halbach, Jr.) We hereby grant the
19 request. We must of course, judicially notice California statutory
20 law. (Evid. Code, § 451, subd. (a).) We may also judicially notice
21 matters underlying such law. (E.g., *Schmidt v. Southern Cal. Rapid*
22 *Transit Dist.* (1993) 14 Cal.App.4th 23, 30, fn.10 [17 Cal.Rptr.2d
23 340].) Including, to our mind, the commission records here. *Estate of*
24 *Joseph* (1998) 17 Cal.4th 203, 210

25 Reports of commissions which have proposed statements that are
26 subsequently adopted are entitled to substantial weight in construing
27 the statements. This is particularly true where the statement
28 proposed by the commission is adopted by the Legislature without any
change whatsoever and where the commission's comment is brief,
because in such a situation there is ordinarily strong reason to
believe that the legislators' votes were based in large measure upon
the explanation of the commission proposing the bill. *Van Arsdale v.*
Hollinger (1968) 68 Cal.2d 245, 250

Family Code section 4058, added in 1993, is derived from former
Civil Code section 4721 ... which was enacted in 1984. (... "Section
4058 continues former Civil Code Section 4721(f) without substantive
change." (Cal. Law Revision Com....) *Asfaw v. Woldberhan* (2007, 2nd
Dist, Div. 8) 147 Cal.App.4th 1407, 1418

... in the final Judicial Council report on the proposed
legislation. (Jud. Council of Cal. (1969) Annual Report to the
Governor and the Legislature...) *Summers v. McClanahan* (2006, 2nd
Dist, Div. 7) 140 Cal.App.4th 403, 408

Section 1283.8 was adopted as part of a comprehensive revision
of the 1927 statutory scheme governing arbitration (§ 1280 et seq.).
The revision was recommended by the California Law Revision
Commission's 1960 Recommendation and Study Relating to Arbitration.
The Legislature unanimously enacted section 1283.8 without change,
exactly as recommended by the Commission. (Feldman, *Arbitration*
Modernized--The New California Arbitration Act (1961) 34 So.Cal.

1 L.Rev. 413, fn.1.) Consequently, the comments of the Law Revision
2 Commission are persuasive evidence of the Legislature's intent.
3 (Citation.) "'Reports of commissions which have proposed statutes
4 that are subsequently adopted are entitled to substantial weight in
5 construing the statutes. [Citations.] This is particularly true where
6 the statute proposed by the commission is adopted by the Legislature
7 without any change whatsoever and where the commission's comment is
8 brief, because in such a situation there is ordinarily strong reason
9 to believe the legislators' votes were based in large measure upon
10 the explanation of the commission proposing the bill.'" [Citations.]"
11 (Citation) *Bosworth v. Whitmore* (2006, 2nd Dist, Div. 4) 135
12 Cal.App.4th 536, 547

13 We have judicially noticed the above-referenced legislative
14 committee analyses, and also grant the Attorney General's request for
15 judicial notice of the Tow Truck Advisory Committee's 2002 Report to
16 the Legislature (2002 Advisory Committee Report). (Evid. Code,
17 sections 452, subd. (c), 459.) We cannot agree that the Tow Truck
18 Advisory Committee looked only to the ... *CPF Agency Corp. v. R&S
19 Towing* (2005, 4th Dist, Div. 1) 132 Cal.App.4th 1014, 1029; see also
20 *CPF Agency Corp. v. Sevel's 24 Hour Towing Service* (2005, 4th Dist,
21 Div. 1) 132 Cal.App.4th 1034, 1050

22 In an effort to discern legislative intent, an appellate court
23 is entitled to take judicial notice of the various legislative
24 materials, including committee reports, underlying the enactment of a
25 statute. [Citations.] In particular, reports and interpretive
26 opinions of the Law Revision Commission are entitled to great weight.
27 [Citation.] *Hale v. Southern California IPA Medical Group, Inc.*
28 (2001, 2nd Dist, Div. 3) 86 Cal.App.4th 919, 927

... interpretative comment of the Law Revision Commission on
this section is enlightening. Such comments are well accepted sources
from which to ascertain legislative intent. *Davis v. Cordova
Recreation and Park District* (1972) 24 Cal.App.3d 789, 796

Keeler v. Superior Court (1970) 2 Cal.3d 619, 630; *Kaplan v. Superior Court* (1971) 6 Cal.3d 150, 157-
8; *People v. Superior Court of Santa Clara County* (1975) 15 Cal.3d 271, 277; *Li v. Yellow Cab Co.*
19 (1975) 13 Cal.3d 804, 817; *People v. Wiley* (1976) 18 Cal.3d 162, 171; *People v. Williams* (1976) 16
20 Cal.3d 663, 668; *Brian W., a minor v. Superior Court* (1978) 20 Cal.3d 618, 622; *People v. Tanner*
21 (1979) 24 Cal.3d 514; *In re Lance, W.* (1985) 37 Cal.3d 873; *Foley v. Interactive Data Corp.* (1988) 47
22 Cal.3d 654, 674; *Estate of MacDonald* (1990) 51 Cal.3d 262, 268; *People v. Superior Court (Douglass)*
23 (1979) 24 Cal.3d 428, 434; *Droeger v. Friedman, Sloan & Ross* (1991) 54 Cal.3d 26, 39; *People v.*
Wheeler (1992) 4 Cal.4th 284, 289; *Brown v. Poway Unified School District* (1993) 4 Cal.4th 820, 831-
835; *Stop Youth Addiction, Inc. v. Lucky Stores, Inc.* (1998) 17 Cal.4th 553, 570; *Delaney v. Baker*
24 (1999) 20 Cal.4th 23, 36; *California Teachers Assn. v. State of California* (1999) 20 Cal.4th 327,
341; *Fairmont Insurance Co. v. Superior Court* (2000) 22 Cal.4th 245, 251; *People ex rel. Department*
25 *of Transportation v. Southern California Edison Co.* (2000) 22 Cal.4th 791, 799, 800; *Stroud v.*
Superior Court (People) (2000) 23 Cal.4th 952, 977, fn.6; *People v. Mendoza* (2000) 23 Cal.4th 896,
909, 916, 926, 937; *Cornette v. Department of Transportation* (2001) 26 Cal.4th 63, 70; *Thompson v.*
Department of Corrections (2001) 25 Cal.4th 117, 124; *Barner v. Leeds* (2000) 24 Cal.4th 676, 688;
26 *People v. Superior Court (Laff)* (2001) 25 Cal.4th 703, 730; *Teter v. City of Newport Beach* (2003) 30
27 Cal.4th 446, 453; *In re Marriage of Benson* (2005) 36 Cal.4th 1096, 1106; *City of Stockton v. Superior*
28 *Court* (2007) 42 Cal.4th 730, 739; *Shirk v. Vista Unified School District* (2007) 42 Cal.4th 201, 212

Arellano v. Moreno (1973) 33 Cal.App.3d 877, 884; *Osgood v. Shasta* (1975) 50 Cal.App.3d 586, 589;
Shae-Kaiser-Lockheed-Healy v. Department of Water and Power (1977) 73 Cal.App.3d 679, 688; *Roberts v.*
Gulf Oil Corp. (1983) 147 Cal.App.3d 770, 782; *Curtis v. County of Los Angeles* (1985) 172 Cal.App.3d
26 1243; *Pacific Trust Co. v. Fidelity Federal* (1986) 184 Cal.App.3d 817; *Hall v. Hall* (1990, 4th Dist,
27 Div. 1) 222 Cal.App.3d 578, 585; *Estate of Reeves* (1991, 3rd District) 233 Cal.App.3d 651, 656, 658;
28 *FPI Development v. Nakashima* (1991) 229 Cal.App.3d 727, 746; *In re Marriage of Hublou* (1991, 6th
District) 231 Cal.App.3d 956, 962; *Hattersley v. American Nucleonics Corp.* (1992, 2nd Dist, Div. 6) 3

1 Cal.App.4th 397, 401; *Estate of Sanders* (1992, 4th Dist, Div. 1) 2 Cal.App.4th 462, 471; *Scarzella v.*
2 *DeMers* (1993, 3rd District) 17 Cal.App.4th 1762, 1768; *Bringante v. Huang* (1993, 2nd Dist, Div. 4) 20
3 Cal.App.4th 1569, 1581; *People v. Valladolid* (1996, 2nd District) 13 Cal.App.4th 590, 602, 603, 605;
4 *People v. Cruz* (1996, 1st District) 13 Cal.App.4th 764, 773, 774, fn.5; *Fireman's Fund Insurance*
5 *Companies v. Quackenbush* (1997, 1st Dist, Div. 5) 52 Cal.App.4th 599, 606; *Californians for*
6 *Population Stabilization v. Hewlett-Packard Co.* (1997, 6th District) 58 Cal.App.4th 273, 288; *Valley*
7 *Title Co. v. San Jose Water Co.* (1997, 6th District) 57 Cal.App.4th 1490, 1498; *Cheyanna M. v. A.C.*
8 *Nielsen Co.* (1998, 2nd District) 66 Cal.App.4th 855, 864, 868-870, 875; *Clayton v. Superior Court*
9 (1998, 4th District) 67 Cal.App.4th 28, 32, 33; *People v. Patterson* (1999, 3rd District) 72
10 Cal.App.4th 438, 442-443; *People v. Angel* (1999, 5th District) 70 Cal.App.4th 1141, 1148; *People v.*
11 *Bucy* (1999, 4th District) 71 Cal.App.4th 589, 603 (Review Granted); *Barnes v. Department of*
12 *Corrections* (1999, 5th District) 74 Cal.App.4th 126, 133-136; *In re Marriage of Campbell* (1999, 1st
13 Dist, Div. 5) 74 Cal.App.4th 1058, 1063; *San Diego County Court Clerks Assn. v. Superior Court* (1999,
14 4th Dist, Div. 1) 73 Cal.App.4th 725, 734-735, fn.10; *Zelig v. County of Los Angeles* (1999, 2nd Dist,
15 Div. 3) 73 Cal.App.4th 741, 759-761, fn.14; *Johnson v. Kotyck* (1999, 2nd Dist, Div. 2) 76 Cal.App.4th
16 83, 88; *People v. Le* (2000, 4th Dist, Div. 3) 82 Cal.App.4th 1352, 1358; *Walt Rankin & Associates,*
17 *Inc. v. City of Murrieta* (2000, 4th Dist, Div. 2) 84 Cal.App.4th 605, 617; *Gaetani v. Goss-Golden*
18 *West Sheet Metal Profit Sharing Plan* (2000, 1st Dist, Div. 2) 84 Cal.App.4th 1118, 1129;
19 *Trafficschoolonline, Inc. v. Superior Court (Ohlrich)* (2001, 2nd Dist, Div. 5) 89 Cal.App.4th 222,
20 232; *Ehret v. Congoleum Corp.* (2001, 2nd Dist, Div. 4) 87 Cal.App.4th 202, 207; *Emeryville*
21 *Redevelopment Agency v. Harcros Pigments, Inc.* (2002, 1st Dist, Div. 4) 101 Cal.App.4th 1083, 1099;
22 *Oldham v. California Capital Fund, Inc.* (2003, 5th District) 109 Cal.App.4th 421, 431; *Quintana v.*
23 *Gibson* (2003, 2nd Dist, Div. 5) 113 Cal.App.4th 89, 95; *Estate of Miramontes-Najera* (2004, 4th Dist,
24 Div. 1) 118 Cal.App.4th 750, 759; *Ventura County Department of Child Support Services v. Brown* (2004,
25 2nd Dist, Div. 6) 117 Cal.App.4th 144, 152-153; *Estate of Thomas* (2004, 2nd Dist, Div. 2) 124
26 Cal.App.4th 711, 724; *Violante v. Communities Southwest Development & Construction Co.* (2006, 4th
27 Dist, Div. 2) 138 Cal.App.4th 972, 977 (Code Commission Report); *Ung v. Koehler* (2005, 1st Dist, Div.
28 1) 135 Cal.App.4th 186, 198 (CLRC); *Slocum v. State Bd. of Equalization* (2005, 1st Dist, Div. 4) 134
Cal.App.4th 969, 977 (Constitution Revision Commission Task Force); *City of Stockton v. Superior*
Court (Civic Partners Stockton, LLC) (2005, 3rd District) 133 Cal.App.4th 1052, 1062 (California Law
Revision Commission Study)[Review Granted.]; *Escondido Union School Dist. v. Casa Sueños De Oro, Inc.*
(2005, 4th Dist, Div. 1) 129 Cal.App.4th 944, 959 (CLRC recommendation); *Sullivan v. Dorsa* (2005, 6th
District) 128 Cal.App.4th 947, 957-8; *People v. Johnson* (2006, 1st Dist, Div. 5) 145 Cal.App.4th 895,
904; *Estate of Burden* (2007, 2nd Dist, Div. 6) 146 Cal.App.4th 1021, 1028; *County of Los Angeles v.*
American Contractors Indemnity Company (2007, 2nd Dist, Div. 7) 152 Cal.App.4th 661, 667 fn.15; *Dina*
v. People ex rel. Department of Transportation (2007, 2nd Dist, Div. 2) 151 Cal.App.4th 1029, 1042;
Estate of Yool v. Yool (2007, 1st Dist, Div. 4) 151 Cal.App.4th 867, 872, fn.2; *People v. Price*
(2007, 2nd Dist, Div. 3) 155 Cal.App.4th 987, 995

5. Legislative Counsel's Digest:

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

City points out that the Legislative Counsel's Digest for the original version of Assembly Bill No. 1441 declared the bill ... On this basis, City urges the Legislature must have intended ... We are not persuaded. Retention by the Legislative Counsel of the word ... may well have been an oversight, failing to take account of the fact that ... In any event, the Legislative Counsel's declarations are not binding or persuasive where contravened by the statutory language, and by other indicia of a contrary legislative intent [committee hearing testimony]. *Harris v. Pricewaterhousecoopers, LLP* (2006) 39 Cal.4th 1220, 1233

... according to the Legislative Counsel's Digest, the primary purposes of chapter 789 ... It is reasonable to presume that the Legislature amended this provision with the intent expressed in the Legislative Counsel's Digest. *Ailanto Properties, Inc. v. City of Half Moon Bay* (2006, 1st Dist, Div. 5) 142 Cal.App.4th 572, 588

1 And the Legislature's 1972 Summary Digest further explained ...
2 Legis. Counsel's Dig., Sen. Bill no....) *Petropoulos v. Department of*
3 *Real Estate* (2006, 1st Dist, Div. 1) 142 Cal.App.4th 554, 562-563

4 The Legislative Counsel's Digest described the 2002 amendment
5 as follows:... (Legis. Counsel's Dig., Assem. Bill No. 1868 (2001-
6 2002 Reg. Sess.) Summary Dig.) It is reasonable to presume the
7 Legislature amended the section with the intent and meaning expressed
8 in the Legislative Counsel's digest. [Citation.] *People v. Bhakta*
9 (2006, 2nd Dist, Div. 8) 135 Cal.App.4th 631, 640

10 When looking to legislative history, we may consider
11 legislative committee reports and analyses, including statements
12 pertaining to the bill's purpose (Citation) and the Legislative
13 Counsel's Digest. [Citations.] *Sully-Miller Contracting Co. v.*
14 *California Occupational Safety & Health Appeals Bd.* (2006, 3rd
15 District) 138 Cal.App.4th 684, 698-9 fn.6

16 It is proper for us to consider the Legislative Counsel's
17 analysis of a bill as evidence of legislative intent, although it is
18 not controlling. [Citations.] As our Supreme Court has observed:
19 "While an opinion of the Legislative Counsel is entitled to respect,
20 its weight depends on the reasons given in its support." [Citation.]
21 *El Dorado Palm Springs, Ltd. v. City of Palm Springs et al.* (2002,
22 4th Dist, Div. 2) 96 Cal.App.4th 1155, 1168

23 The digest constitutes the official summary of the legal effect
24 of the bill and is relied upon by the Legislature throughout the
25 legislative process. Thus, it is recognized as a primary indication
26 of legislative intent. *Souvannarath v. Hadden* (2002, 5th District) 95
27 Cal.App.4th 1115, 1126 fn.9

28 The Legislative Counsel's Digest is a proper resource to
determine the intent of the Legislature. [Citations.] Here the
Legislative Counsel's Digest indicates unequivocally that the
Legislature intended to change the law. *Five v. Chaffey Joint Union*
High School District (1990, 4th Dist, Div. 2) 225 Cal.App.3d 1548,
1555

Since the Legislative Counsel is a state official (Government
Code Section 10200), who is required by law to give such
consideration to and service concerning any measure before the
Legislature as circumstances will permit, and which is in any way
requested by ... the Senate or Assembly,... (Government Code Section
10234), it would seem by analogy that it is reasonable to presume
that the Legislature adopted Section 139.7 of the Civil Code with the
intent and meaning expressed in this digest of the bill. *Maben v.*
Superior Court (1967) 255 Cal.App.2d 708, 713

Rockwell v. Superior Court (1976) 18 Cal.3d 420, 443; *People v. Superior Court (Douglass)* (1979) 24
Cal.3d 428, 434; *People v. Thomas* (1992) 4 Cal.4th 206, 209, 213; *People v. Broussard* (1993) 5
Cal.4th 1067, 1074; *California Teachers Assn. v. Governing Board of Rialto Unified School District*
(1997) 14 Cal.4th 627, 646; *Mercy Hospital and Medical Center v. Farmers Insurance Group of Companies*
(1997) 15 Cal.4th 213, 222; *Ventura County Deputy Sheriffs' Assn. v. Board of Retirement* (1997) 16
Cal.4th 483, 504-505; *Quelimane Company, Inc. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 45;
Delaney v. Baker (1999) 20 Cal.4th 23, 30; *California Teachers Assn. v. State of California* (1999) 20
Cal.4th 327, 350; *People v. Snyder* (2000) 22 Cal.4th 304, 310; *People v. Murphy* (2001) 25 Cal.4th

1 136, 151; *People v. Holmes* (2004) 32 Cal.4th 432, 439; *Hagberg v. California Federal Bank* (2004) 32
2 Cal.4th 350, 370, fn.6; *Olmstead v. Arthur J. Gallagher & Co.* (2004) 32 Cal.4th 804, 814-815; *Eisner*
3 *v. Uveges* (2004) 34 Cal.4th 915, 929-930; *City of Long Beach v. Department of Industrial Relations*
4 (2004) 34 Cal.4th 942, 953; *In re Jennings* (2004) 34 Cal.4th 254, 271; *American Financial Services*
5 *Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1255; *People v. Holmes* (2004) 32 Cal.4th 432, 439;
6 *In re Jesusa V.* (2004) 32 Cal.4th 588, 650; *Pacific Lumber Co. v. State Water Resources Control Bd.*
7 (2006) 37 Cal.4th 921, 941; *Wells v. Onezone Learning Foundation* (2006) 39 Cal.4th 1164, 1207;
8 *Pilimai v. Farmers Insurance Exchange Company* (2006) 39 Cal.4th 133, 146; *Smith v. Superior Court*
9 (2006) 39 Cal.4th 77, 87; *People v. Corpuz* (2006) 38 Cal.4th 994, 998; *Murphy v. Kenneth Cole*
10 *Productions* (2007) 40 Cal.4th 1094, 1107; *Lonicki v. Sutter Health Central* (2008) 43 Cal.4th 201,
11 219; *People v. Alford* (2007) 42 Cal.4th 749, 757

12 *Haworth v. Lira* (1991, 2nd District) 232 Cal.App.3d 1362, 1369-1370; *Southland Mechanical*
13 *Constructors v. Nixen* (1981, 4th Dist, Div. 2) 119 Cal.App.3d 417, 427; *Shelton v. City of*
14 *Westminster* (1982, 4th Dist, Div. 1) 138 Cal.App.3d 610, 614; *California Teachers Assn. v. Governing*
15 *Board* (1983, 5th District) 141 Cal.App.3d 606, 613; *People v. Rodriguez* (1984, 5th District) 160
16 Cal.App.3d 207, 214, fn.11; *In re Tri-Valley Herald* (1985, 1st Dist, Div. 3) 169 Cal.App.3d 865, 871;
17 *Coastal Care Centers, Inc. v. Meeks* (1986, 1st Dist, Div. 5) 184 Cal.App.3d 85, 94; *People v.*
18 *Martinez* (1987, 2nd Dist, Div. 2) 194 Cal.App.3d 15, 22; *Terry York Imports v. DMV* (1987, 2nd Dist,
19 Div. 1) 197 Cal.App.3d 307, 317, fn.2; *Schwetz v. Minnerly* (1990, 4th Dist, Div. 1) 220 Cal.App.3d
20 296, 306; *Billings v. Health Plan of America* (1990, 2nd Dist, Div. 1) 225 Cal.App.3d 250, 257, fn.3;
21 *People v. Superior Court (Memorial Medical Center)* (1991, 2nd Dist, Div. 7) 234 Cal.App.3d 363, 377;
22 *Clavell v. North Coast Business Park* (1991, 4th Dist, Div. 1) 232 Cal.App.3d 328, 332; *County of San*
23 *Diego v. Department of Health Services* (1991, 4th Dist, Div. 1) 1 Cal.App.4th 656, 663; *Franklin v.*
24 *Appel* (1992, 2nd Dist, Div. 3) 8 Cal.App.4th 875, 890; *Perez v. Smith* (1993, 1st Dist, Div. 5) 19
25 Cal.App.4th 1595, 1598; *In re Rudy L.* (1994, 2nd Dist, Div. 1) 29 Cal.App.4th 1007, 1013; *In re*
26 *Rottanak K.* (1995, 5th District) 37 Cal.App.4th 260, 267; *Lorenz v. Commercial Acceptance Insurance*
27 *Co.* (1995, 6th District) 40 Cal.App.4th 981, 993; *Voss v. Superior Court* (1996, 5th District) 46
28 Cal.App.4th 900, 914, fn.5; *Hogoboom v. Superior Court* (1996, 2nd Dist, Div. 5) 51 Cal.App.4th 653,
670; *Building Industry Assn. v. City of Livermore* (1996, 1st Dist, Div. 3) 45 Cal.App.4th 719, 730,
fn.8; *In re Marriage of Fell* (1997, 2nd Dist, Div. 6) 55 Cal.App.4th 1058, 1062; *People v. Prothero*
(1997, 3rd District) 57 Cal.App.4th 126, 132, 133, fn.7; *Amvest Mortgage Corp. v. Antt* (1997, 1st
Dist, Div. 3) 58 Cal.App.4th 1239, 1245; *Valley Title Co. v. San Jose Water Co.* (1997, 6th District)
57 Cal.App.4th 1490, 1499, 1500; *People v. Hinks* (1997, 2nd Dist, Div. 1) 58 Cal.App.4th 1157, 1163;
People v. Henson (1997, 4th Dist, Div. 2) 57 Cal.App.4th 1380, 1386; *Hudson v. Board of*
Administration (1997, 1st Dist, Div. 2) 59 Cal.App.4th 1310, 1324; *Delaney v. Baker* (1997, 1st Dist,
Div. 5) 59 Cal.App.4th 1403, 1414 (Petition for Review Granted); *Almar Limited v. County of Ventura*
(1997, 2nd Dist, Div. 6) 56 Cal.App.4th 105, 109; *Brown v. Smith* (1997, 4th Dist, Div. 1) 55
Cal.App.4th 767, 788; *People v. Steffens* (1998, 6th District) 62 Cal.App.4th 1273, 1284; *Butler v.*
Superior Court (1998, 2nd Dist, Div. 5) 63 Cal.App.4th 64, 67; *Dant v. Superior Court* (1998, 1st
Dist, Div. 1) 61 Cal.App.4th 380, 387, fn.9; *In re Parker* (1998, 4th Dist, Div. 1) 60 Cal.App.4th
1453, 1465; *Sears v. Baccaglio* (1998, 1st Dist, Div. 2) 60 Cal.App.4th 1136, 1147; *Townzen v. County*
of El Dorado (1998, 3rd District) 64 Cal.App.4th 1350, 1357; *Terhune v. Superior Court* (1998, 1st
Dist, Div. 1) 65 Cal.App.4th 864, 880, fn.10; *Cheyanna M. v. A.C. Nielsen Co.* (1998, 2nd District) 66
Cal.App.4th 855, 875; *In re Carr* (1998, 2nd District) 65 Cal.App.4th 1525, 1534; *California*
Correctional Peace Officers Assn. v. Department of Corrections (1999, 3rd District) 72 Cal.App.4th
1331, 1359; *City of Alhambra v. P.J.B. Disposal Co.* (1998, 2nd Dist, Div. 1) 61 Cal.App.4th 136, 147,
fn.13; *Bravo Vending v. City of Rancho Mirage* (1993, 4th Dist, Div. 2) 16 Cal.App.4th 383, 399, 401,
fn.10; *Alt v. Superior Court* (1999, 3rd District) 74 Cal.App.4th 950, 959, fn.4; *Kerollis v. DMV*
(1999, 1st Dist, Div. 2) 75 Cal.App.4th 1299, 1306; *Zink v. Gourley* (2000, 2nd Dist, Div. 5) 77
Cal.App.4th 774, 782-783, fn.10; *People v. Valencia* (2000, 2nd Dist, Div. 5) 82 Cal.App.4th 139, 146;
Gaetani v. Goss-Golden West Sheet Metal Profit Sharing Plan (2000, 1st Dist, Div. 2) 84 Cal.App.4th
1118, 1129; *People v. Harper* (2000, 3rd District) 82 Cal.App.4th 1413, 1418; *West Shield*
Investigations & Security Consultants v. Superior Court (Eymil) (2000, 6th District) 82 Cal.App.4th
935, 948; *Santa Ana Unified School District v. Orange County Development Agency* (2001, 4th Dist, Div
3) 90 Cal.App.4th 404, 409; *Trafficschoolonline, Inc. v. Superior Court (Ohlrich)* (2001, 2nd Dist,
Div. 5) 89 Cal.App.4th 222, 233-234; *Woodbury v. Brown-Dempsey* (2003, 4th Dist, Div. 2) 108
Cal.App.4th 421, 434-436; *Florez v. Linens 'N Things, Inc.* (2003, 4th Dist, Div. 3) 108 Cal.App.4th
447, 452 fn.4; *People ex rel. Allstate Ins. Co. v. Weitzman* (2003, 2nd Dist, Div. 5) 107 Cal.App.4th
534, 547; *People v. Franklin* (2003, 5th District) 105 Cal.App.4th 532, 541; *People v. Valtakis* (2003)
105 Cal.App.4th 1066, 1074, fn.4; *LaChapelle v. Toyota Motor Credit Corp.* (2002, 1st Dist, Div. 1)
102 Cal. App. 4th 977, 989; *Casterson v. Superior Court (Cardoso)* (2002, 6th District) 101
Cal.App.4th 177 188; *In re Tino V.* (2002, 2nd Dist, Div. 6) 101 Cal.App.4th 510, 514; *Giles v. Horn*
(2002, 4th Dist, Div. 1) 100 Cal.App.4th 206, 232; *Case v. Lazben Financial Co.* (2002, 2nd Dist, Div.
3) 99 Cal.App.4th 172, 188; *Smith v. Santa Rosa Police Department* (2002, 1st Dist, Div. 2) 97
Cal.App.4th 546, 559; *People v. Arroyas* (2002, 2nd Dist, Div. 2) 96 Cal.App.4th 1439, 1446; *People v.*
Arroyas (2002, 2nd Dist, Div. 2) 96 Cal.App.4th 1439, 1445; *Ma v. City and County of San Francisco*
(2002, 1st Dist, Div. 2) 95 Cal.App.4th 488, 515; *De Anza Santa Cruz Mobile Estates Homeowners Assn.*
v. De Anza Santa Cruz Mobile Estates (2001, 6th District) 94 Cal.App.4th 890, 910; *Redevelopment*
Agency of San Diego v. San Diego Gas & Electric Co. (2003, 4th Dist, Div. 1) 111 Cal.App.4th 912,
920; *People v. Chavez* (2004, 5th District) 118 Cal.App.4th 379, 386; *People v. Rivera* (2003, 4th

1 Dist, Div. 3) 114 Cal.App.4th 872, 878; *PG&E Corp. v. Public Utilities Commission (Office of*
2 *Ratepayer Advocates)* 2004, 1st Dist, Div. 5) 118 Cal.App.4th 1174, 1204; *Branciforte Heights, LLC v.*
3 *City of Santa Cruz* (2006, 6th District) 138 Cal.App.4th 914, 926; *Violante v. Communities Southwest*
4 *Development & Construction Co.* (2006, 4th Dist, Div. 2) 138 Cal.App.4th 972, 977; *Benninghoff v.*
5 *Superior Court (State Bar of California)* (2006, 4th Dist, Div. 3) 136 Cal.App.4th 6, 73, fn.11;
6 *California Highway Patrol v. Superior Court (Allende)* (2006, 1st Dist, Div. 3) 135 Cal.App.4th 488,
7 500; *Bell v. Farmers Ins. Exchange* (2006, 1st Dist, Div.1) 135 Cal.App.4th 1138, 1150, fn.3; *In re*
8 *Baby Girl M.* (2006, 4th Dist, Div.1) 135 Cal.App.4th 1528, 1538; *Murphy v. Kenneth Cole Productions,*
9 *Inc.* (2005, 1st Dist, Div. 1) 134 Cal.App.4th 728, 748, 752 [Review Granted]; *People v. Germany*
10 *(2005, 2nd Dist, Div. 5)* 133 Cal.App.4th 784, 791; *People v. Palmer* (2005, 2nd Dist, Div. 3) 133
11 Cal.App.4th 1141, 1150; *Coburn v. Sievert* (2005, 5th District) 133 Cal.App.4th 1483, 1500; *People v.*
12 *Superior Court (Ferguson)* (2005, 1st Dist, Div. 3) 132 Cal.App.4th 1525, 1532; *Benjamin G. v. Special*
13 *Ed. Hearing Office (Long Beach Unified School Dist.)* (2005, 2nd Dist, Div. 1) 131 Cal.App.4th 875,
14 882; *Regents of Univevrsity of California v. East Bay Municipal Utility Dist.* (2005, 1st Dist, Div.
15 5) 130 Cal.App.4th 1361, 1382; *People v. Superior Court (Vidal)* (2005, 5th District) 129 Cal.App.4th
16 434, 466, fn.30 [Review Granted.]; *Deborah M. v. Superior Court (Daryl W.)* (2005, 4th Dist, Div. 1)
17 128 Cal.App.4th 1181, 1190-1; *Matera v. McLeod* (2006, 2nd Dist, Div. 3) 145 Cal.App.4th, 44, 67;
18 *Faulder v. Mendocino County Board of Supervisors*(2006, 1st Dist, Div. 4) 144 Cal.App.4th 1362, 1376;
19 *Wirth v. State of California* (2006, 3rd District) 142 Cal.App.4th 131, 141; *Frazier Nuts, Inc. v.*
20 *American Ag Credit* (2006, 5th District) 141 Cal.App.4th 1263, 1272; *People v. Mason* (2006, 2nd Dist,
21 Div. 5) 140 Cal.App.4th 1190, 1198; *Summer H. Superior Court (Los Angeles County)*(2006, 2nd Dist,
22 Div.7) 139 Cal.App.4th 1315, 1325; *Hesperia Citizens for Responsible Development v. City of Hesperia*
23 *(2007, 4th Dist, Div. 1)* 151 Cal.App.4th 653, 659; *Asfaw v. Woldberhan* (2007, 2nd Dist, Div. 8) 147
24 Cal.App.4th 1407, 1418; *Young v. McCoy* (2007, 2nd Dist, Div. 1) 147 Cal.App.4th 1078, 1086, fn.8;
25 *Guillen v. Schwarzenegger* (2007, 1st Dist, Div. 3) 147 Cal.App.4th 929, 941; *In re Walker* (2007, 2nd
26 Dist, Div. 7) 147 Cal.App.4th 533, 548; *Samples v. Brown* (2007, 1st Dist, Div. 2) 146 Cal.App.4th
27 787, 807; *Chabak v. Monroy* (2007, 5th District) 154 Cal.App.4th 1502, 1518; *Teachers' Retirement*
28 *Board v. Genest* (2007, 3rd District) 154 Cal.App.4th 1012, 1031; *Starrh And Starrh Cotton Growers v.*
Aera Energy LLC (2007, 5th District) 153 Cal.App.4th 583, 603, 608; *Sisemore v. Master Financial,*
Inc. (2007, 6th District) 151 Cal.App.4th 1386, 1412; *People v. Superior Court* (2007, 2nd Dist, Div.
5) 157 Cal.App.4th 694, 705; *Gately v. Cloverdale Unified School District* (2007, 1st Dist, Div. 5)
156 Cal.App.4th 487, 495; *Committee For Green Foothills v. Santa Clara County Board of Supervisors*
(2008, 6th District) 161 Cal.App.4th 1204, 1235; *California Highway Patrol v. Superior Court of*
Sacramento County (2008) 162 Cal.App.4th, 1144, 1152; *Adair v. Stockton Unified School District*
(2008, 3rd District) 162 Cal.App.4th 1436, 1443; *Little Company of Mary Hospital v. Superior Court of*
Los Angeles (2008, 2nd Dist, Div. 7) 162 Cal.App.4th 261, 268; *South San Joaquin Irrigation District*
v. Superior Court (2008, 3rd District) 162 Cal.App.4th 146, 156; *Committee For Green Foothills v.*
Santa Clara County Board of Supervisors (2008, 6th District) 161 Cal.App.4th 1204, 1235; *Block v.*
Orange County Employees' Retirement System (2008, 4th Dist, Div. 3) 161 Cal.App.4th 1297, 1311, 1312;
California Highway Patrol v. Superior Court (2008, 3rd District) 162 Cal.App.4th 1144, 1152; *People*
v. Whaley (2008) 160 Cal.App.4th 779, 802

6. Legislative Counsel's Opinions:

Opinions of the Legislative Counsel, though not binding, are entitled to great weight when courts attempt to discern legislative intent. [Citation.] Here, the Legislative Counsel's opinion recognized ... *Pacific Lumber Co. v. State Water Resources Control Bd.* (2006) 37 Cal.4th 921, 939

Among the materials of which Trung Nguyen has requested that we take judicial notice is an opinion of the Legislative Counsel.... While we take notice of the Legislative Counsel's opinion, we note, ... the opinion is only as "persuasive as its reasoning." ... *Nguyen v. Nguyen* (2008, 4th Dist, Div. 3) 158 Cal.App.4th 1636, 1658, fn.22

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

...

Despite the limited weight we accord the 1977 Legislative Counsel's opinion as an expression of legislative intent, we believe

1 the reasoning contained in the opinion is basically sound. *Miller v.*
2 *Collectors Universe, Inc.* (2007, 4th District) 65 Cal.Rptr.3d 351,
3 362

4 On August 18, 2005, the Legislative Counsel fn.5 issued an
5 opinion on a then-pending Senate Bill which would have The
6 Legislative Counsel concluded that the bill would be unconstitutional
7 fn.5 The Legislative Counsel is selected on a non-partisan basis
8 by concurrent resolution of the Legislature. (Gov. Code, §§10201,
9 10203.) One of the primary duties of the Legislative Counsel is to
10 assist in the preparation and consideration of proposed legislation.
11 (Gov. Code, §§10231, 10234) In practice this frequently involves
12 submission of opinions as to the constitutionality of a proposed
13 statute. *Mendoza v. State of California* (2007, 2nd Dist, Div. 3) 149
14 Cal.App.4th 1034, 1044, fn.5

15 ... Allende supplied this court with a 1988 opinion letter from
16 the Legislative Counsel addressing whether public agencies may
17 recover costs incurred following DUI arrests. "Opinions of the
18 Legislative Counsel are not binding on the court, though they may be
19 considered in ascertaining legislative intent." [Citation.] The
20 Legislative Counsel concluded that *California Highway Patrol v.*
21 *Superior Court (Allende)* (2006, 1st Dist, Div. 3) 135 Cal.App.4th
22 488, 502

23 Under the circumstances, we find the Legislative Counsel's
24 construction persuasive. Though not binding, opinions of the
25 Legislative Counsel are entitled to great weight, "since they are
26 prepared to assist the Legislature in its consideration of pending
27 legislation," and it is assumed the Legislature will undertake
28 corrective measures if the Legislative Counsel's interpretation
misstates the legislative intent. (*California Assn. of Psychology*
Providers v. Rank (1990) 51 Cal.3d 1, 17 [270 Cal.Rptr. 796, 793 P.2d
2] .) *North Hollywood Project Area Com. v. City of Los Angeles* (1998,
2nd Dist, Div. 2) 61 Cal.App.4th 719, 724

29 In response to a request for analysis by Assembly-member
30 Richard K. Rainey, the Office of Legislative Counsel in a letter
31 dated February 16, 1994 states: "Given the plain language of
32 A.B. 971, it is abundantly clear that the Legislature intends the
33 sentencing provisions proposed by A.B. 971 to apply" ... Utilization
34 of a legislative counsel opinion is appropriate in construing a
35 statute. [Citations.] *People v. Turner* (1995, 2nd Dist, Div. 5) 40
36 Cal.App.4th 733, 741

37 The most cogent statement of legislative intent regarding
38 section 3212.1 is found in a letter dated August 26, 1982, from
legislative counsel (sic) to Senator Newton Russell. *Zipton v.*
W.C.A.B. (1990, 1st Dist, Div. 3) 218 Cal.App.3d 980, 988

39 *People v. Broussard* (1993) 5 Cal.4th 1067, 1074; *California Assn. of Psychology Providers v. Rank*
40 (1990) 51 Cal.3d 1, 17; *Grupe Development Co. v. Superior Court* (1993) 4 Cal.4th 911, 922; *Santa*
41 *Clara County Local Transportation Authority v. Guardino* (1995) 11 Cal.4th 220, 238; *Ventura County*
42 *Deputy Sheriffs' Assn. v. Board of Retirement* (1997) 16 Cal.4th 483, 502, 504-505; *Cummins, Inc. v.*
43 *Superior Court (Cox)* (2005) 36 Cal.4th 478, 489

44 -----
45 *Morin v. ABA Recovery Service* (1987, 4th Dist, Div. 1) 195 Cal.App.3d 200, 206; *California Trout,*
46 *Inc. v. State Water Resources Control Board* (1989, 3rd District) 207 Cal.App.3d 585, 602, fn.7;

1 *Karrin v. Ocean-Aire Mobile Home Estates* (1991, 2nd Dist, Div. 6) 1 Cal.App.4th 1066, 1071; *People v. Ramirez* (1995, 2nd Dist, Div. 5) 33 Cal.App.4th 559, 572; *Six Flags v. Workers' Compensation Appeals Board* (2006, 2nd Dist, Div. 3) 145 Cal. App. 4th 91, 106-107
2

3 **7. Urgency Clauses, Findings and Declarations, and Other Uncodified Language:**

4 Furthermore, the ballot arguments pertaining to Proposition 22
5 indicate that section 308.5,... was intended to ensure that ... and
6 these arguments do not contain any suggestion that the initiative
7 measure was grounded in an outdated stereotypical view of the
8 appropriate roles of men and women in a marriage. *In re Marriage*
9 *Cases* (2008) 43 Cal.4th 757, 798

10 The VA's statutory interpretation, however, does not consider
11 the effect of the uncodified section 1. As noted ... in 1984 the
12 Legislature declared in section 1 that it is the existing policy of
13 the state to An uncodified section is part of the statutory law.
14 (Citation ["The codes of this state ... have no higher sanctity than
15 any other statute regularly passed by the [L]egislature".]) "In
16 considering the purpose of legislation, statements of intent of the
17 enacting body contained in a preamble, while not conclusive, are
18 entitled to consideration. [Citations.] Although such statements in
19 an uncodified section do not confer power, determine rights, or
20 enlarge the scope of a measure, they properly may be utilized as an
21 aid in construing a statute... [citations]." [Citation.] *Carter v.*
22 *California Department of Veteran's Affairs* (2006) 38 Cal.4th 914, 925

23 In amending section 1016, former subdivision (3), the
24 Legislature declared its intent to "assist the efforts of victims of
25 crime to obtain compensation for their injuries from the criminals
26 who inflicted those injuries." (Stats. 1982, ch. 390, § 1, p. 1725.)
27 "The Legislature further finds and declares that" (Ibid.) *People*
28 *v. Yartz* (2005) 37 Cal.4th 529, 539-40

Because the most reasonable interpretation of a provision may
be reflected, in part, by evidence of the enacting body's intent
beyond the statutory language itself, in its history and background
[citation], we also consider the measure as presented to the voters
with any uncodified findings and statements of intent. In considering
the purpose of legislation, statements of the intent of the enacting
body contained in a preamble, while not conclusive, are entitled to
consideration. [Citations.] Although such statements in an uncodified
section do not confer power, determine rights, or enlarge the scope
of a measure, they properly may be utilized as an aid in construing a
statute. [Citations.] 1A Sutherland, *Statutory Construction* (6th ed.
2002) § 20.03, p. 123.) *People v. Canty* (2004) 32 Cal.4th 1266, 1280

Legislative findings, while not binding on the courts, are
given great weight and will be upheld unless they are found to be
unreasonable and arbitrary. [Citations.] *Amwest Surety Insurance Co.*
v. Wilson (1995) 11 Cal.4th 1243, 1252

At the Board's request, we take judicial notice of the ballot
materials for Propositions 13 and 58 as accepted indicia of the

1 voters' intent and understanding of initiative measures. *Strong v.*
2 *State Board of Equalization* (2007)155 Cal.App.4th 1182, 1188, fn.3

3 An uncodified part of a statute is fully part of the statutory
4 law of this state. [Citation.] *Barbee v. Household Automotive Finance*
5 *Corp.* (2003, 4th Dist, Div. 1) 113 Cal.App.4th 525, 534

6 ... Where the purpose of an initiative measure is subject to
7 varying interpretations, as here, evidence of its purpose may be
8 drawn from many sources, including its uncodified portions and its
9 ballot materials. [Citations.] *Americans for Nonsmokers' Rights v.*
10 *State of California* (1996, 3rd District) 51 Cal.App.4th 724, 737

11 The Legislature explained its purpose in enacting the statute
12 by stating in an uncodified section,... *People v. Goodloe* (1995, 1st
13 Dist, Div. 1) 37 Cal.App.4th 485, 491

14 The change in this uncodified language indicates the following:
15 1) the Legislature recognized the revisions it made might not conform
16 to federal standards; 2) it elected to risk losing some federal
17 funding under NHRDA; and 3) it sought to shift the burden of
18 enforcement to the federal bureaucracy rather than to rely on a self-
19 policing system within OSHPD. *Coastal Care Centers, Inc. v. Meeks*
20 (1986, 1st Dist, Div. 5) 184 Cal.App.3d 85, 89

21 *Burden v. Snowden* (1992) 2 Cal.4th 556, 564; *Hughes v. Board of Architectural Examiners* (1998) 17
22 Cal.4th 763, 786; *People v. Allen* (1999) 21 Cal.4th 846, 858; *Robert L. v. Superior Court (People)*
23 (2003) 30 Cal.4th 894, 905; *People v. Elliot* (2005) 37 Cal.4th 453, 478

24 -----
25 *People v. Barry* (1987) 194 Cal.App.3d 158; *California Trout, Inc. v. State Water Resources Control*
26 *Board* (1989, 3rd District) 207 Cal.App.3d 585, 602; *Del Mar v. Caspe* (1990, 6th District) 222
27 Cal.App.3d 1316, 1325; *Hung v. Wang* (1992) 8 Cal.App.4th 908, 919; *Rideout Hospital Foundation v.*
28 *County of Yuba* (1992, 3rd District) 8 Cal.App.4th 214, 222; *Johnson v. Superior Court* (1994, 2nd
Dist, Div. 5) 25 Cal.App.4th 1564, 1569; *Campbell v. Zolin* (1995, 6th District) 33 Cal.App.4th 489,
494-496; *Sounhein v. City of San Dimas* (1996, 2nd Dist, Div. 5) 47 Cal.App.4th 1181, 1189, 1191;
Wells Fargo Bank v. Goldzband (1997, 5th District) 53 Cal.App.4th 596, 616; *Sears v. Baccaglio* (1998,
1st Dist, Div. 2) 60 Cal.App.4th 1136, 1150; *Kidd v. State of California* (1998, 3rd District) 62
Cal.App.4th 386, 403; *Case v. Lazben Financial Co.* (2002, 2nd Dist, Div. 3) 99 Cal.App.4th 172, 186;
Chen v. Superior Court (Gill) (2004, 2nd Dist, Div. 3) 118 Cal.App.4th 761, 764 fn.2; *People v. Hard*
(2003, 1st Dist, Div. 5) 112 Cal.App.4th 272, 280; *Stamps v. Superior Court (Kenny-Shea-Traylor-*
Frontier-Kemper, JV) (2006, 2nd Dist, Div. 8) 136 Cal.App.4th 1441, 1450 fn.9; *Slocum v. State Bd. of*
Equalization (2005, 1st Dist, Div. 4) 134 Cal.App.4th 969, 977; *Knight v. Superior Court*
(*Schwarzenegger*) (2005, 3rd District) 128 Cal.App.4th 14, 26; *Bourquez v. Superior Court* (2007, 3rd
District) 156 Cal.App.4th 1275, 1285; *People v. Whaley* (2008) 160 Cal.App.4th 779, 801; *People v.*
Kelly (2008, 2nd Dist, Div. 3) 77 Cal.Rptr.3d 390, 398

29 **8. Ballot Summaries and Arguments/Statement of Vote:**

30 In construing these statutes, we also may refer to "other
31 indicia of the voters' intent, particularly the analyses and
32 arguments contained in the official ballot pamphlet. [Citation]"
33 *People v. Canty* (2004) 32 Cal.4th 1266, 1281

34 The ballot arguments both for and against Proposition 5 agreed
35 that the proposition would have the effect of ... (Ballot Pamp., Gen.
36 Elec. (1972) argument in favor of Prop. 5, argument in opposition to
37 Prop.5.) *Mendoza v. State of California* (2007, 2nd Dist, Div. 3) 149
38 Cal.App.4th 1034, 1042, fn.4

1 ... Like ballot pamphlet arguments, a reviewing court may look
2 to a ballot's legislative analysis to determine voter intent.
3 [Citations.] Finally, as a reviewing court is directed to look at the
4 arguments contained in the official ballot pamphlet to ascertain
5 voter intent, it is well-settled that such an analysis necessarily
6 includes the arguments advanced by both the proponents and opponents
7 of the initiative. [Citations.] *Robert L. v. Superior Court (People)*
8 (2003) 30 Cal.4th 894, 906

9 While the language of Proposition 209 is clear, and literally
10 interpreted does not lead to absurd results [citation], we may "test
11 our construction against those extrinsic aids that bear on the
12 enactors' intent" [citation], in particular the ballot materials
13 accompanying Proposition 209 that place the initiative in historical
14 context. [Citations.] *Hi-Voltage Wire Works, Inc. v. City of San Jose*
15 (2000) 24 Cal.4th 537

16 It is clear not only from the stated purpose of the legislation
17 and the initiative but from an examination of the statutory
18 provisions that the purpose of "three strikes" laws was to A
19 perceived failure of the criminal justice system to deal effectively
20 with recidivism is evident from the initiative proponents' arguments
21 which refer to the "judicial system's revolving door" (Ballot Pamp.,
22 argument in favor of Prop. 184 as presented to the voters, Gen. Elec.
23 (Nov. 8, 1994) p. 36) and "soft-on-crime judges, politicians, defense
24 lawyers and probation officers" (Ballot Pamp., rebuttal to the
25 argument against Prop. 184 as presented to the voters, Gen. Elec.
26 (Nov. 8, 1994) p. 37). *People v. Superior Court (Romero)* (1996) 13
27 Cal.4th 497, 504, 520, 528

28 Amwest and its supporting amicus curiae,... argue that in
determining the purposes of Prop. 103, we are limited to the express
statement of purpose included in the initiative ... We are aware of
no case that holds we are so constrained. To the contrary, in
construing a constitutional amendment enacted by initiative, we
desired: "Where, as here, a constitutional amendment is subject to
varying interpretations, evidence of its purpose may be drawn from
many sources, including the historical context of the amendment, and
the ballot arguments favoring the measure." [Citations.] *Amwest*
Surety Insurance Co. v. Wilson (1995) 11 Cal.4th 1243, 1256

Whether a statute is enacted through initiative process or
through the Legislature, it is considered a power exercised by the
legislative branch of government. [Citation.] Accordingly, references
in this dissent to the "legislative branch" apply equally to actions
taken by the people through the initiative process and laws enacted
by the Legislature. *Resendiz v. Superior Court (People)* (2001, 4th
Dist, Div. 1) 89 Cal.App.4th 1, 19

On our own motion, we take judicial notice of the ballot
pamphlet for Proposition 209. (Evid. Code, §452, subd. (c).) The
ballot pamphlet may properly be considered to show the intent of the
voters in passing an initiative measure. (*Pacific Legal Foundation v.*
Brown, supra, 29 Cal.3d 168, 182-183 & fn.6; *Mobilepark West*
Homeowners Assn. v. Escondido Mobilepark West (1995) 35 Cal.App.4th

32, 42, fn.6 [41 Cal.Rptr.2d 393].) *Kidd v. State of California* (1998, 3rd District) 62 Cal.App.4th 386, 407, fn.7

Initiative ballot arguments are considered the equivalent of the legislative history of a legislative enactment. *County of Sacramento v. Fair Political Practices Commission* (1990, 3rd District) 222 Cal.App.3d 687, 693, fn.2

To ascertain the intent of the electorate it is proper to consider the official statements made to the voters in connection with propositions of law they are requested to approve or reject. *Diamond International Corp. v. Boas* (1979) 92 Cal.App.3d 1015, 1034

A court may ... rely on extrinsic aids such as the history of the statement, committee reports, the legislative debates, and statements to the voters on initiative and referendum measures. *Noroian v. Department of Administration* (1970) 11 Cal.App.3d 651, 654-55

One appellate court case, in analyzing the intent of a proposition, considered not only official ballot materials but also a publication of the Criminal Law Section of the State Bar of California, as well as analyses prepared by Senate and Assembly committees and by the Office of the Public Defender of the City and County of San Francisco. *Covarrubias v. Superior Court* (1998, 6th District) 60 Cal.App.4th 1168, 1175-1177, 1181

In another, the court looked to the various versions of the legislative bill for an understanding of the legislative intent of the ballot measure approved by the electorate. *Hayward Area Planning Assn. v. Alameda County Transportation Authority* (1999, 1st District) 72 Cal.App.4th 95, 106, fn.5

People v. Knowles (1950) 35 Cal.2d 175, 182; *Lundberg v. County of Alameda* (1956) 46 Cal.2d 644, 653; *San Diego Coast Regional Commission v. See the Sea Limited* (1973) 9 Cal.3d 888, 891; *White v. Davis* (1975) 13 Cal.3d 757, 775; *California Housing Finance Agency v. Patitucci* (1978) 22 Cal.3d 171, 177; *Amador Valley Joint Union High School District v. State Board of Equalization* (1978) 22 Cal.3d 208, 245; *Board of Supervisors v. Lonergan* (1980) 27 Cal.3d 855; *Brosnahan v. Brown* (1982) 32 Cal.3d 236, 267, fn.7; *Lungren v. Deukmejian* (1988) 45 Cal.3d 727, 739-40; *Taxpayers v. FPPC* (1990) 51 Cal.3d 744, 755, 766; *Legislature v. Eu* (1991) 54 Cal.3d 492, 504; *Yoshisato v. Superior Court* (1992) 2 Cal.4th 978, 982; *Santa Clara County Local Transportation Authority v. Guardino* (1995) 11 Cal.4th 220, 235-238; *Amwest Surety Insurance Co. v. Wilson* (1995) 11 Cal.4th 1243, 1264; *People v. Cruz* (1996, 1st District) 13 Cal.4th 764, 774, fn.5; *Western Telcon, Inc. v. California State Lottery* (1996) 13 Cal.4th 475, 484-485; *People v. Benson* (1998) 18 Cal.4th 24, 33; *Horwich v. Superior Court* (1999) 21 Cal.4th 277, fn.4, 272, 279-280; *Hodges v. Superior Court* (1999) 21 Cal.4th 109, 114-116; *People v. Birkett* (1999) 21 Cal.4th 226, 243; *People v. Snyder* (2000) 22 Cal.4th 304, 310; *People v. Rizo* (2000) 22 Cal.4th 681, 685-686; *People v. Tindall* (2000) 24 Cal.4th 767, 784; *Day v. City of Fontana* (2001) 25 Cal.4th 268, 275, 278, fn.4; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 188; *Allen v. Sully-Miller Contracting Co.* (2002) 28 Cal.4th 222, 230; *People v. Montes* (2003) 31 Cal.4th 350, 361; *People v. Acosta* (2002) 29 Cal.4th 105, 122; *Katzberg v. Regents of University of California* (2002) 29 Cal.4th 300, 318; *People v. Hernandez* (2003) 30 Cal.4th 835, 866-867; *People v. Floyd* (2003) 31 Cal.4th 179, 187-189; *County of Riverside v. Superior Court (Riverside Sheriff's Assn.)* (2003) 30 Cal.4th 278, 287; *People v. Lopez* (2005) 34 Cal.4th 1002, 1010; *Lockyer v. City & County of San Francisco* (2004) 33 Cal.4th 1055, 1085

1 California Institute of Technology v. Johnson (1942) 55 Cal.App.2d 856, 859; Crees v. California
2 State Board of Medical Examiners (1963) 213 Cal.App.2d 195, 211; Miro v. Superior Court (1970) 5
3 Cal.App.3d 87, 98; Sanders v. Pacific Gas and Electric (1975) 53 Cal.App.3d 661; Consumer's Union v.
4 California Milk Product Adv. (1978) 82 Cal.App.3d 439, 446, 448; People v. Zikorus (1983) 150
5 Cal.App.3d 324, 330; Arvin Union School District v. Ross (1985, 2nd Dist, Div. 2) 176 Cal.App.3d 189,
6 199; Aguimatang v. California State Lottery (1991, 3rd District) 234 Cal.App.3d 769, 790; Sanford v.
7 Garamendi (1991, 3rd District) 233 Cal.App.3d 1109, 1118; People v. Ramirez (1995, 2nd Dist, Div. 5)
8 33 Cal.App.4th 559, 565-566; People v. Turner (1995, 2nd Dist, Div. 5) 40 Cal.App.4th 733, 742;
9 Thomsen v. City of Escondido (1996, 4th Dist, Div. 1) 49 Cal.App.4th 884, 891; Americans for
10 Nonsmokers' Rights v. State of California (1996, 3rd District) 51 Cal.App.4th 724, 738; People v.
11 Griggs (1997, 5th District) 59 Cal.App.4th 557, 561; People v. Tran (1997, 6th District) 59
12 Cal.App.4th 1125, 1139 (concurrence); People v. Garcia (1998, 1st Dist, Div. 1) 63 Cal.App.4th 820,
13 831, 832; Hondo Co. v. Superior Court (1998, 2nd District) 67 Cal.App.4th 176, 182, 183; McLaughlin
14 v. State Board of Education (1999, 1st Dist, Div. 2) 75 Cal.App.4th 196, 216-217; Jenkins v. County
15 of Los Angeles (1999, 2nd Dist, Div. 4) 74 Cal.App.4th 524, 531-532; In re Cervera (1999, 4th Dist,
16 Div. 3) 74 Cal.App.4th 766, 771; Kidd v. State of California (1998, 3rd District) 62 Cal.App.4th 386,
17 400, 401, 407, fn.5 and fn.7; Moreno v. Sanchez (2003, 2nd Dist, Div. 7) 106 Cal.App.4th 1415, 1436;
18 People v. De Porceri (2003, 6th District) 106 Cal.App.4th 60, 71; In re Mehdizadeh (2003, 2nd Dist,
19 Div. 7) 105 Cal.App.4th 995, 1005, fn.28; People v. Superior Court (Martinez) (2002, 6th District)
20 104 Cal.App.4th 692, 699-700; Board of Retirement v. Superior Court (People) (2002, 2nd Dist, Div. 2)
21 101 Cal. App.4th 1062, 1069; Guardian North Bay, Inc. v. Superior Court (Myers) (2001, 6th District)
22 94 Cal.App.4th 963, 976, fn.2; North Gualala Water Company v. State Water Resources Control Board
23 (2006, 1st Dist, Div. 1) 139 Cal.App.4th 1577, 1591

Legislative antecedents; failed or enacted

24 The California Supreme Court in a 2003 case considered failed legislative
25 efforts preceding an adopted ballot proposition. It found the "motive or purpose"
26 (vs. an impartial expression of the history) of the individuals involved in the
27 legislative process not relevant, and that there was no evidence to show the
28 electorate was aware of this historical background. *Robert L. v. Superior Court*
(*People*) (2003) 30 Cal.4th 894, 904-905

It then distinguished this finding from an earlier case where it looked to
historical background stating:

In *Hi-Voltage*, while we did state that "we can discern and thereby effectuate the voters' intention only by interpreting [the initiative's] language in its historical context. "... we sought only to place our debate about Proposition 209 in its "relevant analytical context." [Citation.] We therefore looked back on 150 years of But we were careful to point out that "we may 'test our construction against those extrinsic aids that bear on the enactors' intent' [citation], in particular the ballot materials accompanying Proposition 209 that place that initiative in historical context. [Citations]"

Thus, our court has never strayed from our pronouncement in *Horwich*, [citation] that "legislative antecedents" "not directly presented to the voters ... are not relevant to our inquiry." [Citation.] Accordingly, in *Horwich*, we "[c]onsider[ed] the electorate's intended goal as reflected in the language of the [statute] and in the ballot arguments" [Citation.] Similarly, in *Delaney* [citation] we stated "[Legislative] history would not provide us with any guidance as to the voters subsequent

1 intent because none of the indicia of the Legislature's possible
2 intent (committee analyses and digest and letters from the statute's
3 author) were before the voters." Thus, to the extent the Court of
4 Appeal, in ascertaining the voters' intent, relied on evidence of the
5 drafters' intent that was not presented to the voters, we decline to
6 follow it. Instead we look to the materials that were before the
7 voters.

8 In footnotes, however, the court however took judicial notice of these
9 legislative antecedents stating:

10 Real party in interest requests that we take judicial notice of
11 the prior, failed efforts in the Legislature to pass section
12 186.22(d). Petitioner formally opposes this request. In *Horwich*,
13 [citation] we took judicial notice of legislative antecedents to
14 Proposition 213 despite the fact we found them irrelevant to the
15 electorate's intent. Following the same logic, the request for
16 judicial notice is hereby granted. *Robert L. v. Superior Court*
17 (*People*) (2003) 30 Cal.4th 894, 905 fn.13

18 It is important to see also fn.11 of the decision, where, despite
19 the findings above, the court goes on to quote statements from the
20 legislative antecedents referenced.

21 A 2002 appellate decision also addressed earlier legislative antecedents in
22 analyzing the legislative intent of a section later adopted by the electorate:

23 Because of the increasing sense of urgency to combat gang-
24 related crime in California, Governor Pete Wilson supported a crime
25 bill proposed by the Senate and the Assembly

26 ...

27 Ultimately the bill was defeated....

28 Because the Legislature failed to enact the crime bill,
29 Governor Wilson took the legislation to the people of California. It
30 was placed on the ballot as Proposition 21,... *People v. Arroyas*
31 (2002, 2nd Dist, Div. 2) 96 Cal.App.4th 1439, 1447-8

32 With regard to *enacted* antecedents, in a subsequent 2003 case,
33 *People v. Montes* (2003) 31 Cal.4th 350, 355-356 the court held:

34 Where a voter initiative contains a provision that is identical
35 to provisions previously enacted by the Legislature, in the absence
36 of an indication of a contrary intent, we infer that the voters
37 intended the provision to have the same meaning as the provision
38 drafted by the Legislature. [Citation.]

39 **9. Third Reading Analyses:**

40 Legislative history further undermines the suggestion that
41 defendants Sen. Rules Com., Off. Of Sen. Floor Analyses
42 *People v. Walker* (2002) 29 Cal.4th 577, 587

1 We recognize that materials prepared for the Senate's Third
2 Reading -...- state that Senate Bill No. 1137 *In re Rottanak K.*
3 (1995, 5th District) 37 Cal.App.4th 260, 267

4 *People v. Seneca Ins. Co.* (2003) 29 Cal.4th 954, 963; *In re Marriage of Goddard* (2004) 33 Cal.4th 49,
5 55; *In re Steele* (2004) 32 Cal.4th 682,694; *In re Young* (2004) 32 Cal.4th 900, 908; *People v. Oates*
6 (2004) 32 Cal.4th 1048, 1057-1058

7 -----
8 *Rieger v. Arnold* (2002, 3rd District) 104 Cal.App.4th 451,463

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

10 Similarly, the Assembly Office of Research Third Reading
11 analysis refers the reader to "existing law" on enforcement of
12 orders,... the Assembly document states *People v. Tabb* (1991,
13 4th Dist, Div. 1) 228 Cal.App.3d 1300, 1309

14 *Central Pathology Service Medical Clinic v. Superior Court* (1992) 3 Cal.4th 181, 188, fn.3; *Calvillo-*
15 *Silva v. Home Grocery* (1998) 19 Cal.4th 714, 722-723, 726; *People v. Robles* (2000) 23 Cal.4th 1106,
16 1119; *Southern California Edison Co. v. Peevey* (2003) 31 Cal.4th 781, 817 (dissent); *In re Marriage*
17 *of Goddard* (2004) 33 Cal.4th 49, 55; *People v. Cole* (2006) 38 Cal.4th 964, 983

18 -----
19 *Southland Mechanical Constructors v. Nixen* (1981, 4th Dist, Div. 2) 119 Cal.App.3d 417, 428; *Honey*
20 *Springs Homeowners Assn. v. Board of Supervisors* (1984) 157 Cal.App.3d 1122; *People v. Martinez*
21 (1987, 2nd Dist, Div. 2) 194 Cal.App.3d 15, 22; *O'Loughlin v. W.C.A.B.* (1990, 1st Dist, Div. 1) 222
22 Cal.App.3d 1518, 1524; *In re Rikki, D.* (1991) 227 Cal.App.3d 1624, 1630; *Kishida v. State of*
23 *California* (1991, 4th Dist, Div. 1) 229 Cal.App.3d 329, 335; *Franklin v. Appel* (1992, 2nd Dist, Div.
24 3) 8 Cal.App.4th 875, 889; *Coronado Yacht Club v. California Coastal Commission* (1993, 4th Dist, Div.
25 1) 13 Cal.App.4th 860, 870; *Forty-Niner Truck Plaza, Inc. v. Union Oil Co.* (1997, 3rd District) 58
26 Cal.App.4th 1261, 1273, 1274; *Terhune v. Superior Court* (1998, 1st Dist, Div. 1) 65 Cal.App.4th 864,
27 879, fn.9; *C&C Partners, Ltd. v. Department of Industrial Relations, Division of Labor Standards*
28 *Enforcement* (1999, 4th Dist, Div. 3) 70 Cal.App.4th 603, 608; *Santa Ana Unified School District v.*
Orange County Development Agency (2001, 4th Dist, Div. 3) 90 Cal.App.4th 404, 410; *Santa Ana Unified*
School District v. Orange County Development Agency (2001, 4th Dist, Div. 3) 90 Cal.App.4th 404, 410;
Summerfield v. Windsor Unified School District (2002, 1st Dist, Div. 3) 95 Cal.App.4th 1026, 1035;
People v. Connor (2004, 6th District) 115 Cal.App.4th 669, 684; *Alch v. Superior Court (Time Warner*
Entertainment) (2004, 2nd Dist, Div. 8) 122 Cal.App.4th 339, 364 fn.12; *Branciforte Heights, LLC v.*
City of Santa Cruz (2006, 6th District) 138 Cal.App.4th 914,926; *Stamps v. Superior Court (Kenny-*
Shea-Traylor-Frontier-Kemper, JV) (2006, 2nd Dist, Div. 8) 136 Cal.App.4th 1441, 1450 fn.9; *In re*
Baby Girl M. (2006, 4th Dist, Div. 1) 135 Cal.App.4th 1528, 1538; *An Independent Home Support*
Service, Inc. v. Superior Court (San Diego) (2006, 4th Dist, Div. 1) 145 Cal.App.4th 1418, 1438

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

20 *People v. Nguyen* (1999) 21 Cal.4th 197, 206; *People v. Frazer* (1999) 21 Cal.4th 737, 753; *Preston v.*
21 *State Board of Equalization* (2001) 25 Cal.4th 197, 217; *Ketchum v. Moses* (2001) 24 Cal.4th 1122,
22 1136, fn.1; *Eisner v. Uveges* (2004) 34 Cal. 4th 915, 934; *Murphy v. Kenneth Cole Productions* (2007)
23 40 Cal.4th 1094, 1109; *In re Derrick B.* (2006) 39 Cal. 4th 535, 545

24 -----
25 *People v. Superior Court (Memorial Medical Center)* (1991, 2nd Dist, Div. 7) 234 Cal.App.3d 363, 379;
26 *In re Rudy L.* (1994, 2nd Dist, Div. 1) 29 Cal.App.4th 1007, 1013; *Scripps Health v. Marin* (1999, 4th
27 District) 72 Cal.App.4th 324, 334-335; *People v. Hurtado* (1999, 4th Dist, Div. 1) 73 Cal.App.4th
28 1243, 1255; *People v. Zaragoza* (2000, 2nd Dist, Div. 5) 77 Cal.App.4th 1032, 1038; *People v. Tokash*
(2000, 4th Dist, Div. 1) 79 Cal.App.4th 1373, 1378; Friends of Westhaven & Trinidad v. County of
Humboldt (2003, 1st Dist, Div. 3) 107 Cal.App.4th 878, 886; *Emeryville Redevelopment Agency v.*
Harcros Pigments, Inc. (2002, 1st Dist, Div. 4) 101 Cal.App.4th 1083, 1099; *Smith v. Santa Rosa*
Police Department (2002, 1st Dist, Div. 2) 97 Cal.App.4th 546, 562; *Teamsters Local 856 v. Priceless,*
LLC (2003, 1st Dist, Div. 1) 112 Cal. App.4th 1500, 1518; *Rincon Del Diablo Municipal Water District*
v. San Diego County Water Authority (2004, 5th Dist, Div. 1) 121 Cal.App.4th 813, 820; *Woolls v.*
Superior Court (Turner) (2005, 2nd Dist, Div. 3) 127 Cal.App.4th 197, 209; *People v. Lai* (2006, 2nd
Dist, Div. 4) 138 Cal.App.4th 1227, 1243; *National Steel and Shipbuilding Co. v. Superior Court*
(Godinez) (2006, 4th Dist, Div. 1) 135 Cal.App.4th 1072, 1081 [Review Granted]; *Bell v. Farmers Ins.*
Exchange (2006, 1st Dist, Div. 1) 135 Cal.App.4th 1138, 1150, fn.3; *Mills v. Superior Court (Bed,*
Bath & Beyond Inc.) (2006, 2nd Dist, Div. 5) 135 Cal.App.4th 1547, 1553[Review Granted.]; *Murphy v.*
Kenneth Cole Productions, Inc. (2005, 1st Dist, Div. 1) 134 Cal.App.4th 728, 748, 752 [Review
Granted]; *People v. Vincelli* (2005, 3rd District) 132 Cal.App.4th 646, 652; *Watson Land Co. v. Shell*
Oil Co. (2005, 2nd Dist, Div. 2) 130 Cal.App.4th 69, 79; *Megrabian v. Saenz* (2005, 1st Dist, Div. 3)
130 Cal.App.4th 468, 486, fn.8; *Armenta ex rel City of Burbank v. Mueller Co.* (2006, 2nd Dist, Div.1)
142 Cal.App.4th 636, 648

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

2 *State Dept. of Health Services v. Superior Court (McGinnis)* (2003) 31 Cal.4th 1026, 1042; *Olmstead v.*
3 *Arthur J. Gallagher & Co.* (2004) 32 Cal.4th 804, 814; *Regency Outdoor Advertising, Inc. v. City of*
4 *Los Angeles* (2006) 39 Cal.4th 507, 527; *In re Marriage of Fellows* (2006) 39 Cal.4th 179, 185; *Ordlock*
5 *v. Franchise Tax Board* (2006) 38 Cal.4th 897, 912, fn.8; *Jones v. Lodge at Torrey Pines Partnership*
6 (2008) 42 Cal.4th 1158, 1170; *Catholic Mutual Relief Society v. Superior Court* (2007) 42 Cal.4th 358,
7 371-372; *Tonya M. v. Superior Court of Los Angeles County* (2007) 42 Cal.4th 836, 846; *People v.*
8 *Alford* (2007) 42 Cal.4th 749, 756; *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 544

9 *Tarpy v. County of San Diego* (2003, 4th Dist, Div. 1) 110 Cal.App.4th 267, 274-275; *People ex rel.*
10 *Allstate Ins. Co. v Weitzman* (2003, 2nd Dist, Div. 5) 107 Cal.App.4th 534, 548; *Guillemín v. Stein*
11 (2002, 3rd District) 104 Cal.App.4th 156, 166; *In re Erik P.* (2002) 104 Cal.App.4th 395, 404; *Maffei*
12 *v. Sacramento County Employees' Retirement System* (2002, 3rd District) 103 Cal.App.4th 993, 1000;
13 *Wood v. County of San Joaquin* (2003, 3rd District) 111 Cal.App.4th 960, 969; *Franzosi v. Santa Monica*
14 *Community College District* (2004, 2nd Dist, Div. 8) 118 Cal.App.4th 442, 450; *Coburn v. Sievert*
15 (2005, 5th District) 133 Cal.App.4th 1483, 1500, fn.8; *Park City Services, Inc., v. Ford Motor*
16 *Company* (2006, 4th Dist, Div. 2) 144 Cal.App.4th 295, 307; *Hesperia Citizens for Responsible*
17 *Development v. City of Hesperia* (2007, 4th Dist, Div. 1) 151 Cal.App.4th 653, 659; *Stewart v. Seward*
18 (2007, 2nd Dist, Div. 3) 148 Cal.App.4th 1513, 1520; *Samples v. Brown* (2007, 1st Dist, Div. 2) 146
19 Cal.App.4th 787, 807; *Teachers' Retirement Board v. Genest* (2007, 3rd District) 154 Cal.App.4th 1012,
20 1023 (Concurrence in Senate Amendments Analysis); *County of Orange v. Superior Court* (2007, 4th Dist,
21 Div. 3) 155 Cal.App.4th 1253, 1260; *Starrh And Starrh Cotton Growers v. Aera Energy LLC* (2007, 5th
22 District) 153 Cal.App.4th 583, 603; *People v. Quitiquit* (2007, 4th Dist, Div. 1) 155 Cal.App.4th 1, 9
(Concurrence in Senate Amendments analysis); *Canister v. Emergency Ambulance Service* (2008, 2nd Dist,
Div. 8) 160 Cal.App.4th 388, 401, fn.6

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

13 With respect to section 1320.5, the legislative history states
14 explicitly that its purpose is "to deter bail jumping." ... Sen.
15 Republican Caucus, analysis of Sen. Bill No. 395

16 ... Another legislative report observed that those who opposed
17 enactment of the statute did so partly because ... (Sen. Democratic
18 Caucus, Rep. On 3d Reading of Assembly Bill No. 692 ... *People v.*
19 *Walker* (2002) 29 Cal.4th 577, 583

20 Likewise, an analysis of the bill by the Senate Republican
21 Caucus concluded Section 65961 These comments, although not
22 necessarily dispositive on the subject of legislative intent, reflect
an intent similar to that suggested by other provisions of the Act.
Golden State Homebuilding Association v. City of Modesto (1994, 5th
District) 26 Cal.App.4th 601, 609

23 Similarly the third reading analyses of Assembly Bill No. 1303
24 by both the Senate Democratic Caucus and the Senate Republican Caucus
25 refer to "the present 48-hour limitation." *Youngblood v. Gates* (1988,
26 2nd District) 200 Cal.App.3d 1302, 1343

27 *Pilimai v. Farmers Insurance Exchange Company* (2006) 39 Cal.4th 133, 146; *People v. Cole* (2006) 38
28 Cal.4th 964, 983; *People v. Snook* (1997) 16 Cal.4th 1210, 1218; *Calvillo-Silva v. Home Grocery* (1998)
19 Cal.4th 714, 722-723, 726; *People v. Snyder* (2000) 22 Cal.4th 304, 310

29 *Southland Mechanical Constructors v. Nixen* (1981, 4th Dist, Div. 2) 119 Cal.App.3d 417, 428; *People*
30 *v. Cardoza* (1984) 161 Cal.App.3d 40, 44; *Honey Springs Homeowners Assn. v. Board of Supervisors*
31 (1984) 157 Cal.App.3d 1122, 1138; *People v. Martinez* (1987, 2nd Dist, Div. 2) 194 Cal.App.3d 15, 22;
32 *Knighten v. Sam's Parking Valet* (1988, 4th District) 106 Cal.App.3d 69, 77; *American Tobacco Co. v.*
33 *Superior Court* (1989) 208 Cal.App.3d 480, 486, 487; *Schwetz v. Minnerly* (1990, 4th Dist, Div. 1) 220
34 Cal.App.3d, 296, 306; *Van De Kamp v. Gumbiner* (1990, 2nd Dist, Div. 5) 221 Cal.App.3d 1277, 1281,
35 1282; *Alexander, D. v. State Board of Dental Examiners* (1991, 1st Dist, Div. 1) 231 Cal.App.3d 92,
36 97; *Industrial Risk Insurers v. The Rust Engineering Co.* (1991, 1st Dist, Div. 4) 232 Cal.App.3d
37 1038, 1044; *Forty-Niner Truck Plaza, Inc. v. Union Oil Co.* (1997, 3rd District) 58 Cal.App.4th 1261,
38 1273; *Golden Day Schools, Inc. v. Department of Education* (1999, 3rd District) 69 Cal.App.4th 681,
691-692; *People v. Angel* (1999, 5th District) 70 Cal.App.4th 1141, 1150, fn.8; *Main Fiber Products,*

1 *Inc. v. Morgan & Franz Insurance Agency* (1999, 4th Dist, Div. 2) 73 Cal.App.4th 1130, 1136; *People v. Harper* (2000, 3rd District) 82 Cal.App.4th 1413, 1418; *Santa Ana Unified School District v. Orange*
2 *County Development Agency* (2001, 4th Dist, Div. 3) 90 Cal.App.4th 404, 410; *Orange County Development*
3 *Agency* (2001, 4th Dist, Div. 3) 90 Cal.App.4th 404, 410; *In re Danny H.* (2002, 2nd Dist, Div. 3) 104
4 Cal.App.4th 92, 102, fn.19; *People v. Washington* (2002, 2nd Dist, Div. 5) 100 Cal.App.4th 590 595;
5 *Santa Ana Unified School District v. Pederson v. Superior Court (People)* (2003, 2nd Dist, Div. 2) 105
6 Cal.App.4th 931, 939; *Alch v. Superior Court (Time Warner Entertainment)* (2004, 2nd Dist, Div. 8) 122
7 Cal.App.4th 339, 364 fn.11; *People v. Connor* (2004, 6th District) 115 Cal.App.4th 669, 684;
8 *Branciforte Heights, LLC v. City of Santa Cruz* (2006, 6th District) 138 Cal.App.4th 914, 926;
9 *Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co.* (2005, 2nd Dist, Div. 1) 130
10 Cal.App.4th 890, 901; *Amberger-Warren v. City of Piedmont* (2006, 1st Dist, Div. 1) 143 Cal.App.4th
11 1074, 1082

6 e. Office of Senate Floor Analyses

7 The Legislature confirmed its understanding that second parent
8 adoptions were not a universal option when it allowed registered
9 domestic partners to participate in this procedure. As the Senate
10 Rules Committee's Analysis explained ... (Sen. Rules Com., Off. Of
11 Sen. Floor Analyses, 3d reading analysis of ... *Sharon S. v. Superior*
12 *Court (Annette F.)* (2003) 31 Cal.4th 417, 459

13 A Senate Floor Analysis of Senate Bill 2404, prepared after the
14 bill had been amended by the Assembly, demonstrates that the
15 Legislature intended that Senate Bill 2404 correct the anomaly in the
16 statutory scheme noted by the court in *People v. Downing...* *People*
17 *v. Broussard* (1993) 5 Cal.4th 1067, 1075

18 Senate Floor, Analysis of Assembly Bill No. 3260 (1993-1994
19 Reg. Sess.) as amended August 24, 1994 On the court's own
20 motion, we take judicial notice of this legislative history of
21 section 1363.1. *Medeiros v. Superior Court (Los Angeles)* (2007, 2nd Dist,
22 Div. 7) 146 Cal.App.4th 1008, 1017

23 The Association maintains that the section applied only to
24 It cites the third reading analysis prepared by the Office of Senate
25 Floor Analyses This analysis of the Office of Senate Floor
26 Analyses is relevant to the issue of legislative intent. *El Dorado*
27 *Palm Springs, Ltd. v. City of Palm Springs, et al* (2002, 4th Dist,
28 Div. 2) 96 Cal.App.4th 1155, 1167-1168

Contemporaneous legislative committee analyses are subject to
judicial notice. [Citation.] We may also regard them as reliable
indicia of the legislative intent underlying the enacted statute.
[Citation.] We find particularly instructive a Senate Floor analysis.
In re Microsoft I-V Cases (2006, 1st Dist, Div. 1) 135 Cal.App.4th
706, 719-720

23 *Central Pathology Service Medical Clinic v. Superior Court* (1992) 3 Cal.4th 181, 188, fn.3; *Planning*
24 *& Conservation League v. Department of Water Resources* (1998) 17 Cal.4th 264, 272, 273; *Delaney v.*
25 *Baker* (1999) 20 Cal.4th 23, 32, 33, 35; *Calvillo-Silva v. Home Grocery* (1998) 19 Cal.4th 714, 722-
26 723, 726; *People v. Nguyen* (1999) 21 Cal.4th 197, 206; *People v. Frazer* (1999) 21 Cal.4th 737, 753;
27 *People v. Rubalcava* (2000) 23 Cal.4th 322, 330; *Covenant Care, Inc. v. Superior Court (Inclan)* (2004)
28 32 Cal.4th 771, 785; *In re Young* (2004) 32 Cal.4th 900, 908; *People v. Lopez* (2003) 31 Cal.4th 1051,
1057; *Sharon S. v. Superior Court (Annette F.)* (2003) 31 Cal.4th 417, 443, 459 (concurrence and
dissent); *People v. Meloney* (2003) 30 Cal.4th 1145, 1159; *Drouet v. Superior Court (Broustis)* (2003)
31 Cal.4th 583, 598; *Olmstead v. Arthur J. Gallagher & Co.* (2004) 32 Cal.4th 804, 816; *In re Alva*
(2004) 33 Cal.4th 254, 292, fn.21; *In re Jesusa V.* (2004) 32 Cal.4th 588, 650; *Varian Medical*
Systems, Inc. v. Delfino (2005) 35 Cal.4th 180, 194-195; *Campbell v. Regents of the University of*
Cal. (2005) 35 Cal.4th 311, 330; *Frye v. Tenderloin Housing Clinic, Inc.* (2006) 38 Cal.4th 23, 46;
People ex rel. Lockyer v. R.J. Reynolds Tobacco Co. (2005) 37 Cal.4th 707, 715; *Pacific Lumber Co. v.*
State Water Resources Control Bd. (2006) 37 Cal.4th 921, 940; *MW Erectors, Inc. v. Niederhauser*

1 Ornamental & Metal Works Co., Inc. (2005) 36 Cal.4th 412, 429, fn.8; Varian Medical Systems, Inc. v.
2 Delfino (2005) 35 Cal.4th 180, 194-5; Campbell v. Regents of the University of Cal. (2005) 35 Cal.4th
3 311, 330; Jevne v. Superior Court (JB Oxford Holdings, Inc.) (2005) 35 Cal.4th 935, 947-8; In re
4 Derrick B. (2006) 39 Cal.4th 535, 545; In re Marriage of Fellows (2006) 39 Cal.4th 179, 185; Ordlock
5 v. Franchise Tax Board (2006) 38 Cal.4th 897, 912, fn.8; Brodie v. Workers' Compensation Appeals
6 Board (2007) 40 Cal.4th 1313, 1329; Murphy v. Kenneth Cole Productions (2007) 40 Cal.4th 1094, 1107;
7 Cacho v. Boudreau (2007) 40 Cal.4th 341, 353; Tonya M. v. Superior Court of Los Angeles County (2007)
8 42 Cal.4th 836, 846; Catholic Mutual Relief Society v. Superior Court (2007) 42 Cal.4th 358, 371-372;
9 Gattuso v. Harte-Hanks Shoppers, Inc. (2007) 42 Cal.4th 554, 562; In re Tobacco Cases II (2007) 41
10 Cal.4th 1257, 1273; City of Santa Monica v. Gonzalez (2008) 43 Cal.4th 905, 925, 926; Mays v. City of
11 Los Angeles (2008) 43 Cal.4th 313, 324; Marathon Entertainment, Inc v. Blasi (2008) 42 Cal.4th 974,
12 998

13 Valnes v. Santa Monica Rent Control Board (1990, 2nd Dist, Div. 1) 221 Cal.App.3d 1116, 1122; Farnow
14 v. Superior Court (1990, 1st Dist, Div. 2) 226 Cal.App.3d 481, 490; In re Marriage of Abernethy
15 (1992, 1st Dist, Div. 5) 5 Cal.App.4th 1193, 1198; Texas Commerce Bank v. Garamendi (1992, 2nd Dist,
16 Div. 4) 11 Cal.App.4th 460, 490; California Country Club Homes Assn. v. City of Los Angeles (1993,
17 2nd Dist, Div. 7) 18 Cal.App.4th 1425, 1440; In re Rudy L. (1994, 2nd Dist, Div. 1) 29 Cal.App.4th
18 1007, 1013; Lafayette Morehouse, Inc. v. Chronicle Publishing Co. (1995, 1st Dist, Div. 5) 39
19 Cal.App.4th 1379, 1383; Cisneros v. Vuere (1995, 1st Dist, Div. 2) 37 Cal.App.4th 906, 911; People v.
20 Butler (1996, 2nd Dist, Div. 4) 43 Cal.App.4th 1224, 1236; Delaney v. Baker (1997, 1st Dist, Div. 5)
21 59 Cal.App.4th 1403, 1413 (Petition for Review Granted); Andreacchi v. Price Co. (1997, 1st Dist,
22 Div. 1) 53 Cal.App.4th 646, 656; Grossmont Hospital v. Workers' Compensation Appeals Board (1997, 4th
23 Dist, Div. 1) 59 Cal.App.4th 1348, 1358; People v. Steffens (1998, 6th District) 62 Cal.App.4th 1273,
24 1285; Bodell Construction Co. v. Trustees of California State University (1998, 4th Dist, Div. 1) 62
25 Cal.App.4th 1508, 1524; Terhune v. Superior Court (1998, 1st Dist, Div. 1) 65 Cal.App.4th 864, 879;
26 Cheyanna M. v. A.C. Nielsen Co. (1998, 2nd District) 66 Cal.App.4th 855, 875, 876; In re Carr (1998,
27 2nd District) 65 Cal.App.4th 1525, 1533; California Correctional Peace Officers Assn. v. Department
28 of Corrections (1999, 3rd District) 72 Cal.App.4th 1331, 1358; Estate of Peterson (1999, 4th
District) 72 Cal.App.4th 431, 436; People v. Patterson (1999, 3rd District) 72 Cal.App.4th 438, 442-
443; Flannery v. Prentice (1999, 1st District) 72 Cal.App.4th 395, 400-401; Scripps Health v. Marin
(1999, 4th District) 72 Cal.App.4th 324, 334; Ream v. Superior Court (1996, 3rd District) 48
Cal.App.4th 1812, 1821, fn.6; Bravo Vending v. City of Rancho Mirage (1993, 4th Dist, Div. 2) 16
Cal.App.4th 383, 399, 401; Sutter's Place Inc. v. Kennedy (1999, 6th District) 71 Cal.App.4th 674,
686; In re Cervera (1999, 4th Dist, Div. 3) 74 Cal.App.4th 766, 770-771; People v. American
Contractors Indemnity (1999, 2nd Dist, Div. 5) 74 Cal.App.4th 1048; People v. Pena (1999, 5th
District) 74 Cal.App.4th 1078, 1083; Beverly v. Anderson (1999, 3rd District) 76 Cal.App.4th 480,
486; People v. Zaragoza (2000, 2nd Dist, Div. 5) 77 Cal.App.4th 1032, 1038; People v. Valencia (2000,
2nd Dist, Div. 5) 82 Cal.App.4th 139, 147; Balasubramanian v. San Diego Community College District
(2000, 4th Dist, Div. 1) 80 Cal.App.4th 977, 986-987; Huson v. County of Ventura (2000, 2nd Dist,
Div. 6) 80 Cal.App.4th 1131, 1136; Pacific Bell v. Public Utilities Commission (2000, 1st Dist, Div.
5) 79 Cal.App.4th 269, 277; De Anza Santa Cruz Mobile Estates Homeowners Assn. v. De Anza Santa Cruz
Mobile Estates (2001, 6th District) 94 Cal.App.4th 890, 910; Guillemin v. Stein (2002, 3rd District)
104 Cal.App.4th 156, 166, fn.12; In re Erik P. (2002) 104 Cal.App.4th 395, 404; People v. Robinson
(2002, 3rd District) 104 Cal.App.4th 902, 905; In re Holly H. (2002, 1st Dist, Div. 3) 104
Cal.App.4th 1324, 1330-1331; Ruiz v. Sylva (2002, 2nd Dist, Div. 8) 102 Cal.App.4th 199, 208 fn.6;
Corbett v. Superior Court (Bank of America, N.A.) (2002, 1st Dist, Div. 2) 101 Cal.App.4th 649, 692;
Warmington Old Town Associates v. Tustin Unified School District (2002, 4th Dist, Div. 3) 101
Cal.App.4th 840, 853; Emeryville Redevelopment Agency v. Harcros Pigments, Inc. (2002, 1st Dist, Div.
4) 101 Cal.App.4th 1083, 1099; Giles v. Horn (2002, 4th Dist, Div. 1) 100 Cal.App.4th 206, 232; Smith
v. Santa Rosa Police Department (2002, 1st Dist, Div. 2) 97 Cal.App.4th 546, 560; Migliore v. Mid-
Century Ins. Co. (2002, 2nd Dist, Div. 4) 97 Cal.App.4th 592, 610; In re Raymond E. (2002, 3rd
District) 97 Cal.App.4th 613, 617; People v. Arroyas (2002, 2nd Dist, Div. 2) 96 Cal.App.4th 1439,
1447; People v. Dyer (2002, 2nd Dist, Div. 6) 95 Cal.App.4th 448, 456; Souvannarath v. Hadden (2002,
5th District) 95 Cal.App.4th 1115, 1126-1127; Redevelopment Agency of San Diego v. San Diego Gas &
Electric Co. (2003, 4th Dist, Div. 1) 111 Cal.App.4th 912, 919; Barbee v. Household Automotive
Finance Corp. (2003, 4th Dist, Div. 1) 113 Cal.App.4th 525, 536; Pacific Gas & Electric Co. v.
Department of Water Resources (2003, 3rd District) 112 Cal.App.4th 477, 497; Realmuto v. Gagnard
(2003) 110 Cal.App.4th 193, 203; Residential Capital v. Cal-Western Reconveyance Corp. (2003, 4th
Dist, Div. 1) 108 Cal.App.4th 807, 816; People ex rel. Allstate Ins. Co. v Weitzman (2003, 2nd Dist,
Div. 5) 107 Cal.App.4th 534, 547-552; In re Vitamin Cases (2003, 1st Dist, Div. 2) 107 Cal.App.4th
820, 828; People v. Snow (2003, 4th Dist, Div. 1) 105 Cal.App.4th 271, 282; Pederson v. Superior
Court (People) (2003, 2nd Dist, Div. 2) 105 Cal.App.4th 931, 939; Estate of Thomas (2004, 2nd Dist,
Div. 2) 124 Cal.App.4th 711, 724; Salawy v. Ocean Towers Housing Corp. (2004, 2nd Dist, Div. 5) 121
Cal.App.4th 664, 677 (dissent); PG&E Corp. v. Public Utilities Commission (Office of Ratepayer
Advocates) (2004, 1st Dist, Div. 5) 118 Cal.App.4th 1174, 1205; In re Carlos E. (2005, 5th District)
127 Cal.App.4th 1529, 1541; City of Santa Monica v. Stewart (2005) 126 Cal.App.4th 43, 81; Peoples v.
San Diego Unified School Dist. (2006, 4th Dist, Div. 1) 138 Cal.App.4th 463, 471; Syngenta Crop
Protection, Inc. v. Helliker (Gustafson LLC) (2006, 2nd Dist, Div. 3) 138 Cal.App.4th 1135, 1162; In
re Marriage of Walker (2006, 1st Dist, Div. 5) 138 Cal.App.4th 1408, 1426; Kuperman v. San Diego
Assessment Appeals Bd. No. 1 (Smith) (2006, 4th Dist, Div. 1) 137 Cal.App.4th 918, 937-9; People v.

1 Laughlin (2006, 5th District) 137 Cal.App.4th 1020, 1028; Cedars-Sinai Medical Center v. Shewry
2 (2006, 2nd Dist, Div. 2) 137 Cal.App.4th 964, 976, fn.4; Blue v. City of Los Angeles (2006, 2nd Dist,
3 Div. 3) 137 Cal.App.4th 1131, 1146; Apartment Assn. of Los Angeles County, Inc. v. City of Los
4 Angeles (2006, 2nd Dist, Div. 3) 136 Cal.App.4th 119, 133, fn.3; National Steel and Shipbuilding Co.
5 v. Superior Court (Godinez) (2006, 4th Dist, Div. 1) 135 Cal.App.4th 1072, 1081 [Review Granted]; San
6 Bernardino Associated Governments v. Superior Court (Sierra Club) (2006, 4th Dist, Div. 2) 135
7 Cal.App.4th 1106, 1120-21; Caliber Bodyworks, Inc. v. Superior Court (Herrera) (2005, 2nd Dist, Div.
8 7) 134 Cal.App.4th 365, 375; MacIsaac v. Waste Management Collection & Recycling, Inc. (2005, 1st
9 Dist, Div. 2) 134 Cal.App.4th 1076, 1090; In re David S. (2005, 1st Dist, Div. 5) 133 Cal.App.4th
10 1160, 1167; Coburn v. Sievert (2005, 5th District) 133 Cal.App.4th 1483, 1500, fn.8; Godinez v.
11 Schwarzenegger (2005, 2nd Dist, Div. 3) 132 Cal.App.4th 73, 79; Brill Media Co., LLC v. TCW Group,
12 Inc. (2005, 2nd Dist, Div. 5) 132 Cal.App.4th 324, 331; People v. Vincelli (2005, 3rd District) 132
13 Cal.App.4th 646, 652; CPF Agency Corp. v. R&S Towing (2005, 4th Dist, Div. 1) 132 Cal.App.4th 1014,
14 1027, fn.5; CPF Agency Corp. v. Sevel's 24 Hour Towing Service (2005, 4th Dist, Div. 1) 132
15 Cal.App.4th 1034, 1050; Doheny Park Terrace Homeowners Assn., Inc. v. Truck Ins. Exchange (2005, 2nd
16 Dist, Div. 3) 132 Cal.App.4th 1076, 1091, fn.12; People v. Superior Court (Ferguson) (2005, 1st Dist,
17 Div. 3) 132 Cal.App.4th 1525, 1535; Enea v. Superior Court (3-D) (2005, 6th District) 132 Cal.App.4th
18 1559, 1565; City of La Mesa v. California Joint Powers Ins. Authority (2005, 1st Dist, Div. 5) 131
19 Cal.App.4th 66, 77; Bell v. Blue Cross of California (2005, 2nd Dist, Div. 1) 131 Cal.App.4th 211,
20 219; In re Jacob J. (2005, 3rd District) 130 Cal.App.4th 429, 437; Regents of University of
21 California v. East Bay Municipal Utility Dist. (2005, 1st Dist, Div. 5) 130 Cal.App.4th 1361, 1382;
22 Wakefield v. Bohlin (2006 6th District) 145 Cal.App.4th 963, 981; An Independent Home Support
23 Service, Inc. v. Superior Court (San Diego) (2006, 4th Dist, Div. 1) 145 Cal.App.4th 1418, 1437; Park
24 City Services, Inc., v. Ford Motor Company (2006 4th Dist, Div. 2) 144 Cal.App. 295, 307; Faulder v.
25 Mendocino County Board of Supervisors (2006, 1st Dist, Div. 4) 144 Cal.App.4th 1362, 1374; Gunther v.
26 Lin (2007, 4th Dist, Div. 3) 144 Cal.App.4th 223, 244; Ailanto Properties, Inc. v. City of Half Moon
27 Bay (2006, 1st Dist, Div. 5) 142 Cal.App.4th 572, 588; Markowitz v. Fidelity National Title Company
28 (2006, 2nd Dist, Div. 4) 142 Cal.App.4th 508, 524; In re Jeffrey M. (2006, 5th District) 141
Cal.App.4th 1017, 1026; In re Geneva C. (2006 2nd Dist, Div. 4) 141 Cal.App.4th 754, 759; Carpenter
v. Superior Court (Alameda County) (2006 1st Dist, Div. 5) 141 Cal.App.4th 249, 266; Santa Clara
Valley Transportation Authority v. Rea (2006, 6th District) 140 Cal.App.4th 1303, 1317; Doe v. Saenz
(2006, 1st Dist, Div. 3) 140 Cal.App.4th 960, 986; Quiroz v. Seventh Avenue Center (2006, 6th
District) 140 Cal.App.4th 1256, 1284; Casden v. Superior Court (Los Angeles County) (2006, 2nd Dist,
Div. 7) 140 Cal.App.4th 417, 424; Curl v. Superior Court (Fresno County) (2006, 5th District) 140
Cal.App.4th 310, 322; People ex rel. Strumpfer v. Westoaks Investment #27 (2006, 2nd Dist, Div. 3)
139 Cal.App.4th 1038, 1048; Mahon v. County of San Mateo (2006, 1st Dist, Div. 5) 139 Cal.App.4th
812, 823; Hesperia Citizens for Responsible Development v. City of Hesperia (2007, 4th Dist, Div. 1)
151 Cal.App.4th 653, 659; Los Angeles Unified School District v. Superior Court (Los Angeles County)
(2007, 2nd Dist, Div. 3) 151 Cal.App.4th 759, 773; Stewart v. Seward (2007, 2nd Dist, Div. 3) 148
Cal.App.4th 1513, 1520; People v. Mays (2007, 4th Dist, Div. 1) 148 Cal.App.4th 13, 31; California
School Employees Association v. Tustin Unified School District (2007, 4th Dist, Div. 3) 148
Cal.App.4th 510, 518; In re Walker (2007, 2nd Dist, Div. 7) 147 Cal.App.4th 533, 548; State v.
Hewlett-Packard Company (2007, 1st Dist, Div. 5) 153 Cal.App.4th 307, 316; Teachers' Retirement Board
v. Genest (2007, 3rd District) 154 Cal.App.4th 1012, 1023; Starrh And Starrh Cotton Growers v. Aera
Energy LLC (2007, 5th District) 153 Cal.App.4th 583, 603, 608; Richardson-Tunnell v. School Insurance
Program For Employees (2007, 2nd Dist, Div. 6) 157 Cal.App.4th 1056, 1063-65; Prentice v. Board of
Administration, California Public Employees' Retirement System (2007, 4th Dist, Div. 1) 157
Cal.App.4th 983, 990, fn.4; People v. Superior Court (2007, 2nd Dist, Div. 5) 157 Cal.App.4th 694,
705; San Diego County Employees Retirement Association v. County of San Diego (2007, 4th Dist, Div.
1) 151 Cal.App.4th 1163, 1176; Dina v. People ex rel. Department of Transportation (2007, 2nd Dist,
Div. 2) 151 Cal.App.4th 1029, 1042; Foothill-De Anza Community College District v. Emerich (2007, 6th
District) 158 Cal.App.4th 11, 27; People v. Kelly (2008, 2nd Dist, Div. 3) 77 Cal.Rptr.3d 390, 396,
fn.7; In re Domestic Partnership of Ellis (2008, 4th Dist, Div. 3) 162 Cal.App.4th 1000, 1006; Korean
Air Lines v. County of Los Angeles (2008, 2nd Dist, Div. 1) 162 Cal.App.4th 552, 559; Northwest
Energetic Services, LLC v. California Franchise Tax Board (2008, 1st Dist, Div. 5) 159 Cal.App.4th
841, 852; Sweitzer v. Westminster Investments et al. (2008, 4th Dist, Div. 1) 157 Cal.App.4th 1195,
1205

f. Senate Republican Floor Commentaries

The Court in *Pacific Gas & Electric Co. v. Department of Water Resources*
(2003, 3rd District) 112 Cal.App.4th 477, 497 quoted from this more recently
developed analysis of the Republican Caucus.

Branciforte Heights, LLC v. City of Santa Cruz (2006, 6th District) 138 Cal.App.4th 914, 926;
Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co. (2005, 2nd Dist, Div. 1) 130 Cal.App.4th
890, 901

1 **g. Assembly Republican Caucus Analysis**

2 Ailanto places principal reliance on two legislative caucus
3 analyses ... (Assem. Republican Caucus, analysis of ...) This brief
4 mention in two legislative caucus analyses does not alter our
5 conclusion, however. It is true that some California courts have
6 considered analyses by legislative party caucuses as part of a
7 statute's legislative history, at least where such analyses are
8 consistent with other legislative history. [Citations.] Here, we
9 think that the complete absence of anything in the Legislative
10 Counsel's Digest, committee reports, and other legislative history
11 materials speaks far more loudly than a single phrase in these two
12 caucus analyses. *Ailanto Properties, Inc. v. City of Half Moon Bay*
13 (2006, 1st Dist, Div. 5) 142 Cal.App.4th 572, 587-88

14 *Brodie v. Workers' Compensation Appeals Board* (2007) 40 Cal.4th 1313, 1330; *Mendoza v. State of*
15 *California* (2007, 2nd Dist, Div. 3) 149 Cal.App.4th 1034, 1044

16 **h. Senate Floor Amendments Analysis prepared by Senate Policy Committee**

17 Section 21084.1 was enacted in 1992 as part of Assembly Bill
18 No. 2881 (1991-1992 Reg. Sess.). The original bill was amended before
19 passage, and a staff analysis, which appears to be attached to or
20 included in an analysis of Senate Floor Amendments by the Senate
21 Committee on Natural Resources and Wildlife, states the following
22 regarding *Valley Advocates v. City of Fresno* (2008, 5th
23 District) 160 Cal.App.4th 1039, 1070

24 **10. Departmental Sponsorship, Support, and Analysis:**

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

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

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

Indeed, the legislative history leading to the elimination of
Senate Bill No. 901's stricter requirement explains why this court
ought not itself resurrect it. One legislative analysis warned that
the required finding The Department of Housing and Community
Development's analysis further warned that *Vineyard Area*
Citizens for Responsible Growth, Inc., v. City of Rancho Cordova
(2007) 40 Cal.4th 412, 454-5

1 We observe the Legislature first enacted an immediate wage
2 payment provision similar to section 201 in 1911. At that time the
3 Bureau of Labor Statistics (BLS) was the agency that recommended and
4 enforced such wage-related legislation Legislation charged the
5 BLS Commissioner with the duties to "collect ... and present, in
6 biennial reports to the Legislature, statistical details, relating to
7 all departments of labor in the State," including statistics and all
8 other information relating to labor that the commissioner deemed
9 essential to further the legislative objective, ... We therefore
10 consult these biennial reports for whatever light they may shed
11 regarding the purpose of the wage payment legislation... [although
12 not necessarily controlling, the contemporaneous administrative
13 construction of a statute by those charged with its enforcement and
14 interpretation is entitled to great weight].) *Smith v. Superior Court*
15 (2006) 39 Cal.4th 77, 87

9 Legislative committee analyses explained that the Poppink Act
10 Thus, the Poppink Act deleted from ... (... State Personnel Bd.,
11 Bill Analysis of Assem. Bill No. 2222 This pattern of
12 Legislative action compels our conclusion... *Colmenares v. Braemar*
13 *Country Club, Inc.* (2003) 29 Cal.4th 1019, 1027-1028

12 ... In 1984, when the Legislature was considering former
13 section 5120.160, Carol Bruch, a law professor at the University of
14 California at Davis, proposed that the new law provide for notice to
15 creditors ... (Carol Bruch, U.C. Davis Law School, Suggested
16 Amendments to Assem. Bill 1460 ...) The Law Revision Commission
17 rejected Professor Bruch's suggested amendments, saying ...
18 (Nathaniel Sterling, Cal. Law Revision Com., letter to Assemblyman
19 ...)

16 ... the Business Law Section of the California State Bar
17 reported to the Legislature ... (Margaret Sheneman, State Bar of Cal.
18 (Business Law Section), mem. To Judith Harper, Legis. Rep ...)
19 *Mejia v. Reed* (2003) 31 Cal.4th 657, 667

19 Moreover, the purpose of the legislation was to broaden the
20 reach of the Act. The FPPC sponsored Senate Bill No. 1438 (1983-1984
21 Reg. Sess.), which eventually became section 83116.5. The bill was
22 prompted by concern that "in certain circumstances, violations of the
23 Act cannot fairly be attributed to those persons named in the Act,
24 particularly true [sic] in the area of campaign reporting where the
25 candidate and treasurer are responsible for violations of the Act,
26 and yet, rely on others who cannot be held liable for their errors
27 and omissions under the Act." (FPPC, Mem. To Sen. Com. on Elections &
28 Reapportionment (Feb. 27, 1984) p. 1; id., (May 22, 1984) p. 1.)
fn.5. *People v. Snyder* (2000) 22 Cal.4th 304, 309

[The Tenth Biennial Report of the Judicial Council of
California] is a most valuable aid in ascertaining the meaning of the
statute. While it is true that what we are interested in is the
legislative intent as disclosed by the language of the section under
consideration, the council drafted this language at the request of
the Legislature, and in this respect was a special legislative
committee. As part of its special report containing the proposed
legislation it told the Legislature what it intended to provide by

1 the language used. In the absence of compelling language in the
2 statute to the contrary, it will be assumed that the Legislature
3 adopted the proposed legislation with the intent and meaning
4 expressed by the council in its report. [Citations.] *Sierra Club v.*
5 *San Joaquin Local Agency Formation Com.* (1999) 21 Cal.4th 489, 508

6 The purpose of this exemption was stated by the Franchise Tax
7 Board staff in its Enrolled Bill Report to the Governor immediately
8 prior to the enactment of the 1983 amendment containing the
9 exemption, and its statement could be equally well applied to the
10 Board of Equalization. "Department counsel issues a" *Yamaha*
11 *Corp. of America v. State Board of Equalization* (1998) 19 Cal.4th 1,
12 22-23

13 The amendment to section 425.13 alone is not the only
14 indication of the Legislature's deliberate intent to omit limiting
15 language from section 425.14. Indeed, opponents of the legislation
16 that ultimately became section 425.14, including the Department of
17 Consumer Affairs, highlighted the (See Analysis of Sen. Bill No.
18 1, as amended Aug. 26, 1988, Dept. of Consumer Affairs, Sept. 19,
19 1998, at p. 6.) *Little Company of Mary Hospital v. Superior Court of*
20 *Los Angeles* (2008, 2nd Dist, Div. 7) 162 Cal.App.4th 261, 270 fn.5

21 Addressing a 2001 legislative amendment ... the legislative
22 counsel to the State Board of Equalization explained the purpose ...
23 (State Board of Equalization Legislative Bulletin (2001) *County*
24 *of Los Angeles v. Raytheon Company* (2008, 2nd Dist, Div. 7) 159
25 Cal.App.4th 27, 35, fn.7

26 Any doubt about the plain meaning of the statute is resolved by
27 the concededly meager legislative history of the section. In
28 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 Dist, Div. 7) 152 Cal.App.4th 536, 554

In support of the bill, the Commissioner wrote, "The purpose of
this bill is to empower the Insurance Commissioner to remove from the
insurance industry those ... (Ins. Comr. John Garamendi, letter to
Assem. Jud. Com. Chair Phillip Isenberg, Aug. 21, 1991.) *American*
Liberty Bail Bonds, Inc. v. Garamendi (2006, 2nd Dist, Div.3) 141
Cal.App.4th 1044, 1055-56

A Department of Fish and Game report stated that section 13271
would ... (Cal. Dept. of Fish & Game, Rep. on Assem. Bill No. 2823
(1979-1980 Reg. Sess.) May 2, 1980.) A bill analysis prepared by the
Department of Conservation indicated that ... Dept. of Conservation,
Analysis of Assem. Bill No. 2281 (1981-1982 Reg. Sess.) Nov. 10,
1981, p. 1.) [10] Thus, we see *City of Modesto Redevelopment*
Agency v. Superior Court (Dow Chemical Co.) (2004, 1st Dist, Div. 4)
119 Cal.App.4th 28, 44

The bill analysis performed by the Department of Public Works
in connection with the initial 1971 legislation summarized:... *Diede*

1 *Construction, Inc. v. Monterey Mechanical Co.* (2004, 1st Dist, Div.
3) 125 Cal.App.4th 380, 388

2 As originally proposed, Senate Bill No. 1406 contained a
3 provision ... However, the Department of Real Estate proposed an
4 amendment to delete the waiver provision, arguing that it "defeats
5 the bill's objective and acts as a shield against disclosing matters
6 required in the absence of this bill." (Cal. Dept. of Real Estate,
7 Analysis of Sen. Bill No. 1406 As a result, the waiver provision
8 was deleted from the final version of the bill... *Realmuto v. Gagnard*
9 (2003) 110 Cal.App.4th 193, 201

10 Our interpretation of the statute comports with the legislative
11 history of Assembly Bill No. 2827, fn.9 which became section 12944.7.
12 As explained by a proponent, the Department of Water Resources, in
13 its enrolled bill report, "[b]efore the wholesale agency could make
14 retail sales" (Dept. of Water Resources, Enrolled Bill Rep. on
15 Assem. Bill No. 2827, supra, at p. 1, italics added.) Continuing, the
16 enrolled bill report summary states,... *Klajic v. Castaic Lake Water*
17 *Agency* (2001, 2nd Dist, Div. 3) 90 Cal.App.4th 987, 998-9, fn.9

18 In a memorandum to Governor Reagan, recommending that he sign
19 the bill adopting section 14177, the Director of Finance stated,...
20 This was reiterated in a letter to the Governor by the deputy
21 Director of the State Health and Welfare Agency, in which the
22 Administrator of the Health and Welfare Agency concurred.... *Boehm &*
23 *Associates v. Workers' Comp. Appeals Bd.* (2003, 3rd District) 108
24 Cal.App.4th 137, 145

25 The Judicial Council sponsored this legislation, described in
26 its annual report as providing:... *California Court Reporter's*
27 *Association v. Judicial Council of California* (1995, 1st Dist, Div.
28 4) 39 Cal.App.4th 15, 31

 We note that our review of the legislative history discloses
nothing that indicates the board's (Board of Equalization) analysis
which was made available to the Legislature and the legislative
committees that passed judgment on it, was ever disputed at any point
in the legislative process. It is reasonable to infer from the
absence of any challenge to the board's statements that the
Legislature accepted these authoritative representations as to the
proper construction of the bill. *Kern v. County of Imperial* (1990,
4th Dist, Div. 1) 226 Cal.App.3d 391, 401

 The Judicial Council is a constitutionally created body,... The
interpretation given by the Judicial Council to its proposed
legislation is entitled to the greatest respect. *Reimel v. Alcoholic*
Beverage Control Appeals Board (1967) 254 Cal.App.2d 340, 345

25 *Gay v. Reclamation District No. 1500* (1917) 174 Cal. 622, 630; *Armenta v. Churchill* (1954) 42 Cal.2d
26 448, 455; *Pearson v. State Social Welfare Board* (1960) 54 Cal.2d 184, 210; *People v. Tanner* (1979) 24
27 Cal.3d 514; *Nickelsberg v. W.C.A.B.* (1991) 54 Cal.3d 288, 296; *Burden v. Snowden* (1992) 2 Cal.4th
28 556, 564; *DuBois v. W.C.A.B.* (1993) 5 Cal.4th 382, 394; *Stop Youth Addiction, Inc. v. Lucky Stores,*
Inc. (1998) 17 Cal.4th 553, 587 (dissent); *Planning & Conservation League v. Department of Water*
Resources (1998) 17 Cal.4th 264, 273; *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1136, fn.1, *People v.*
Johnson (2002) 28 Cal.4th 240, 247; *Tonya M. v. Superior Court of Los Angeles County* (2007) 42
Cal.4th 836, 846; *In re Smith* (2008) 42 Cal.4th 1251, 1261

1 *Brownell v. City and County of San Francisco* (1954) 126 Cal.App.2d 102, 114; *ABC Acceptance v. Delby*
(1957) 150 Cal.App.2d Supp. 826, 828; *Watson v. Los Altos School District* (1957) 149 Cal.App.2d 768,
2 772; *Sockett v. Gottlieb* (1960) 187 Cal.App.2d 760, 768; *Michaels v. Wayson* (1964) 229 Cal.App.2d
3 404, 407; *Rich v. State Board of Optometry* (1965) 235 Cal.App.2d 591, 601; *Worthington v.*
Unemployment Ins. App. Bd. (1976) 64 Cal.App.3d 384, 388; *Adamson v. Zipp* (1984) 163 Cal.App.3d Supp.
4 1, 14, fn.17; *Blakey v. Superior Court* (1984) 153 Cal.App.3d 101, 105; *Comite De Padres De Familia v.*
Honig (1987) 192 Cal.App.3d 528, 533; *E. Peninsula Ed. Council v. Palos Verdes School District* (1989,
5 2nd District) 210 Cal.App.3d 155, 168; *Van De Kamp v. Gumbiner* (1990, 2nd Dist, Div. 5) 221
6 Cal.App.3d 1260, 1278, fn.10; *People v. Henson* (1991, 5th District) 231 Cal.App.3d 172, 178; *Al-Sal*
Oil Co. v. State Board of Equalization (1991, 3rd District) 232 Cal.App.3d 969, 978; *People v. Newman*
7 (1991) 233 Cal.App.3d 646, 649, fn.3; *CIGA v. W.C.A.B.* (1992, 2nd Dist, Div. 2) 10 Cal.App.4th 988,
8 996, fn.6; *Johnson v. Superior Court* (1994, 2nd Dist, Div. 5) 25 Cal.App.4th 1564, 1570; *Building*
Industry Assn. v. City of Livermore (1996, 1st Dist, Div. 3) 45 Cal.App.4th 719, 730, 737; *Sounhein*
v. City of San Dimas (1996, 2nd Dist, Div. 5) 47 Cal.App.4th 1181, 1190; *Keh v. Walters* (1997, 6th
9 District) 55 Cal.App.4th 1522, 1532; *People v. Erickson* (1997, 5th District) 57 Cal.App.4th 1391,
10 1402; *Clemente v. Amundson* (1998, 3rd District) 60 Cal.App.4th 1094, 1105; *Hudson v. Board of*
Administration (1997, 1st Dist, Div. 2) 59 Cal.App.4th 1310, 1323; *John Hancock Mutual Life Insurance*
Co. v. Greer (1998, 1st Dist, Div. 2) 60 Cal.App.4th 877, 882; *San Rafael Elementary School District*
v. State Board of Education (1999, 3rd District) 73 Cal.App.4th 1018, 1029-1030; *Santa Ana Unified*
School District v. Orange County Development Agency (2001, 4th Dist, Div. 3) 90 Cal.App.4th 404, 409;
11 *People ex rel. Allstate Ins. Co. v Weitzman* (2003, 2nd Dist, Div. 5) 107 Cal.App.4th 534, 547-552;
Ruiz v. Sylva (2002, 2nd Dist, Div. 8) 102 Cal.App.4th 199, 210-212; *Johnson v. Superior Court*
(*California Cryobank, Inc.*) (2002, 2nd Dist, Div. 2) 101 Cal.App.4th 869, 882; *Giles v. Horn* (2002,
12 4th Dist, Div. 1) 100 Cal.App.4th 206, 232; *Migliore v. Mid-Century Ins. Co.* (2002, 2nd Dist, Div. 4)
13 97 Cal.App.4th 592, 610; *Santa Ana Unified School District v. Orange County Development Agency* (2001,
4th Dist, Div. 3) 90 Cal.App.4th 404, 410; *City of Brentwood v. Central Valley Regional Water Quality*
Control Bd. (2004, 1st Dist, Div. 5) 123 Cal.App.4th 714, 730, fn.8 and fn.9; *Violante v. Communities*
Southwest Development & Construction Co. (2006, 4th Dist, Div. 2) 138 Cal.App.4th 972, 977 ("...
14 report of the Department of Industrial Relations (1933-1937)..."); *Kuperman v. San Diego Assessment*
Appeals Bd. No. 1 (Smith) (2006, 4th Dist, Div. 1) 137 Cal.App.4th 918, 934 (departmental analysis);
15 *American Liberty Bail Bonds, Inc. v. Garamendi* (2006, 2nd Dist, Div. 3) 141 Cal.App.4th 1044, 1055-6;
Friends of Lagoon Valley v. City of Vacaville (2007, 1st Dist, Div. 3) 154 Cal.App.4th 807, 828;
16 *Committee For Green Foothills v. Santa Clara County Board of Supervisors* (2008, 6th District) 161
17 Cal.App.4th 1204, 1235; *Taheri Law Group v. Evans* (2008, 2nd Dist, Div. 8) 160 Cal.App.4th 482, 491;
Northwest Energetic Services, LLC v. California Franchise Tax Board (2008 1st Dist, Div. 5) 159
18 Cal.App.4th 841, 856-857; *Coastside Fishing Club v. California Resources Agency* (2008, 1st Dist, Div.
19 2) 158 Cal.App.4th 1183, 1197

16 Attorney General Opinions

17 Documents in support of the amendment explained that, as
18 written, section 11383 (See Youth and Adult Correctional Agency,
19 Enrolled Bill Rep. on Assem. Bill No. 2501 (1987-1988 Reg. Sess.)
20 prepared for Governor Deukmejian (Sept. 1, 1987) p.3; Attorney
21 General John Van de Kamp, letter to Assemblywoman Lucy Killea [author
22 of Assem. Bill No. 2501], Apr. 23, 1987.) The Attorney General
23 sponsored the amendment to allow law enforcement once again to
24 *People v. Perez* (2005) 35 Cal.4th 1219, 1230

25 The Attorney General at that time, John Van De Kamp, in an
26 effort to persuade the Governor to sign the legislation described it
27 as (Letter to George Deukmejian May 19, 1988, p. 4.) *People v.*
28 *Leon* (2005, 2nd Dist, Div. 8) 131 Cal.App.4th 966, 978, fn.6 [Review
Granted.]

29 As the Supreme Court has observed in the context of a different
30 legislative scheme, "While the Attorney General's views do not bind
31 us [citation], they are entitled to considerable weight [citation].
32 This is especially true here since the Attorney General regularly
33 advises many local agencies about the meaning of the [statutory
34 scheme in question] and publishes a manual designated to assist local
35 governmental agencies in complying with the Act's ... requirements."
36 [Citation.] The Attorney General Opinions at issue here, though only

1 advisory, are similarly entitled to "considerable weight" because the
2 Attorney General regularly advises local agencies about conflicts of
3 interest and publishes a manual designated to assist local
4 governmental agencies in complying with the conflict of interest
5 statutes. Reliance on Attorney General Opinions is particularly
6 appropriate where, as here, no clear case authority exists, and the
7 factual context of the Opinions is closely parallel to that under
8 review. [Citation.] *Thorpe v. Long Beach Community College District*
(2000, 2nd Dist, Div. 2) 83 Cal.App.4th 655, 662-663

9 *Landau v. Superior Court (Medical Board of California)* (2000, 1st Dist, Div. 2) 81 Cal.App.4th 191,
10 204, 224, fn.7; *Bartold v. Glendale Federal Bank* (2000, 4th Dist, Div. 3) 81 Cal.App.4th 816, 833;
11 *Rothschild v. Tyco Internat. (US), Inc.* (2000, 4th Dist, Div. 1) 83 Cal.App.4th 488, 499; *Zabetian v.*
12 *Medical Board* (2000, 3rd District) 80 Cal.App.4th 462, 468; *Community Redevelopment Agency v. County*
13 *of Los Angeles* (2001, 2nd Dist, Div. 2) 89 Cal.App.4th 719, 726-729; *Casella v. Southwest Dealer*
14 *Services, Inc.* (2007, 4th Dist, Div. 3) 157 Cal.App.4th 1127, 1137

11. Transcripts of Hearings:

15 ... Testimony before the Senate Committee on the Judiciary on
16 behalf of section 1021.5 affirmed that the statute would ... (Sen. Com.
17 On Judiciary, Hearing on As these passages suggest *In re*
18 *Joshua S* (2008) 42 Cal.4th 945, 956

19 The Court of appeal correctly notes that, while the word ...
20 the word appears at various times in both the legislative history of
21 ... as well as the transcripts of IWC hearings at which the ... was
22 discussed. *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th 1094,
23 1109

24 ... the Assembly Judiciary Committee heard testimony from David
25 Huebner, representing the Center for Law in the Public Interest,
26 which participated in drafting both the current federal and
27 California false claims statutes. Huebner described the proposed
28 California law as *Harris v. Pricewaterhousecoopers, LLP* (2006)
39 Cal.4th 1220, 1230-1

30 The legislative history behind the UDITPA favors Microsoft's
31 position. As in ... because the Legislature adopted the UDITPA almost
32 verbatim, we look to the drafting history of the UDITPA. An early
33 version of the UDITPA defined ... (Compare Proceedings of Com. Of
34 Whole for UDITPA, transcript of August 22, 1956 ... with Proceedings
35 of Com. Of Whole for UDITPA, transcript of July 9, 1957
36 *Microsoft Corporation v. Franchise Tax Board* (2006) 39 Cal.4th 750,
37 760

38 ... in 1970, the California Constitution Revision Commission
39 considered the impact of the right to jury trial (Transcript,
40 Cal. Const. Revision Com. meeting of July 23, 1970, pp. 97-98.) The
41 commission did adopt one pertinent modification ... (Minutes, Cal.
42 Const. Revision Com. meeting of Oct. 8-9, 1970, pp. 5-7,...) *Grafton*
43 *Partners v. Superior Court (Pricewaterhousecoopers LLP)* (2005) 36
44 Cal.4th 944, 955

45 The legislative history of the CFCA indicates that the
46 statute's purpose was to The principal drafter of the statute
47 testified before the Assembly Committee on the Judiciary that ...

1 (Sen. Com. on Judiciary, Rep. on Assem. Bill No. 1441 (1987-1988 Reg.
2 Sess.) appended testimony of David Huebner, representative of the
3 Center for Law in the Public Interest, before Assem. Com. on
4 Judiciary, May 6, 1987, p. 3) *State v. Altus Finance* (2005) 36
5 Cal.4th 1284, 1296

6 In October 1970, the Assembly Interim Committee on Judiciary,
7 ... convened a public hearing [Citation.] Building industry
8 representatives testified at length that *Lantzy v. Centex Homes*
9 (2003) 31 Cal.4th 363, 377

10 The provisions of section 1203.066 should be construed in light
11 of the major areas of concern expressed at the legislative hearings,
12 one of which was *People v. Jeffers* (1987) 43 Cal.3d 984, 997

13 ... the history of the relevant wage order indicates an intent
14 to create a penalty. The IWC adopted the wage order at a hearing on
15 June 30, 2000, where (... [transcript of 6/30/2000 hearing],...)
16 A representative of the California Labor Federation addressing the
17 IWC noted that *Murphy v. Kenneth Cole Productions, Inc.* (2005,
18 1st Dist, Div. 1) 134 Cal.App.4th 728, 752 [Review Granted]

19 On the other hand, excerpts from testimony at public
20 legislative hearings which preceded the enactment of a statute may be
21 of some relevance in ascertaining legislative intent. *Pacific Bell v.*
22 *California State Consumer Services Agency* (1990, 1st Dist, Div. 3)
23 225 Cal.App.3d 107, 115

24 General background materials pertaining to this 1961
25 legislation amending Section 825 were furnished by the Legislative
26 Intent Service [Citation] and included the transcript of a public
27 hearing of the Assembly Interim Committee on Criminal Procedure
28 conducted on February 18 and 19, 1960, pertaining to "Laws of
29 Arrest." Such documents are the type of material this division has
30 readily consulted in the past. *Youngblood v. Gates* (1988, 2nd
31 District) 200 Cal.App.3d 1302, 1340

32 *Flesker v. W.C.A.B.* (1979) 23 Cal.3d 382, 325; *People v. Tanner* (1979) 24 Cal.3d 514; *American*
33 *Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1260, and 1260, fn.13

34 -----
35 *Post v. Prati* (1979) 90 Cal.App.3d 626, 634; *F&P Growers Assn. v. A.L.R.B.* (1985) 168 Cal.App.3d 667,
36 678; *Maggio v. A.L.R.B.* (1987) 194 Cal.App.3d 1329, 1333; *People v. Thompson* (1988, 2nd Dist, Div. 6)
37 205 Cal.App.3d 871, 879-80; *In re Marriage of Watt* (1989) 214 Cal.App.3d 340, 349; *Conservatorship of*
38 *Bryant* (1996, 4th Dist, Div. 1) 45 Cal.App.4th 117, 120; *Bravo Vending v. City of Rancho Mirage*
39 (1993, 4th Dist, Div. 2) 16 Cal.App.4th 383, 407

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

41 The two committee reports addressed opposition to the bill's
42 declaration-in-open-court requirement. The Senate Committee Analysis
43 quoted the following objection made by the Trial Courts' Legislation
44 Committee (an association of county clerks and administrators) ...
45 *People v. Allegheny Casualty Company* (2007) 41 Cal.4th 704, 711

46 The legislative history reveals that Senator Kopp proposed as
47 part of the 1997 amendments to the statute to eliminate the phrase
48 for this reason. (Sen. Com. On the Judiciary, Analysis of ...)
49 Subsequently, the language was reinstated, and the Senate Judiciary

1 Committee analysis comment that "[a]lthough section 1033.5 provides
2 for award of costs to the plaintiff as the prevailing party, Consumer
3 Attorneys of California and others suggest that we restore ... in
4 order to eliminate any confusion." (Sen. Com. On Judiciary, Analysis
5 of Sen. Bill No. 73 ...) *Pilimai v. Farmers Insurance Exchange*
6 *Company* (2006) 39 Cal.4th 133, 150

7 Similarly, an opposition letter submitted on behalf of Cole
8 National Corporation argued that the revised statute Donald
9 Brown, Advocation, Inc., letter to Assemblymember Daniel Boatwright
10 re: Assem. Bill No. 1125...) *People v. Cole* (2006) 38 Cal.4th 964,
11 983

12 Defendant contests this interpretation of the foregoing
13 legislative history. Relying upon three documents, he asserts that
14

15 We disagree. The first document, apparently dated April 2,
16 1992, is from the Sacramento Legislative Office of the Los Angeles
17 District Attorney and is titled "Explanation of Proposed Amendments
18 to SB 1342 (Royce)." According to defendant, this document was
19 located in the Senate Committee on Judiciary's bill file for Senate
20 Bill No. 1342.... The second document, dated April 7, 1992, stamped
21 ":working copy," and prepared for a hearing on April 7, 1992, appears
22 to be a product of the Senate Committee on Judiciary, analyzing
23 Senate Bill No. 1342 ... as introduced and stating that the bill
24 "reflects author's amendments to be offered in committee." The third
25 document, dated April 21, 1992, and also stamped "working copy," is,
26 according to defendant, the "Third Reading floor analysis of SB 1342
27 from the Legislative Bill file of the Assembly Committee on Public
28 Safety...." *People v. Corpuz* (2006) 38 Cal.4th 994, 998

On April 11, 1983, the California Law Revision Commission wrote
to the Assembly Committee on Judiciary, apparently in response to the
executive committee' concerns The "justification of the change
recommended by the Commission is given in more detail" in an attached
December 17, 1982 letter from professor Jesse Dukeminier.... In that
letter, Professor Dukeminier responded to the executive committee's
concern ... fn.10 (Typically we do not ascribe legislative intent to
letters written to the Legislature. The letters here, however, came
from the Commission, which had been asked to propose changes to the
Probate Code and which drafted the provisions on which Assembly Bill
No. 25 was based, and a letter that the Commission expressly stated
set forth its own reasons for recommending deletion of the
simultaneous presence requirement.) *Estate of Saueressig* (2006) 38
Cal.4th 1045, 1054-55

On April 5, 1983 the Executive Committee of the Estate
Planning, Trust and Probate Law Section of the State Bar of
California wrote to the Assembly Committee on Judiciary. As relevant
here, the executive committee opposed This concern was quoted in
an Assembly Committee on the Judiciary analysis of Assembly Bill No.
25.... *Estate of Saueressig* (2006) 38 Cal.4th 1045, 1054

... Assemblyman Robert Campbell responded to the uncertainty by
introducing Assembly Bill No. 555 (1983-1984 Reg. Sess.), which
proposed new Government Code section 831.7. The bill's source, the

1 East Bay Regional Park District, had expressed concern that
2 Other supporters decried allegedly baseless personal injury and
3 property damage suits by recreational public property users. (Assem.
4 Com. on Judiciary, Analysis of Assem. Bill No. 555 (1983-1984 Reg.
5 Sess.) as introduced Feb. 10, 1983, p. 2; Richard C. Trudeau, General
6 Manager, East Bay Regional Park District, letter to Senate Com. on
7 Judiciary, May 26, 1983;... *Avila v. Citrus Community College Dist.*
8 (2006) 38 Cal.4th 148, 157

9 The MFAA's legislative history also supports the conclusion
10 that section 473, subdivision (b) relief is unavailable here. In
11 describing what would become the MFAA, the statute's crafters stated
12 that (Special Com. on Resolution of Attorney Fee Disputes,
13 letter to Bd. of Governors, State Bar of Cal., supra, p. 7.) *Maynard*
14 *v. Brandon* (2005) 36 Cal.4th 364, 377

15 Indeed, to say precisely this may well have been the author's
16 intention. The concern had been expressed that the proposed
17 legislation The same concern had been raised by the California
18 Probation, Parole and Correctional Association while the original
19 version of the bill that became section 2933.1 ... was pending in the
20 Legislature. (Executive Director Susan Cohen, Cal. Probation, Parole
21 and Correctional Assn., letter to Assemblyman Richard Katz, Apr. 15,
22 1993.)

23 We grant the People's request for judicial notice of the
24 legislative history of section 2933.1. *In re Reeves* (2005) 35 Cal.4th
25 765, 776, fn.15

26 Thus in various bill analyses recounting bases for opposition
27 to ... and in letters from Assembly Republican Leader Dave Cox and
28 Senate Republican Whip Raymond Haynes to Governor Davis urging a veto
of that bill, there is no mention *American Financial Services*
Assn. v. City of Oakland (2005) 34 Cal.4th 1239, 1263

StorMedia relies for its argument that subdivision (d) of
Section 25400 imposes civil liability ... on a statement by Professor
Harold Marsh, Jr., and former Corporations Commissioner Robert H.
Volk, who were members of the Committee which drafted the Corporate
Securities Law of 1968. In their treatise these drafters state:...

Moreover, when the Marsh and Volk statement is considered in
context, it is not clear that the drafters of the Corporate
Securities Law of 1968 intended to make ... Marsh and Volk explain
.... *StorMedia Inc. v. Superior Court* (1999) 20 Cal.4th 449, 459-460

However, after the Litigation Section of the California State
Bar objected that the proposed bill's failure to require a ... (Barry
Rosenbaum, State Bar Litigation Section, Legislative Com., mem. to
Larry Doyle, Director Office of Governmental Affairs re Assem. Bill
No. 2068 ...), the bill was amended to include the "at or near"
language, as proposed by the Litigation Section so that there would
be "a short time frame" between the making of the statement and the
event to which it related. *People v. Quitiquit* (2007, 4th Dist, Div.
1) 155 Cal.App.4th 1, 9

Senate Bill No. 781, which eventually was signed into law
[Citations], contains only two items that could be construed as

1 references to the qualified immunity provision of the bill.... The
2 first item is a letter dated February 20, 1980, from the State Bar
3 Committee on Juvenile Justice to Senator Omer L. Rains, the author of
4 Senate Bill No. 781³.... In its letter of February 20, 1980, the
5 Committee on Juvenile Justice stated that it could not support Senate
6 Bill No. 781 because, among other reasons, the bill would allow
7 FN3. Legislative history material provided by Legislative Intent
8 Service. *Chabak v. Monroy* (2007, 5th District) 154 Cal.App.4th 1502,
9 1516

10 Legislative history reflects that the only organizations
11 opposed to Senate Bill No. 1818 were the California Chapter of the
12 American Planning Association (CCAPA), the League of California
13 Cities (League) and the California State Association of Counties
14 (CSAC). In a July 2004 memorandum, they repeated their opposition to
15 the density bonus range set forth in the bill and explained
16 *Friends of Lagoon Valley v. City of Vacaville* (2007, 1st Dist, Div.
17 3) 154 Cal.App.4th 807, 828

18 The legislative history of section 1021.9 supports our
19 conclusion. The statute was proposed originally by the California
20 Cattlemen's Association because it claimed that rural landowners were
21 suffering According to the Association ... (Assem. Com. On
22 Judiciary, Analysis ... quoting California Cattlemen's Association.)
23 ... *Starrh and Starrh Cotton Growers v. Aera Energy LLC* (2007, 5th
24 District) 153 Cal.App.4th 583, 607

25 In the wake of the passage of the federal ADA in 1990,
26 scheduled to take effect in 1992, there was a perceived need to bring
27 California law into conformity with the provisions of the ADA, ...
28 (See Senate Rules committee Report ... Assembly Judiciary Committee
Report ... see also Legislative Analysis of the Legal Services
Section of the State Bar of California.... *Gunther v. Lin* (2007, 4th
Dist, Div. 3) 144 Cal.App.4th 223, 244-45

We take judicial notice of certain materials from the
legislative history of section 8026, including legislative committee
reports and various versions of AB 2582 as appearing in the Assembly
and Senate committee bill files. We also grant the County's request
to take judicial notice of the letter from the sponsor of AB 2582
transmitting the final version of the bill to the Governor for
signing. *Faulder v. Mendocino County Board of Supervisors* (2006, 1st
Dist, Div. 4) 144 Cal.App.4th 1362, 1376, fn.4

While the legislation was pending the California Trial Lawyers
Association (CTLA) informed the bill's sponsor by letter that it was
opposed to the law, stating ... (CTLA, letter to Assemblyman Byron
Sher, July 18, 1988) *Gravillis Jr. v. Coldwell Banker Residential
Brokerage Company* (2006, 2nd Dist, Div. 1) 143 Cal.App.4th 761,
778-779

In a letter supporting Assembly Bill No. 743, the California
Correctional Peace Officers Association (CCPOA) assured the Governor
that it did not ... (... CCPOA, letter to Governor Gray Davis)
Wirth v. State of California (2006, 3rd District) 142 Cal.App.4th
131, 141-142

1 In an analysis of the CFCA prepared by the Center for Law in
2 the Public Interest, the sponsor of the bill ... it was explained ...
3 (Section by section Analysis of Draft Prepared by Center for Law in
4 the Public Interest...) *Armenta ex rel City of Burbank v. Mueller Co.*
5 (2006, 2nd Dist, Div. 1) 142 Cal.App.4th 636, 648

6 In 1969 the California Legislature enacted a comprehensive
7 revision of the laws governing service of process. The Legislature
8 based this revision on recommendations contained in a report by a
9 joint committee representing the Judicial Council and the State Bar
10 (fn.4) and these recommendations were adopted as the legislative
11 history of the statute. (fn.5) *Summers v. McClanahan* (2006, 2nd Dist,
12 Div. 7) 140 Cal.App.4th 403, 408 (fn.4 Report of the State Bar
13 Committee on Administration of Justice (1969) 44 State Bar J. 681,682
14 and fn.5 Report of the State Bar Committee on Administration of
15 Justice, supra 44 State Bar J. at page 682)

16 That history includes a May 23, 1990 memo from the office of
17 San Diego's county counsel that is addressed to all counties in the
18 State. Attached to the memo is a proposed amendment to Senate Bill
19 2791. That proposed amendment is essentially the language of
20 subdivision (c) of section 4985.2. The San Diego memo notes The
21 addition of subdivision (c) to Senate Bill 2791 came in the June 12,
22 1990 amendment of that bill, which was approximately three weeks
23 after San Diego's county counsel's office sought such an addition.
24 *People ex rel. Strumpfer v. Westoaks Investment #27* (2006, 2nd Dist,
25 Div. 3) 139 Cal.App.4th 1038, 1047

26 The proposed legislation was applauded by several nonprofit
27 agencies ... but was not welcomed by all of California's school
28 districts. This letter to Senator John Vasconcellos sums up the
opposition:... (Superintendent Johanna VanderMolen, Campbell Union
School District, letter to Sen. Vasconcellos, Mar. 28, 2003.)
*Benjamin G. v. Special Ed. Hearing Office (Long Beach Unified School
Dist.)* (2005, 2nd Dist, Div. 1) 131 Cal.App.4th 875, 882 fn.6

19 The origins of the amendment can be found in Resolution 5-9-91,
20 which was passed by the Conference of Delegates of the State Bar of
21 California in the summer of 1991. In writing to the legislative
22 counsel for the State Bar, the resolution's author explained

23 Those connected to Assembly Bill No. 2663 (1991-1992 Reg.
24 Sess.), the bill prompted by Resolution 5-9-91 and sponsored by the
25 State Bar to amend Civil Code section 3334, discussed the purpose of
26 the bill in a variety of ways and used the following language ...
27 (Amelia V. Stewart, legislative representative of the State Bar of
28 California, letter of support for Assembly Bill No. 2663 to
Assemblyman Phillip Isenberg, Chair of the Assembly Judiciary
Committee, March 19, 1992);... (Michael D. Schwartz, letter of
support for Assembly Bill No. 2663 to Amelia V. Stewart, legislative
representative of the State Bar of California, March 20, 1992);...
Watson Land Co. v. Shell Oil Co. (2005, 2nd Dist, Div. 2) 130
Cal.App.4th 69, 79

Amici curiae The Impact Fund et al. request us to take judicial
notice of matters reflected in several specified documents, including

1 analysis of proposed legislation and a report by the State Bar Access
2 to Justice Working Group, which they claim are related to the issue
3 of whether California attorney fees law authorizes payment for
4 contingent risk in order to provide an incentive for private
5 attorneys to prosecute public interest cases. Because the materials
6 are relevant to a material issue in this case, we grant the request.
7 *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1136, fn.1; see *Whaley v.*
8 *Sony Computer Entertainment America, Inc.* (2004, 4th Dist, Div. 1)
9 121 Cal.App.4th 479, 487 where a State Bar Committee on Arbitration
10 Report was not relied upon in statutory construction.

11 ... the various reports on the bill prepared for Senate and
12 Assembly committees do not discuss the amendment. The amendment is
13 discussed, however, in letters to the Governor by the bill's Senate
14 sponsor and others, urging that the legislation be signed or vetoed.
15 These letters consistently explain (See Sen. John Doolittle,
16 letter to Governor Edmund Brown, Sept. 22, 1981, p. 1; see also Joe
17 Aceto, Director, Legislative Division, POARC, letter to Governor
18 Edmund Brown, Sept. 22, 1981, p. 2.). The American Civil Liberties
19 Union (ALCU), which opposed the bill, nevertheless recounted the
20 amendment's history in precisely the same way. fn. 6 These statements
21 about pending legislation are entitled to consideration to the extent
22 they constitute "a reiteration of legislative discussion and events
23 leading to adoption of proposed amendments rather than merely an
24 expression of personal opinion." (*California Teachers Assn. v. San*
25 *Diego Community College Dist.* (1981) 28 Cal.3d 692, 700);
26 *Martin v. Szeto* (2004) 32 Cal.4th 445, 450-451

27 The original proponent of the proposal for the amendment was
28 the Estate Planning Trust & Probate Law Section of the State Bar of
California in its annual omnibus bill. In a document prepared by that
Section discussing the proposed amendment, the "Purpose" of the
amendment was described as ... (Cal. State Bar Estate Planning, Trust
& Prob. Law Section, Legislative Proposal, Assem. Bill No. 1172,
excerpted from Senate Com. on Judiciary legislative bill file)
Conservatorship of Davidson (2003, 1st Dist, Div. 3) 113 Cal.App.4th
1035, 1050-1051

There was a proposal to restrict release of general information
to situations where This proposal was quelled by members of the
news media, who expressed concern that *Garrett v. Young* (2003,
2nd Dist, Div. 4) 109 Cal. App.4th 1393, 1402, with further reference
to proponent and opponent statements at 1402-1404

The legislative record suggests former section In early
support of ... the Los Angeles Unified School District stated ...
(Los Angeles Unified Sch. Dist., statement regarding Assembly bill...
In re Michael D. (2002, 3rd District) 100 Cal.App.4th 115, 122

While these statements included in legislative committee
evaluations of Senate Bill No. 67 provide no direct evidence on ...
legitimate aids in determining legislative intent. [Citation.]
Statements in committee reports concerning the statute's objects and
purposes cannot be dismissed as simply opinions of individual
legislators or "self-interested third parties" and therefore unworthy
of consideration, as Philip Morris and B&W assert.... Committee

1 reports are part of a statute's legislative history and may be
utilized in construing uncertain statutory language. [Citations.]
2 Letters regarding the purpose of legislation published by the
Legislature are also properly considered in interpreting a statute
3 "when the expression of intent appears to convey more than a personal
view of the proponent of the bill." [Citations.] *Souders v. Philip*
4 *Morris, Inc.* (2001, 2nd Dist, Div. 3) 87 Cal.App.4th 756, 772-774
(Review Granted)

5 Communications between a drafter and the San Diego Sheriff, who
had requested the legislation, indicated that *People v. Pena*
6 (1999, 5th District) 74 Cal.App.4th 1078, 1083

7 *Diamond Multimedia Systems, Inc. v. Superior Court* (1999) 19 Cal.4th 1036,
8 1055-1057 also analyzes sections of the Corporate Securities Law considering the
9 comments of the drafters of the Law.

10 While we find the plain meaning rule applicable,... we note
that the parties have cited a letter from the League of California
11 Cities dated June 2, 1980, to show the legislative intent of the
section The letter states *County of San Bernardino v. City*
12 *of San Bernardino* (1997) 15 Cal.4th 909, 917, 926

13 Statements by the sponsor of the legislation may be instructive
[Citations] *Quarterman v. Kefauver* (1997, 1st Dist, Div. 1) 55
14 Cal.App.4th 1366

15 In *Quarterman v. Kefauver*, the court extracted the sponsor statements from
16 legislative committee analyses. In a similar fashion, the court in *Soil v.*
17 *Superior Court* (1997, 2nd Dist, Div. 2) 55 Cal.App.4th 872, 878-880, made several
18 references to the statements of the sponsor of the legislation, and opponents, as
19 found in legislative committee analyses. See also *In re Jennings* (2004) 34
20 Cal.4th 254, 264

21 In a 1999 case, the California Supreme Court looked to "individual
22 legislators' (including co-authors') comments from the Assembly and Senate
23 committee bill files." (*White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 572, fn.3.
24 The court referred to these materials, among others judicially noticed, stating
25 these materials were "expressions of legislative intent to construe it [the term
26 "managing agent"] in the statute's relative context. fn. 3" (*Id.*, at page 572)
27 In a Concurring Opinion Justice Mosk, in apparent reference to the judicially
28 noticed documents, stated "This conclusion is supported by contemporaneous

1 legislative materials indicating that the bill's sponsor, and even its opponents,
2 including the California Trial Lawyers Association, believed that it codified
3 rather than narrowed existing law." (Id. at page 580; see also page 580, fn.2)

4 Usage of these types of documents from other cases follows:

5 The Real Property Law Section of the State Bar of California
6 proposed the revision and submitted a report to the Legislature. The
7 comments in the State Bar report were relied upon by the Legislature
8 and indicate legislative intent. [Citations.] *BGJ Associates v.*
9 *Superior Court* (1999, 2nd Dist, Div. 4) 75 Cal.App.4th 952, 955

10 The statements of the sponsor of legislation are entitled to be
11 considered in determining the import of the legislation. *Kern v.*
12 *County of Imperial* (1990, 4th Dist, Div. 1) 226 Cal.App.3d 391, 401

13 Finally, the chairman of the State Bar subcommittee which was
14 the driving force behind revision of the challenge for cause statute,
15 wrote in a supporting memorandum:... *Woodman v. Superior Court* (1987)
16 196 Cal.App.3d 407, 414

17 *People v. Tanner* (1979) 24 Cal.3d 514, 548, 561; *Pasadena Police Officers Assn. v. City of Pasadena*
18 (1990) 51 Cal.3d 564, 577, fn.7; *Laurel Heights Improvement Assn. v. Regents of U.C.* (1993) 6 Cal.4th
19 1112, 1127; *People v. Snyder* (2000) 22 Cal.4th 304, 309, fn.5; *Equilon Enterprises v. Consumer Cause,*
20 *Inc.* (2002) 29 Cal.4th 53, 61-62; *Southern California Edison Co. v. Peevey* (2003) 31 Cal.4th 781, 811
21 (dissent); *Hassan v. Mercy American River Hospital* (2003) 31 Cal.4th 709, 723-724; *American Financial*
22 *Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1262, fn.12; *In re Smith* (2008) 42 Cal.4th
23 1251, 1261; *In re Tobacco Cases II* (2007) 41 Cal.4th 1257, 1273

24 -----
25 *Woodwork Mfrs. v. N.L.R.B.* (1967) 386 U.S. 612, 640; *De Malherbe v. International Union of Elevator*
26 *Constructors* (1977 N.D. Cal.) 438 F. Supp. 1121, 1139, fn.22; *Southland Mechanical Constructors v.*
27 *Nixen* (1981, 4th Dist, Div. 2) 119 Cal.App.3d 417, 428; *Carroll v. State Bar* (1985) 166 Cal.App.3d
28 1193, 1202; *Anaheim Redevelopment Agency v. Dusek* (1987) 193 Cal.App.3d 249, 256; *People v. Jenkins*
29 (1987, 2nd District) 196 Cal.App.3d 394, 404; *California Trout, Inc. v. State Water Resources Control*
30 *Board* (1989, 3rd District) 207 Cal.App.3d 585, 602-603, fn.7; *American Tobacco Co. v. Superior Court*
31 (1989) 208 Cal.App.3d 480, 487; *People v. Weatherill* (1989, 2nd District) 215 Cal.App.3d 1569, 1576;
32 *Van De Kamp v. Gumbiner* (1990, 2nd Dist, Div. 5) 221 Cal.App.3d 1260, 1279, 1289; *Ferraro v. Chadwick*
33 (1990, 4th Dist, Div. 1) 221 Cal.App.3d 86, 94; *Perez v. So. Pacific Trans. Co.* (1990, 2nd Dist, Div.
34 2) 218 Cal.App.3d 462, 468; *Kishida v. State of California* (1991, 4th Dist, Div. 1) 229 Cal.App.3d
35 329, 335; *Alexander, D. v. State Board of Dental Examiners* (1991, 1st Dist, Div. 1) 231 Cal.App.3d
36 92, 97; *Cal Service Station Assn. v. Union Oil Co.* (1991, 1st Dist, Div. 5) 232 Cal.App.3d 44, 54;
37 *Shapell Industries v. Governing Board* (1991, 6th District) 1 Cal.App.4th 218, 242; *Transamerica*
38 *Occidental Life v. State Board of Equalization* (1991, 2nd Dist, Div. 1) 232 Cal.App.3d 1048, 1058;
39 *County of San Diego v. Department of Health Services* (1991, 4th Dist, Div. 1) 1 Cal.App.4th 656, 661;
40 *In re Marriage of Seaman and Menjou* (1991, 1st Dist, Div. 2) 1 Cal.App.4th 1489, 1502; *People v.*
41 *Bishop* (1993, 6th District) 11 Cal.App.4th 1125, 1132; *Mosier v. DMV* (1993, 4th Dist, Div. 3) 18
42 Cal.App.4th 420, 424; *JA Jones Construction Co. v. Superior Court* (1994, 4th Dist, Div. 3) 27
43 Cal.App.4th 1568, 1579; *Dubins v. Regents of the University of California* (1994, 1st Dist, Div. 2) 25
44 Cal.App.4th 77, 86, 87; *Johnson v. Superior Court* (1994, 2nd Dist, Div. 5) 25 Cal.App.4th 1564, 1569;
45 *Coniglio v. Department of Motor Vehicles* (1995, 6th District) 39 Cal.App.4th 666, 675; *Lorenz v.*
46 *Commercial Acceptance Insurance Co.* (1995, 6th District) 40 Cal.App.4th 981, 993; *People v. Butler*
47 (1996, 2nd Dist, Div. 4) 43 Cal.App.4th 1224, 1236; *Walsh v. Superior Court* (1996, 2nd Dist, Div. 4)
48 42 Cal.App.4th 1822, 1832; *Conrad v. Medical Board of California* (1996, 4th Dist, Div. 1) 48
49 Cal.App.4th 1038, 1050; *Building Industry Assn. v. City of Livermore* (1996, 1st Dist, Div. 3) 45
50 Cal.App.4th 719, 737; *Crusader Insurance Co. v. Scottsdale Insurance Co.* (1997, 2nd Dist, Div. 2) 54
51 Cal.App.4th 121, 136; *Forty-Niner Truck Plaza, Inc. v. Union Oil Co.* (1997, 3rd District) 58
52 Cal.App.4th 1261, 1273, 1274, 1280, 1281; *Valley Title Co. v. San Jose Water Co.* (1997, 6th District)
53 57 Cal.App.4th 1490, 1499-1501; *Pandazos v. Superior Court* (1997, 2nd Dist, Div. 5) 60 Cal.App.4th
54 324, 327; *County of Orange v. Ranger Insurance Co.* (1998, 4th Dist, Div. 3) 61 Cal.App.4th 795, 800;
55 *Dant v. Superior Court* (1998, 1st Dist, Div. 1) 61 Cal.App.4th 380, 386; *Herman v. Los Angeles County*
56 *Metropolitan Transportation Authority* (1999, 2nd Dist, Div. 1) 70 Cal.App.4th 819, 829; *Zink v.*
57 *Gourley* (2000, 2nd Dist, Div. 5) 77 Cal.App.4th 774, 782, fn.9; *Aguilar v. Lerner* (2001, 1st Dist,

1 Div. 5) 90 Cal.App.4th 177, 185; *Hicks v. E.T. Legg & Associates* (2001, 4th Dist, Div. 1) 89
2 Cal.App.4th 496, 506; *In re Marriage of Cordero* (2002, 4th Dist, Div. 2) 95 Cal.App.4th 653, 663; *In*
3 *re Danny H.* (2002, 2nd Dist, Div. 3) 104 Cal.App.4th 92, 103, fn.20; *Guillemin v. Stein* (2002, 3rd
4 District) 104 Cal.App.4th 156, 166, fn.12; *Ruiz v. Sylva* (2002, 2nd Dist, Div. 8) 102 Cal.App.4th
5 199, 210-212; *People v. Washington* (2002, 2nd Dist, Div. 5) 100 Cal.App.4th 590 594; *Walker v.*
6 *Countrywide Home Loans, Inc.* (2002, 2nd Dist, Div. 5) 98 Cal.App.4th 1158, 1172; *Gamble v. Los*
7 *Angeles Department of Water & Power* (2002, 2nd Dist, Div. 1) 97 Cal.App.4th 253, 258; *People ex rel.*
8 *Allstate Ins. Co. v Weitzman* (2003, 2nd Dist, Div. 5) 107 Cal.App.4th 534, 547-552; *Reis v. Biggs*
9 *Unified School District* (2005, 3rd District) 126 Cal.App.4th 809, 826; *City of Brentwood v. Central*
10 *Valley Regional Water Quality Control Bd.* (2004, 1st Dist, Div. 5) 123 Cal.App.4th 714, 730, fn.10;
11 *ARP Pharmacy Services, Inc. v. Gallagher Bassett Services, Inc.* (2006, 2nd Dist, Div. 4) 138
12 Cal.App.4th 1307, 1319 & 1321 (author letter to Governor; sponsor letter to Governor)[Review
13 Granted]; *In re Marriage of Burkle* (2006, 2nd Dist, Div. 8) 135 Cal.App.4th 1045, 1053, fn.8(1);
14 *Amberger-Warren v. City of Piedmont* (2006, 1st Dist, Div. 1) 143 Cal.App.4th 1074, 1082; *Asfaw v.*
15 *Woldberhan* (2007, 2nd Dist, Div. 8) 147 Cal.App.4th 1407, 1418; *Simpson Strong-Tie Company, Inc v.*
16 *Gore* (2008, 6th District) 162 Cal.App.4th 737, 757; *Block v. Orange County Employees' Retirement*
17 *System* (2008, 4th Dist, Div. 3) 161 Cal.App.4th 1297, 1312; *Nguyen v. Nguyen* (2008, 4th Dist, Div. 3)
18 158 Cal.App.4th 1636, 1656, fn.19; *Schmidlin v. City of Palo Alto* (2008, 6th District) 157
19 Cal.App.4th 728, 756

9 **13. News Media and Law Reviews:**

10 Where relevant, the courts have looked for evidence of legislative history
11 and intent in published articles in a variety of periodicals and law reviews.

12 The problems we foresaw in Neel and Budd began to manifest
13 themselves in the form of rapidly rising malpractice insurance
14 premiums. (Mallen, Panacea or Pandor's Box? A Statute of Limitations
15 for Lawyers (1977) 52 Cal. St. B.J. 22, 22 The 1977 Mallen
16 article included a proposed model attorney malpractice statute of
17 limitations [Citation.] The article was circulated to legislators,
18 and later in 1977, drawing heavily from Mallen's proposed language,
19 the Legislature passed Assembly Bill No. 298 *Beal Bank SSB, v.*
20 *Arter & Hadden, LLP* (2007) 42 Cal.4th 503, 510

21 Professor Asimow, the author of *California's New APA* [32 Tulsa
22 L.J.] and *Toward a New California APA* [39 UCLA L.R.], cited herein,
23 was retained by the Commission as its principal advisor in reviewing
24 the APA and proposing reforms. (Recommendation, 25 Cal. Law Revision
25 Com. Rep., supra, at pp. 60-61, 75.) We previously have found
26 Professor Asimow's work on administrative law for the Commission
27 highly persuasive. [Citation.] *Department of Alcoholic Beverage*
28 *Control v. Alcoholic Beverage Control Appeals Board* (2006) 40 Cal.4th
1, 9, fn.5 [bracketed information added for understanding]

29 In 1963, the Legislature amended Penal Code section 1016--
30 permitting defendants to enter a nolo contendere plea with the
31 consent of the district attorney and the approval of the court--
32 reportedly in response to our decision in *Teitelbaum Furs, Inc. v.*
33 *Dominion Ins. Co., Ltd.* [Citation.] (Note, Nolo Contendere--Its Use
34 and Effect (1964) 52 Cal. L.Rev. 408, 409 (hereafter Nolo
35 Contendere)... Reviewing the 1963 legislation, the State Bar Journal
36 explained, "The plea of nolo contendere permits speedy disposal of
37 the criminal charge. Defendants charged with traffic offenses and
38 defendants in corporate fraud cases, which are usually long and
39 complex, are among those expected to utilize the plea." (Review of
40 1963 Code Legislation (1963) 38 State Bar J. 751, 752.) The foregoing

1 suggests that when the Legislature added former subdivision
2 *People v. Yartz* (2005) 37 Cal.4th 529, 539

3 The compromise agreement reportedly is known as "the 'napkin
4 deal' since it was hammered out by political adversaries" - (one side
5 "wanting comprehensive changes in California tort law, the other
6 wanting to maintain the status quo") - on a white cloth napkin in a
7 Sacramento restaurant. (Moy, *Tobacco Companies, Immune No More-
California's Removal of the Legal Barriers Preventing Plaintiffs From
8 Recovering for Tobacco-related Illness* (1998) 29 McGeorge L.Rev. 761,
9 770.) *Myers v. Philip Morris Companies, Inc.* (2002) 28 Cal.4th 828,
10 834, fn.3

11 The seminal academic research on which the original version of
12 the statute was based used ... (*Zhao v. Wong*, supra 48 Cal.App.4th at
13 p. 1124, quoting Canan & Pring, *Studying Strategic Lawsuits Against
14 Public Participation: Mixing Quantitative and Qualitative Approaches*
15 (1988) 22 Law & Socy. Rev. 385, 387) *Briggs v. Eden Council for Hope
16 and Opportunity* (1997) 19 Cal.4th 1106, 1120

17 SB No. 604, which, as amended, became section 453.5, was
18 introduced by Senator Stull (R-Escondido) in March, 1977, the month
19 after issuance of the OII in Case No. 10255 and in response to it.
20 (Kuersteiner & Herbach, supra at p.674.) [law review article]
21 *California Mfrs. Assn. v. Public Utilities Commission* (1979) 24
22 Cal.3d 836, 845, 846

23 CLRA's enactment followed findings by the National Advisory
24 Commission on Civil Disorders,... Investigating the causes of recent
25 violence in low-income urban areas, the Kramer Commission found ...
26 (Reed, *Legislating for the Consumer: An Insider's analysis of the
27 Consumers Legal Remedies Act* (1971) 2 Pacific L.J. 1, 5) The
28 Legislature adopted CLRA to mitigate these social and economic
29 problems. (Id. At p. 7) CLRA was the product of intense negotiations
30 between consumer and business groups, and represented a compromise
31 between the two. (Id., at p. 8.) *Berry v. American Express Publishing
32 Inc.* (2007, 4th Dist, Div. 3) 147 Cal.App.4th 224, 230

33 In 1963, the Legislature added a second statutory exception to
34 the general rule ... at the request of the CYA to provide ...
35 (Citation; *Youth Authority: Extended Time of Detention* (1963) 38
36 State Bar J. 820, 821.) *In re Schmidt* (2006, 6th District) 143
37 Cal.App.4th 694, 706

38 In 1969 the California Legislature enacted a comprehensive
39 revision of the laws governing service of process.... The Legislature
40 based this revision on recommendations contained in a report by a
41 joint committee representing the Judicial Council and the State Bar
42 fn.4 and these recommendations were adopted as the legislative
43 history of the statute. fn.5 [fn.4 Report of the State Bar Committee
44 on Administration of Justice (1969) 44 State Bar J. 681, 682 and fn.5
45 Report of the State Bar Committee on Administration of Justice,
46 supra, 44 State Bar J. at page 682.] *Summers v. McClanahan* (2006, 2nd
47 Dist, Div. 7) 140 Cal.App.4th 403, 407-408

1 The limited legislative history of section 1008 supports this
2 interpretation, suggesting that the statute was enacted to A
3 contemporary commentary states, after reviewing the elements of a
4 claim of prescriptive easement:... (Review of Selected 1965 Code
5 Legislation (Cont.Ed.Bar 1965), pp. 48--49.) *Aaron v. Dunham* (2006,
6 1st Dist. Div. 1) 137 Cal.App.4th 1244, 1250

7 Section 1283.8 was adopted as part of a comprehensive revision
8 of the 1927 statutory scheme governing arbitration (§ 1280 et seq.).
9 The revision was recommended by the California Law Revision
10 Commission's 1960 Recommendation and Study Relating to Arbitration.
11 The Legislature unanimously enacted section 1283.8 without change,
12 exactly as recommended by the Commission. (Feldman, *Arbitration
13 Modernized--The New California Arbitration Act* (1961) 34 So.Cal.
14 L.Rev. 413, fn.1.) *Bosworth v. Whitmore* (2006, 2nd Dist, Div. 4) 135
15 Cal.App.4th 536, 547 (author letter to Governor)

16 Finally, the factual content of the message should be ...
17 (Assem. Comm. on Judiciary, Com. on Sen. Bill No. 515 (2003 Reg.
18 Sess.) June 27, 2003, p. 10 (italics added); see Baker, *Review of
19 Selected 2003 California Legislation Civil: Chapter 338: "Another New
20 Law, Another Slapp in the Face of California Business"* (2004) 35
21 McGeorge L.Rev. 409, 422.) *Brill Media Co., LLC v. TCW Group, Inc.*
22 (2005, 2nd Dist, Div. 5) 132 Cal.App.4th 324, 348

23 According to the Los Angeles Times an analysis of the reports
24 [Department of Insurance regarding Northridge Earthquake claims]
25 conducted by a consumer watchdog group found that one of the
26 companies failed to properly explain benefits or misled
27 policyholders.... (Citation Omitted.) *Migliore v. Mid-Century Ins.
28 Co.* (2002, 2nd Dist, Div. 4) 97 Cal.App.4th 592, 611

29 All of the pertinent historical evidence indicates that the
30 Legislature intended in 1933 when enacting Code of Civil Procedure
31 section 396 to address the issue of transferring cases between trial
32 courts which were then confronted with difficult jurisdictional
33 disputes.... None of the documents prepared by scholars discussing
34 the jurisdictional issues troubling trial judges, the California Code
35 Commission, or the Legislature even inferentially suggest that Code
36 of Civil Procedure section 396 could be utilized to transfer a case
37 from the superior court to the Court of Appeal. *Trafficschoolonline,
38 Inc. v. Superior Court (Ohlrich)* (2001, 2nd Dist, Div. 5) 89
39 Cal.App.4th 222, 233-234

40 Under [rule 3(b) as originally enacted], only new trial
41 proceedings served to extend time to appeal. In view of the general
42 policy favoring applications for relief in the trial court, the
43 draftsman suggested that motions [to vacate] made under Section 663
44 of the Code of Civil Procedure, which are analogous and complementary
45 to new trial motions, should likewise receive the benefits of the
46 extension provisions. (Witkin, *New California Rules on Appeal* (1943-
47 1944) 17 So.Cal.L.Rev. 79, 96-97, fn. omitted) *Maides v. Ralphs
48 Grocery Co.* (2000, 4th Dist, Div. 1) 77 Cal.App.4th 1363, 1369

49 In 1963, the Legislature adopted the State Bar's amendment
50 almost verbatim.... Since the Legislature enacted the State Bar's

1 proposal almost verbatim, the State Bar's report may be used as an
2 interpretive aid.... *Dowden v. Superior Court* (1999, 4th District) 73
3 Cal.App.4th 126, 132-133

4 ... leading legislative commentators writing contemporaneously
5 with the passage of the legislation gave no hint that the Legislature
6 repealed the mandate to apportion attorneys' fees. Both the annual
7 summary of legislation prepared by the Committee on Continuing
8 Education of the Bar, and Witkins Summary of California Law treated
9 the amendments as essentially technical, a conclusion entirely in
10 accord with the routine and uncontested passage of the bills by the
11 Legislature. *Summers v. Newman* (1999) 20 Cal.4th 1021, 1034, citing
12 from *Quinn v. State of California* (1975) 15 Cal.3d 162, 173, fn.12-14
13 which concluded that review with this statement "Such contemporaneous
14 construction of course may shed important light on legislative
15 intent."

16 Moreover, many of the background materials pertaining to Senate
17 Bill No. 1028 referred to an article in the State Bar Journal in July
18 of 1980, which offered examples of factual situations in which unjust
19 results could be reached under the previous, restrictive view of
20 section 1717. (Legislative Intent Service (July 24, 1991) Civ. Code,
21 §1717, exhibit B, #12 documents B-3 through B-6.) *Sears v. Baccaglio*
22 (1998, 1st Dist, Div. 2) 60 Cal.App.4th 1136, 1146

23 "The legislative history further reveals that the source of the
24 bill was a coalition of McGeorge Law Students" and that the "impetus
25 for this bill was an intimidating experience recently suffered by a
26 Sacramento law student. Newsweek in the July 4, 1977 issue, described
27 it in the following passage:...(Assem. Comm. On Judiciary, Digest of
28 Assem. Bill...) *Diamond View Limited v. Herz* (1986, 3rd District) 180
Cal.App.3d 612, 619

17 *Diamond Multimedia Systems, Inc. v. Superior Court* (1999) 19 Cal.4th 1036, 1056, fn.16; *People v.*
18 *Tanner* (1979) 24 Cal.3d 514, 547-549 (news article); *Stop Youth Addiction, Inc. v. Lucky Stores, Inc.*
19 (1998) 17 Cal.4th 553, 571; *Broughton v. Cigna Healthplans* (1999) 21 Cal.4th 1066, 1077; *Fairmont*
20 *Insurance Co. v. Superior Court (Stendell)* (2000) 22 Cal.4th 245, 254

21 -----
22 *Federal National Mortgage Assn. v. Bugna* (1997, 4th Dist, Div. 1) 57 Cal.App.4th 529, 539; *John*
23 *Hancock Mutual Life Insurance Co. v. Greer* (1998, 1st Dist, Div. 2) 60 Cal.App.4th 877, 882, 884;
24 *Covarrubias v. Superior Court* (1998, 6th District) 60 Cal.App.4th 1168, 1181; *People v. Maldonado*
25 (1999, 4th District) 72 Cal.App.4th 588, 595, fn.4; *In re Polk* (1999, 1st District) 71 Cal.App.4th
26 1230, 1235; *Oldham v. California Capital Fund, Inc.* (2003, 5th District) 109 Cal.App.4th 421, 429,
27 fn.7; *Violante v. Communities Southwest Development & Construction Co.* (2006, 4th Dist, Div. 2) 138
28 Cal.App.4th 972, 977 (denied media and law review article); *People v. McNeal* (2007, 4th Dist, Div. 2)
66 Cal.Rptr.3d 212, 222-223; *Chosak v. Alameda County Medical Center* (2007, 1st Dist, Div. 1) 153
Cal.App.4th 549, 563; *Simpson Strong-Tie Company, Inc v. Gore* (2008, 6th District) 162 Cal.App.4th
737, 757; *Fiscal v. City and County of San Francisco* (2008, 1st Dist, Div. 4) 158 Cal.App.4th 895,
913

23 **14. House Journals and Final Histories:**

24 The courts will look to the Final History of a bill for indications of
25 legislative intent.

26 Also revealing of intent is the fact the Legislature considered
27 legislation amending section 4685 at the same time it considered
28 legislation which added section 4791-the statute which required the
regional centers to submit cost-cutting plans in response to the
state's fiscal crisis. (Sen. Bill No. 485, 1 Sen. Final Hist. (1991-

1 1992 Reg. Sess.) pp 381-382; Sen. Bill No. 1383, 2 Sen. Final Hist.
2 (1991-1992 Reg. Sess.) p. 1000.) *Clemente v. Amundson* (1998, 3rd
3 District) 60 Cal.App.4th 1094, 1106

4 Moreover, we have independently examined the legislative
5 history of Section 170.3(d) which makes it abundantly clear that the
6 1984 revision of the challenge for cause statute, of which this
7 section is part, was to have no effect on the preemptory challenge
8 statute. The Senate Final History of Senate Bill 1633 which amended
9 the statute specifically notes:... *Woodman v. Superior Court* (1987)
10 196 Cal.App.3d 407, 413

11 It will also examine evidence of legislative intent printed in the Senate
12 or Assembly Journals. In the early decades of the State, the appendices to the
13 Journals contained committee reports and annual reports of state agencies to the
14 Governor. In *City of Berkeley v. Superior Court* (1999) 26 Cal.3d 515, 530, fn.15,
15 the court was analyzing an enactment of 1868, and looked to the Governor's
16 Message to the Legislature, the Annual Report of the Attorney General, and a
17 Special Committee Report found in the appendices to the Journals, circa 1867-
18 1870. (Id, pages 529-530, and page 530, fn.15). In other cases the Courts have
19 acted similarly:

20 On July 14, 1983, the Senate Committee on the Judiciary
21 published a report in the Senate Journal stating *Estate of*
22 *Saueressig* (2006) 38 Cal.4th 10945, 1050 fn.6

23 Thus, a member of the conference committee, with the knowledge
24 of the committee, requested that a letter be published in the Senate
25 Journal regarding the significance of the adoption, in the final
26 version of the bill,... *White v. Ultramar, Inc.* (1999) 21 Cal.4th
27 563, 581, fn.2 (conc.opn.of Mosk, J.)

28 Senate Bill No. 1758 passed the Assembly on August 30, 1994,
and the Senate on August 31, 1994. On that date, Senator Kopp
submitted a letter regarding its interpretation. "The Senate Journal
for the 1993-1994 Regulation Session, p. 7023, contained the
following letter from Senator Kopp, dated August 31, 1994.... *Smith*
v. Santa Rosa Police Department (2002, 1st Dist, Div. 2) 97
Cal.App.4th 546, 560

Another example of a document relied on for construing legislative intent
found in a legislative journal occurs in *Delaney v. Baker*, where the court
examined a Governor's proclamation printed therein. *Delaney v. Baker* (1999) 20
Cal.4th 23, 33-34

1 County of Yolo v. Colgan (1901) 132 Cal. 265; County of Los Angeles v. State (1987) 43 Cal.3d 46, 51,
2 fn.2; People v. Jeffers (1987) 43 Cal.3d 984, 996; In re Jorge M. (2000) 23 Cal.4th 866, 874; Lantz
v. Centex Homes (2003) 31 Cal.4th 363, 376-7

3 In re Marriage of Martinez (1984) 156 Cal.App.3d 20, 28; People v. Monroe (1993, 1st Dist, Div. 2) 12
4 Cal.App.4th 1174, 1184; People v. Superior Court (Romero) (1996) 13 Cal.4th 497, 504, 520, 528; Joyce
5 G. v. Superior Court (1995, 3rd District) 38 Cal.App.4th 1501, 1510, fn.7; People v. Ramos (1996, 5th
6 District) 50 Cal.App.4th 810, 821; People v. Butler (1996, 2nd Dist, Div. 4) 43 Cal.App.4th 1224,
7 1236; People v. Mejia (1999, 4th District) 72 Cal.App.4th 1269, 1273, fn.2 (Dissent); People v.
8 Patterson (1999, 3rd District) 72 Cal.App.4th 438, 442-443; Landau v. Superior Court (Medical Board
of California) (2000, 1st Dist, Div. 2) 81 Cal.App.4th 191, 205; In re Danny H. (2002, 2nd Dist, Div.
3) 104 Cal.App.4th 92, 102, fn.19; Smith v. Santa Rosa Police Department (2002, 1st Dist, Div. 2) 97
9 Cal.App.4th 546, 557; Violante v. Communities Southwest Development & Construction Co. (2006, 4th
10 Dist, Div. 2) 138 Cal.App.4th 972, 977 (final history); Slocum v. State Bd. of Equalization (2005,
11 1st Dist, Div. 4) 134 Cal.App.4th 969, 977 (Constitution Revision Commission Task Force from
12 Journal); Bullard v. California State Automobile Assn. (2005, 3rd District) 129 Cal.App.4th 211, 219
13 (final history); Gravillis Jr. v. Coldwell Banker Residential Brokerage Company (2006, 2nd Dist, Div.
14 1) 143 Cal.App.4th 761, 778-779; Petropoulos v. Department of Real Estate (2006, 1st Dist, Div. 1) 142
15 Cal.App.4th 554, 562-563

9 **15. Predecessor Bills, Competitor Bills:**

10 The courts consider predecessor bills and competitor bills when such are a
11 part of the legislative history of a statutory enactment or amendment.

12 One version of Senate Bill No. 664 (1975-1976 Reg. Sess.), a
13 precursor of Assembly Bill No. 1310 (1977-1978 Reg. Sess.), which
14 ultimately enacted section 1021.5, appeared to adopt As is
15 discussed more fully below, although the Legislature may have
16 intended to codify the *La Raza Unida* holding in Senate Bill No. 664,
17 that bill failed to make it out of the Senate. Assembly Bill No. 1310
18 significantly departed from the amended language of Senate Bill No.
19 664, and there is no indication that Assembly Bill No. 1310-enacted
20 as section 1021.5-was intended to codify the holding of *La Raza*
21 *Unida*. *Olson v. Automobile Club of Southern California* (2008) 42
22 Cal.4th 1142, 1153, fn.5

23 Senate Bill No. 899 (2003-2004 Reg. Sess.) started out as
24 minorbill designed to change one aspect of workers' compensation
25 It was one of 20 different bills to reform workers' compensation
26 passed out of the Senate or Assembly in 2003.... Senate and Assembly
27 leaders responded to this plethora of overlapping measures by
28 submitting them to a joint conference to digest the bills and
incorporate their provisions into a single omnibus reform measure.

...

22 Reform of the apportionment process was originally proposed as
23 part of Even in the text and committee analyses of these other
24 measures, however, one finds no reflection of an intent to override
the *Brodie v. Workers' Compensation Appeals Board* (2007) 40 Cal.4th
1313, 1329, fn.12

25 In 1967, the Legislature responded in part to these
26 developments by adopting section 337.1. [Citation.] ...

27 Despite this 1967 legislation, members of the building industry
28 still faced On April 14, 1970, Assemblyman Powers introduced
Assembly Bill 2528 (1970 Reg. Sess.), seeking to limit suits for
After numerous amendments in committee, the bill was placed in the
inactive file at the request of ... and it died there on ...

...

1 On April 15, 1971, Assemblyman Hayes introduced Assembly Bill
No. 2742 ... which, as amended, became section 337.15. [Citation.]
2 *Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 377

3 The words ... appear to have been borrowed from Senate Bill
289, which had been introduced earlier in the same legislative
4 session but did not pass.... The legislative history of Senate Bill
289 makes the intent of this language even more clear.... *Park City
Services, Inc., v. Ford Motor Company* (2006, 4th Dist, Div. 2) 144
5 Cal. App. 4th 295, 307

6 Ordinarily, the legislative history of bills that fail to pass
in the Legislature are entitled to little weight because of the
7 conflicting intentions of the proponents of the legislation and those
who voted against it. [Citation.] Here, however, Assembly Bill No.
8 551 [vetoed bill] *did* pass both houses of the Legislature, and
therefore the Legislature's intent in passing the legislation can be
9 gleaned from its history.

10 ...
Thus, not only the Legislature, but also the governor
understood, long after section 1812.5095 was originally enacted, that
11 it was intended to define employment relationships for workers'
compensation purposes. As the most recent expression of the meaning
12 of this statute, we give these statements considerable weight. An
Independent Home Support Service, Inc. v. Superior Court (San Diego)
13 (2006, 4th Dist, Div. 1) 145 Cal.App.4th 1418, 1434

14 The proposed change had been originally introduced in a prior
bill that was vetoed by Governor Wilson for other reasons.
15 [Citation.] A Senate Judiciary analysis of the vetoed bill stated
.... *Los Angeles Unified School District v. Superior Court (Los
16 Angeles County)* (2007, 2nd Dist, Div. 3) 151 Cal.App.4th 759, 773

17 What one does not find in the legislative history of AB 1077 is
any mention of the There is a related bill, AB 3825, which, at
18 the time (the Spring of 1992) did target But that bill never
became law. *Gunther v. Lin* (2007, 4th Dist, Div. 3) 144 Cal.App.4th
19 223, 244, fn.19

20 Generally speaking, "[u]npassed bills, as evidences of
legislative intent, have little value." [Citation.] [Citation.] It
21 is apparent, however, that by enacting Senate Bill No. 3 and
rejecting Senate Bill No. 51, which was introduced during the same
22 legislative session, the Legislature (See Sen. Com. on Public
Safety, bill analysis of Sen. Bill No. 51 (2003-2004 Reg. Sess.) as
23 introduced, p. 12.) fn.30. *People v. Superior Court (Vidal)* (2005,
5th District) 129 Cal.App.4th 434, 466, fn.30 [Review Granted.]

24 Further, the view that the Legislature was proceeding by stages
in enacting chapter 478/89 finds support in the history of the nearly
25 identical predecessor to chapter 478/89, Assembly Bill No. 1097. *City
of Richmond v. Commission on State Mandates* (1998, 3rd District) 64
26 Cal.App.4th 1190, 1199

27 Section 170.3, subdivision (d) was enacted as part of the
28 overhaul of the system of challenging judges for cause which occurred

1 in 1984 through enactment of Senate Bill 1633 (Stats.1984, ch. 1555,
2 § 7). A virtually identical provision was contained in an
3 unsuccessful predecessor bill, Senate Bill No. 598. Detailed analysis
4 of Senate Bill No. 598 was provided to the Senate Judiciary Committee
5 by Professor Preble Stolz, chair of the State Bar committee which
6 drafted the legislation. Page 15 of that analysis, which has been
7 furnished to us by Legislative Intent Service states:... *People v.*
8 *Jenkins* (1987, 2nd District) 196 Cal.App.3d 394, 404

9 *People v. Prothero* (1997, 3rd District) 57 Cal.App.4th 126, 134; *Muller v. Automobile Club of So.*
10 *California* (1998, 4th Dist, Div. 1) 61 Cal.App.4th 431, 441, 442; *In re Carr* (1998, 2nd District) 65
11 Cal.App.4th 1525, 1532, 1533; *People v. Munoz* (2001, 2nd Dist, Div. 5) 87 Cal.App.4th 239, 244;
12 *Faulder v. Mendocino County Board of Supervisors* (2006, 1st Dist, Div. 4) 144 Cal. App. 4th 1362,
13 1374-5; *Doe v. Saenz* (2006, 1st Dist, Div. 3) 140 Cal.App.4th 960, 986

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

15 **California Supreme Court**

16 There has developed over the years a long line of confusing and often
17 contradictory appellate cases regarding the admissibility and relevance of
18 statements by the authors of legislation and other individual legislators. In
19 1981 the California Supreme Court summarized and synthesized these cases in its
20 decision in the case *California Teachers Assn. v. San Diego Community College*
21 *District* (1981) 28 Cal.3d 692, 698, 699:

22 Committee reports concerning Assembly Bill No. 2083 were
23 prepared by the Senate Committee on Public Safety and by the Assembly
24 Committee on Public Safety. Both reports noted that, according to the
25 bill's author, under existing law and practice,... *People v.*
26 *Allegheny Casualty Company* (2007), 41 Cal.4th 704, 711

27 While the court in *California Teachers* upholds the rule against
28 admitting statements of an individual legislator's personal belief or
intent, the court also acknowledges a number of exceptions to this
rule. (*Ibid.* at p. 700.) (See also *Quelimane Company, Inc. v. Stewart*
Title Guaranty Co. (1998) 19 Cal.4th 26, 46, fn.9

See also: *In re Smith* (2008) 42 Cal.4th 1251, 1261

The Court has employed these exceptions in the following cases: *Roberts v.*
City of Palmdale (1993) 5 Cal.4th 363, 377; *Mercy Hospital and Medical Center v.*
Farmers Insurance Group of Companies (1997) 15 Cal.4th 213, 222; and *Lantzy v.*
Centex Homes (2003) 31 Cal.4th 363, 377.

In 2004, the court reiterated and clarified the CTA case in *Martin v. Szeto*
(2004) 32 Cal.4th 445:

1 ... the various reports on the bill prepared for Senate and
2 Assembly committees do not discuss the amendment. The amendment is
3 discussed, however, in letters to the Governor by the bill's Senate
4 sponsor and others, urging that the legislation be signed or vetoed.
5 These letters consistently explain ... (See Sen. John Doolittle,
6 letter to Governor Edmund Brown, Sept. 22, 1981, p. 1; see also Joe
7 Aceto, Director, Legislative Division, POARC, letter to Governor
8 Edmund Brown, Sept. 22, 1981, p. 2.) The American Civil Liberties
9 Union (ALCU), which opposed the bill, nevertheless recounted the
10 amendment's history in precisely the same way. fn.6 These statements
11 about pending legislation are entitled to consideration to the extent
12 they constitute "a reiteration of legislative discussion and events
13 leading to adoption of proposed amendments rather than merely an
14 expression of personal opinion." (*California Teachers Assn. v. San*
15 *Diego Community College Dist.* (1981) 28 Cal.3d 692, 700.) *Martin v.*
16 *Szeto* (2004) 32 Cal.4th 445, 450-451

17 The Court in a June, 2006 opinion addresses statements or letters of an
18 author. The documents are evaluated to determine whether they can be regarded as
19 evidence of legislative intent. Factors in that evaluation process are
20 enunciated:

21 The VA attempts to bolster its contention through documents
22 written by Senator Diane Watson, author of Senate Bill No. 2012
23 On June 14, 1984, which postdates the deletion of the former
24 statute's "any person" language, Senator Watson prepared a memorandum
25 and entitled it "Fact Sheet on SB 2012 On Third Reading File" for
26 distribution to all Senate members. The memorandum states Where
27 an author's statements appear to be part of the debate on the
28 legislation and were communicated to other legislators, we can regard
them as evidence of legislative intent. [Citation.]

...

Senator Watson appears to have thought that provisions did not
include customer harassment. On June 22, 1984, she wrote to the
California Manufacturers Association, stating in relevant part:... We
find this letter less persuasive because it reflects one legislator's
personal opinion of the provision at issue. In general a legislator's
personal understanding of a bill does not indicate the Legislature
collective intent in enacting that bill. [Citation.] *Carter v.*
California Department of Veteran's Affairs (2006) 38 Cal.4th 914,
928-9

Addressing the different types of author materials that have been accepted
and considered, we categorize the cases as follows:

a. Author's Letter to the Governor

Assembly member Steinberg wrote a letter urging Governor Gray
Davis to sign ... Steinberg wrote that ... The use of the word ...
must be similarly read in light of the IWC's use of the word to
describe the Additionally we do not consider the 'motives or
understandings of individual legislators,' 'including the bill's
author. [Citation.] *Murphy v. Kenneth Cole Productions* (2007) 40
Cal.4th 1094, 1110

1 The statute's legislative sponsor, Assemblyman Floyd, stated in
2 his letter urging Governor Deukmejian to sign the ... (Assemblyman
3 R.E. Floyd, sponsor of Assem. Bill No. 1441 (1987-1988 Reg. Sess.),
letter to Governor Deukmejian, Sept. 15, 1987.) *State v. Altus*
Finance (2005) 36 Cal.4th 1284, 1296

4 *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211, 219, fn.9; *Mercy Hospital and*
5 *Medical Center v. Farmers Insurance Group of Companies* (1997) 15 Cal.4th 213, 222; *Drouet v. Superior*
Court (Broustis) (2003) 31 Cal.4th 583, 598, fn.4

6 **b. Author comments from Committee bill files**

7 The author, Senator Kopp, explained: "... " (Sen. Kopp, Sen.
8 Appropriations Com., amendments to Sen. Bill No. 523 (1995-1996 Reg.
Sess.) *Department of Alcoholic Beverage Control v. Alcoholic Beverage*
Control Appeals Board (2006) 40 Cal.4th 1, 12

9
10 *White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 572, fn.3. The
11 court referred to author materials, stating these materials were
"expressions of legislative intent to construe it [the term 'managing
agent'] in the statute's relative context. fn.3." (Id., at page 572)

12 **c. Author's statements and letters**

13 Defendants also cite the statement at an April 1974 press
14 conference of former Assembly member John Knox, who cosponsored the
Knox-Keene Act. The statement, which did not identify the proposed
15 legislation by bill number, apparently related not to Assembly Bill
No. 138, which was introduced in December 1974, but to Assembly Bill
16 No. 3385 (1983-1984 Reg. Sess.), which dealt with the same subject and
which former Assemblymember Knox introduced the day before the press
conference. *People v. Cole* (2006) 38 Cal.4th 964, 988, fn.20

17
18 In arguing that ... SSB relies upon a letter written by
Assembly Speaker Jesse Unruh, the principal author of the 1967
19 invasion-of-privacy statute, in which he refers to an amendment to
the 1967 act that he was considering introducing in the Legislature.
20 Although the letter-which was not before, or considered by, the
Legislature-does not appear to be a proper subject of judicial notice
... in any event we do not believe that the letter supports SSB's
21 contention.

22 In the letter in question, the amendment that Speaker Unruh
ostensibly proposed to introduce is set forth The letter
explains that ... (Jesse M. Unruh, Speaker of the Assembly, letter to
23 H. Lee Van Boven, California Law Review, Nov. 22, 1968.)

24 Although SSB apparently assumes There is nothing in the
letter-or in any of the appropriately considered legislative history
indicating that Speaker Unruh (or, more importantly, the Legislature
25 as a whole) believed the originally enacted version.... *Kearney v.*
Salomon Smith Barney, Inc. (2006) 39 Cal.4th 95, 120, fn.13

26
27 ... Several of the legislators debating the WCEA seemed to
think so. fn.3 - (See, e.g., Remarks of Sen. Speier, Sen. Floor
28 Debate on Sen. Bill No. 41 (1999-2000 Reg. Sess.) Apr. 12, 1999, pp.
7-8 [floor statement of Senator Speier asserting that Remarks of
Sen. Speier, Sen. Floor Debate on ... floor statement of Senator

1 Speier arguing that *Catholic Charities of Sacramento, Inc. v.*
2 *Superior Court (Dept. of Managed Health Care)* (2004) 32 Cal.4th 527,
3 579 (Dissent)

4 In support of his contention that the unqualified reference to
5 "any person" in sections 84301 and 91000 extended only ... defendant
6 cites certain statements by Senator William A. Craven, who introduced
7 Senate Bill No. 1438.... In his introductory remarks Senator Craven
8 stated in part

9 Assuming we may consider the statements of individual
10 legislators in this regard (Citation Omitted.) we fail to discern any
11 support for defendant's position in these observations. *People v.*
12 *Snyder* (2000) 22 Cal.4th 304, 311

13 See also: *Fernandez v. Lawson* (2003) 31 Cal.4th 31, 43 (concurrence)

14 **d. Author Comment Quoted or Paraphrased in Analysis**

15 The legislative history reveals that Senator Kopp proposed as
16 part of the 1997 amendments to the statute to eliminate the phrase
17 for this reason. (Sen. Com. On the Judiciary, Analysis of ...) Subsequently,
18 the language was reinstated, and the Senate Judiciary
19 Committee analysis comment that "[a]lthough section 1033.5 provides
20 for award of costs to the plaintiff as the prevailing party, Consumer
21 Attorneys of California and others suggest that we restore ... in
22 order to eliminate any confusion." (Sen. Com. On Judiciary, Analysis
23 of Sen. Bill No. 73...) *Pilimai v. Farmers Insurance Exchange Company*
24 (2006) 39 Cal.4th 133, 150

25 See also: *In re Jennings* (2004) 34 Cal.4th 254, 264

26 **e. Author Letter Printed in Journal**

27 Although letters from individual legislators are usually given
28 little weight unless they reflect the Legislature's collective intent
(Citations) the Burton letter was presented, prior to the bill's
enactment, to the full Senate, which carried his motion to print it
in the Senate Daily Journal. Indeed, the letter is printed and
included under the notes to section 1720 in West's Annotated Labor
Code. (Citations.) Under these circumstances, we think the letter
carries more weight as indicative of probable legislative intent.
(Citations.) *City of Long Beach v. Department of Industrial Relations*
(2004) 34 Cal.4th 942, 952

29 *Cummins, Inc. v. Superior Court (Cox)* (2005) 36 Cal.4th 478, 492; *In re Reeves* (2005) 35 Cal.4th 765,
30 776

31 **First District Court of Appeal**

32 The First District Court of Appeal, in a decision rendered after the CTA
33 ruling, determined the intention of the Legislature from various historical
34 documents and then quoted extensively from the author's letter to the Governor
35 "Confirming this intent...." *Rogers v. Alvas* (1984) 160 Cal.App.3d 997, 1003. An

1 author's letter was quoted, without comment, in *Blakey v. Superior Court* (1984)
2 153 Cal.App.3d 101, 105; see also *Duty v. Abex Corp.* (1989) 214 Cal.App.3d 742,
3 747 (citing the same letter). The First District, in *F&P Growers Assn. v.*
4 *A.L.R.B.* (1985) 168 Cal.App.3d 667, 678 made the statement "Declarations of a
5 legislator are admissible as part of legislative history for whatever help it may
6 be."

7 In a 1995 case, the court simply quoted an author's letter to the Governor.
8 *Cisneros v. Vuere* (1995, 1st Dist, Div. 2) 37 Cal.App.4th 906, 911. See also
9 *Delaney v. Baker* (1997, 1st Dist, Div. 5) 59 Cal.App.4th 1403, 1413 (Petition for
10 Review Granted) A 1998 case cites an author's letter and an author's statement,
11 stating in a footnote that:

12 We recognize that courts ordinarily do not consider statements
13 of personal belief or intent by individual legislators, including the
14 author of a bill, on the issue of legislative intent. But a
15 legislator's statement may be entitled to consideration when it is a
16 reiteration of legislative discussion and events leading to adoption
17 of legislation or when it gives some indication of arguments made to
18 the Legislature. (*California Teachers Assn. v. San Diego Community*
19 *College Dist.* (1981) 28 Cal.3d 692, 700-701 [170 Cal.Rptr. 817, 621
20 P.2d 856].) *Terhune v. Superior Court* (1998, 1st Dist, Div. 1) 65
21 Cal.App.4th 864, 879, fn.9

22 More recently:

23 ... A letter from the author of SB 469, Senator Beverly, to
24 Governor Wilson, dated August 31, 1994, states *Northwest*
25 *Energetic Services, LLC v. California Franchise Tax Board* (2008 1st
26 Dist, Div. 5) 159 Cal.App.4th 841, 856

27 We note also that floor statements in both the Senate and the
28 Assembly characterized Assembly Bill No. 2740 as *Ailanto*
29 *Properties, Inc. v. City of Half Moon Bay* (2006, 1st Dist, Div. 5)
30 142 Cal.App.4th 572, 589 (Floor Statements are written presentations
31 generated by the author of a measure for reading on the floor of the
32 house)

33 Senator Beilenson's statement was before the trial court in the
34 proceedings on plaintiffs' summary judgment motion. The statement,
35 submitted by defendants below, is part of the current record on
36 appeal. A statement by a bill's author can be considered evidence of
37 legislative intent. (*Bronco Wine Co. v. Jolly* (2004) 33 Cal.4th 943,
38 977-978, fn.46 (*Bronco Wine*); [Citation.] *Viva! Internat. Voice for*
39 *Animals v. Adidas Promotional Retail Operations, Inc.* (2005, 1st
40 Dist, Div. 1) 134 Cal.App.4th 133, 142, fn.10

1 Statements of an individual legislator, including the bill's
2 author, are generally not considered in construing a statute.
3 [Citation.] An exception exists, however, when the letter constitutes
4 a "reiteration of legislative discussion and events leading to
5 adoption of proposed amendments rather than merely an expression of
6 personal opinion." [Citations.] The exception applies here because
7 Senator Kopp's letters explain the events leading to the adoption of
8 amended language after Senator Kopp first urged the bill's passage.
9 *People v. Superior Court (Ferguson)* (2005, 1st Dist, Div. 3) 132
10 Cal.App.4th 1525, 1532

11 Also see *Amberger-Warren v. City of Piedmont* (2006, 1st Dist, Div. 1) 143 Cal.App.4th 1074, 1082; *Bank*
12 *of the Orient v. Town of Tiburon* (1990, 1st Dist, Div. 1) 220 Cal.App.3d 992, 1002, fn.11; *Farnow v.*
13 *Superior Court* (1990, 1st Dist, Div. 2) 226 Cal.App.3d 481, 490; *Emeryville Redevelopment Agency v.*
14 *Harcros Pigments, Inc.* (2002, 1st Dist, Div. 4) 101 Cal.App.4th 1083, 1097; *Smith v. Santa Rosa*
15 *Police Department* (2002, 1st Dist, Div. 2) 97 Cal.App.4th 546, 559-560, fn.11; *Teamsters Local 856 v.*
16 *Priceless, LLC* (2003, 1st Dist, Div. 1) 112 Cal. App.4th 1500, 1517; *Friends of Westhaven & Trinidad*
17 *v. County of Humboldt* (2003, 1st Dist, Div. 3) 107 Cal.App.4th 878, 886

18 **Second District Court of Appeal**

19 The Second District Court of Appeal has similarly relied on legislator's
20 statements. The court analyzed a Committee memorandum and an author's letter to
21 the Governor together and decided that the letter was proper for separate bills
22 in *Van De Kamp v. Gumbiner* (1990, 2nd Dist, Div. 5) 221 Cal.App.3d 1260, 1274,
23 1276, and 1280.

24 A 1995 case relied on comments made by the author of legislation stating:

25 Courts are generally reluctant to rely on the position of one
26 legislator to reveal legislative intent except, as here when the
27 speaker was the author of the bill and no other interpretations of
28 the statutory language exist. [Citation.] Comments by the author of a
bill are properly considered where such comments are before the
legislative body and presumably entered into its deliberations in
passing the bill. [Citation.] *Wells Fargo Bank v. Bank of America*
(1995, 2nd Dist, Div. 2) 32 Cal.App.4th 424, 434

 A 1997 Second District case cited statements made by the vice-chairman of
the Assembly Judiciary Committee-Minority, noting that they were "comments within
the Assembly Judiciary Committee." *Steinfeld v. Foote-Goldman Proctologic Medical*
Group, Inc. (1997, 2nd Dist, Div. 4) 60 Cal.App.4th 13, 18, 19

 More recently:

 The sponsor of the bill that became section 15305.5 stated, ...
(Assemblyman Tom Umberg, sponsor of Assem. Bill ... letter to
Governor Pete Wilson, July 12, 1991;... *Young v. McCoy* (2007, 2nd
Dist, Div. 1) 147 Cal.App.4th 1078, 1086, fn.8

1 There are at least two reasons why this argument is not
2 persuasive. First, the addition of the italicized language was
3 described as merely ... (Sen. Patrick Johnston, sponsor's statement,
4 Sen. Bill. No.389 ...) *American Liberty Bail Bonds, Inc. v. Garamendi*
5 (2006, 2nd Dist, Div. 3) 141 Cal.App.4th 1044, 1055-56

6 The legislative history makes this abundantly clear. The
7 statute has been amended numerous times since its enactment in 1986,
8 to ... (*Debbie Reynolds*, supra, 25 Cal.App.4th at p. 231, citing the
9 Statement of Sen. William Lockyer, Author of Sen. Bill No. 108,
10 Chairman, Sen. Com. on Judiciary (1989-1990 Reg. Sess.; Stats. 1990,
11 ch. 1578; *Lent v. Doe* (1995) 40 Cal.App.4th 1177, 1183; Stats.1994,
12 c. 288) *McVeigh v. Doe 1* (2006, 2nd Dist, Div. 1) 138 Cal.App.4th
13 898, 903-4

14 See also *People v. Superior Court (Memorial Medical Center)* (1991, 2nd Dist, Div. 7) 234 Cal.App.3d
15 363, 380; *Texas Commerce Bank v. Garamendi* (1992, 2nd Dist, Div. 4) 11 Cal.App.4th 460, 490; *Arcadia*
16 *Redevelopment v. Ikemoto* (1993, 2nd Dist, Div. 3) 16 Cal.App.4th 444, 457; *People v. Butler* (1996,
17 2nd Dist, Div. 4) 43 Cal.App.4th 1224, 1237; *Amex Life Insurance Co. v. Superior Court* (1996, 2nd
18 Dist, Div. 5) 48 Cal.App.4th 810, 819; *Cheyanna M. v. A.C. Nielsen Co.* (1998, 2nd District) 66
19 Cal.App.4th 855,876, 877; *Garrett v. Young* (2003, 2nd Dist, Div. 4) 109 Cal.App.4th 1393, 1402;
20 *People ex rel. Allstate Ins. Co. v Weitzman* (2003, 2nd Dist, Div. 5) 107 Cal.App.4th 534, 548-9; *In*
21 *re Danny H.* (2002, 2nd Dist, Div. 3) 104 Cal.App.4th 92, 103; *Ruiz v. Sylva* (2002, 2nd Dist, Div. 8)
22 102 Cal.App.4th 199, 208 fn.6; *People v. Washington* (2002, 2nd Dist, Div. 5) 100 Cal.App.4th 590 594;
23 *City of Malibu v. Santa Monica Mountains Conservancy* (2002, 2nd Dist, Div. 6) 98 Cal.App.4th 1379,
24 1387; *Salazar v. Diversified Paratransit, Inc.* (2004, 2nd Dist, Div. 3) 117 Cal.App.4th 318, 327
25 *People v. Miranda* (2004, 2nd Dist, Div. 2) 123 Cal.App.4th 1124, 1132; *Alch v. Superior Court (Time*
26 *Warner Entertainment)* (2004, 2nd Dist, Div. 8) 122 Cal.App.4th 339, 364 fn.12; *ARP Pharmacy Services,*
27 *Inc. v. Gallagher Bassett Services, Inc.* (2006, 2nd Dist, Div. 4) 138 Cal.App.4th 1307, 1319 (author
28 letter to Governor) [Review Granted]; *Bosworth v. Whitmore* (2006, 2nd Dist, Div. 4) 135 Cal.App.4th
536, 547 (author letter to Governor); *Benjamin G. v. Special Ed. Hearing Office (Long Beach Unified*
School Dist.) (2005, 2nd Dist, Div. 1) 131 Cal.App.4th 875, 882, 883, fn.7; *Scottsdale Ins. Co. v.*
State Farm Mutual Automobile Ins. Co. (2005, 2nd Dist, Div. 1) 130 Cal.App.4th 890, 901 (author
letter to governor); *People v. Tapia* (2005, 2nd Dist, Div. 3) 129 Cal.App.4th 1153, 1163 (author
letter to governor); *People v. Price* (2007, 2nd Dist, Div. 3) 155 Cal.App.4th 987, 994-5

17 Third District Court of Appeal

18 Even where statutory language is ambiguous, and resort to
19 legislative history is appropriate, as a general rule in order to be
20 cognizable, legislative history must shed light on the collegial view
21 of the Legislature as a whole. [Citation.] Thus, to pick but one
22 example, our Supreme Court has said, "We have frequently stated ...
23 that the statements of an individual legislator, including the author
24 of a bill, are generally not considered in construing a statute, as
25 the court's task is to ascertain the intent of the Legislature as a
26 whole in adopting a piece of legislation. [Citations.]" [Citation.]
27 *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.*
28 (2005) 133 Cal.App.4th 26, 31

29 Arguing to the contrary, the Commissioner cites a 1976 letter
30 urging the Governor to sign the bill creating Berman hearings, in
31 which Assemblyman Berman said the bill solved Appellants
32 submitted the letter to the trial court. However, the author's letter
33 to the Governor does not constitute cognizable legislative history
34 because the Commissioner cites nothing indicating that the author's
35 view was made known to the Legislature as a whole before it voted on
36 the bill. [Citation.] The letter merely said, "While questions
37 concerning the bill's constitutionality have been raised, I am
38 satisfied, as are the supporters of the bill, that there are no

1 constitutional problems in this area." In any event, a legislator's
2 view about constitutionality is not binding on the judiciary, which
3 is the final arbiter on this constitutional issue. [Citation.]
4 *Corrales v. Bradstreet* (2007, 3rd District) 153 Cal.App.4th 33, 61

5 The Kaufman case quoted, appears to supersede the prior case precedent of
6 this district. However, should there be an appropriate matter, in 1986 the Third
7 District took judicial notice of "the floor statement of the sponsoring
8 legislator." *In re Marriage of Siller* (1986) 187 Cal.App.3d 36, 46, fn.6. In
9 2002, the Third District cited to an author's letter to the Governor on a 1988
10 enactment - *Hamilton v. Gourley* (2002, 3rd District) 103 Cal.App.4th 351, 358,
11 fn.1. An author's Committee Statement was referenced in *Lewis v. County of*
12 *Sacramento* (2001, 3rd District) 93 Cal.App.4th 107, 121, fn.4.

13 **Fourth District Court of Appeal**

14 The Fourth District found an author's statement persuasive "not to show the
15 personal beliefs of the legislator as to the meaning of the statute (which may
16 not reflect the collective view of the enacting legislative body) but rather to
17 cast light on the history of the measure and the arguments before the Legislature
18 when it considered the matter." (emphasis added) *County of San Diego v. Superior*
19 *Court* (1986) 176 Cal.App.3d 1009. See also *McDowell v. Watson* (1997, 4th Dist,
20 Div. 2) 59 Cal.App.4th 1155, 1161, fn.3.

21 The statute's legislative history reveals section 3344(a) was
22 intended to ... (Assembly member Vasconcellos, Letter to Gov. Reagan,
23 Nov. 10, 1971 *Miller v. Collectors Universe, Inc.* (2008, 4th
24 District) 65 Cal.Rptr.3rd 351, 361

25 In a 2002 case, in a footnote the Court stated:

26 Although we do not consider the author's letter for any
27 purpose, it is interesting to note that the author also states that,
28 under the bill, '[l]ocal governments would no longer be able to'
29 Since the change of use provisions is ... this quote supports our
30 conclusion that subdivision (e) of that section was intended to make
31 *El Dorado Palm Springs, Ltd. v. City of Palm Springs et al.*
32 (2002, 4th Dist, Div. 2) 96 Cal.App.4th 1155, 1174, fn.17

33 Division 1 of the Fourth District indicated concerning an author's
34 statement: "In determining the legislative intent underlying the passage of a
35

1 bill, courts may consider the motive or understanding of the author of the bill
2 or other individual legislator if that 'legislator's opinions regarding the
3 purpose of meaning of the legislation were expressed in testimony or argument to
4 either a house of the Legislature or one of its committees,..." *Southbay*
5 *Creditors Trust v. General Motors Acceptance Corp.* (1999, 4th Dist, Div. 1) 69
6 Cal. App.4th 1068, 1079

7 More recently:

8 In contrast, there is nothing in the legislative history to
9 suggest that the Legislature intended Citizens relies on the
10 following quotation from the Enrolled Bill Report: "The author's
11 staff explained that ... is being introduced to" [Citation.]
12 However, the intention of the bill author in introducing the bill is
13 not indicative the Legislature's intent in passing the bill. *Hesperia*
14 *Citizens for Responsible Development v. City of Hesperia* (2007, 4th
15 Dist, Div. 1) 151 Cal.App.4th 653, 662

16 Added support for that conclusion is found in the letter from
17 the bill's author, Bruce Bronzan, to Governor Wilson urging him to
18 sign the bill: ... *Gunther v. Lin* (2006, 4th Dist, Div. 3) 144
19 Cal.App.4th 223, 243

20 Consistently, in a post-passage letter sent to the Governor,
21 the author of the bill stated the bill codified The letter
22 further indicated that the bill, (Ibid.; In re Marriage of Bouquet
23 (1976) 16 Cal.3d 583, 590 [a legislator's statement may be considered
24 when it reiterates legislative discussion and events leading to
25 adoption of proposed amendments, rather than merely expressing a
26 personal opinion].) *National Steel and Shipbuilding Co. v. Superior*
27 *Court (Godinez)* (2006, 4th Dist, Div. 1) 135 Cal.App.4th 1072, 1081
28 [Review Granted]

29 See also: *People v. Cherry* (1989) 209 Cal.App.3d 1131, 1135; *City of Poway v. City of San Diego*
30 (1991, 4th Dist, Div. 1) 229 Cal.App.3d 847, 866; *Estate of Sanders* (1992, 4th Dist, Div. 1) 2
31 Cal.App.4th 462, 474; *William Lyon Co. v. Franchise Tax Board* (1992) 4 Cal.App.4th 267, 275; *Bravo*
32 *Vending v. City of Rancho Mirage* (1993, 4th Dist, Div. 2) 16 Cal.App.4th 383, 399, 401, fn.10; *Rancho*
33 *Viejo v. Tres Amigos Viejos* (2002, 4th Dist., Div. 1) 100 Cal.App.4th 550, 563; *Jabro v. Superior*
34 *Court* (2002, 4th Dist, Div. 1) 95 Cal.App.4th 754, 757; *California Emergency Physicians Medical Group*
35 *v. PacificCare of Ca.* (2003, 4th Dist, Div. 1) 111 Cal.App.4th 1127, 1132; *People v. Rivera* (2003, 4th
36 Dist, Div. 3) 114 Cal.App.4th 872, 878; *People v. Morris* (2005, 4th Dist, Div. 1) 126 Cal.App.4th
37 527, 547; *Cacho v. Boudreau* (2005, 4th Dist, Div. 1) 127 Cal.App.4th 707, 728

28 **Fifth District Court of Appeal**

29 In 1991, the Fifth District cited an author's letter to the Governor in
30 *People v. Henson* (1991, 5th District) 231 Cal.App.3d 172, 179. In 1994 this
31 District quoted from an author's floor statement, *Golden State Homebuilding*

1 *Association v. City of Modesto* (1994, 5th District) 26 Cal.App.4th 601, 609,
2 stating:

3 These comments, although not necessarily dispositive on the
4 subject of legislative intent, reflect an intent similar to that
5 suggested by other provisions of the Act.

6 In 1996, the Fifth District found that a Legislator's letter was entitled
7 to consideration on the question of legislative intent based on the fact that the
8 legislator was granted unanimous consent to print it in the Assembly Journal.
9 The court reasoned that:

10 The statement of an individual legislator has also been
11 accepted when it gave some indication of argument made to the
12 Legislature and was printed upon motion of the Legislature as a
13 "letter of legislative intent." [Citation.] ... Assembly Member
14 Katz's letter appears to fall within this latter category inasmuch as
15 he was granted unanimous consent to print it in the Assembly Journal.
16 *People v. Ramos* (1996, 5th District) 50 Cal.App.4th 810, 821, fn.12

17 See also: *Unnamed Physician v. Board of Trustees* (2001, Fifth District) 93 Cal.App.4th 607, 623;
18 *Lewis c. Nelson & Sons, Inc. v. Clovis Unified School Dist.* (2001, Fifth District) 90 Cal.App.4th 64,
19 71; *People v. Chavez* (2004, Fifth District) 118 Cal.App.4th 379, 386

20 **Sixth District Court of Appeal**

21 In *Atkinson v. Elk Corporation* (2003, Sixth District) 109 Cal.App.4th 739,
22 748, fn.11, 751-752, this appellate court quoted from a senator's correspondence
23 to the Governor as well as others on legislation. More recently:

24 In his Senate floor statement on Senate Bill No. 1785, Senator
25 Foran, the bill's author, explained ... (Floor statement by Senator
26 John Francis Foran regarding Sen. Bill No. 1785 (1981-1982 Reg.
27 Sess.), May 21, 1982.) This statement suggests *Branciforte*
28 *Heights, LLC v. City of Santa Cruz* (2006, 6th District) 138
Cal.App.4th 914, 937-8

See also: *Schmidlin v. City of Palo Alto* (2008, 6th District) 157 Cal.App.4th 728,756

17. **The Author's File or documents therefrom:**

Documents such as those examined in the following cases are only found in
file materials; it suggests that file materials were examined for the
consideration of these documents:

Similarly, an opposition letter submitted on behalf of Cole
National Corporation argued that the revised statute ... (Donald

1 Brown, Advocation, Inc., letter to Assembly member Daniel Boatwright
re: Assem. Bill No. 1125....) *People v. Cole* (2006) 38 Cal.4th 964,
2 983

3 Defendants also cite the statement at an April 1974 press
4 conference of former Assembly member John Knox, who cosponsored the
5 Knox-Keene Act. The statement, which did not identify the proposed
6 legislation by bill number, apparently related not to Assembly Bill
No. 138, which was introduced in December 1974, but to Assembly Bill
No. 3385 (1983-1984 Reg. Sess.), which dealt with the same subject
and which former Assembly member Knox introduced the day before the
press conference. *People v. Cole* (2006) 38 Cal.4th 964, 988, fn.20

7 On April 5, 1983 the Executive Committee of the Estate
8 Planning, Trust and Probate Law Section of the State Bar of
9 California wrote to the Assembly Committee on Judiciary. As relevant
10 here, the executive committee opposed This concern was quoted in
an Assembly Committee on the Judiciary analysis of Assembly Bill No.
25.... *Estate of Saueressig* (2006) 38 Cal.4th 1045, 1054

11 The statute's legislative sponsor, Assemblyman Floyd, stated in
12 his letter urging Governor Deukmejian to sign the ... (Assemblyman
R.E. Floyd, sponsor of Assem. Bill No. 1441 (1987-1988 Reg. Sess.),
13 letter to Governor Deukmejian, Sept. 15, 1987.) *State v. Altus
Finance* (2005) 36 Cal.4th 1284, 1296

14 Indeed, to say precisely this may well have been the author's
15 intention. The concern had been expressed that the proposed
16 legislation The same concern had been raised by the California
17 Probation, Parole and Correctional Association while the original
version of the bill that became section 2933.1 ... was pending in the
Legislature. (Executive Director Susan Cohen, Cal. Probation, Parole
and Correctional Assn., letter to Assemblyman Richard Katz, Apr. 15,
1993.)

18 We grant the People's request for judicial notice of the
19 legislative history of section 2933.1. *In re Reeves* (2005) 35 Cal.4th
765, 776, fn.15

20 Documents in support of the amendment explained that, as
21 written, section 11383 (See Youth and Adult Correctional Agency,
Enrolled Bill Rep. on Assem. Bill No. 2501 (1987-1988 Reg. Sess.)
22 prepared for Governor Deukmejian (Sept. 1, 1987) p. 3; Attorney
General John Van de Kamp, letter to Assemblywoman Lucy Killea [author
of Assem. Bill No. 2501], Apr. 23, 1987.) The Attorney General
23 sponsored the amendment to allow law enforcement once again to
People v. Perez (2005) 35 Cal.4th 1219, 1230

24 In response to concerns about the prospective enactment of
25 section 1795.5 from the Northern California Motorcar Dealers
26 Association, Inc., Senator Song's staff assured the association that
.... That response is perhaps the clearest window we have into the
27 Legislature's reason for distinguishing between a service contract
and an express warranty. It stated: ... Richard Thomsen, Admin. Asst.
to Sen. Song, Letter to Wallace O'Connell, Apr. 16, 1971, p. 2....
28 *Gavaldon v. DaimlerChrysler Corp.* (2004) 32 Cal.4th 1246, 1257-1258

1 Commodore requests we take judicial notice of various reports,
2 letters, and legislators' memos dealing with 1977 amendment.... An
3 undated memo in Assemblyman Lockyer's files, furnished by the
4 Legislative Intent Service, states.... *Commodore Home Systems, Inc.*
5 *v. Superior Court* (1982) 32 Cal.3d 211, 219, fn.9

6 While the legislation was pending the California Trial Lawyers
7 Association (CTLA) informed the bill's sponsor by letter that it was
8 opposed to the law, stating (CTLA, letter to Assemblyman Byron
9 Sher, July 18, 1988) *Gravillis Jr. v. Coldwell Banker Residential*
10 *Brokerage Company* (2006, 2nd Dist, Div. 1) 143 Cal.App.4th 761,
11 778-779

12 In an analysis of the CFCA prepared by the Center for Law in
13 the Public Interest, the sponsor of the bill ... it was explained ...
14 (Section by section Analysis of Draft Prepared by Center for Law in
15 the Public Interest....) ... *Armenta ex rel City of Burbank v.*
16 *Mueller Co.* (2006, 2nd Dist, Div. 1) 142 Cal.App.4th 636, 648

17 In addition, the Legislature noted its intent to promote the
18 just, speedy, and economical ... (Chief Counsel Rubin R. Lopez,
19 letter to Assemblyman Elihu M. Harris, Nov. 6, 1986) *Carpenter v.*
20 *Superior Court (Alameda County)* (2006 1st Dist, Div. 5) 141
21 Cal.App.4th 249, 266

22 That history includes a May 23, 1990 memo from the office of
23 San Diego's county counsel that is addressed to all counties in the
24 State. Attached to the memo is a proposed amendment to Senate Bill
25 2791. That proposed amendment is essentially the language of
26 subdivision (c) of section 4985.2. The San Diego memo notes The
27 addition of subdivision (c) to Senate Bill 2791 came in the June 12,
28 1990 amendment of that bill, which was approximately three weeks
after San Diego's county counsel's office sought such an addition.
People ex rel. Strumpfer v. Westoaks Investment #27 (2006, 2nd Dist,
Div. 3) 139 Cal.App.4th 1038, 1047

Consistently, in a post-passage letter sent to the Governor,
the author of the bill stated the bill codified the "IWC's penalty
level" by imposing a "penalty" on employers that violate the IWC
orders regarding meal and rest periods. The letter further indicated
that the bill, as originally introduced, "had higher penalties, but
had been amended to conform to the IWC levels." (Ibid.; In re
Marriage of Bouquet (1976) 16 Cal.3d 583, 590 [a legislator's
statement may be considered when it reiterates legislative discussion
and events leading to adoption of proposed amendments, rather than
merely expressing a personal opinion].) *National Steel and*
Shipbuilding Co. v. Superior Court (Godinez) (2006, 4th Dist, Div. 1)
135 Cal.App.4th 1072, 1081 [Review Granted]

Senator Beilenson's statement was before the trial court in the
proceedings on plaintiffs' summary judgment motion. The statement,
submitted by defendants below, is part of the current record on
appeal. A statement by a bill's author can be considered evidence of
legislative intent. (*Bronco Wine Co. v. Jolly* (2004) 33 Cal.4th 943,
977-978, fn.46 (*Bronco Wine*); Citation.) *Viva! Internat. Voice for*

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Dist, Div. 1) 134 Cal.App.4th 133, 142, fn.10

2 Statements of an individual legislator, including the bill's
3 author, are generally not considered in construing a statute.
4 [Citation.] An exception exists, however, when the letter constitutes
5 a "reiteration of legislative discussion and events leading to
6 adoption of proposed amendments rather than merely an expression of
7 personal opinion." [Citations.] The exception applies here because
8 Senator Kopp's letters explain the events leading to the adoption of
9 amended language after Senator Kopp first urged the bill's passage.
10 *People v. Superior Court (Ferguson)* (2005, 1st Dist, Div. 3) 132
11 Cal.App.4th 1525, 1532

12 A statement by the sponsoring legislator may be used to show
13 legislative intent, to the extent it "evidences the understanding of
14 the Legislature" and not simply the particular legislator's personal
15 views [Citation]. *People v. Farell* (2000, 6th Dist) 83 Cal.App.4th
16 609, 617

17 *Grupe Development Co. v. Superior Court* (1993) 4 Cal.4th 911, 924, fn.2; *Pacific Gas & Electric v.*
18 *County of Stanislaus* (1997) 16 Cal.4th 1143; *Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 981, fn.10;
19 *In re Resendiz* (2001) 25 Cal.4th 230, 260; *Myers v. Philip Morris Companies, Inc.* (2002) 28 Cal.4th
20 828, 845; *People v. Farell* (2002) 28 Cal.4th 381, 392

21 -----
22 *Farnow v. Superior Court* (1990, 1st Dist, Div. 2) 226 Cal.App.3d 481, 490; *People v. Mejia* (1999, 4th
23 District) 72 Cal.App.4th 1269, 1273, fn.2 (Dissent); *Landau v. Superior Court (Medical Board of*
24 *California)* (2000, 1st Dist, Div. 2) 81 Cal.App.4th 191, 203-205, 224, fn.7; *Pacific Bell v. Public*
25 *Utilities Commission* (2000, 1st Dist, Div. 5) 79 Cal.App.4th 269, 284, fn.6; *Aguilar v. Lerner* (2001,
26 1st Dist, Div. 5) 90 Cal.App.4th 177, 185; *Hicks v. E.T. Legg & Associates* (2001, 4th Dist, Div. 1)
27 89 Cal.App.4th 496, 507; *Garrett v. Young* (2003, 2nd Dist, Div. 4) 109 Cal.App.4th 1393, 1402-1403;
28 *Atkinson v. Elk Corp.* (2003) 109 Cal.App.4th 739, 751-2; *People ex rel. Allstate Ins. Co. v Weitzman*
29 (2003, 2nd Dist, Div. 5) 107 Cal.App.4th 534, 548-9; *Guillemin v. Stein* (2002, 3rd District) 104
30 Cal.App.4th 156, 166, fn.12; *Emeryville Redevelopment Agency v. Harcros Pigments, Inc.* (2002, 1st
31 Dist, Div. 4) 101 Cal.App.4th 1083, 1097-8; *Teamsters Local 856 v. Priceless, LLC* (2003, 1st Dist,
32 Div. 1) 112 Cal. App.4th 1500, 1518; *American Liberty Bail Bonds, Inc. v. Garamendi* (2006, 2nd Dist,
33 Div. 3) 141 Cal.App.4th 1044, 1055-56; *ARP Pharmacy Services, Inc. v. Gallagher Bassett Services,*
34 *Inc.* (2006, 2nd Dist, Div. 4) 138 Cal.App.4th 1307, 1319 (author letter to Governor) [Review
35 Granted]; *Bosworth v. Whitmore* (2006, 2nd Dist, Div. 4) 135 Cal.App.4th 536, 547 (author letter to
36 Governor); *Benjamin G. v. Special Ed. Hearing Office (Long Beach Unified School Dist.)* (2005, 2nd
37 Dist, Div. 1) 131 Cal.App.4th 875, 882-883 fn.6 and fn.7 (author's letter to Governor, to proponent;
38 opponent letter); *Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co.* (2005, 2nd Dist, Div.
39 1) 130 Cal.App.4th 890, 901 (author letter to governor); *People v. Tapia* (2005, 2nd Dist, Div. 3) 129
40 Cal.App.4th 1153, 1163 (author letter to governor); *People v. Price* (2007, 2nd Dist, Div. 3) 155
41 Cal.App.4th 987, 994-5

18. Legislative Analyst:

22 Former section ... was enacted in response to a concern that
23 ... A September 1979 Legislative Analyst's report stated:... (Legis.
24 Analyst, Review of Retirement Systems Established Under the County
25 Employees' Retirement Law of 1937.... *Block v. Orange County*
26 *Employees' Retirement System* (2008, 4th Dist, Div. 3) 161 Cal.App.4th
27 1297, 1310

28 Prior to 1991, tissue transplants (such as ...) were
essentially unregulated. (Legis. Analyst, Rep. to Assemb. Com. on
Health,... *Johnson v. Superior Court (California Cryobank, Inc.)*
(2002, 2nd Dist, Div. 2) 101 Cal.App.4th 869, 882

1 As explained more fully in a 1993 study by the Legislative
2 Analyst's Office recommending certain reforms in categorical
3 education programs,... *Zalac v. Governing Board of Ferndale Unified*
4 *School District* (2002, 1st Dist, Div. 3) 98 Cal.App.4th 838, 847

5 The Ballot Pamphlet Legislative Analysis of Proposition 184
6 described to voters the effect of the initiative. The analysis noted
7 *People v. Ramirez* (1995, 2nd Dist, Div. 5) 33 Cal.App.4th 559,
8 566

9 Moreover, a 1970 report prepared by the Legislative Analyst for
10 the Joint Legislative Budget Committee recommended that While
11 not dispositive, we may properly consider such an extrinsic aid to
12 help determine legislative intent. *Shippen v. DMV* (1984) 161
13 Cal.App.3d 1119

14 *County of Los Angeles v. State* (1987) 43 Cal.3d 46, 50, fn.1; *Moradi-Shalal v. Fireman's Fund* (1988)
15 46 Cal.3d 287, 301; *Taxpayers v. FPFC* (1990) 51 Cal.3d 744, 749-754; *DuBois v. W.C.A.B.* (1993) 5
16 Cal.4th 382, 394; *Santa Clara County Local Transportation Authority v. Guardino* (1995) 11 Cal.4th
17 220, 237; *People v. Snook* (1997) 16 Cal.4th 1210, 1218; *People v. Benson* (1998) 18 Cal.4th 24, 33;
18 *Southern California Edison Co. v. Peevey* (2003) 31 Cal.4th 781, 803, 817 (dissent)

19 -----
20 *Estate of Cirone* (1984) 153 Cal.App.3d 199, 202; *Arvin Union School District v. Ross* (1985, 2nd Dist,
21 Div. 2) 176 Cal.App.3d 189; *Somerset Importers, Ltd. v. Continental Vintners* (1986) 790 F.2d 775,
22 778; *Van De Kamp v. Gumbiner* (1990, 2nd Dist, Div. 5) 221 Cal.App.3d 1260, 1276, 1281; *County of*
23 *Sacramento v. Fair Political Practices Commission* (1990, 3rd District) 222 Cal.App.3d 687, 692-693;
24 *People v. Henson* (1991, 5th District) 231 Cal.App.3d 172, 178; *Aguimatang v. California State Lottery*
25 (1991, 3rd District) 234 Cal.App.3d 769, 788; *Greenwood Addition Homeowners Assn. v. City of San*
26 *Marino* (1993, 2nd Dist, Div. 2) 14 Cal.App.4th 1360, 1370; *People v. Turner* (1995, 2nd Dist, Div. 5)
27 40 Cal.App.4th 733, 742; *Crusader Insurance Co. v. Scottsdale Insurance Co.* (1997, 2nd Dist, Div. 2)
28 54 Cal.App.4th 121, 132, 133; *Covarrubias v. Superior Court* (1998, 6th District) 60 Cal.App.4th 1168,
1177, 1178, fn.6; *People v. Garcia* (1998, 1st Dist, Div. 1) 63 Cal.App.4th 820, 831; *Kidd v. State of*
California (1998, 3rd District) 62 Cal.App.4th 386, 407, fn.7; *Hondo Co. v. Superior Court* (1998, 2nd
District) 67 Cal.App.4th 176, 182, 183; *People v. Patterson* (1999, 3rd District) 72 Cal.App.4th 438,
442-443; *Bravo Vending v. City of Rancho Mirage* (1993, 4th Dist, Div. 2) 16 Cal.App.4th 383, 399,
401; *Santa Ana Unified School District v. Orange County Development Agency* (2001, 4th Dist, Div. 3)
90 Cal.App.4th 404, 410; *Teamsters Local 856 v. Priceless, LLC* (2003, 1st Dist, Div. 1) 112
Cal.App.4th 1500, 1517; *Slocum v. State Bd. of Equalization* (2005, 1st Dist, Div. 4) 134 Cal.App.4th
969, 977; *In re Jeffrey M.* (2006, 5th District) 141 Cal.App.4th 1017, 1026; *Committee For Green*
Foothills v. Santa Clara County Board of Supervisors (2008, 6th District) 161 Cal.App.4th 1204, 1235;
Board of Trustees of the California State University v. Public Employment Relations Board (2007) 155
Cal. App. 4th 866, 883

19. Rejection, Deletion, and Refusal to Act:

20 After the Senate Judiciary Committee criticized that ... the
21 Legislature deleted the phrase. [Citations.] We concluded that "the
22 Legislature's subsequent deletion of the *People v. Medina* (2007)
41 Cal.4th 685, 696

23 The Senate later amended Bill No. 2509, deleting This
24 deletion, far from supporting KCP's position, is further evidence
25 against it. "The rejection of a specific provision contained in an
26 act as originally introduced is 'most persuasive' that the act should
27 not be interpreted to include what was left out." *Murphy v. Kenneth*
28 *Cole Productions* (2007) 40 Cal.4th 1094, 1107

The legislative history of the CFCA contains no explicit
discussion of the scope of the word "person." Nonetheless, the
limited evidence available suggests there was no intent to A
substantial subsequent amendment to the bill excised Our past

1 decisions note deletions from bills prior to their passage as
2 significant indicia of legislative intent. [Citations.] *Wells v.*
3 *Onezone Learning Foundation* (2006) 39 Cal.4th 1164, 1191-1192

4 The Legislature did not incorporate such a provision denying
5 ...; indeed, the Legislature rejected a bill that contained such
6 language, in favor of legislation that did not directly implicate ...
7 fn.7 (... The Legislature, however, did not enact Senate Bill 962.
8 Rather, the Legislature modified the welfare fraud statutes by
9 enacting into law However, as this court has previously noted,
10 unpassed bills "have little value" in ascertaining legislative
11 intent.) *People v. Garcia* (2006) 39 Cal.4th 1070, 1088

12 The Legislature later deleted the conditional stay language
13 italicized above.... In analyzing the proposed deletion, the Senate
14 Committee on Judiciary reported that Following the deletion the
15 Senate Rules Committee echoed this understanding.... Thus, the
16 Legislature,... clearly intended.... *Varian Medical Systems, Inc. v.*
17 *Delfino* (2005) 35 Cal.4th 180, 194-195

18 Furthermore, although in recent years the legislatures of many
19 of our sister states have enacted statutes that have narrowed and
20 confined the type of room that will qualify as the subject of a
21 burglary ... the California Legislature, when presented with
22 legislation that proposed similar amendments, did not adopt any
23 similar amendment to our burglary statute. *People v. Sparks* (2002) 28
24 Cal.4th 71, 87

25 A few days before passing the final version of Assembly Bill
26 No. 971, the Senate rejected language ... (Sen. Floor Amend. RN
27 9406668 to Assembly Bill No. 971 (1993-1994 Reg Sess.) Mar. 2, 1994.)
28 that the amendment was not adopted makes it difficult to view the
final wording of,... as anything but a purposeful choice. *People v.*
Superior Court (Romero) (1996) 13 Cal.4th 497, 504, 520, 528

The legislative history of Section 1043 reveals that the
Legislature expressly considered and rejected a requirement of
personal knowledge. *City of Santa Cruz v. Municipal Court* (1989) 49
Cal.3d 74, 88, 89, 92

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.

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

Ordinarily, the legislative history of bills that fail to pass
in the Legislature are entitled to little weight because of the
conflicting intentions of the proponents of the legislation and those
who voted against it. [Citation.] Here, however, Assembly Bill No.
551 [vetoed bill] *did* pass both houses of the Legislature, and
therefore the Legislature's intent in passing the legislation can be
gleaned from its history.

1 ...
2 Thus, not only the Legislature, but also the governor
3 understood, long after section 1812.5095 was originally enacted, that
4 it was intended to define employment relationships for workers'
5 compensation purposes. As the most recent expression of the meaning
6 of this statute, we give these statements considerable weight. An
7 *Independent Home Support Service, Inc. v. Superior Court (San Diego)*
8 (2006, 4th Dist, Div. 1) 145 Cal.App.4th 1418, 1434

9 The fact that California does not follow this proposed rule
10 that compliance with federal minimum safety standards bars claims for
11 punitive damages is also demonstrated by the fact that such a rule
12 has been proposed through legislation in California on several
13 occasions but has not been enacted. In 2000 the Legislature
14 considered a bill that would have enacted the rule However, the
15 bill never made it out of committee.... A similar bill did not secure
16 passage in 1996.... Another such bill was introduced in February 2006
17 in the Senate.... There would be no need for such legislation if
18 compliance with government standards already provided a defense to
19 punitive damages claims. *Buell-Wilson v. Ford Motor Company* (2006,
20 4th Dist, Div. 1) 141 Cal.App.4th 525, 563-564

21 The fact that the DMHC did not adopt the regulation to prohibit
22 balance billing further indicates that ... (Citation. [" '[T]he
23 Legislature's omission of a provision from the final version of a
24 statute which was included in an earlier version "constitutes strong
25 evidence that the act as adopted should not be construed to
26 incorporate the original provision." ' "]); (Citation. ["The courts
27 have repeatedly concluded that when the Legislature has rejected a
28 specific provision which was part of an act when originally
introduced, the law as enacted should not be construed to contain
that provision."].) *Prospect Medical Group, Inc .v. Northridge
Emergency Medical Group* (2006, 2nd Dist, Div. 3) 136 Cal.App.4th
1155, 1169-70 [Review Granted]

18 Allende also relies on comments made during a hearing on
19 legislation proposed in 2004 that would have defined "emergency
20 response" to include an enforcement stop by law enforcement using
21 emergency lights or sirens or both. Allende notes that the bill died
22 in committee. Comments made by an individual legislator in 2004 about
23 unpassed legislation have little value as evidence of legislative
24 intent behind the statute the legislation sought to amend. (See
25 *Martin v. Szeto* (2004) 32 Cal.4th 445, 451 [legislative failure to
26 enact proposed amendment to existing legislation has little value as
27 evidence of Legislature's original intent]; (Citation.) *California
28 Highway Patrol v. Superior Court (Allende)* (2006, 1st Dist, Div. 3)
135 Cal.App.4th 488, 506

As originally proposed, Senate Bill No. 1406 contained a
provision However, the Department of Real Estate proposed an
amendment to delete the waiver provision, arguing As a result,
the waiver provision was deleted from the final version of the
bill.... *Realmutov. Gagnard* (2003) 110 Cal.App.4th 193, 201

The fact is telling that, for whatever reason, both the
legislative and the executive branches have rejected specific and

1 repeated attempts to amend the statute. Concluding as we have the
2 Legislature has consciously refused to extend the limited immunity
3 provided by *Ma v. City and County of San Francisco* (2002, 1st
4 Dist, Div. 2) 95 Cal.App.4th 488, 517, see 513-517 for review of
5 unsuccessful measures

6 The evolution of a proposed statute after its original
7 introduction in the Senate or Assembly can offer considerable
8 enlightenment as to legislative intent. [Citations.] Generally the

9 Legislature's reaction of a specific provision which appeared in the
10 original version of an act supports the conclusion that the act
11 should not be construed to include the omitted provision.
12 [Citations.] *People v. Goodloe* (1995, 1st Dist, Div 1) 37 Cal.App.4th
13 485, 491

14 The rejection (by the Legislature) of a specific provision
15 contained in an act as originally introduced is "most persuasive"
16 that the act should not be interpreted to include what was left out.
17 *Wilson v. City of Laguna Beach* (1992, 4th Dist, Div. 3) 6 Cal.App.4th
18 543, 555

19 When the Legislature deletes an express provision of a statute,
20 it is presumed that it intended that to effect a substantial change
21 in the law. *Royal Company Auctioneers v. Coast Printing* (1987) 193
22 Cal.App.3d 868, 873 and *Barajas v. City of Anaheim* (1993, 4th Dist,
23 Div. 3) 15 Cal.App.4th 1808, 1814

24 *Pearson v. State Social Welfare Board* (1960) 54 Cal.2d 184, 210; *California Mfrs. Assn. v. Public*
25 *Utilities Commission* (1979) 24 Cal.3d 836, 844, 846; *Gay Law Students Assn. v. Pacific Tel & Tel Co.*
26 (1979) 24 Cal.3d 458, 480, fn.13; *People v. Overstreet* (1986) 42 Cal.3d 891, 897; *Freedom Newspapers,*
27 *Inc. v. Orange County Employees Retirement System* (1993) 6 Cal.4th 821, 830-831; *Esberg v. Union Oil*
28 *Co.* (2002) 28 Cal.4th 262, 269; *Lolley v. Campbell* (2002) 28 Cal.4th 367, 378

29 *People v. Brannon* (1973) 32 Cal.App.3d 971; *Madrid v. Justice Court* (1975) 52 Cal.App.3d 819; *Seibert*
30 *v. Sears Roebuck* (1975) 45 Cal.App.3d 11, 19; *Western Land Office v. Cervantes* (1985) 175 Cal.App.3d
31 724; *Moseley v. Abrams* (1985) 170 Cal.App.3d 355; *In re Marriage of Norvall* (1987) 192 Cal.App.3d
32 1047; *Morin v. ABA Recovery Service* (1987, 4th Dist, Div. 1) 195 Cal.App.3d 100, 206, fn.2; *Terry*
33 *York Imports v. DMV* (1987, 2nd Dist, Div. 1) 197 Cal.App.3d 307, 317; *Fallbrook Sanitation District*
34 *v. LAFCO* (1989) 208 Cal.App.3d 753, 764; *People v. Harrell* (1989) 207 Cal.App.3d 1439, 1446; *Graham*
35 *v. W.C.A.B.* (1989) 210 Cal.App.3d 499, 505; *Van De Kamp v. Gumbiner* (1990, 2nd Dist, Div. 5) 221
36 Cal.App.3d 1260, 1282; *People v. Barrett* (1990, 2nd Dist, Div. 5) 226 Cal.App.3d 244, 252; *Shapell*
37 *Industries v. Governing Board* (1991, 6th District) 1 Cal.App.4th 218, 242; *Clark v. W.C.A.B.* (1991,
38 2nd Dist, Div. 7) 230 Cal.App.3d 684, 696; *Estate of Sanders* (1992, 4th Dist, Div. 1) 2 Cal.App.4th
39 462, 473; *People v. Gangemi* (1993, 1st Dist, Div. 2) 13 Cal.App.4th 1790, 1798; *People v. Jones*
40 (1993, 2nd Dist, Div. 4) 12 Cal.App.4th 1106, 1114; *Central Delta Water Agency v. Water Resources*
41 *Control Board* (1993, 3rd District) 17 Cal.App.4th 621, 634; *Adoption of Haley A.* (1996, 1st Dist,
42 Div. 2) 49 Cal.App.4th 1351, 1382; *Steinfeld v. Foote-Goldman Proctologic Medical Group, Inc.* (1997,
43 2nd Dist, Div. 4) 60 Cal.App.4th 13, 18; *Universal City Nissan, Inc. v. Superior Court* (1998, 2nd
44 Dist, Div. 4) 65 Cal.App.4th 203, 207, 208; *Azusa Land Reclamation Co. v. Main San Gabriel Basin*
45 *Watermaster* (1997, 2nd Dist, Div. 7) 52 Cal.App.4th 1165, 1203; *Ostayan v. Nordoff Townhomes*
46 *Homeowners Assn., Inc.* (2003) 110 Cal. App. 4th 120, 128 fn.3; *Residential Capital v. Cal-Western*
47 *Reconveyance Corp.* (2003, 4th Dist, Div. 1) 108 Cal.App.4th 807, 816-817; *In re Mehdizadeh* (2003, 2nd
48 Dist, Div. 7) 105 Cal.App.4th 995, 1005, fn.28; *Megrabian v. Saenz* (2005, 1st Dist, Div. 3) 130
49 Cal.App.4th 468, 486, fn.8 (subsequent unpassed bill); *North Gualala Water Company v. State Water*
50 *Resources Control Board* (2006, 1st Dist, Div. 1) 139 Cal.App.4th 1577, 1592 fn.10

20. Conference Committee Reports:

51 We find instructive the Conference Committee Report for that
52 final version of the bill which explained *Salem v. Superior*
53 *Court* (1989) 211 Cal.App.3d 595, 601

1 O'Loughlin v. W.C.A.B. (1990, 1st Dist, Div. 1) 222 Cal.App.3d 1518, 1524; *Crowl v. Commission on*
2 *Professional Competence* (1990, 3rd District) 225 Cal.App.3d 334, 347; *Grossmont Hospital v. Workers'*
3 *Compensation Appeals Board* (1997, 4th Dist, Div. 1) 59 Cal.App.4th 1348, 1358; *California*
4 *Correctional Peace Officers Assn. v. Department of Corrections* (1999, 3rd District) 72 Cal.App.4th
5 1331, 1359

6 **C. Post-Enrollment History.**

7 After a bill has been passed by both Houses of the Legislature, it is
8 enrolled and forwarded to the Governor for consideration. This section of these
9 Points and Authorities will address this time in the history of a bill.

10 **1. Role of the Governor:**

11 It has long been held that the Governor is acting in a legislative capacity
12 and not as an executive when he is engaged in considering bills which have passed
13 both Houses of the Legislature and which are presented to him for disapproval or
14 approval. *Lukens v. Nye* (1909) 156 Cal. 498, 501 His statements are relevant
15 legislative intent. *People v. Tanner* (1979) 24 Cal.3d 514

16 **2. Enrolled Bill Reports and Memoranda:**

17 Because the statutory language is ambiguous, we look to the
18 legislative history for guidance. [Citation.] This history strongly
19 suggests that ... (Enrolled Bill Rep. Mem. from A. Pope to Governor
20 Edmund Brown on Sen. Bill No. 1140...) ... *Parnell v. Adventist*
21 *Health System/West* (2005) 35 Cal.4th 595, 604-605

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

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

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

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-

1 1968 Reg. Sess., as amended June 27, 1967) ... the Department of
2 Professional and Vocational Standards explained the bill was a
3 response to (Memorandum to Governor Ronald Reagan from
4 Department of Professional and Vocational Standards, Aug. 1, 1967,
5 p.1;... *California Veterinary Medical Association v. City of West
6 Hollywood* (2007, 2nd Dist, Div. 7) 152 Cal.App.4th 536, 554

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

12 The report of the Legislative Counsel is entitled to great
13 weight in construing the statute "since [the report is] prepared to
14 assist the Legislature in its consideration of pending legislation."
15 [Citation.] *Bosworth v. Whitmore* (2006, 2nd Dist, Div. 4) 135
16 Cal.App.4th 536, 547-8 (Legislative Counsel Report to Governor)

17 We grant SCEA's request for judicial notice as to items 1-11 of
18 the legislative history attached to the declaration of Maria A.
19 Sanders. We deny the request as to item 12 (post-enrollment documents
20 regarding Senate Bill No. 1628). Post-enrollment documents are not
21 proper indicia of legislative intent because it is not reasonable to
22 infer that they were ever read or considered by the Legislature.
23 (*McDowell v. Watson* (1997, 4th Dist, Div. 2) 59 Cal.App.4th 1155,
24 1161, fn.3; but see *CD Investment Co. v. California Ins. Guarantee
25 Assn.* (2001) 84 Cal.App.4th 1410, 1426 [noting that courts have
26 relied upon post-enrollment bill reports in interpreting statutes].)
27 *Whaley v. Sony Computer Entertainment America, Inc.* (2004, 4th Dist,
28 Div. 1) 121 Cal.App.4th 479, 487 fn.4

1 The Court of Appeal granted RVLG's request for judicial notice
2 of documents bearing on the legislative history of section
3 Among the documents the court judicially noticed were the ...
4 Enrolled Bill Memorandum to the Governor regarding Senate Bill ...
5 fn.7 [fn.7: We have likewise granted RVLG's request in this court to
6 take judicial notice of these same legislative history materials.]
7 *Smith v. Rae-Venter Law Group* (2002) 29 Cal.4th 345, 359 fn.7

8 The same understanding is reflected in the Governor's enrolled
9 bill report: "Although the bill is opposed in concept by the
10 California Trial Lawyers Association, they concede that it does
11 little more than codify existing case law." This was also the clear
12 understanding of the final conference committee. *White v. Ultramar,
13 Inc.* (1999) 21 Cal.4th 563, 581, fn.2 (conc. opn. of Mosk, J.)

14 Courts may take judicial notice of relevant legislative history
15 to resolve ambiguities and uncertainties concerning the purpose and
16 meaning of a statute. (See Evid. Code, § 452, subd. (c) [permitting
17 judicial notice of official acts of the Legislature]; *Quelimane Co.
18 v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 45, fn.9.)
19 Moreover, as a reviewing court, we must, and here do, take judicial
20 notice of those materials properly noticed by the trial court,
21 including enrolled bill reports to the governor and legislative
22 committee and caucus reports, work sheets, and digests. (Evid. Code,

1 § 459, subd. (a); [Citations.] *People v. Connor* (2004, 6th District)
115 Cal.App.4th 669, 681, fn.3

2 Further evidence of the concern for the financial impact of
3 section 3226 on landowners is provided by the Department of
4 Conservation's Enrolled Bill Report on the enactment of article
4.2:... *Wells Fargo Bank v. Goldzband* (1997, 5th District) 53
Cal.App.4th 596, 616, 617

5 Our review of that [legislative] history discloses a single
6 reference relevant to the issue before us, from an analysis of the
7 bill by the Governor's office ... (See Governor's Office Department
of Legal Affairs, Enrolled Bill Report,...) The implication of the
8 emphasized language *People v. Superior Court (Bauman & Rose)*
(1995, 2nd Dist, Div. 4) 37 Cal.App.4th 1757, 1765

9 The legal affairs department of the Governor's office noted
10 that "The bill reflects present Regent policies under existing law."
11 Thus we infer that the Legislature intended that only the meetings of
the Regents ... would be subject to the open meeting requirements of
the Bagley-Keene Act.... *Tafoya v. Hastings College of Law* (1987) 191
Cal.App.3d 437, 444

12 *Nickelsberg v. W.C.A.B.* (1991) 54 Cal.3d 288, 295; *Mercy Hospital and Medical Center v. Farmers*
Insurance Group of Companies (1997) 15 Cal.4th 213, 222; *People v. Snook* (1997) 16 Cal.4th 1210,
1219; *Murillo v. Fleetwood Enterprises, Inc.* (1998) 17 Cal.4th 985, 1003 (dissent); *Konig v. Fair*
13 *Employment & Housing Com.* (2002) 28 Cal.4th 743, 749-751; *Lantzy v. Centex Homes* (2003) 31 Cal.4th
363, 377; *People v. Montes* (2003) 31 Cal.4th 350, 355-356; *Alford v. Superior Court (People)* (2003)
14 29 Cal.4th 1033, 1041-1042; *Fernandez v. Lawson* (2003) 31 Cal.4th 31, 43 (concurrence); *People v.*
Lopez (2005) 34 Cal.4th 1002, 1010; *American Financial Services Assn. v. City of Oakland* (2005) 34
15 Cal.4th 1239, 1257 and 1263; *Villa De Las Palmas Homeowners Assn. V. Terifaj* (2004) 33 Cal.4th 73,
85; *Gavaldon v. DaimlerChrysler Corp.* (2004) 32 Cal.4th 1246, 1258, fn.2; *Pacific Lumber Co. v. State*
Water Resources Control Bd. (2006) 37 Cal.4th 921, 941-2; *In re Reeves* (2005) 35 Cal.4th 765, 776,
16 fn.15; *S.B. Beach Properties v. Berti* (2006) 39 Cal.4th 374,384; *Kibler v. Northern Inyo County Local*
Hospital District (2006) 39 Cal.4th 192, 202; *People v. Cole* (2006) 38 Cal.4th 964, 983; *Vineyard*
Area Citizens for Responsible Growth, Inc., v. City of Rancho Cordova (2007) 40 Cal.4th 412, 454-5;
17 *In re Marriage Cases* (2008) 43 Cal.4th 757, 795; *Lonicki v. Sutter Health Central* (2008) 43 Cal.4th
201, 220; *Jones v. Lodge at Torrey Pines Partnership* (2008) 42 Cal.4th 1158, 1170-2

18 -----
Post v. Prati (1979) 90 Cal.App.3d 626, 634; *People v. Cardoza* (1984) 161 Cal.App.3d 40; *People v.*
Rodriguez (1984, 5th District) 160 Cal.App.3d 207, 214, fn.11; *Bell v. Superior Court* (1989) 215
19 Cal.App.3d 1103, 1109, fn.7; *Bank of the Orient v. Town of Tiburon* (1990, 1st Dist, Div. 1) 220
Cal.App.3d 992, 1002, fn.11; *Van De Kamp v. Gumbiner* (1990, 2nd Dist, Div. 5) 221 Cal.App.3d 1260,
1278; *People v. Tabb* (1991, 4th Dist, Div. 1) 228 Cal.App.3d 1300, 1310; *Kishida v. State of*
20 *California* (1991, 4th Dist, Div. 1) 229 Cal.App.3d 329, 335; *City of Poway v. City of San Diego*
(1991, 4th Dist, Div. 1) 229 Cal.App.3d 847, 866; *Transamerica Occidental Life v. State Board of*
Equalization (1991, 2nd Dist, Div. 1) 232 Cal.App.3d 1048, 1058; *Texas Commerce Bank v. Garamendi*
21 (1992, 2nd Dist, Div. 4) 11 Cal.App.4th 460, 490; *Bell v. DMV* (1992, 1st Dist, Div. 3) 11 Cal.App.4th
304, 311; *Kaiser Foundation Health Plan v. Lifeguard* (1993, 1st Dist, Div. 4) 18 Cal.App.4th 1753,
1764; *Johnson v. Superior Court* (1994, 2nd Dist, Div. 5) 25 Cal.App.4th 1564, 1570; *Natural Resources*
Defense Council v. Fish & Game Commission (1994, 3rd District) 28 Cal.App.4th 1104, 1118; *Golden*
State Homebuilding Association v. City of Modesto (1994, 5th District) 26 Cal.App.4th 601, 609; *State*
Compensation Insurance Fund v. W.C.A.B. (1995, 2nd Dist, Div. 3) 37 Cal.App.4th 675, 682; *Cuadra v.*
22 *Bradshaw* (1997, 1st District) 53 Cal.App.4th 869, 875; *Forty-Niner Truck Plaza, Inc. v. Union Oil Co.*
(1997, 3rd District) 58 Cal.App.4th 1261, 1273, 1274; *Grossmont Hospital v. Workers' Compensation*
Appeals Board (1997, 4th Dist, Div. 1) 59 Cal.App.4th 1348, 1359; *Aquilino v. Marin County Employees'*
Retirement Assn. (1998, 1st Dist, Div. 2) 60 Cal.App.4th 1509, 1516; *City of Alhambra v. P.J.B.*
23 *Disposal Co.* (1998, 2nd Dist, Div. 1) 61 Cal.App.4th 136, 147-148, fn.14; *Rodeo Sanitary District v.*
Board of Supervisors (1999, 1st District) 71 Cal.App.4th 1443, 1453; *M&B Construction v. Yuba County*
Water Agency (1999, 3rd District) 68 Cal.App.4th 1353, 1360-1361; *People v. Pena* (1999, 5th District)
24 74 Cal.App.4th 1078, 1082-1083; *Landau v. Superior Court (Medical Board of California)* (2000, 1st
Dist, Div. 2) 81 Cal.App.4th 191, 202; *In re Adrian R.* (2000, 2nd Dist, Div. 5) 85 Cal.App.4th 448,
25 457; *Adoption of Alexander M.* (2001, 4th Dist, Div. 3) 94 Cal.App.4th 430, 437; *De Anza Santa Cruz*
Mobile Estates Homeowners Assn. v. De Anza Santa Cruz Mobile Estates (2001, 6th District) 94
26 Cal.App.4th 890, 910; *Lewis v. County of Sacramento* (2001, 3rd District) 93 Cal.App.4th 107, 121,
fn.4; *In re Danny H.* (2002, 2nd Dist, Div. 3) 104 Cal.App.4th 92, 104, fn.22; *Guillemín v. Stein*

(2002, 3rd District) 104 Cal.App.4th 156, 165, fn.9, 166, fn.12; *Hamilton v. Gourley* (2002, 3rd District) 103 Cal.App.4th 351, 358; *Casterson v. Superior Court (Cardoso)* (2002, 6th District) 101 Cal.App.4th 177 188-189; *Warmington Old Town Associates v. Tustin Unified School District* (2002, 4th Dist, Div. 3) 101 Cal. App.4th 840, 853-4; *People v. Washington* (2002, 2nd Dist, Div. 5) 100 Cal.App.4th 590 594; *Mitchell v. American Fair Credit Assn.* (2002, 1st Dist, Div. 5) 99 Cal.App.4th 1345, 1352; *People v. Chenze* (2002, 4th Dist, Div. 3) 97 Cal.App.4th 521, 527; *Garrett v. Young* (2003, 2nd Dist, Div. 4) 109 Cal.App.4th 1393, 1403-1404; *Boehm & Associates v. Workers' Comp. Appeals Bd.* (2003, 3rd District) 108 Cal.App.4th 137, 145; *Florez v. Linens 'N Things, Inc.* (2003, 4th Dist, Div. 3) 108 Cal.App.4th 447, 453; *People ex rel. Allstate Ins. Co. v Weitzman* (2003, 2nd Dist, Div. 5) 107 Cal.App.4th 534, 547-552; *Friends of Westhaven & Trinidad v. County of Humboldt* (2003, 1st Dist, Div. 3) 107 Cal.App.4th 878, 886; *Pederson v. Superior Court (People)* (2003, 2nd Dist, Div. 2) 105 Cal.App.4th 931, 939; *Trinkle v. California State Lottery* (2003, 3rd District) 105 Cal.App.4th 1401, 1409, fn.7; *City of Long Beach v. California Citizens for Neighborhood Empowerment* (2003, 2nd Dist, Div. 7) 111 Cal. App.4th 302, 308; *Jaramillo v. JH Real Estate Partners, Inc.* (2003, 6th District) 111 Cal.App.4th 394, 402-3; *Teamsters Local 856 v. Priceless, LLC* (2003, 1st Dist, Div. 1) 112 Cal. App.4th 1500, 1517; *People v. Ozkan* (2004, 1st Dist, Div. 5) 124 Ca.App.4th 1072, 1080-1081; *People v. Miranda* (2004, 2nd Dist, Div. 2) 123 Cal.App.4th 1124, 1132; *City of Modesto Redevelopment Agency v. Superior Court (Dow Chemical Co.)* (2004, 1st Dist, Div. 4) 119 Cal.App.4th 28, 43; *Ochs v. PacifiCare of California* (2004, 2nd Dist, Div. 6) 115 Cal.App.4th 782, 790-791; *Alch v. Superior Court (Time Warner Entertainment)* (2004, 2nd Dist, Div. 8) 122 Cal.App.4th 339, 364 fn.11; *PG&E Corp. v. Public Utilities Commission (Office of Ratepayer Advocates)* (2004, 1st Dist, Div. 5) 118 Cal.App.4th 1174, 1204; *People v. Carmony* (2005, 3rd District) 127 Cal.App.4th 1066, 1079; *Branciforte Heights, LLC v. City of Santa Cruz* (2006, 6th District) 138 Cal.App.4th 914, 926; *Doran v. North State Grocery, Inc.* (2006, 3rd District) 137 Cal.App.4th 484, 491-2; *Kuperman v. San Diego Assessment Appeals Bd. No. 1 (Smith)* (2006, 4th Dist, Div. 1) 137 Cal.App.4th 918, 934; *California Highway Patrol v. Superior Court (Allende)* (2006) 135 Cal.App.4th 1567b, 1567c; [Modification of opinion (135 Cal.App.4th 488) on denial of petition for rehearing.]; *National Steel and Shipbuilding Co. v. Superior Court (Godinez)* (2006, 4th Dist, Div. 1) 135 Cal.App.4th 1072, 1083 [Review Granted]; *Murphy v. Kenneth Cole Productions, Inc.* (2005, 1st Dist, Div. 1) 134 Cal.App.4th 728, 748, 753 [Review Granted]; *In re Maurice E.* (2005, 1st Dist, Div. 3) 132 Cal.App.4th 474, 481; *Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co.* (2005, 2nd Dist, Div. 1) 130 Cal.App.4th 890, 900; *Escondido Union School Dist. v. Casa Sueños De Oro, Inc.* (2005, 4th Dist, Div. 1) 129 Cal.App.4th 944, 970; *Lozada v. City and County of San Francisco* (2006, 1st Dist, Div. 2) 145 Cal.App.4th 1139, 1154-1155; *Six Flags v. Workers' Compensation Appeals Board* (2006, 2nd Dist, Div. 3) 145 Cal. App. 4th 91, 106-107; *Faulder v. Mendocino County Board of Supervisors* (2006, 1st Dist, Div. 4) 144 Cal. App. 4th 1362, 1375, 1378, fn.6; *Amberger-Warren v. City of Piedmont* (2006, 1st Dist, Div. 1) 143 Cal.App.4th 1074, 1082; *In re Schmidt* (2006, 6th District) 143 Cal.App.4th 694, 706; *Wirth v. State of California* (2006, 3rd District) 142 Cal.App.4th 131, 141-142; *Petropoulos v. Department of Real Estate* (2006, 1st Dist, Div. 1) 142 Cal.App.4th 554, 567; *People v. Mojica* (2006, 2nd Dist, Div. 8) 139 Cal.App.4th 1197 1206; *Hesperia Citizens for Responsible Development v. City of Hesperia* (2007, 4th Dist, Div. 1) 151 Cal.App.4th 653, 659; *Fremont Indemnity Company v. Fremont General Corporation* (2007, 2nd Dist, Div. 3) 148 Cal.App.4th 97, 128-129; *Young v. McCoy* (2007, 2nd Dist, Div. 1) 147 Cal.App.4th 1078, 1086, fn.8; *TJX Companies, Inc v. Superior Court of Orange County* (2007, 4th Dist, Div. 3) 163 Cal.App.4th 80, 89; *Plumbers and Steamfitters, Local 290 v. Duncan* (2007, 1st Dist, Div. 3) 157 Cal.App.4th 1083, 1089; *Collier v. City and County of San Francisco* (2007, 1st Dist, Div. 3) 151 Cal.App.4th 1326, 1342, fn.11; *Eicher v. Advanced Business Integrators, Inc.* (2007, 3rd District) 151 Cal.App.4th 1363, 1382; *Committee For Green Foothills v. Santa Clara County Board of Supervisors* (2008, 6th District) 161 Cal.App.4th 1204, 1235

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

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.4th 757, 797

And, in a letter asking the Governor to veto the passed bill, Stanley Pearle, as Chairman of Searle Optical Inc., argued that the revised statute ... (Stanley Pearle, letter to Governor Jerry Brown re: Assem. Bill No.1125.... *People v. Cole* (2006) 38 Cal.4th 964, 983

1 The statute's legislative sponsor, Assemblyman Floyd, stated in
his letter urging Governor Deukmejian to sign the ... (Assemblyman
2 R.E. Floyd, sponsor of Assem. Bill No. 1441 (1987-1988 Reg. Sess.),
letter to Governor Deukmejian, Sept. 15, 1987.)*State v. Altus*
3 *Finance* (2005) 36 Cal.4th 1284, 1296

4 ... Governor Wilson's message to the Assembly upon signing the
bill that became section 2933.1. The Governor wrote that the ...
5 (Governor's message to Assem. on Assem. Bill No. 2716 (Sept. 21,
1994) 6 Assem. J. (1993-1994 Reg. Sess.) p. 9490.) *In re Reeves*
6 (2005) 35 Cal.4th 765, 777

7 ... the various reports on the bill prepared for Senate and
Assembly committees do not discuss the amendment. The amendment is
8 discussed, however, in letters to the Governor by the bill's Senate
sponsor and others, urging that the legislation be signed or vetoed.
9 These letters consistently explain ... (See Sen. John Doolittle,
letter to Governor Edmund Brown, Sept. 22, 1981, p. 1; see also Joe
10 Aceto, Director, Legislative Division, POARC, letter to Governor
Edmund Brown, Sept. 22, 1981, p. 2.) The American Civil Liberties
11 Union (ALCU), which opposed the bill, nevertheless recounted the
amendment's history in precisely the same way. fn.6 These statements
12 about pending legislation are entitled to consideration to the extent
they constitute "a reiteration of proposed amendments rather than merely
13 an expression of personal opinion." (*California Teachers Assn. v. San*
Diego Community College Dist. (1981) 28 Cal.3d 692, 700.)
14 *Martin v. Szeto* (2004) 32 Cal.4th 445, 450-451

15 In his signature message, Governor Wilson noted, "this bill
16 imposes a sentence enhancement of up to five years for the use of a
firearm." (*Ibid*) As with the inclusion of assault with a firearm,
17 granting discretionary sentencing authority under §12022.5(d) would
be inconsistent with the obvious seriousness of these violent crimes
18 and the legislative intent to punish them accordingly. *People v.*
Ledesma (1997) 16 Cal.4th 90, 98, 100

19 The sponsor of the bill that became section 15305.5 stated,...
20 (Assemblyman Tom Umberg, sponsor of Assem. Bill ... letter to
Governor Pete Wilson, July 12, 1991;... *Young v. McCoy* (2007, 2nd
21 Dist, Div. 1) 147 Cal.App.4th 1078, 1086, fn.8

22 In a letter supporting Assembly Bill No. 743, the California
Correctional Peace Officers Association (CCPOA) assured the Governor
23 that it did not ... (... CCPOA, letter to Governor Gray Davis ...)
Wirth v. State of California (2006, 3rd District) 142 Cal.App.4th
24 131, 141-142

25 Consistently, in a post-passage letter sent to the Governor,
the author of the bill stated the bill codified the "IWC's penalty
26 level" by imposing a "penalty" on employers that violate the IWC
orders regarding meal and rest periods. The letter further indicated
27 that the bill, as originally introduced, "had higher penalties, but
had been amended to conform to the IWC levels." (*Ibid.*; *In re*
28 *Marriage of Bouquet* (1976) 16 Cal.3d 583, 590 [a legislator's

1 statement may be considered when it reiterates legislative discussion
and events leading to adoption of proposed amendments, rather than
2 merely expressing a personal opinion].) *National Steel and
Shipbuilding Co. v. Superior Court (Godinez)* (2006, 4th Dist, Div. 1)
3 135 Cal.App.4th 1072, 1081 [Review Granted]

4 Statements of an individual legislator, including the bill's
author, are generally not considered in construing a statute.
5 [Citation.] An exception exists, however, when the letter constitutes
a "reiteration of legislative discussion and events leading to
6 adoption of proposed amendments rather than merely an expression of
personal opinion." [Citations.] The exception applies here because
7 Senator Kopp's letters explain the events leading to the adoption of
amended language after Senator Kopp first urged the bill's passage.
8 *People v. Superior Court (Ferguson)* (2005, 1st Dist, Div. 3) 132
Cal.App.4th 1525, 1532

9 The Attorney General at that time, John Van De Kamp, in an
effort to persuade the Governor to sign the legislation described it
10 as ... (Letter to George Deukmejian May 19, 1988, p. 4.) *People v.
Leon* (2005, 2nd Dist, Div. 8) 131 Cal.App.4th 966, 978, fn.6 [Review
11 Granted.]

12 The Legislative history of Senate Bill No. 272 (1970 Reg.
Sess.), the bill that introduced Song-Beverly, indicates that Alfred
13 H. Song, one of the sponsors of Song-Beverly, considered the
distinction. In a letter to the Governor Ronald Reagan, Senator Song
14 wrote as follows:... *Atkinson v. Elk Corporation* (2003, 6th District)
109 Cal.App.4th 739, 748, fn.11, 751-752

15 As indicated, the Legislature enacted section 3208.3,
16 subdivision (b)(1) to combat the ... In recognition of this intent,
the Governor's signature message to the California Assembly contained
17 the following language:... *Sakotas v. Workers' Comp. Appeals Bd.*
(2000, 2nd Dist, Div. 6) 80 Cal.App.4th 262,272-273

18 In fact, section 1633.5's own legislative history reveals that
19 the purpose in enacting the provision was to declare "that State
licensing pre-empts local licensing" (Assembly member Thomas M. Rees,
20 Letter to Mr. Julian Beck, Governor's Office, re Assem. Bill No. 1802
(1959 Reg. Sess.) May 25, 1959, p. 2), and supports our conclusion
21 that section 1633.5 does not proscribe a UCA action. *Stevens v.
Superior Court* (1999, 2nd Dist, Div. 3) 75 Cal.App.4th 594, 605

22 In urging Governor Deukmejian to sign the bill, its author
23 stated:... (Letter from Senator Larry Stirling to Governor George
Deukmejian (Sept. 14, 1989) *People v. Pena* (1999, 5th District) 74
24 Cal.App.4th 1078, 1083

25 Once the Governor had signed the legislation, his office issued
a press release stating: "The bill declares that civil liability to a
26 third party is incurred solely by the intoxicated person" (Governor's
Press Release No. 320 [September 20, 1978]). Such documents may be
27 used to determine legislative intent [Citations]... *Knighen v.
Sam's Parking Valet* (1988, 4th District) 106 Cal.App.3d 69, 77

This includes matter appearing in "official acts of the legislative, executive and judicial departments" (Evidence Code, Section 452, subd. (c)) and which may consist of materials such as administrative determinations, committee reports, correspondence directed to the governor's office and testimony at public hearings. *Karlin v. Zalta* (1984) 154 Cal.App.3d 953, 968, fn.9

People v. Tanner (1979) 24 Cal.3d 514, 520; *Harrott v. County of Kings* (2001) 25 Cal.4th 1138, 1150; *Cornette v. Department of Transportation* (2001) 26 Cal.4th 63, 72; *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1263; *Ordlock v. Franchise Tax Board* (2006) 38 Cal.4th 897, 912, fn.8; *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th 1094, 1107, 1110, fn.12; *O'Connell v. City of Stockton* (2007) 41 Cal.4th 1061, 1078, fn.1

Post v. Prati (1979) 90 Cal.App.3d 626, 634; *People v. Stepney* (1981) 120 Cal.App.3d 1016, 1020, fn.4; *People v. Garcia* (1998, 1st Dist, Div. 1) 63 Cal.App.4th 820, 831; *In re Carr* (1998, 2nd District) 65 Cal.App.4th 1525, 1535; *Zhao v. Wong* (1996, 1st Dist, Div. 1) 48 Cal.App.4th 1114, 1123, fn.5; *Alt v. Superior Court* (1999, 3rd District) 74 Cal.App.4th 950, 959, fn.4; *Hahn v. State Board of Equalization* (1999, 2nd Dist, Div. 1) 73 Cal.App.4th 985, 993-994; *Bartold v. Glendale Federal Bank* (2000, 4th Dist, Div. 3) 81 Cal.App.4th 816, 833; *Aguilar v. Lerner* (2001, 1st Dist, Div. 5) 90 Cal.App.4th 177, 185; *Garrett v. Young* (2003, 2nd Dist, Div. 4) 109 Cal.App.4th 1393, 1403-1404; *Boehm & Associates v. Workers' Comp. Appeals Bd.* (2003, 3rd District) 108 Cal.App.4th 137, 145; *Friends of Westhaven & Trinidad v. County of Humboldt* (2003, 1st Dist, Div. 3) 107 Cal.App.4th 878, 886; *City of West Hollywood v. 1112 Investment Co.* (2003, 2nd Dist, Div. 4) 105 Cal.App.4th 1134, 1144; *In re Danny H.* (2002, 2nd Dist, Div. 3) 104 Cal.App.4th 92, 103, fn.20; *Hamilton v. Gourley* (2002, 3rd District) 103 Cal.App.4th 351, 358, fn.1; *Ruiz v. Sylva* (2002, 2nd Dist, Div. 8) 102 Cal.App.4th 199, 210; *People v. Washington* (2002, 2nd Dist, Div. 5) 100 Cal.App.4th 590 595; *Jabro v. Malibu v. Santa Monica Mountains Conservancy* (2002, 2nd Dist, Div. 6) 98 Cal.App.4th 1379, 1387; *Gamble v. Los Angeles Department of Water & Power* (2002, 2nd Dist, Div. 1) 97 Cal.App.4th 253, 258; *Smith v. Santa Rosa Police Department* (2002, 1st Dist, Div. 2) 97 Cal.App.4th 546, 559-560, fn.11; *Ma v. City and County of San Francisco* (2002, 1st Dist, Div. 2) 95 Cal.App.4th 488, 515; *Jabro v. Superior Court* (2002, 4th Dist, Div. 1) 95 Cal.App.4th 754, 757; *Summerfield v. Windsor Unified School District* (2002, 1st Dist, Div. 3) 95 Cal.App.4th 1026, 1035; *City of Long Beach v. California Citizens for Neighborhood Empowerment* (2003, 2nd Dist, Div. 7) 111 Cal. App.4th 302, 308; *People v. Chavez* (2004, 5th District) 118 Cal.App.4th 379, 386; *People v. Rivera* (2003, 4th Dist, Div. 3) 114 Cal.App.4th 872, 878; *City of Brentwood v. Central Valley Regional Water Quality Control Bd.* (2004, 1st Dist, Div. 5) 123 Cal.App.4th 714, 730, fn.11; *People v. Miranda* (2004, 2nd Dist, Div. 2) 123 Cal.App.4th 1124, 1132; *Alch v. Superior Court (Time Warner Entertainment)* (2004, 2nd Dist, Div. 8) 122 Cal.App.4th 339, 364 fn.12; *Salawy v. Ocean Towers Housing Corp.* (2004, 2nd Dist, Div. 5) 121 Cal.App.4th 664, 677 (dissent); *Cacho v. Boudreau* (2005, 4th Dist, Div. 1) 127 Cal.App.4th 707, 729; *ARP Pharmacy Services, Inc. v. Gallagher Bassett Services, Inc.* (2006, 2nd Dist, Div. 4) 138 Cal.App.4th 1307, 1319 and 1321 (author letter to Governor; sponsor letter to Governor) [Review Granted]; *Bosworth v. Whitmore* (2006, 2nd Dist, Div. 4) 135 Cal.App.4th 536, 547 (author letter to Governor); *Benjamin G. v. Special Ed. Hearing Office (Long Beach Unified School Dist.)* (2005, 2nd Dist, Div. 1) 131 Cal.App.4th 875, 882-883 fn.6 and fn.7 (author's letter to Governor, to proponent; opponent letter); *Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co.* (2005, 2nd Dist, Div. 1) 130 Cal.App.4th 890, 901 (author letter to governor); *People v. Tapia* (2005, 2nd Dist, Div. 3) 129 Cal.App.4th 1153, 1163 (author letter to governor); *An Independent Home Support Service, Inc. v. Superior Court (San Diego)* (2006, 4th Dist, Div. 1) 145 Cal.App.4th 1418, 1434; *Amberger-Warren v. City of Piedmont* (2006, 1st Dist, Div. 1) 143 Cal.App.4th 1074, 1082; *American Liberty Bail Bonds, Inc. v. Garamendi* (2006, 2nd Dist, Div. 3) 141 Cal.App.4th 1044, 1055-56; *Miller v. Collectors Universe, Inc* (2007, 4th Dist, Div. 3) 65 Cal.Rptr.3d 351, 361; *Northwest Energetic Services, LLC v. California Franchise Tax Board* (2008 1st Dist, Div. 5) 159 Cal.App.4th 841,855-856; *Nguyen v. Nguyen* (2008, 4th Dist, Div. 3) 158 Cal.App.4th 1636, 1656, fn.19, 1659-60; *People v. Kelly* (2008, 2nd Dist, Div. 3) 77 Cal.Rptr.3d 400; *Schmidlin v. City of Palo Alto* (2008, 6th District) 157 Cal.App.4th 728, 756; *People v. Price* (2007, 2nd Dist, Div. 3) 155 Cal.App.4th 987, 994-5

D. Post-Enactment History.

1. Statements and Actions by Subsequent Legislatures:

The Legislature's subsequent amendment of section 1016-- deleting the limitation with respect to felony cases--supports this understanding of the legislative intent. [Citation.] "Although an expression of legislative intent in a later enactment is not binding upon a court in its construction of an earlier enacted statute, it is a factor that may be considered. [Citations.]" *People v. Yartz* (2005) 37 Cal.4th 529, 539

1 The quoted language in section 1793.1 was adopted in 1982,
2 before the 1987 amendments that added ... (Stats. 1982, ch. 381, § 1,
3 p. 1709.) Although an expression of legislative intent in a later
4 enactment is not binding upon a court in its construction of an
5 earlier enacted statute, it is a factor that may be considered.
6 [Citations.] Futhermore, we may presume that when the Legislature
7 adopted subdivision (d)(2) in 1987, it was aware of the language in
8 section 1793.1 and understood the scope of the Act to be
9 *Cummins, Inc. v. Superior Court (Cox)* (2005) 36 Cal.4th 478, 492

6 The Legislature reiterated this intent in 2003 when it enacted
7 (Citation.... ["Although a legislative expression of the intent
8 of an earlier act is not binding upon the courts in their
9 construction of the prior act, that expression may properly be
10 considered together with other factors in arriving at the true
11 legislative intent existing when the prior act was passed."]) *Varian
12 Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 195

10 The subsequent revisions to the HLA in 1992 do not compel a
11 different conclusion. In response to *Parnell v. Adventist Health
12 System/West* (2005) 35 Cal.4th 595, 604

12 The Legislature reiterated this intent [regarding Assembly Bill
13 No. 1675, 1999-2000] in 2003 when it enacted Although a
14 legislative expression of the intent of an earlier act is not binding
15 upon the courts in their construction of the prior act, that
16 expression may properly be considered together with other factors in
17 arriving at the true legislative intent existing when the prior act
18 was passed. *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th
19 180, 194-195

17 For the same reason, we attach little value to the
18 Legislature's subsequent failure to pass a bill (Assem. Bill No. 95
19 (1983-1984 Reg. Sess.)) that would have amended section 1021.7 to
20 clarify its reference to actions for libel and slander.... We have
21 repeatedly observed that the Legislature's failure to enact a
22 proposed amendment to an existing statutory scheme offers only
23 limited guidance, if any, concerning the Legislature's original
24 intent. [Citations.] Here, to undertake the problematic exercise of
25 inferring legislative intent from subsequent, failed legislation
26 seems especially inappropriate because the original intent behind
27 section 1021.7 is clear. fn.9 {Court grants judicial notice of the
28 proffered documents referenced] *Martin v. Szeto* (2004) 32 Cal.4th
445, 451-452

24 The Legislature's adoption of subsequent, amending legislation
25 that is ultimately vetoed may be considered as evidence of the
26 Legislature's understanding of the unamended existing statute.
27 [Citations.] *Freedom Newspapers, Inc. v. Orange County Employees
28 Retirement System* (1993) 6 Cal.4th 821, 832-833

27 Although a legislative expression of the intent of an earlier
28 act is not binding upon the courts in their construction of the prior
act, that expression may properly be considered together with other

1 factors in arriving at the true legislative intent existing when the
prior act was passed. *Eu v. Chacon* (1976) 16 Cal.3d 465, 470

2 Ordinarily, the legislative history of bills that fail to pass
3 in the Legislature are entitled to little weight because of the
4 conflicting intentions of the proponents of the legislation and those
5 who voted against it. [Citation.] Here, however, Assembly Bill No.
6 551 *did* pass both houses of the Legislature, and therefore the
7 Legislature's intent in passing the legislation can be gleaned from
its history. *An Independent Home Support Service, Inc. v. Superior
Court (San Diego)* (2006, 4th Dist, Div. 1) 145 Cal.App.4th 1418, 1434
(court examined a 2005 vetoed bill relevant to a section added in
1993 - "As the most recent expression of the meaning of this statute,
we give these statements considerable weight.")

8 We may properly rely on the legislative history of subsequent
9 enactments to clarify the Legislature's intent regarding an earlier
10 enacted statute. "Although a legislative expression of the intent of
11 an earlier act is not binding upon the courts in their construction
12 of the prior act, that expression may properly be considered together
13 with other factors in arriving at the true legislative intent
14 existing when the prior act was passed. [Citations.] While the
concept of "subsequent legislative history" may seem oxymoronic, it
is well established that "the Legislature's expressed views on the
prior import of its statutes are entitled to due consideration and we
cannot disregard them. *Ailanto Properties, Inc. v. City of Half Moon
Bay* (2006, 1st Dist, Div. 5) 142 Cal.App.4th 572, 590

15 Subsequent legislation cannot change the meaning of an earlier
16 enactment, but it may supply an indication of the intent behind the
original legislation that may be considered. [Citation.] *California
Highway Patrol v. Superior Court (Allende)* (2006, 1st Dist, Div. 3)
17 135 Cal.App.4th 488, 504

18 Mills alerts us to a recent resolution passed by the
19 Legislature in which the Legislature states ... (Assem. Conc. Res.
20 No. 43 (2005-2006 Reg. Sess.)) Mills contends the new resolution is
21 superior to any other statement of legislative intent and must be
22 followed. We grant Mills' request to take judicial notice of that
23 resolution. However, we do not find the resolution helpful to our
24 analysis. Statutory interpretation is a judicial function in which
25 legislative pronouncements carry little weight. [Citation.]
Particularly, one legislature's interpretation of the intent of a
prior legislature is not definitive. [Citations.] Moreover, even were
the Legislature's statements as to prior legislative intent
appropriate, it is not clear that is what the new resolution was
attempting to accomplish. *Mills v. Superior Court (Bed, Bath & Beyond
Inc.)* (2006, 2nd Dist, Div. 5) 135 Cal.App.4th 1547, 1553, fn.6
[Review Granted.]; see also *Murphy v. Kenneth Cole Productions, Inc.*
(2005, 1st Dist, Div. 1) 134 Cal.App.4th 728, 754 [Review Granted]

26 More importantly, the Legislature passed an amendment to
27 section The Governor vetoed this amendment "The
Legislature's adoption of subsequent, amending legislation that is
ultimately vetoed may be considered as evidence of the Legislature's
28 understanding of the unamended, existing statute." *California*

1 **2. Administrative Agency's Construction of Statute:**

2 While the DLSE's construction of a statute is entitled to
3 consideration and respect, it is not binding and it is ultimately for
4 the judiciary to interpret this statute. [Citation.] Additionally,
5 when an agency's construction "flatly contradicts" its originally
6 interpretation, it is not entitled to "significant deference."
7 [Citation.] *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th
8 1094, 1106, fn.7

9 We observe the Legislature first enacted an immediate wage
10 payment provision similar to section 201 in 1911. At that time the
11 Bureau of Labor Statistics (BLS) was the agency that recommended and
12 enforced such wage-related legislation.... Legislation charged the
13 BLS Commissioner with the duties to "collect ... and present, in
14 biennial reports to the Legislature, statistical details, relating to
15 all departments of labor in the State," including statistics and all
16 other information relating to labor that the commissioner deemed
17 essential to further the legislative objective,... We therefore
18 consult these biennial reports for whatever light they may shed
19 regarding the purpose of the wage payment legislation.... [although
20 not necessarily controlling, the contemporaneous administrative
21 construction of a statute by those charged with its enforcement and
22 interpretation is entitled to great weight].) *Smith v. Superior Court*
23 (2006) 39 Cal.4th 77, 87

24 Our reading of the statutory scheme parallels the
25 interpretation given it upon enactment by the Controller as evidence
26 by the Memorandum to Interested parties from the Division of Local
27 Government Fiscal Affairs, Controller of the State of California....
28 Generally courts give great weight and respect to the administrative
29 agency's interpretation of a statute governing its powers and
30 responsibilities. [Citation.] *County of Santa Barbara v. Connell*
31 (1999, 4th District) 72 Cal.App.4th 175, 185

32 See also: *City of Brentwood v. Central Valley Regional Water Quality Control Bd.* (2004, 1st Dist,
33 Div. 5) 123 Cal.App.4th 714, 730

34 **3. Legislative Committee Documents:**

35 Further support for this interpretation is found in the 1989
36 Legislative Summary by the Assembly Committee on Education pertaining
37 to Assembly Bill No. 181 (1989-1990 Reg. Sess.).... We give this
38 summary, prepared shortly after the bill was signed by the Governor,
39 due deference, yet recognize that it is only a post hoc expression of
40 the opinion of the Assembly Committee on Education as to what the
41 Legislature meant when it adopted former Government Code section
42 Nonetheless, we find the summary to be persuasive, inasmuch as it is
43 consistent with the Department of Finance ... Enrolled Bill Report.
44 *Warmington Old Town Associates v. Tustin Unified School District*
45 (2002, 4th Dist, Div. 3) 101 Cal.App.4th 840, 853; similar document,
46 see *People v. Arroyas* (2002, 2nd Dist, Div. 2) 96 Cal.App.4th 1439,
47 1445

48 ... the City and the Association cite and liberally quote from
49 a letter dated June 19, 2000 from ... a consultant to the California

1 State Senate Select Committee on Mobile and Manufactured Homes. That
2 letter is not part of the Legislative Intent Service materials in our
3 record. It was submitted as an exhibit to the Association's
4 memorandum of points and authorities....

5 ... letter purports to discuss the legislative intent of the
6 1995 amendment....

7 We decline to consider the letter as evidence of the
8 Legislature's intent when it adopted the 1995 amendments. It is well
9 settled that individual opinions of legislators or staff members
10 merely reflect their individual opinions, and are not probative of
11 the collegial intent of the Legislature at the time the bill was
12 passed.... *El Dorado Palm Springs, Ltd. v. City of Palm Springs et*
13 *al.* (2002, 4th Dist, Div. 2) 96 Cal.App.4th 1155, 1173

4. Author Letter from Legislative Journal:

8 In arguing that ... SSB relies upon a letter written by Assembly
9 Speaker Jesse Unruh, the principal author of the 1967 invasion-of-
10 privacy statute, in which he refers to an amendment to the 1967 act
11 that he was considering introducing in the Legislature. Although the
12 letter-which was not before, or considered by, the Legislature-does
13 not appear to be a property subject of judicial notice ... in any event
14 we do not believe that the letter supports SSB's contention.

15 In the letter in question, the amendment that Speaker Unruh
16 ostensibly proposed to introduce is set forth The letter explains
17 that ... (Jesse M. Unruh, Speaker of the Assembly, letter to H. Lee Van
18 boven, California Law Review, Nov. 22, 1968.) Although SSB apparently
19 assumes There is nothing in the letter-or in any of the
20 appropriately considered legislative history indicating that Speaker
21 Unruh (or, more importantly, the Legislature as a whole) believed the
22 originally enacted version. *Kearney v. Salomon Smith Barney, Inc.*
23 (2006) 39 Cal.4th 95, 120, fn.13

24 That Senator Kopp's letter was included in the Senate Journal
25 after passage of Senate Bill No. 1758, standing alone, does not
26 persuade us that his view of the legislation was considered by the
27 Legislature as a whole or was part of any debate on the legislation.
28 [Citation Omitted.] But for the later amendment of the section, we
would view it as completely irrelevant to the interpretation of the
statute.

However, Senator Kopp's views on the proper interpretation of
the statute were before the Legislature that enacted the *amendments*
to section 14602.6, which In such case, it is reasonable to
conclude that the ... was consistent with the views expressed by
Senator Kopp and intended to clarify section 14602.6. *Smith v. Santa*
Rosa Police Department (2002, 1st Dist, Div. 2) 97 Cal.App.4th 546,
557, fn.9

E. Regulations, Rules and Ordinances.

Rules of statutory construction apply to the actions taken to adopt or
amend local ordinances, administrative rules and regulations, and court rules.
(See Legislative Intent Service Authority and Procedure for Judicial

1 Consideration of Legislative History and Intent, Unabridged, "Regulations.")
2 Minutes, reports, public rulemaking files, county and city clerk files are among
3 the types of legislative history documents utilized by the courts in construing
4 these laws.

5 The administrative construction of the governing laws through
6 the promulgation of regulations by the Office of Environmental Health
7 Hazard Assessment is "'entitled to great weight'" in determining
8 what the Legislature intended when it enacted the statutory scheme in
9 controversy. [Citation.] ... According to the regulations A
"reasonably anticipated" rate of exposure is (OEHHA, Final
Statement of Reasons: Article 8 (June, 1989) p 83...) *DiPirro v.*
Bondo Corporation, (2007, 1st Dist, Div. 1) 153 Cal.Ap.4th 150, 191

10 This conclusion we reach is supported by the rules of statutory
11 construction. We are obligated to give a rule of court "a reasonable
12 and commonsense interpretation consistent with its apparent purpose,
13 practical rather than technical in nature, which upon application
14 will result in wise policy rather than mischief or absurdity."
15 [Citation.] The legislative history of rule 981.1 indicates it was
16 adopted by the Judicial Council to "make the practice of law simpler
17 and less expensive for litigants and their attorneys." (See Civil and
18 Small Claims Advisory Com., mem. to the Judicial Council of Cal.
19 (Apr. 20, 1999...) *Volkswagen of America, Inc. v. Superior Court*
20 (*Adams*) (2001, 1st Dist, Div. 5) 94 Cal.App.4th 695, 705-706 (also
21 cited to Judicial Council Minutes, and a report of the same Advisory
22 Committee)

23 See also *Snider v. Superior Court* (Quantum Productions, Inc.) (2003, 4th
24 Dist, Div. 1) 113 Cal.App.4th 1187, 1199-1203 where the court referenced Bar
25 Association Opinions, documents of the State Bar Office of Professional
26 Standards, drafts, correspondence and comments. *Mitchell v. Yoplait* (2003,
27 Appellate Division, Superior Court, Los Angeles) (2003) 122 Cal.App.4th Supp.8,
28 Supp.12, fn.3 which stated "This interpretation is further supported by the IWC,
which, in the "Statement As To The Basis" for wage order No. 1-2001 ... opined
that...".

More recently:

 Resolution 58,859 is a "legislative enactment[] issued by or
under the authority of ... [a] public entity in the United States,"
of which notice may be taken under Evidence Code section 452,
subdivision (b). [Citation.] The operative complaint also alleges the
existence and some of the terms of the resolution. We also take
notice, as legislative history reflecting on the purposes of the

1 enactment, of the city manager's memorandum to the mayor and city
2 council recommending the resolution's adoption. [Citations.] *Evans v.*
3 *City of Berkeley* (2006) 38 Cal.4th 1, 7, fn.2

4 ... there is no dispute the basis for the city council's action was,
5 as the council minutes stated, BSA's "discriminatory policies against
6 gays and atheists," which as the record shows and plaintiffs'
7 attorney conceded in this court made it impossible for the Sea Scouts
8 to give a complete and unambiguous guaranty against future

9 discrimination. In light of that undisputed legislative object
10 *Evans v. City of Berkeley* (2006) 38 Cal.4th 1, 21

11 The DMHC promulgated a regulation, operative as of August 23,
12 2003, setting forth ... (Cal. Code Regs., tit. 28, § 1300.71, subd.
13 (a)(3)(B).) As explained above, although not binding, the
14 regulations of the DMHC, which are the product of its quasi-
15 legislative, rule-making authority, are entitled to great weight and
16 deference. [Citation.] *Prospect Medical Group, Inc .v. Northridge*
17 *Emergency Medical Group* (2006, 2nd Dist, Div. 3) 136 Cal.App.4th
18 1155, 1169-70 [Review Granted]

19 The trial court also took judicial notice of public comments
20 and DMHC responses to proposed regulations concerning claim disputes
21 and dispute resolution mechanisms. *Prospect Medical Group, Inc. v.*
22 *Northridge Emergency Medical Group* (2006, 2nd Dist, Div. 3) 136
23 Cal.App.4th 1155, 1169-70 [Review Granted]

24 During the proceedings below, both parties requested judicial
25 notice of the legislative and administrative history of section
26 226.7, and we have considered these documents. *National Steel and*
27 *Shipbuilding Co. v. Superior Court (Godinez)* (2006, 4th Dist, Div. 1)
28 135 Cal.App.4th 1072, 1077 [Review Granted]

In an interpretative memorandum of Assembly Bill No. 60, the
DLSE stated that ... (DLSE Memorandum dated December 23, 1999 at
pp.19-20 at <<http://www.dir.ca.gov/dlse/AB60update.htm>> [as of Dec.
19, 2005] see Addendum A.) ...

Effective March 1, 2000, the IWC issued "Interim Wage Order -
2000" that implemented the changes in the law as a result of the
Legislature's adoption of Assembly Bill No. 60. (Summary of
Interim Wage Order - 2000 at <http://www.dir.ca.gov/IWC/SummaryInterimWageorder2000.html>> [as of Dec. 19, 2005] see Addendum B.) ... The
IWC later promulgated Wage Order 1-2001 (effective Jan. 1, 2001, as
amended), which included ... provision contained in the interim wage
order. [Citation.] *National Steel and Shipbuilding Co. v. Superior*
Court (Godinez) (2006, 4th Dist, Div. 1) 135 Cal.App.4th 1072,
1082-83 [Review Granted]

We also grant BBB's request to take judicial notice of a
statement published by the Department of Industrial Relations
Division of Labor Standards Enforcement (DLSE) regarding its intent
to promulgate regulations clarifying that In that statement, the
DLSE indicates its own staff has wavered over the years in their
interpretation of section 226.7, thus recognizing the ambiguity
inherent in the statutory language. (Cal. Dept. of Industrial

1 Relations, Div. of Labor Standards Enforcement, Initial Statement of
2 Reasons) *Mills v. Superior Court (Bed, Bath & Beyond Inc.)*
(2006, 2nd Dist, Div. 5) 135 Cal.App.4th 1547, 1552, fn.4 [Review
Granted]

3 ... the history of the relevant wage order indicates an intent
4 to create a penalty. The IWC adopted the wage order at a hearing on
5 June 30, 2000, where (... [transcript of 6/30/2000 hearing],...)
6 A representative of the California Labor Federation addressing the
IWC noted that *Murphy v. Kenneth Cole Productions, Inc.* (2005,
1st Dist, Div. 1) 134 Cal.App.4th 728, 752 [Review Granted]

7 See also: *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th 1094, 1109

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