

LEGISLATIVE HISTORY AND INTENT
AS EXTRINSIC AIDES TO STATUTORY CONSTRUCTION
UNABRIDGED
(current through 2018)

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INTRODUCTION AND GUIDE:

Legislative Intent Service, Inc. publishes 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, these Points and Authorities 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.

The **Table of Contents** above is broken up into the following time periods:

- A. Pre-Enactment documents:** prior law, documents which show the problem to be solved, model acts on which your statute is based;
- B. Enactment documents:** from the time the bill is introduced to its passage by the Legislature;
- C. Post-Enrollment:** after the bill is passed by the legislature but prior to enactment;
- D. Post-Enactment:** after the bill is signed and chaptered into law;
- E. Regulations, Rules and Ordinances.**

Please examine and determine when in the legislative process the document you wish to introduce into court was created (see the list and explanations above). Then determine the type of document (what office created it and why).

1 Proceed to the relevant sections and review the quoted cases for relevance to
2 your case.

3 **Note:** Courts are looking for relevance to the legislative process when
4 considering these documents. This means paying attention to who would have
5 considered the document and at what point in the process. Also, we advise
6 offering a declaration authenticating the document(s). Legislative Intent
7 Service, Inc. provides declarations for our custom orders. To order a \$150.00
8 declaration to accompany your store purchased materials, contact us at
9 www.legintent.com/contact-legislative-intent. We provide a declaration with all
10 of our custom orders.

11 For additional information on "How to Offer Legislative History Documents
12 to a Court" go to www.legintent.com/pa/leg_history.pdf

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

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

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

Courts 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

1 To determine the merits of the Attorney General's argument, we
2 apply well-established rules of statutory construction. "The goal of
3 statutory construction is to ascertain and effectuate the intent of
4 the Legislature. [Citations.]" ... "When the language is susceptible
5 of more than one reasonable interpretation,... we look to a variety
6 of extrinsic aids, including the ostensible objects to be achieved,
7 the evils to be remedied, the legislative history, public policy,
8 contemporaneous administrative construction, and the statutory scheme
9 of which the statute is a part." [Citations.] *People v. Jefferson*
10 (1999) 21 Cal.4th 86, 94

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

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

29 ... we have reviewed the pertinent legislative history in an
30 effort to uncover any indications of legislative intent. [Citation.]
31 We consider the circumstances and events leading up to the
32 introduction of the bill, including statements by various parties
33 concerning the nature and effect of the proposed law, and the actions
34 taken and statements made during legislative consideration. We also
35 take into account "the object in view, the evils to be remedied, the
36 history of the times, legislation upon the same subject, public
37 policy and contemporaneous construction" [Citations.] ... *In re York*
38 (1994, 6th Dist.) 27 Cal.Rptr.2d 771, 775-776

39 Consider also these cases:

40 Because the facts are undisputed and the issue turns solely on
41 the interpretation of relevant statutes, we conduct a de novo review.
42 [Citation.] ... In so doing, our goal is to ascertain and carry out
43 the Legislature's intent, looking first to the words of the statute,
44 giving them their usual and ordinary meaning. [Citation.] If the

1 language of the statute is susceptible to more than one reasonable
2 construction, we look to the legislative history to aid in
3 ascertaining the legislative intent. [Citation.] We are further
4 guided by the fundamental rule "'that the objective sought to be
5 achieved by a statute as well as the evil to be prevented is of prime
6 consideration in its interpretation." ...'" [Citation.] *Peoples v.*
7 *San Diego Unified School District* (2006, 4th Dist.) 138 Cal.App.4th
8 463, 468

9 "When the plain meaning of the statutory text is insufficient
10 to resolve the question of its interpretation, the courts may turn to
11 rules or maxims of construction 'which serve as aids in the sense
12 that they express familiar insights about conventional language
13 usage.' (2A Singer, *Statutes and Statutory Construction* (6th ed.
14 2000) p. 107.) Courts also look to the legislative history of the
15 enactment. 'Both the legislative history of the statute and the wider
16 historical circumstances of its enactment may be considered in
17 ascertaining the legislative intent.'" [Citations.] *Branciforte*
18 *Heights, LLC v. City of Santa Cruz* (2006, 6th Dist.) 138 Cal.App.4th
19 914, 926

20 "[T]he legislative history of the statute and the wider
21 historical circumstances of its enactment are legitimate and valuable
22 aids in divining the statutory purpose." [Citation.] *ARP Pharmacy*
23 *Services, Inc. v. Gallagher Bassett Services, Inc.* (2006, 2nd Dist.)
24 138 Cal.App.4th 1307, 1319, fn.4 [Review Granted]

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

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

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

No legislative history materials regarding section 314 are
before this court, and the plain language of section 314 (unlike that
of section 666, as noted *ante*) is not broad enough to include an out-
of-jurisdiction misdemeanor conviction. *People v. Eckard* (2011, 2nd
Dist., Div. 1) 195 Cal.App.4th 1241, 1250

The task of ascertaining the 1872 Legislature's intent could
well have been daunting. (See, e.g., *People v. Evans* (2008) 44
Cal.4th 590, 596-597, 80 Cal.Rptr.3d 174, 187 P.3d 1010 [consulting
19th century British and American treatises to determine the 1872
Legislature's intent in enacting Penal Code section 1200, pertaining
to a defendant's right to allocution].) But it is called for in light
of the divergent views of the Court of Appeal and of this court's
majority on the issue of intent to use force in obtaining or
maintaining another person's property. *People v. Anderson* (2011) 51
Cal.4th 989, 1003

1 The proposed legislation was submitted to the Legislature by
2 the Department of Finance and was transmitted to the Office of
3 Legislative Counsel in a request for draft legislation. That office
4 formatted the proposals as draft legislation (RN [Request Number] 08
5 29145 and RN 08 29146), but the language proposed was not included in
6 any bill that was formally introduced in the Legislature.
7 *Professional Engineers in California Government v. Schwarzenegger*
8 (2010) 50 Cal.4th 989, 1002

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

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

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

26 *Hancock Oil Company of California v. Independent Distributing Company* (1944) 24 Cal.2d 497; *Wolton v.*
27 *Bush* (1953) 41 Cal.2d 460; *People ex rel S.F. Bay Comm. v. Town of Emeryville* (1968) 69 Cal.2d 533,
28 543; *Coito v. Superior Court* (2012) 54 Cal.4th 480, 490

29 *Gallagher v. Campodonica* (1932) 121 Cal.App.1st 765; *Abram v. San Joaquin Cotton Oil Company* (1943)
30 49 F. Supp. 393; *Koenig v. Johnson* (1945) 71 Cal.App.2d 739, 750-751; *H. S. Mann Corporation v. Moody*
31 (1956) 144 Cal.App.2d 310; *Zidell v. Bright* (1968) 264 Cal.App.2d 867; *Blumenfeld v. S.F. Bay*
32 *Conserv. Comm.* (1974) 43 Cal.App.3d 50, 55; *Arvin Union School Dist. v. Ross* (1985, 2nd Dist.) 176
33 Cal.App.3d 189, 199; *Southern Pacific Pipe Lines v. Board of Supervisors* (1992) 9 Cal.App.4th 451,
34 460; *Adoption of Haley A.* (1996, 1st Dist.) 49 Cal.App.4th 1351,1367, fn.10; *Zhao v. Wong* (1996, 1st
35 Dist.) 48 Cal.App.4th 1114, 1123-1125; *Stoltenberg v. Newman* (2009, 2nd Dist.) 179 Cal.App.4th 287,
36 101 Cal.Rptr.3d 606; *County of Colusa v. Douglas* (2014, 3rd Dist.) 227 Cal.App.4th 1123, 1132, as
37 modified July 11, 2014

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

38 It is a maxim of statutory construction that an ambiguous statute's meaning
39 may be determined in light of other statutes on the same subject matter.

40 (Sutherland on Statutory Construction, (6th Ed. 2000) Extrinsic Aides-Legislative
41 History, §48.08)

42 One 'elementary rule' of statutory construction is that
43 statutes in pari materia—that is, statutes relating to the same
44 subject matter—should be construed together. [Citation.] ... The
45 rule of in pari materia is a corollary of the principle that the
46 goal of statutory interpretation is to determine legislative intent.
47 *Droeger v. Friedman, Sloan & Ross* (1991) 54 Cal.3d 26, 50-51)

1 Courts may look to the legislative history to determine any legislative
2 intention to depart therefrom, or conform with, the overall scheme of a uniform
3 or model act.

4 Two additional factors suggest the Legislature took as a given
5 the application of *Hanover Shoe's* no pass-on defense rule to the
6 Cartwright Act. First, we may presume that when the Legislature
7 borrows a federal statute and enacts it into state law, it has
8 considered and is aware of the legislative history behind that
9 enactment. (*People v. Butler* (1996) 43 Cal.App.4th 1224, 1244, 51
10 Cal.Rptr.2d 150; see also *American Civil Liberties Union Foundation*
11 *v. Deukmejian* (1982) 32 Cal.3d 440, 447, 186 Cal.Rptr. 235, 651 P.2d
12 822 [the legislative history of a federal statute may be used to
13 interpret a state statute based on it.]) Second, Assembly Bill No.
14 1162's legislative history indicates ... (See Assem. Com. on
15 Judiciary, Worksheet on Assem. Bill No. 1162 (1977-1978 Reg. Sess.)
16 as introduced Mar. 29, 1977 [attachments excerpting Sept. 16, 1976
17 remarks of Rep. Rodino.]) *Clayworth v. Pfizer, Inc.* (2010) 49 Cal.4th
18 758, 778-779

19 The legislative history shows that Congress intended the IBCA
20 to serve as an alternative means to resolve contract disputes in an
21 informal, expeditious, and inexpensive way. (Sen.Rep. No. 95-1118, 2d
22 Sess., pp. 1, 12 (1978), reprinted in 1978 U.S.Code Cong. & Admin.
23 News, p. 5235.) *Ameron International Corp. v. Insurance Company of*
24 *State of Pennsylvania* (2010) 50 Cal.4th 1370, 1383-1384

25 Defendants argue that the legislative history of the Labor Code
26 Private Attorneys General Act of 2004 reveals a legislative intent
27 that any lawsuit under the act be brought as a class action.
28 Defendants point to statements in certain committee reports that an
employer need not be concerned about future lawsuits that assert the
same issues because "an action on behalf of other aggrieved employees
would be final as to those plaintiffs...." (Sen. Com. on Judiciary,
Analysis of Sen. Bill No. 796 (2003-2004 Reg. Sess.) as amended Apr.
22, 2003, p.8; see Assem. Com. on Judiciary, Analysis of Sen. Bill
No. 796 (2003-2004 Reg. Sess.) as amended May 12, 2003, p.6 ...

The above quoted comments from the committee reports were
simply responses to a concern expressed by those opposing the
proposed legislation that the proposed legislation would allow
employees to sue as a class without satisfying class action
requirements. Because the committee report comments do not refer to
class actions, they are insufficient to support the conclusion that
the Legislature intended to impose class action requirements on
representative actions brought under the Labor Code Private Attorneys
General Act of 2004. *Arias v. Superior Court* (2009) 46 Cal.4th 969,
983-84

We also find compelling evidence of legislative intent in the
legislative history of the 1992 amendment, Assembly Bill No. 1077
(1991-1992 Reg. Sess.). As noted, Assembly members were told that by
adding subdivision (f) to section 51 the bill would "[m]ake a
violation of the ADA a violation of the Unruh Act. *Thereby providing*
persons injured by a violation of the ADA with the remedies provided
by the Unruh Act (e.g., right of private action for damages)."

1 (Assem. Judiciary Rep. on Assem. Bill No. 1077, *supra*, at p.2,
2 italics added.)... Although *Gunther* discusses the legislative history
3 of Assembly Bill No. 1077 (1991-1992 Reg. Sess.) at length, citing
4 among other sources these reports of the two houses' judiciary
5 committees (*Gunther, supra*, 144 Cal.App.4th at pp. 244-249, 50
6 Cal.Rptr.3d 317), the decision, inexplicably, fails to address the
7 directly pertinent passages quoted above.

8 The legislative history, true, does not explicitly mention ADA
9 violations that do not involve intentional discrimination. But
10 neither does it mention those that do. Rather, like the language of
11 the amendment itself, it demonstrates an intent to incorporate ADA
12 accessibility standards comprehensively into the Unruh Civil Rights
13 Act and thus to provide a damages remedy for any violation of the
14 ADA's mandate of equal access to public accommodations. That broad
15 remedial intent covers the particular circumstance before us. *Munson*
16 *v. Del Taco, Inc.* (2009) 46 Cal.4th 661,673-673

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

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

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

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

50 Real party asserts that the predecessor to section 631 was

1 based upon the 1850 New York Code of Civil Procedure. Real party adds
2 that New York courts enforce predispute jury waivers. We agree that
3 the New York statute, which was part of the influential Field Code,
4 was the model for our own, but this fact adds little weight to real
party's position. Unlike the California decisions reviewed above, New
York courts hold that ... *Grafton Partners v. Superior Court*
(*PriceWaterhouseCoopers LLP*) (2005) 36 Cal.4th 944, 962, fn.8

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
California's similar initiative measure. *People v. Canty* (2004) 32
Cal.4th 1266, 1283

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

17 This view is confirmed by the official comment to UIFSA ... (*In*
18 *re Marriage of Crosby & Grooms* (2004) 116 Cal.App.4th 201, 206, fn.3,
10 Cal.Rptr.3d 146 ["it is well established that comments of
19 commissioners regarding uniform state laws 'are part of the
legislative history and may be considered when the meaning of a
20 statute is uncertain'"].) The 2001 comment on UIFSA states in
pertinent part... *Cima-Sorci v. Sorci* (2017, 3rd Dist.) 17
Cal.App.5th 875, 887, as modified Nov. 28, 2017

21 ... the PRA is modeled on the federal Freedom of Information
22 Act (FOIA) (5 U.S.C. § 552), so, "the judicial construction and
legislative history of the federal act serve to illuminate the
23 interpretation of its California counterpart." (*American Civil*
Liberties Union Foundation v. Deukmejian (1982) 32 Cal.3d 440, 447,
186 Cal.Rptr. 235, 651 P.2d 822 (ACLU)) *Bertoli v. City of Sebastopol*
24 (2015, 1st Dist., Div. 4) 233 Cal.App.4th 353, 366, as modified Jan.
30, 2015

25
26 The CPRA "was modeled on its federal predecessor, the Freedom
of Information Act," thus the legislative history and judicial
27 construction of the Freedom of Information Act (5 U.S.C. § 552)
"serve to illuminate the interpretation of its California
28 counterpart." [Citations.]" (*Times Mirror Co. v. Superior Court*
(1991) 53 Cal.3d 1325, 1338, 283 Cal.Rptr. 893, 813 P.2d 240) *Board*

1 of *Pilot Commissioners v. Superior Court* (2013, 1st Dist., Div. 5)
2 218 Cal.App.4th 577, 588

3 "Later in the 1999-2000 Regular Session, additional legislation
4 was introduced to strengthen the enforcement of existing wage and
5 hour standards contained in current statutes and wage orders. (Assem.
6 Com. on Labor and Employment, Analysis of Assem. Bill No. 2509 (1999-
7 2000 Reg. Sess.) as introduced Feb. 24, 2000, p. 7.) *California Corr.*
8 *Peace Officers' Assn. v. State of California* (2010, 1st Dist., Div.
9 4) 188 Cal.App.4th 646, 651-652

10 Finding some ambiguity in the plain language of the statute, we
11 look to the legislative history.

12 The CUTSA was derived from the Uniform Act (*Cypress*
13 *Semiconductor Corp. v. Superior Court*, *supra*, 163 Cal.App.4th at p.
14 586, fn.3, 77 Cal.Rptr.3d 685) and, like the Uniform Act, was
15 intended to codify the common law (14 West's U. Laws Ann., *supra*, U.
16 Trade Secrets Act, Prefatory Note, p. 531)... *Ajaxo, Inc. v. E*Trade*
17 *Fin. Corp.* (2010) 187 Cal.App.4th 1295, 1310-1311

18 The legislative history of section 24402 reveals that the
19 intent of the original 1929 enactment⁴ was...

20 The 1929 predecessor statute to section 24401, stated...
21 (Stats. 1929, ch. 13, § 8, pp. 21, 23.) *River Garden Ret. Home v.*
22 *Franchise Tax Bd.*, (2010, 1st Dist., Div. 4) 186 Cal.App.4th 922,
23 fn.4

24 We also note that the SVPA was modeled upon a civil commitment
25 scheme adopted in the State of Washington. (See Sen.Com. on
26 Appropriations, Rep. on Assembly Bill No. 888...) *People v. Calhoun*
27 (2004, 1st Dist.) 118 Cal.App.4th 519, 527

28 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 Dist.) 28 Cal.App.4th 1104, 1117-
1118

Furthermore, it is a basic premise of statutory construction
that when a state law is patterned after a federal law, the two are
construed together.... In these situations, the federal cases
interpreting the federal law offer persuasive rather than controlling

1 authority in construing the state law. *Moreland v. Department of*
2 *Corporations* (1987) 194 Cal.App.3d 506, 512

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

11 *Kaplan's Fruit and Produce Company v. Superior Court* (1979) 26 Cal.3d 60, 65; *Moradi-Shalal v.*
12 *Fireman's Fund* (1988) 46 Cal.3d 287, 299; *Williams v. Superior Court* (1993) 5 Cal.4th 337, 352; *Reno*
13 *v. Baird* (1998) 18 Cal.4th 640, 647-651, 654, 655, 661; *Lane v. Hughes Aircraft Co.* (2000) 22 Cal.4th
14 405, 424-429; *In re Jorge M.* (2000) 23 Cal.4th 866, 876; *Mejia v. Reed* (2003) 31 Cal.4th 657, 664; *In*
15 *re Jesusa v.* (2004) 32 Cal.4th 588, 639-640, 650 (dissent); *Kulshrestha v. First Union Commercial*
16 *Corp.* (2004) 33 Cal.4th 601, 615-616; *Farm Raised Salmon Cases* (2008) 42 Cal.4th 1077, 1090; *Hughes*
17 *v. Pair* (2009) 46 Cal.4th 1035; *Martinez v. Regents of University of California* (2010) 50 Cal.4th
18 1277; *People v. Robinson* (2010) 47 Cal.4th 1104, 1139; *Brown v. Mortensen* (2011) 51 Cal.4th 1052,
19 1068; *Jankey v. Lee* (2012) 55 Cal.4th 1038, 1050; *American Coatings Assn. v. South Coast Air Quality*
20 *Management District* (2012) 54 Cal.4th 446, 466; *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203,
21 217; *Salas v. Sierra Chem. Co.* (2014) 59 Cal.4th 407, 414; *Iskanian v. CLS Transportation Los*
22 *Angeles, LLC* (2014) 59 Cal.4th 348, 379; *In re Garcia* (2014) 58 Cal.4th 440, 463; *The Gillette Co. v.*
23 *Franchise Tax Bd.* (2015) 62 Cal.4th 468, 473; *People v. Rinehart* (2016) 1 Cal.5th 652; 926 N. Ardmore
24 *Ave., LLC v. County of Los Angeles* (2017) 3 Cal.5th 319, 329

25 *Solano County Employees' Assn. v. County of Solano* (1982) 136 Cal.App.3d 256, 259; *J.R. Norton Co. v.*
26 *Teamsters, Local 890* (1989) 208 Cal.App.3d 430, 442; *Sutherland on Statutory Construction*, Section
27 57.06; *People v. Butler* (1996, 2nd Dist.) 43 Cal.App.4th 1224, 1237; *John Hancock Mutual Life*
28 *Insurance Co. v. Greer* (1998, 1st Dist.) 60 Cal.App.4th 877, 882; *Flannery v. Prentice* (1999, 1st
Dist.) 72 Cal.App.4th 395, 400-401; *People v. Angel* (1999, 5th Dist.) 70 Cal.App.4th 1141, 1149; *Roy*
v. *Superior Court (Lucky Star Industries, Inc.)* (2005, 4th Dist.) 127 Cal.App.4th 337, 342; *Stevens*
v. *Tri Counties Bank* (2009, 3rd Dist.) 177 Cal.App.4th 236; *Home Depot U.S.A., Inc. v. Superior*
Court, (2010, 2nd Dist., Div. 4) 191 Cal.App.4th 210, 223-224, as modified on denial of rehearing
Jan. 10, 2011; *Watershed Enforcers v. Department of Water Resources* (2010, 1st Dist., Div. 1) 185
Cal.App.4th 969, 983-985; *Collins v. Plant Insulation Co.* (2010, 1st Dist., Div. 1) 185 Cal.App.4th
260, 271; *Associated General Contractors of America v. San Diego Unified School District* (2011, 4th
Dist., Div. 1) 195 Cal.App.4th 748, 755; *Hypertouch, Inc. v. ValueClick, Inc.* (2011, 2nd Dist., Div.
7) 192 Cal.App.4th 805, 821; *McGuire v. Employment Development Department* (2012, 1st Dist., Div. 1)
208 Cal.App.4th 1035, 1045; *People v. Wahidi* (2013, 2nd Dist., Div. 7) 222 Cal.App.4th 802, 807;
21 *Regents of University of California v. Superior Court* (2013, 1st Dist., Div. 2) 222 Cal.App.4th 383,
400, as modified on denial of rehearing January 14, 2014; *Sheet Metal Workers' International Assn.,*
22 *Local 104 v. Duncan* (2014, 1st Dist., Div. 3) 229 Cal.App.4th 192, 214; *James v. State of California*
23 (2014, 5th Dist.) 229 Cal.App.4th 130, 141; *Los Angeles Unified School District v. Superior Court*
24 (2014, 2nd Dist., Div. 8) 228 Cal.App.4th 222, 238; *Rea v. Blue Shield of California* (2014, 2nd
Dist., Div. 1) 226 Cal.App.4th 1209, 1224, as modified on denial of rehearing July 9, 2014; *Nativi v.*
Deutsche Bank Nat'l Tr. Co., (2014, 6th Dist.) 223 Cal.App.4th 261, 274; *Javorsky v. W. Athletic*
Clubs, Inc. (2015, 1st Dist., Div. 5) 242 Cal.App.4th 1386, 1400; *Morales v. 22nd Dist. Agric. Assn.*
(2016, 4th Dist., Div. 1) 1 Cal.App.5th 504, as modified on denial of rehearing Aug. 5, 2016; *People*
ex rel. *Harris v. Delta Air Lines, Inc.* (2016, 1st Dist., Div. 3) 247 Cal.App.4th 884, 889; *Hutcheson*
v. *Eskaton FountainWood Lodge* (2017, 3rd Dist.) 17 Cal.App.5th 937, 950, rehearing denied Dec. 15,
2017, review denied Feb. 28, 2018; *Cornell v. City & County of San Francisco* (1st Dist., Div. 4) 17
Cal.App.5th 766, as modified Nov. 17, 2017, review denied Feb. 28, 2018

24 3. Prior Law and the Presumption of Legislative Knowledge:

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

28 The history of the amendments of section 1170.1 leading to its

1 current subdivisions (f) and (g), as well as the committee reports on
2 Senate Bill No. 721, make clear the Legislature that enacted those
3 subdivisions intended to permit the sentencing court to impose both
4 one weapon enhancement and one great-bodily-injury enhancement for
5 all crimes. *People v. Ahmed* (2011) 53 Cal.4th 156, 165

6 Our current summary judgment statute was enacted in 1973.
7 (Stats. 1973, ch. 366, § 2, p. 807; *Haskell v. Carli*, *supra*, 195
8 Cal.App.3d at p. 130, 240 Cal.Rptr. 439.) The pre-1973 version of
9 section 437c ... In revising section 437c, the Legislature intended
10 ... [Citation.]" (*Saldana v. Globe-Weis Systems Co.*, *supra*, 233
11 Cal.App.3d at p. 1512, 285 Cal.Rptr. 385, italics added.) Before
12 significant amendments were made in 1980, the trial court was to
13 consider ... (Stats. 1978, ch. 949, § 2, p. 2930.) ... *Reid v.*
14 *Google, Inc.* (2010) 50 Cal.4th 512, 528-533

15 Over 20 years ago, we extensively examined, in another context,
16 the legislative history of section 351 and related provisions. ...
17 Section 351, which can be traced back to 1917, has been amended a
18 number of times. ... *Lu v. Hawaiian Gardens Casino, Inc.* (2010) 50
19 Cal.4th 592, 598-601

20 The legislative history of section 19851 fully supports this
21 understanding of the statute, which traces its roots to section 73 of
22 the State Civil Service Act, initially enacted in 1943. (Stats. 1943,
23 ch. 1041, § 1, pp. 2976-2977.) ... [Court went through prior history]
24 *Professional Engineers in California Government v. Schwarzenegger*
25 (2010) 50 Cal.4th 989, 1026

26 ... The Legislature first enacted a civil penalty provision
27 similar to section 203 in 1915. (Stats.1915, ch. 143, § 3, p. 299.)
28 In 1919, the Legislature repealed the then existing law, but adopted
essentially the same provisions in a new act. (Stats.1919, ch. 202, §
5, p. 296; see *Smith*, *supra*, 39 Cal.4th at p. 87, fn.4, 45
Cal.Rptr.3d 394, 137 P.3d 218.) "At the time, the Bureau of Labor
Statistics (BLS) was the agency that recommended and enforced such
wage-related legislation. [Citation.]" (*Smith*, at p. 87, 45
Cal.Rptr.3d 394, 137 P.3d 218.) For that reason, we have previously
consulted its biennial reports "for whatever light they may shed
regarding the purpose of the wage payment legislation. (*See People ex*
rel. Lungren v. Superior Court (1996) 14 Cal.4th 294, 309 [58
Cal.Rptr.2d 855, 926 P.2d 1042] [although not necessarily
controlling, the contemporaneous administrative construction of a
statute by those charged with its enforcement and interpretation is
entitled to great weight].)" (*Smith*, at p. 87, 45 Cal.Rptr.3d 394,
137 P.3d 218.) The Bureau of Labor Statistics' (BLS) biennial reports
demonstrate ... (BLS, 20th Biennial Rep.: 1921-1922 (1923) p. 36.)
The BLS's views confirm ...

Then, in 1937, as part of the act establishing the Labor Code,
section 203 was enacted. (Stats.1937, ch. 90, § 203, p. 197.) ... 78
The Legislature subsequently amended section 203 in 1939 (Stats.1939,
ch. 1096, § 1, p. 3026), ... *Pineda v. Bank of America, N.A.* (2010)
50 Cal.4th 1389, 1398-1401, fn.9

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

1 Generally, the drafters who frame an initiative statute and the
2 voters who enact it may be deemed to be aware of the judicial
3 construction of the law that served as its source. *In re Harris*
4 (1989) 49 Cal.3d 131, 136

5 In addition, the Legislature is deemed to be aware of existing
6 laws and judicial decisions in effect at the time legislation is
7 enacted and to have enacted and amended statutes in the light of such
8 decisions as have a direct bearing upon them. *People v. Overstreet*
9 (1986) 42 Cal.3d 891, 897

10 "As a general proposition the courts have held that 'The very
11 fact that [a] prior act is amended demonstrates the intent to change
12 the pre-existing law....' [Citations.] Although a legislative
13 expression of the intent of an earlier act is not binding upon the
14 courts in their construction of the prior act, that expression may
15 properly be considered together with other factors in arriving at the
16 true legislative intent existing when the prior act was passed." (*Eu*
17 *v. Chacon, supra*, 16 Cal.3d at p. 470, 128 Cal.Rptr. 1, 546 P.2d 289;
18 cf. *Peralta Community College Dist. v. Fair Employment & Housing*
19 *Comm.* (1990) 52 Cal.3d 40, 52, 276 Cal.Rptr. 114, 801 P.2d 357
20 "[t]he declaration of a later Legislature is of little weight in
21 determining the relevant intent of the Legislature that enacted the
22 law [citations] ... when ... such declared intent is without
23 objective support in either the language or history of the
24 legislation and (until recently) is contrary as well to the practice
25 of the affected agency"].) *Geraghty v. Shalizi* (2017, 1st Dist., Div.
26 1) 8 Cal.App.5th 593, 600

27 These rules of construction apply to provisions of our
28 Constitution as well as statutes (e.g., *Provigo*, at p. 567, 28
Cal.Rptr.2d 638, 869 P.2d 1163), and in that context, we may look to
ballot pamphlets underlying adoption of those constitutional
provisions as part of the provision's legislative history (*People ex*
rel. Feuer v. Nestdrop, LLC (2016) 245 Cal.App.4th 664, 677, 199
Cal.Rptr.3d 871). *Santa Clarita Org. for Planning & Env't v. Castaic*
Lake Water Agency (2016, 2nd Dist., Div. 2) 1 Cal.App.5th 1084, as
modified on denial of rehearing Aug. 16, 2016

29 An enrolled bill report is properly considered as part of the
30 bill's legislative history because it is "likely to reflect the
31 understanding of the Legislature that enacted the statute ...
32 particularly because it is written by a governmental department
33 charged with informing the Governor about the bill so that he can
34 decide whether to sign it, thereby completing the legislative
35 process. Although these reports certainly do not take precedence over
36 more direct windows into legislative intent such as committee
37 analyses, and cannot be used to alter the substance of legislation,
38 they may be as here 'instructive' in filling out the picture of the
39 Legislature's purpose." (*In re Conservatorship of Whitley* (2010) 50
40 Cal.4th 1206, 1218, fn.3, [117 Cal.Rptr.3d 342, 241 P.3d 840])

41 A letter to the Governor from the author of a bill is not
42 evidence of the Legislature's intent because "no guarantee can issue
43 that those who supported his proposal shared his view of its
44 compass.'" (*California Teachers Assn. v. San Diego Community College*
45 *Dist.* (1981) 28 Cal.3d 692, 700, [170 Cal.Rptr. 817, 621 P.2d 856])

1 Committee reports about subsequent bills involving unrelated
2 amendments, while not entirely irrelevant, may not be utilized to
3 rebut evidence of the Legislature's actual intent at the time it
4 enacted a statute. "Although a legislative expression of the intent
5 of an earlier act is not binding upon the courts in their
6 construction of the prior act, that expression may properly be
7 considered together with other factors in arriving at the true
8 legislative intent existing when the prior act was passed." (*Eu v.*
Chacon (1976) 16 Cal.3d 465, 470, [128 Cal.Rptr. 1, 546 P.2d 289];
9 accord *Cummins, Inc. v. Superior Court* (2005) 36 Cal.4th 478, 492,
10 [30 Cal.Rptr.3d 823, 115 P.3d 98]) The Legislatures expressions of
11 its intent at the time it passes a bill cannot be rebutted by
12 subsequent statements by a different Legislature about its
13 retrospective understanding of the nature of the previous enactment.
14 *People v. Gonzales* (2015, 6th Dist.) 232 Cal.App.4th 1449

15 "It is most persuasive to us that the Legislature did not
16 anticipate the use of electronic signatures when it drafted the
17 statute and has since taken no action that can be construed as
18 approving them for this purpose." "It is most persuasive to us that
19 the Legislature did not anticipate the use of electronic signatures
20 when it drafted the statute and has since taken no action that can be
21 construed as approving them for this purpose." *Ni v. Slocum* (2011,
22 1st Dist., Div. 1) 196 Cal.App.4th 1636, 1650

23 The most significant items of extrinsic evidence concerning
24 section 31532 are two Attorney General opinions decided in the two
25 years preceding adoption of the 1957 amendment to the statute. (See
26 *State Employees' Retirement Act*, 25 Ops.Cal.Atty.Gen. 90 (1955)
27 (hereafter *1955 Opinion*); *State Employees' Retirement System*, 27
28 Ops.Cal.Atty.Gen. 267 (1956) (hereafter *1956 Opinion*)) ... 456
Attorney General opinions about the scope of a parallel
confidentiality provision in a closely related retirement law are
relevant and important in two respects. "First, 'When construing a
statute, we may presume that the Legislature acts with knowledge of
the opinions of the Attorney General which affect the subject matter
of proposed legislation.' [Citation.] Second, 'While not binding on
us, the opinions of the Attorney General are entitled to great
weight.'" (*Sacramento Retirement System, supra*, 195 Cal.App.4th at
pp. 455-456, 125 Cal.Rptr.3d 655) Consideration of Attorney General
opinions "is particularly appropriate where ... no clear case
authority exists, and the factual context of the opinions is closely
parallel to that under review." (*Thorpe v. Long Beach Community
College Dist.* (2000) 83 Cal.App.4th 655, 662-663 [99 Cal.Rptr.2d
897]) *Sonoma County Employees' Retirement Assn. v. Superior Court*
(2011, 1st Dist., Div. 1) 198 Cal.App.4th 986, 994-95

29 ... These ballot arguments submitted to the voters are proper
30 extrinsic evidence of voters' intent. (*Flood v. Riggs, supra*, 80
31 Cal.App.3d at p. 153, fn.18, 145 Cal.Rptr. 573) *Bautista v. State of
32 California* (2011, 2nd Dist., Div. 3) 201 Cal.App.4th 716, 731-32

33 Samantha asserts that the legislative history of the
34 predecessor statute to section 4512(a), former Health and Safety Code
35 section 38010, subdivision (a), enacted in 1976, shows a legislative
36 intent to broaden the definition of "developmental disability" to
37 conform to the then-existing federal definition of the term in the
38

1 1975 version of former 42 United States Code section 6001(7). But the
2 statutory definition of "developmental disability" enacted in
3 California in 1976 (former Health & Saf.Code, § 38010, subd. (a)) did
4 not track the language of the then-existing federal law. Although an
5 earlier version of the bill enacting former Health and Safety Code
6 section 38010, subdivision (a) proposed language which tracked the
7 federal statute, the provision as enacted by the Legislature did not
8 contain language tracking the federal law; rather, the language
9 adopted in former Health and Safety Code section 38010, subdivision
10 (a) was substantially similar to that in section 4512(a). A former
11 version of a bill which differs significantly from the version which
12 is enacted is of little value on the issue of legislative intent.
(*Dyna-Med, Inc. v. Fair Employment & Housing Comm.* (1987) 43 Cal.3d
1379, 1396, 241 Cal.Rptr. 67, 743 P.2d 1323 [unpassed bills, as
14 evidence of legislative intent, have little value.]) For the
15 foregoing reasons, we conclude that Samantha's reliance on the
16 legislative history of former Health and Safety Code section 38010,
17 subdivision (a) is to no avail. Thus, Samantha fails to persuade us
18 that section 4512(a), and DDS's rulemaking authority, are
19 circumscribed by Penal Code sections 1001.20 or 1376, or the federal
20 definition of "developmental disability" set out in the 1975 federal
21 statute. *Samantha C. v. State Department of Developmental Services*,
22 (2010, 2nd Dist., Div. 1) 185 Cal.App.4th 1462, 1489-1490, fn.7

23 Blankenship argues there is legislative intent to the contrary,
24 and he assertedly finds it in the 1995 and 2003 amendments to section
25 11580.2(i). We, however, do not agree. *Blankenship v. Allstate*
26 *Insurance Co.* (2010, 3rd Dist.) 186 Cal.App.4th 87, 96

27 An agency's interpretation of a statute "'may be helpful'"
28 where "'application of the settled rules of statutory construction
does not clearly reveal the Legislature's intent....'" (*Katosh v.*
Sonoma County Employees' Retirement Assn. (2008) 163 Cal.App.4th 56,
63, 77 Cal.Rptr.3d 324) *People v. Wilson* (2010, 5th Dist.) 186
Cal.App.4th 789, 820, 821-822

18 Plaintiffs contend that the legislative history supports the
19 interpretation of section 19851 that they urge. We do not believe
20 that it is necessary for us to resort to legislative history in
21 interpreting this statute. When "legislative intent is expressed in
22 unambiguous terms, we must treat the statutory language as
23 conclusive; 'no resort to extrinsic aids is necessary or proper.'
24 [Citation.]" (*Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29
25 Cal.4th 53, 61, 124 Cal.Rptr.2d 507, 52 P.3d 685) In any event, our
26 conclusion is not altered by our review of the legislative history.
27 Even if the plain language of the statutory scheme did not decide the
28 issue, the legislative history does not support plaintiffs'
arguments.

Plaintiffs contend that section 19851 was intended to provide
for mandatory payment of overtime wages because former section "18020
and [section] 19851 were the only existing overtime protections for
state employees when they were enacted (in 1945 and 1981,
respectively) because the FLSA did not yet apply to the States." This
argument is contradicted by the very legislative history materials on
which they rely ... [Discussion of prior history of statute by court]
... Thus, the legislative history is consistent with our
interpretation of the statute's plain language—that section 19851

1 does not address the payment of overtime compensation. *California*
2 *Corr. Peace Officers Assn. v. State of California* (2010, 1st Dist.,
Div. 5) 189 Cal.App.4th 849, 862-864, fn.14

3 The legislative history of Assembly Bill No. 2126 of the 2005-
4 2006 regular session, which repealed and reenacted section 291,
5 supports this conclusion. An analysis of Assembly Bill No. 2126
6 prepared for the Senate Judiciary Committee examined the existing law
... (Sen. Com. On Judiciary, Analysis of Assem. Bill No. 2126 (2005-
2006 Reg. Sess.) as amended April 20, 2006, page 2. *Schelb v. Stein*,
(2010, 2nd Dist., Div. 4) 190 Cal.App.4th 1440, 1451

7 ... In 1937, the Legislature enacted sections 1198 and 1199,
8 which provide, ... (Stats. 1937, ch. 90, §§ 1198-1199, pp. 217-218.)
9 For purposes of our inquiry, the current versions of these statutes
are materially similar to the 1937 provisions. *Home Depot U.S.A.,*
Inc. v. Superior Court, (2010, 2nd Dist., Div. 4) 191 Cal.App.4th
10 210, 217, as modified on denial of rehearing Jan. 10, 2011

11 The 2002 amendment to the Ellis Act shows that after Costa-
12 Hawkins was enacted, the Legislature continued to regard section
13 7060.2, subdivision (d) as the law of this state. This amendment
14 conclusively rebuts plaintiff's position regarding the alleged
15 implied repeal of section 7060.2, subdivision (d). The Legislature
16 would not have amended section 7060.2, subdivision (d) in 2002 if it
had repealed that statute with Costa-Hawkins in 1995. We cannot
presume the Legislature engaged in an idle act. (See *California*
Teachers Assn. v. Governing Bd. of Rialto Unified School Dist. (1997)
14 Cal.4th 627, 634, 59 Cal.Rptr.2d 671, 927 P.2d 1175; *In re B.J.B.*
15 (1986) 185 Cal.App.3d 1201, 1206, 230 Cal.Rptr. 332.) *Apartment Assn.*
of Los Angeles County, Inc. v. City of Los Angeles (2009, 2nd Dist.)
16 173 Cal.App.4th 13

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*
Pathology Service Medical Clinic v. Superior Court (1992) 3 Cal.4th 181, 187; *Mercy Hospital and*
Medical Center v. Farmers Insurance Group of Companies (1997) 15 Cal.4th 213, 221; *Martinez v. Combs*
19 (2010) 49 Cal.4th 35; *Stockton Citizens for Sensible Planning v. City of Stockton* (2010) 48 Cal.4th
481, 503; *Goodman v. Lozano* (2010) 47 Cal.4th 1327, 1335, as modified Mar. 30, 2010; *People v.*
Sisuphan (2010) 181 Cal.App.4th 800, 808; *Lexin v. Superior Court* (2010) 47 Cal.4th 1050, 1080, as
20 modified Apr. 22, 2010; *People v. Robinson* (2010) 47 Cal.4th 1104, 1139; *SeaBright Insurance Co. v.*
US Airways, Inc. (2011) 52 Cal.4th 590, 607; *Cortez v. Abich* (2011) 51 Cal.4th 285, 293; *Cassel v.*
Superior Court (2011) 51 Cal.4th 113, 130; *Voices of the Wetlands v. State Water Resources Control*
21 *Board* (2011) 52 Cal.4th 499, 526; *Jankey v. Lee* (2012) 55 Cal.4th 1038, 1050; *DiCampi-Mintz v.*
County of Santa Clara (2012) 55 Cal.4th 983, 993; *In re M.M.* (2012) 54 Cal.4th 530, 537; *People v.*
Correa (2012) 54 Cal.4th 331, 346; *People v. Cornett* (2012) 53 Cal.4th 1261, 1267; *Ceja v. Rudolph &*
Sletten, Inc. (2013) 56 Cal.4th 1113, 1121; *People v. Leiva* (2013) 56 Cal.4th 498, 513; *People v.*
Suff (2014) 58 Cal.4th 1013, 1055; *Larkin v. Workers' Comp. Appeals Bd.* (2015) 62 Cal.4th 152, 164;
23 *Fluor Corp. v. Superior Court* (2015) 61 Cal.4th 1175, 1194; *Estate of Duke* (2015) 61 Cal.4th 871;
Johnson v. Department of Justice (2015) 60 Cal.4th 871; *People v. Rinehart* (2016) 1 Cal.5th 652;
24 *People v. Vidana* (2016) 1 Cal.5th 632; *Prop. Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151;
People v. Hubbard (2016) 63 Cal.4th 378; *F.P. v. Monier* (2017) 3 Cal.5th 1099, 1105

25 *Estate of Simoni* (1963) 220 Cal.App.2d 339, 341; *Rosenthal v. Cory* (1977) 69 Cal.App.3d 950, 953;
People v. Horn (1984) 158 Cal.App.3d 1014; *Tafoya v. Hastings College of Law* (1987) 191 Cal.App.3d
26 437, 447; *Yoffie v. Marin Hospital District* (1987) 193 Cal.App.3d 743, 748; *People v. Stockton*
Pregnancy Control Clinic (1988) 203 Cal.App.3d 225, 233-34; *Bullock v. City and County of San*
Francisco (1990, 1st Dist.) 221 Cal.App.3d 1072, 1096; *Hobbs v. Municipal Court* (1991, 4th Dist.) 233
27 Cal.App.3d 670, 682; *In re Thanh Q.* (1992, 4th Dist.) 2 Cal.App.4th 1386, 1389; *State Board of*
Education v. Honig (1993, 3rd Dist.) 13 Cal.App.4th 720, 733; *Southern Pacific Pipe Lines v. State*
Board of Equalization (1993) 14 Cal.App.4th 42, 54; *In re Rottanak K.* (1995, 5th Dist.) 37
28 Cal.App.4th 260, 267; *Stone v. New England Insurance Co.* (1995, 2nd Dist.) 33 Cal.App.4th 1175, 1211;

1 In re Walters (1995, 3rd Dist.) 39 Cal.App.4th 1546, 1557; People v. Ledesma (1997) 16 Cal.4th 90,
2 98, 100; County of Orange v. Ranger Insurance Co. (1998, 4th Dist.) 61 Cal.App.4th 795, 801; Dant v.
3 Superior Court (1998, 1st Dist.) 61 Cal.App.4th 380, 387, fn.10; Covarrubias v. Superior Court (1998,
4 6th Dist.) 60 Cal.App.4th 1168, 1177; In re Marriage of Perry (1998, 3rd Dist.) 61 Cal.App.4th 295,
5 305, 306; People v. Garcia (1998, 1st Dist.) 63 Cal.App.4th 820, 830; Townzen v. County of El Dorado
6 (1998, 3rd Dist.) 64 Cal.App.4th 1350, 1357, 1358; Edgar v. Workers' Compensation Appeals Board
7 (1998, 4th Dist.) 65 Cal.App.4th 1, 18; People v. Sisuphan (2010, 1st Dist., Div. 3) 181 Cal.App.4th
8 800, 808; 612 S. LLC v. Laconic Ltd. Partnership (2010, 4th Dist., Div. 1) 184 Cal.App.4th 1270,
9 1281; Fulton v. Medical Board of California (2010, 2nd Dist., Div.4) 183 Cal.App.4th 1510, 1515;
10 Lockton v. O'Rourke (2010, 2nd Dist., Div. 4) 184 Cal.App.4th 1051, 1069; People v. Bojorquez (2010,
11 4th Dist., Div. 3) 183 Cal.App.4th 407, 419; Purifoy v. Howell (2010, 1st Dist., Div. 3) 183
12 Cal.App.4th 166, 177; Estate of Winans (2010, 1st Dist., Div. 1) 183 Cal.App.4th 102, 120; California
13 School Employees Assn. v. Torrance Unified School District (2010, 2nd Dist., Div. 3) 182 Cal.App.4th
14 1040, 1045; San Francisco Unified School District ex rel. Contreras v. Laidlaw Transit, Inc. (2010,
15 1st Dist., Div. 5) 182 Cal.App.4th 438, 447, as modified on denial of rehearing Mar. 25, 2010; State
16 Farm Gen. Ins. Co. v. JT's Frames, Inc. (2010, 2nd Dist., Div. 4) 181 Cal.App.4th 429, 443; Los
17 Angeles Unified School Dist. v. County of Los Angeles (2010, 2nd Dist., Div. 4) 181 Cal.App.4th 414,
18 425; Suleman v. Superior Court (2010, 4th Dist., Div. 3) 180 Cal.App.4th 1287, 1298; People v. Eckard
19 (2011, 2nd Dist., Div. 1) 195 Cal.App.4th 1241, 1250; Department of Industrial Relations v. Davis
20 Moreno Construction, Inc. (2011, 5th Dist.) 193 Cal.App.4th 560, 577; Estate of Bartsch (2011, 1st
21 Dist., Div. 1) 193 Cal.App.4th 885, 897; Harbour Vista, LLC v. HSBC Mortgage Services, Inc. (2011,
22 4th Dist., Div. 3) 201 Cal.App.4th 1496, 1505; California Medical Assn. v. Brown (2011, 1st Dist.,
23 Div. 1) 193 Cal.App.4th 1449, 1460; Westamerica Bank v. City of Berkeley, (2011, 1st Dist., Div. 4)
24 201 Cal.App.4th 598, 611-12; Community Water Coalition v. Santa Cruz County Local Agency Formation
25 Comm. (2011, 6th Dist.) 200 Cal.App.4th 1317, 1326; Haligowski v. Superior Court (2011, 2nd Dist.,
26 Div. 3) 200 Cal.App.4th 983, 988; In re Cesar V. (2011, 6th Dist.) 192 Cal.App.4th 989, 997;
27 Sacramento County Employees Retirement System v. Superior Court (2011, 3rd Dist.) 195 Cal.App.4th
28 440, 456; Bologna v. City and County of San Francisco (2011, 1st Dist., Div. 3) 192 Cal.App.4th 929,
436; Ribeiro v. County of El Dorado (2011, 3rd Dist.) 195 Cal.App.4th 354, 358, 365; In re The Wall
Street Journal (2011, 2nd Dist., Div. 3) 199 Cal.App.4th 1186, 1191; In re J.F. (2011, 4th Dist.,
Div. 1) 196 Cal.App.4th 321, 332; Guardianship of Christian G. (2011, 1st Dist., Div. 2) 195
Cal.App.4th 581, 603, as modified May 31, 2011; Roy v. Superior Court (2011, 3rd Dist.) 198
Cal.App.4th 1337, 1351; Archer v. United Rentals, Inc. (2011, 2nd Dist., Div. 1) 195 Cal.App.4th 807,
820-827, as modified on denial of rehearing June 13, 2011; Adoption of B.C. (2011, 4th Dist., Div. 2)
195 Cal.App.4th 913, 919-22; In re Rolando S. (2011, 5th Dist.) 197 Cal.App.4th 936, 944, as modified
on denial of rehearing Aug. 10, 2011; People v. Barros (2012, 1st Dist., Div. 5) 209 Cal.App.4th
1581, 1590, 1593; Doe v. Doe 1 (2012, 2nd Dist., Div. 8) 208 Cal.App.4th 1185, 1189; Neville v.
County of Sonoma (2012, 1st Dist., Div. 2) 206 Cal.App.4th 61, 78, as modified June 6, 2012; Tri-
State, Inc. v. Long Beach Community College Dist. (2012, 2nd Dist, Div. 3) 204 Cal.App.4th 224, 230;
People v. Casarez (2012, 5th Dist.) 203 Cal.App.4th 1173, 1183; People v. Childs (2013, 1st Dist.,
Div. 4) 220 Cal.App.4th 1079, 1099; Regents of Univ. of California v. Superior Court (2013, 2nd
Dist., Div. 7) 220 Cal.App.4th 549, 561, as modified on denial of rehearing Nov. 13, 2013; Morriral
v. Rogers (2013, 1st Dist., Div. 5) 220 Cal.App.4th 438, 454; People v. Rahbari (2014, 1st Dist.,
Div. 5) 232 Cal.App.4th 185, 192; People v. Whitmer, (2014, 2nd Dist., Div. 4) 230 Cal.App.4th 906,
918; Moorefield Construction, Inc. v. Intervest-Mortgage Investment Co. (2014, 4th Dist., Div. 1) 230
Cal.App.4th 146, 159; Sheet Metal Workers' International Assn., Local 104 v. Duncan (2014, 1st Dist.,
Div. 3) 229 Cal.App.4th 192, 214; People v. Lofchie (2014, 2nd Dist., Div. 2) 229 Cal.App.4th 240,
251; Conservatorship of Parker (2014, 2nd Dist., Div. 2) 228 Cal.App.4th 803, 810; Am. Indian Model
Sch. v. Oakland Unified Sch. Dist. (2014, 1st Dist., Div. 2) 227 Cal.App.4th 258, 266; Hilton v.
Superior Court (2014, 2nd Dist., Div. 3) 224 Cal.App.4th 47, 778, publication ordered, 354 P.3rd 356
(2015); Brewer Corp. v. Point Ctr. Fin., Inc. (2014, 4th Dist., Div. 1) 223 Cal.App.4th 831, 850, as
modified on denial of rehearing Feb. 27, 2014; Donorovich-Odonnell v. Harris (2015, 4th Dist., Div.
1) 241 Cal.App.4th 1118, 1130; People ex rel. Ross v. Raisin Valley Farms LLC (2015, 3rd Dist.) 240
Cal.App.4th 1254, 1265; People v. Toloy (2015, 6th Dist.) 239 Cal.App.4th 1116, 1121); Siskiyou
County Farm Bureau v. Department of Fish & Wildlife (2015, 3rd Dist.) 237 Cal.App.4th 411, as
modified on denial of rehearing June 26, 2015; Linda Vista Vill. San Diego Homeowners Assn., Inc. v.
Tecolote Investors, LLC (2015, 4th Dist., Div. 1) 234 Cal.App.4th 166, 186; Eblovi v. Blair (2016,
1st Dist., Div. 3) 6 Cal.App.5th 310, 315; People v. Chavez (2016, 3rd Dist.) 5 Cal.App.5th 110,
aff'd on other grounds, 4 Cal.5th 771 (2018); ZF Micro Devices, Inc. v. TAT Capital Partners, Ltd.
(2016, 6th Dist.) 5 Cal.App.5th 69, 85, as modified Nov. 30, 2016; D'Egidio v. City of Santa Clarita
(2016, 2nd Dist., Div. 4) 4 Cal.App.5th 515, 520; California Public Records Research, Inc. v. County
of Yolo (2016, 3rd Dist.) 4 Cal.App.5th 150, 176; Bldg. Indus. Assn. of Bay Area v. City of San Ramon
(2016, 1st Dist., Div. 2) 4 Cal.App.5th 62, 78; Adoption of A.B. (2016, 4th Dist., Div. 1) 2
Cal.App.5th 912; Center for Biological Diversity v. Department of Fish & Wildlife (2016, 2nd Dist.,
Div. 5) 1 Cal.App.5th 452; County of Santa Clara v. Escobar (2016, 6th Dist.) 244 Cal.App.4th 555;
Construction Industry Force Account Council, Inc. v. Ross Valley Sanitary Dist. (2016, 1st Dist.,
Div. 3) 244 Cal.App.4th 1303; Lipman v. City of Oakland (2017, 1st Dist., Div. 4) 19 Cal.App.5th
750, rehearing denied (Feb. 16, 2018), review denied Apr. 11, 2018; Pacific Gas & Electric Co. v.
Hart High-Voltage Apparatus Repair & Testing Co. (2017, 5th Dist.) 18 Cal.App.5th 415, review denied
Mar. 28, 2018; Department of Forestry & Fire Prot. v. Howell (2017, 3rd Dist.) 18 Cal.App.5th 154,
177, rehearing denied Jan. 3, 2018, review denied Mar. 14, 2018; Irvin v. Contra Costa County

1 *Employees' Ret. Assn.* (2017, 1st Dist.) 13 Cal.App.5th 162, 167; *People ex rel. Pierson v. Superior*
2 *Court* (2017, 3rd Dist.) 7 Cal.App.5th 402, 406

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

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

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

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

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

...

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

///
28

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

2 In any event, "legislative intent is not gleaned solely from
3 the preamble of a statute; it is gleaned from the statute as a whole,
4 which includes the particular directives.'" (*Briggs v. Eden Council
for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1118, 81 Cal.Rptr.2d
471, 969 P.2d 564.) *In re Abigail A.* (2016) 1 Cal.5th 83

5 Neither the text of the construction clause nor any other
6 language in the ADA addresses how to determine whether a state law
7 affords equal or greater protection than the ADA. Accordingly, we may
8 turn to the legislative history for insight. (E.g., *Clayworth v.
Pfizer, Inc.* (2010) 49 Cal.4th 758, 770, 111 Cal.Rptr.3d 666, 233
9 P.3d 1066.) The committee reports explaining the construction clause
10 reveal an intent that a state law should qualify for protection from
preemption whenever at a minimum *some part* of it is superior to the
11 ADA in the protection it affords, such that an individual with a
disability might choose to invoke it, even if the law may in other
12 respects provide procedures or remedies that are arguably inferior.
Jankey v. Lee (2012) 55 Cal.4th 1038, 1050

13 Analyses prepared for members of partisan caucuses are not
14 necessarily reliable indicators of legislative intent, as they may
15 not be shared on an official basis with the whole of the legislative
body. As will become clear below, we refer to the Republican analyses
16 here only for the limited purpose of illuminating the substance of
17 Republican objections to the bill, objections the Democratic author
18 later accommodated through the amendment at issue. *Runyon v. Board of
Trustees of California State University* (2010) 48 Cal.4th 760, 770,
19 fn.6

20 Defendants cite to a number of letters and reports submitted by
21 various persons and groups to the Legislature in support of Senate
22 Bill No. 1555. ... In any event, summaries submitted to the
23 Legislature by outside parties cannot alter the plain statutory
24 language the Legislature actually enacted, which contains no
25 requirement that the felonious criminal conduct be gang related.
26 (*Exxon Mobil Corp. v. Allapattah Services, Inc.* (2005) 545 U.S. 546,
27 568, 125 S.Ct. 2611, 162 L.Ed.2d 502; cf. *Vasquez v. State of
California* (2008) 45 Cal.4th 243, 252-253, 85 Cal.Rptr.3d 466, 195
28 P.3d 1049.) *People v. Albillar* (2010) 51 Cal.4th 47, 57

29 Prior to the 1990 amendment, ... (Former § 437c, subd. (b) as
30 amended by Stats. 1984, ch. 171, § 1, p. 545, italics added.) As
31 introduced, Senate Bill No. 2594 (1989-1990 Reg. Sess.) proposed ...
32 (Sen. Bill No. 2594 (1989-1990 Reg. Sess.) as introduced Mar. 1,
33 1990, p. 2, italics added.) The Legislature then changed this
34 language to ... (§ 437c, subd. (b), italics added, as amended by
35 Stats. 1990, ch. 1561, § 2, p. 7331, enacting Sen. Bill No. 2594
(1989-1990 Reg. Sess.) as amended May 7, 1990.) *Reid v. Google, Inc.*
(2010) 50 Cal.4th 512, 528-533

36 ... we can draw some inferences from four bodies of evidence:
37 the history of amendments to the bill prior to its adoption; a
38 comparison of this statute with the HLA, adopted six years earlier;
and enrolled bill reports concerning a nearly identical provision
adopted within a few days of section 23004.1. *County of Santa Clara
v. Escobar* (2016, 6th Dist.) 244 Cal.App.4th 555

1 The evolution of a proposed statute after its original
2 introduction is helpful when determining legislative intent. (*People*
3 *v. Hunt* (1999) 74 Cal.App.4th 939, 947, 88 Cal.Rptr.2d 524.) The
4 Legislature's rejection of a specific provision which appeared in the
5 original version of an act supports the conclusion that the act
6 should not be construed to include the omitted provision. (*Ibid.*)
7 *People v. Tingtungco* (2015, 2nd Dist., Div. 8) 237 Cal.App.4th 249,
8 255

9 "Unpassed bills, as evidences of legislative intent, have
10 little value." (*Dyna-Med, Inc. v. Fair Employment & Housing Comm.*
11 (1987) 43 Cal.3rd 1379, 1396, 241 Cal.Rptr. 67, 743 P.2nd 1323.) "A
12 former version of a bill which differs significantly from the version
13 which is enacted is of little value on the issue of legislative
14 intent." (*Samantha C. v. State Department of Developmental Services*
15 (2010) 185 Cal.App.4th 1462, 1489, 112 Cal.Rptr.3rd 415; see *Conrad*
16 *v. Medical Bd. of California* (1996) 48 Cal.App.4th 1038, 1050, fn.6,
17 55 Cal.Rptr.2nd 901 [rejected provisions treated the same as unpassed
18 bills].) *Department of Corrections & Rehabilitation v. State*
19 *Personnel Bd.* (2014, 6th Dist.) 227 Cal.App.4th 1250, 1259

20 According to *Tokash, supra*, 79 Cal.App.4th at page 1378, 94
21 Cal.Rptr.2d 814, "the evolution of the legislative language after the
22 bill's original introduction, which can offer 'considerable
23 enlightenment as to legislative intent' (*People v. Goodloe* (1995) 37
24 Cal.App.4th 485, 491, 44 Cal.Rptr.2d 15), confirms the Legislature
25 did not intend to limit the enhancement to victims in permanent
26 comas. *People v. Delgado* (2013, 3rd Dist.) 213 Cal.App.4th 660, 668

27 "[W]e have routinely found enrolled bill reports, prepared by a
28 responsible agency contemporaneous with passage and before signing,
instructive on matters of legislative intent. [Citations.]" (*Elsner*
v. Uveges (2004) 34 Cal.4th 915, 934, fn.19, 22 Cal.Rptr.3d 530, 102
P.3d 915; see also *Committee for Green Foothills v. Santa Clara*
County Bd. of Supervisors (2010) 48 Cal.4th 32, 49-50, 105
Cal.Rptr.3d 181, 224 P.3d 920.) *Burgos v. Superior Court* (2012, 1st
Dist., Div. 5) 206 Cal.App.4th 817, 829, 832

This conclusion is not inconsistent with section 11711. While
section 11711 does not provide for attorney fees, it does not
prohibit an award of attorney fees either. Further, contrary to
Western Surety's position, the fact that one effort to amend section
11711 to make attorney fees recoverable was unsuccessful does not
indicate a legislative intent to prohibit attorney fees. "[E]ven when
the Legislature amends a bill to add a provision, and then deletes
that provision in a subsequent version of the bill, this failure to
enact the provision is of little assistance in determining the intent
of the Legislature." (*American Financial Services Assn. v. City of*
Oakland (2005) 34 Cal.4th 1239, 1261-1262, 23 Cal.Rptr.3d 453, 104
P.3d 813.) The Legislature's failure to provide for attorney fees
cannot be interpreted as the intent to prohibit attorney fees under
all circumstances. *Pierce v. W. Sur. Co.* (2012, 5th Dist.) 207
Cal.App.4th 83, 92

Although the Legislative Counsel's Digest is not binding on
this court, it is nonetheless "entitled to great weight." (*Jones v.*
Lodge at Torrey Pines Partnership (2008) 42 Cal.4th 1158, 1170, 72

1 Cal.Rptr.3d 624, 177 P.3d 232.) As the Supreme Court explained in
2 *Jones*, "It is reasonable to presume that the Legislature [acted]
3 with the intent and meaning expressed in the Legislative Counsel's
4 digest." [Citation.]" (*Ibid.*)

5 Legislative committee reports such as these "provide some
6 indication of how the measure was understood at the time by those who
7 voted to enact it." (*People v. Cruz* (1996) 13 Cal.4th 764, 773-774,
8 fn.5, 55 Cal.Rptr.2d 117, 919 P.2d 731.)

9 As the Supreme Court explained in *Elsner v. Uveges* (2004) 34
10 Cal.4th 915, 22 Cal.Rptr.3d 530, 102 P.3d 915, "[W]e have routinely
11 found enrolled bill reports, prepared by a responsible agency
12 contemporaneous with passage and before signing, instructive on
13 matters of legislative intent." (*Id.* at p. 934, fn.19, 22 Cal.Rptr.3d
14 530, 102 P.3d 915.) *Martin v. PacifiCare of California* (2011, 4th
15 Dist., Div. 3) 198 Cal.App.4th 1390, 1402

16 Committee and floor analyses are properly considered in
17 determining a statute's meaning. (See, e.g., *Jevne v. Superior Court*
18 (2005) 35 Cal.4th 935, 948, [28 Cal.Rptr.3d 685, 111 P.3d 954];
19 *Hassan v. Mercy American River Hosp.* (2003) 31 Cal.4th 709, 717, [3
20 Cal.Rptr.3d 623, 74 P.3d 726].) *Toyota Motor Corp. v. Superior Court*
21 (2011, 2nd Dist., Div. 3) 197 Cal.App.4th 1107, 1118

22 Since the Uniform Act did not contain a reasonable royalty
23 provision at the time the California Legislature drafted the CUTSA,
24 our Legislature had to draft its own version. The history of Assembly
25 Bill No. 501, by which the CUTSA was enacted, does not elaborate on
26 the issue. The reasonable royalty provision was added in an early
27 amendment, phrased exactly as it is currently. (See, e.g., Assem.
28 Bill No. 501, as amended Apr. 21, 1983, Leg. Intent Service, p. 16.)
Other legislative materials shed no light upon the problem before us.
(See, e.g., Sen. Rep. Caucus, analysis Assem. Bill No. 501, Aug. 15,
1984, Leg. Intent. Service, p. 11 [stating that reasonable royalties
would be available if damages or unjust enrichment "could not be
proved"].) Since the CUTSA was intended to codify the common law, it
is reasonable to assume that the Legislature intended the reasonable
royalty amendment to track the common law practice of allowing for
reasonable royalties when the plaintiff could not prove any loss and
the defendant "made no actual profits." There is no reason to believe
that the Legislature intended the hairsplitting distinction *E*Trade*
urges here. *Ajaxo, Inc. v. E*Trade Fin. Corp.* (2010) 187 Cal.App.4th
1295, 1310-1311 and 115 Cal.Rptr.3d 168, 181-182, fn.9

29 During the amendment process, the Legislature considered and
30 rejected a proposal that would have changed the language of former
31 subdivision (d) (now subdivision (e)) to provide:... (Sen. Amends. to
32 Assem. Bill No. 930 (2001-2002 Reg. Sess.) as amended, June 26, 2002,
33 and Aug. 13, 2002, § 1.) The Assembly Floor Analysis of the final
34 version of the 2002 bill stated that ... *Colony Cove Properties, LLC*
35 *v. City of Carson* (2010, 2nd Dist.) 187 Cal.App.4th 1487, 1502-1503

36 The bill was twice amended in 1975 before the definition of
37 debt currently found in the statute was added to the proposed
38 language. (Assem. Bill No. 711 (1975-1976 Reg. Sess.) as amended May
29, 1975.) In April 1975, when the amendment containing the current
definition of debt was proposed, the bill was opposed by the
California Bankers' Association and the California Credit Union

1 League. (Assem. Com. on Finance, Insurance and Commerce, Analysis of
2 Assem. Bill No. 711 (1975-1976 Reg. Sess.) as amended Apr. 16, 1975,
3 p.3.) However, by September 11, 1975, the bill had "no opposition as
4 the sponsor, author, and financial institutions have worked closely
5 together." (Dept. Consumer Affairs, Enrolled Bill Rep. on Assem. Bill
6 No. 711 (1975-1976 Reg. Sess.) Sept. 11, 1975, p.1.) It is reasonable
7 to conclude that the former opponents of the bill successfully sought
8 to amend the language to exclude internal account balancing from the
9 statute's reach, particularly in light of the documents suggesting
10 that financial institutions "worked closely" with the bill's authors
11 and sponsors. In any event, while the materials do not reveal
12 precisely why, or at the behest of whom, the definition of debt was
13 amended to exclude overdrafts and bank charges, it is clear from the
14 statutory language that the Legislature intended to treat charges for
15 overdrafts and NSF fees differently *Miller v. Bank of America*
16 (2009) 46 Cal.4th 630

17 ... Importantly, the bill as originally introduced required the
18 court to enforce The original version of the bill contained a
19 separate paragraph on predispute reference agreements An
20 Assembly committee report noted that then-existing law provided that
21 a court "may" ... and that the proposed bill "would require a court
22 to compel ... "(Assem. Com. on Judiciary, Analysis of Assem. Bill No.
23 3657 (1982 Sess.) April 28, 1982, p.1.) Committee staff commented:
24 "Should not the court have the discretion to decide that ... the
25 issues would be more properly or efficiently decided by the judge?
26 ... (*Id.* at pp. 1-2.) The legislators embraced this recommendation.
27 The bill was amended to delete the mandatory language of the bill as
28 originally introduced, and to use permissive language. (Assem. Amend.
to Assem. Bill No. 3657 (1982 Sess.) May 10, 1982.) ... The
legislative history thus confirms that the Legislature specifically
intended to vest courts with discretion to deny predispute reference
agreements, just as the court has discretion to deny postdispute
reference agreements. *Tarrant Bell Property, LLC v. Superior Court*
(2009, 1st Dist.) 179 Cal.App.4th 1283

The Senate later amended Bill No. 2509, deleting ... This
deletion, far from supporting KCP's position, is further evidence
against it. "The rejection of a specific provision contained in an
act as originally introduced is 'most persuasive' that the act should
not be interpreted to include what was left out." *Murphy v. Kenneth
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 evidence subsequent amendment to the bill excised ... Our past
decisions note deletions from bills prior to their passage as
significant indicia of legislative intent. [Citations.] *Wells v.
Onezone Learning Foundation* (2006) 39 Cal.4th 1164, 1191-1192

As originally introduced, Assembly Bill No. 1675 provided ...
(Assem. Bill No. 1675 (1999-2000 Reg. Sess.) as introduced Mar. 16,
1999, p. 2, italics added.) The Legislature later deleted the
(See Assem. Bill No. 1675 (1999-2000 Reg. Sess.) as amended July 6,
1999, p. 2.) In analyzing the proposed deletion, the Senate Committee

1 on the Judiciary reported *Varian Medical Systems, Inc. v.*
2 *Delfino* (2005) 35 Cal.4th 180, 194

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

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

9 We may take judicial notice of different versions of the same
10 bill; the Legislative Counsel's Digest; reports by the Senate and
11 Assembly Judiciary Committees, reports by the Senate and Assembly
12 Appropriations Committees, and reports by the Office of Senate Floor
13 Analyses. (*Kaufman & Broad Communities, Inc. v. Performance*
14 *Plastering, Inc.* (2005) 133 Cal.App.4th 26, 31-37 [34 Cal.Rptr.3d
15 520] [collecting cases]; see *Soukup v. Law Offices of Herbert Hafif*
16 (2006) 39 Cal.4th 260, 279, fn.9 [46 Cal.Rptr.3d 638, 139 P.3d 30].)
17 As a general rule, "legislative history must shed light on the
18 collegial view of the Legislature as a whole." (*Kaufman*, at p. 30, 34
19 Cal.Rptr.3d 520.) Some of the reports we consider include statements
20 by the author of Senate Bill No. 274. Because these "statements
21 appear to be part of the debate on the legislation and were
22 communicated to other legislators, we can regard them as evidence of
23 legislative intent." (*Carter v. California Department of Veterans*
24 *Affairs* (2006) 38 Cal.4th 914, 928[44 Cal.Rptr.3d 223, 135 P.3d 637]
25 (*Carter*); cf. *Kaufman*, at pp. 37, 39, 34 Cal.Rptr.3d 520 [statements
26 by bill's author that were not communicated to the Legislature as a
27 whole are not deemed legislative history]. *In re Donovan L.* (2016,
28 4th Dist., Div. 1) 244 Cal.App.4th 1075, 1089

16 When the Legislature chooses to omit a provision from the final
17 version of a statute which was included in an earlier version, this
18 is strong evidence that the act as adopted should not be construed to
19 incorporate the original provision. (*Central Delta Water Agency v.*
20 *State Water Resources Control Board* (1993) 17 Cal.App.4th 621, 634,
21 21 Cal.Rptr.2d 453.) *People v. Delgado* (2013, 2nd Dist., Div. 6) 214
22 Cal.App.4th 914, 918

20 DISSENTING OPINION: My interpretation is bolstered by a fuller
21 examination of the Act's legislative history. The evolution of a
22 proposed statute after its original introduction is relevant to
23 showing legislative intent. (*Conservatorship of Bryant* (1996) 45
24 Cal.App.4th 117, 128, 52 Cal.Rptr.2d 755.) An amendment that deletes
25 certain language and replaces it with different terms creates a
26 presumption that the Legislature intended a different meaning and
27 effect. (*Id.* at p. 129, 52 Cal.Rptr.2d 755.) Legislative rejection of
28 specific language in an act as originally introduced is persuasive
evidence the act should not be construed to include the omitted
language. (*Id.* at p. 130, 52 Cal.Rptr.2d 755.)

When first introduced on February 22, 1996, the proposed
version of section 11714, subdivision (a) called for a two-year
limitations period that ran from the time the plaintiff had reason to
know he had been harmed by the defendant's act of furnishing unlawful
drugs. Proposed subdivision (b) stated, "For a plaintiff, the statute
of limitations under this section *is tolled*..." while the plaintiff
was incapacitated by his use of illegal drugs, and, for a defendant,

1 the statute of limitations "[was] tolled " until six months after his
2 conviction of a drug offense. (Sen. Bill No. 1754 (1995-1996 Reg.
3 Sess.) as introduced Feb. 22, 1996, italics added; see Legis.
4 Counsel's Dig., Sen. Bill No. 1754 (1995-1996 Reg. Sess.) 6 Stats.
5 1996, Summary Dig., p. 348.) On May 29, 1996, the Act's limitation
6 provision was amended into its current form, omitting all references
7 to tolling in subdivision (b). (Sen. Bill No. 1754 (1995-1996 Reg.
8 Sess.) as amended May 29, 1996; see Legis. Counsel's Dig., Sen. Bill
9 No. 1754 (1995-1996 Reg. Sess.) 6 Stats. 1996, Summary Dig., p. 348.)
10 In short, the bill as originally introduced included what was
11 expressly described as a tolling provision, but that language was
12 deleted and replaced with language that enlarged the limitations
13 period for certain defendants. *Barker v. Garza* (2013, 2nd Dist., Div.
14 8) 218 Cal.App.4th 1449, 1471-72, fn.6

15 There is some guidance to be found in the legislative history.
16 On January 15, 1999, Assembly Bill No. 154 (1999-2000 Reg. Sess.) was
17 originally introduced to amend Penal Code section 1424. As originally
18 introduced, the bill would (1) require the disqualification motion to
19 be accompanied by affidavits; (2) permit the district attorney and
20 the Attorney General to file affidavits in opposition; and (3)
21 provide that "[a]n evidentiary hearing shall not be held unless there
22 are disputed issues of material fact that cannot be resolved through
23 the use of affidavits." (Assem. Bill No. 154 (1999-2000 Reg. Sess.)
24 as introduced Jan. 15, 1999, p. 2, italics omitted.) While the first
25 two provisions were ultimately enacted, the third was not.

26 "[W]hen the Legislature amends a bill to add a provision, and
27 then deletes that provision in a subsequent version of the bill, this
28 failure to enact the provision is of little assistance in determining
the intent of the Legislature." (*American Financial Services Assn. v.*
City of Oakland (2005) 34 Cal.4th 1239, 1261-1262, 23 Cal.Rptr.3d
453, 104 P.3d 813.) The reason for this rule of statutory
interpretation is obvious. When it is known only that the provision
was not enacted, there is no basis for inferring, for example, that
the provision was not enacted because it was believed to be
superfluous, or, alternatively, that it was not enacted because the
Legislature believed it to be bad policy. In this case, however, the
language providing that an evidentiary hearing should not be held
unless there exist disputed issues of material fact that cannot be
resolved on affidavits alone was not merely *deleted*; instead, it was
replaced.

Moreover, further guidance is presented by a committee report,
which explains the reason for the replacement. *Spaccia v. Superior*
Court (2012, 2nd Dist., Div. 3) 209 Cal.App.4th 93, 109-10

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.) 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

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

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

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

17 Senate Bill No. 1137 was amended during the July 9, 1991,
18 hearing before the Assembly Committee on Public Safety. It was this
19 amendment which added subdivisions (b) and (c) to Section 800.
20 Especially when considering subdivision (b)(4), the evolution of the
21 bill's language clearly suggests the Legislature intended to expand
22 the People's right to appeal.... *In re Rottanak K.* (1995, 5th Dist.)
23 37 Cal.App.4th 260, 267

24 The original version of Senate Bill No. 1294 Subsequent
25 amendments to the bill narrowed the language to deny recovery
26 The final version limited the application of the law Defendant
27 is asking this court to adopt an interpretation of Civil Code Section
28 1714.7 which was specifically rejected by the Legislature. For three
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.) 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; *People v. Albillar* (2010) 51

1 Cal.4th 47, 56-57; Kleffman v. Vonage Holdings Corp. (2010) 49 Cal.4th 334; People v. Redd (2010) 48
2 Cal.4th 691, 716; Catlin v. Superior Court (2011) 51 Cal.4th 300, 405; Pacific Palisades Bowl Mobile
3 Estates, LLC v. City of Los Angeles (2012) 55 Cal.4th 783, 809; People v. Villatoro (2012) 54 Cal.4th
4 1152, 1163; Coito v. Superior Court (2012) 54 Cal.4th 480, 490; Dicon Fiberoptics, Inc. v. Franchise
5 Tax Board (2012) 53 Cal.4th 1227, 1239; Sierra Club v. Superior Court (2013) 57 Cal.4th 157, 171;
6 Riverside County Sheriff's Department v. Stiglitz (2014) 60 Cal.4th 624, 631; Loeffler v. Target
7 Corp. (2014) 58 Cal.4th 1081, 1116; Fahlen v. Sutter Cent. Valley Hospital (2014) 58 Cal.4th 655,
8 680; Center for Biological Diversity v. Department of Fish & Wildlife, (2015) 62 Cal.4th 204, 221, as
9 modified on denial of rehearing Feb. 17, 2016; Lee v. Hanley (2015) 61 Cal.4th 1225, 1234; Williams
10 v. Chino Valley Indep. Fire Dist. (2015) 61 Cal.4th 97, 110; Horiike v. Coldwell Banker Residential
11 Brokerage Co. (2016) 1 Cal.5th 1024, 1037; People v. Rodriguez (2016) 1 Cal.5th 676, 689; Brown v.
12 Superior Court (2016) 63 Cal.4th 335; Shaw v. Superior Court (2017) 2 Cal.5th 983, 1000

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

1412; *Plumbers and Steamfitters, Local 290 v. Duncan* (2007, 1st Dist.) 157 Cal.App.4th 1083, 1091; *Millard v. Biosources, Inc.* (2007, 4th Dist.) 156 Cal.App.4th 1338, 1352; *People v. Quitiquit* (2007, 4th Dist.) 155 Cal.App.4th 1, 9; *Burks v. Kaiser Foundation Health Plan, Inc.* (2008, 3rd Dist.) 160 Cal.App.4th 1021, 1028; *Block v. Orange County Employees' Retirement System* (2008, 4th Dist.) 161 Cal.App.4th 1297, 1310; *Fiscal v. City and County of San Francisco* (2008, 1st Dist.) 158 Cal.App.4th 895, 914; *South San Joaquin Irrigation District v. Superior Court* (2008, 3rd Dist.) 162 Cal.App.4th 146, 156; *Wunderlich v. County of Santa Cruz* (2009, 6th Dist.) 178 Cal.App.4th 680; *United Parcel Serv. Wage & Hour Cases* (2011, 2nd Dist., Div. 8) 196 Cal.App.4th 57, 66; *People v. Polk* (2010) 190 Cal.App.4th 1183, 1210; *California School Boards Assn. v. State Board of Education* (2010, 1st Dist., Div.4) 186 Cal.App.4th 1298, 1319, fn.15; *Air Mach. Com SRL v. Superior Court* (2010, 4th Dist., Div. 1) 186 Cal.App.4th 414, 421-425; *City of Los Angeles v. Glendora Redevelopment Project* (2010, 6th Dist.) 185 Cal.App.4th 817; *Sabi v. Sterling* (2010, 2nd Dist., Div. 8) 183 Cal.App.4th 916, 928; *Watsonville Pilots Assn. v. City of Watsonville* (2010, 6th Dist.) 183 Cal.App.4th 1059, 1072; *California Corr. Peace Officers' Assn. v. State of California* (2010, 1st Dist., Div. 4) 181 Cal.App.4th 1454, 1462; *Dye v. Caterpillar, Inc.* (2011, 1st Dist., Div. 5) 195 Cal.App.4th 1366, 1379-83; *Payton v. Superior Court* (2011, 4th Dist., Div. 3) 202 Cal.App.4th 1187 1190, as modified Jan. 20, 2012; *In re Marriage of Howell* (2011, 4th Dist., Div. 1) 195 Cal.App.4th 1062, 1074; *Westamerica Bank v. City of Berkeley*, (2011, 1st Dist., Div. 4) 201 Cal.App.4th 598, 611-12; *Adoption of B.C.* (2011, 4th Dist., Div. 2) 195 Cal.App.4th 913, 919-22; *Sonoma County Employees' Ret. Assn. v. Superior Court* (2011, 1st Dist., Div. 1) 198 Cal.App.4th 986, 994-95; *People v. Vinson* (2011, 5th Dist.) 193 Cal.App.4th 1190, 1196; *Kincaid v. Kincaid* (2011, 2nd Dist., Div. 4) 197 Cal.App.4th 75, 91, as modified on denial of rehearing July 26, 2011; *Babalola v. Superior Court* (2011, 2nd Dist., Div. 7) 192 Cal.App.4th 948, 957; *United Parcel Service Wage and Hour Cases* (2011, 2nd Dist., Div. 8) 196 Cal.App.4th 57, 66; *California Medical Assn. v. Brown* (2011, 1st Dist., Div. 1) 193 Cal.App.4th 1449, 1460; *In re P.A.* (2012, 4th Dist., Div. 2) 211 Cal.App.4th 23, 36; *Chino MHC, LP v. City of Chino* (2012, 4th Dist., Div. 2) 210 Cal.App.4th 1049, 1068; *In re Martinez* (2012, 4th Dist., Div.1) 210 Cal.App.4th 800, 810-12; *People v. Luna* (2012, 4th Dist., Div. 3) 209 Cal.App.4th 460, 469; *Burnham v. Public Employees' Ret. System* (2012, 3rd Dist.) 208 Cal.App.4th 1576, 1582; *McGuire v. Employment Dev. Department* (2012, 1st Dist., Div. 1) 208 Cal.App.4th 1035, 1045; *Goldstone v. County of Santa Cruz* (2012, 6th Dist.) 207 Cal.App.4th 1038, 1049; *California Insurance Guarantee Assn. v. Workers' Compensation Appeals Board* (2012, 2nd Dist., Div. 2) 203 Cal.App.4th 1328, 1344; *Bernard v. City of Oakland* (2012, 1st Dist., Div. 1) 202 Cal.App.4th 1553, 1562; *Kern, Inyo & Mono County's Plumbing, etc. v. California Apprenticeship Council* (2013, 1st Dist., Div. 3) 220 Cal.App.4th 1350, 1359; *California Grocers Assn. v. Department of Alcoholic Beverage Control* (2013, 3rd Dist.) 219 Cal.App.4th 1065, 1071; *BNSF Ry. Co. v. Public Utilities Commission* (2013, 3rd Dist.) 218 Cal.App.4th 778, 797; *People v. Delgado* (2013, 2nd Dist., Div. 6) 214 Cal.App.4th 914, 918; *Soco W., Inc. v. California Environmental Protection Agency* (2013, 4th Dist., Div. 3) 213 Cal.App.4th 1511, 1515, as modified on denial of rehearing Mar. 27, 2013; *S. California Cement Masons Joint Apprenticeship Comm. v. California Apprenticeship Council* (2013, 1st Dist., Div. 1) 213 Cal.App.4th 1531, 1545; *Bell v. Feibush* (2013, 4th Dist., Div. 3) 212 Cal.App.4th 1041, 1047; *People v. Noyan* (2014, 3rd Dist.) 232 Cal.App. 4th 657, 669, as modified on denial of rehearing Jan. 12, 2015; *Jenkins v. Teegarden* (2014, 4th Dist., Div. 2) 230 Cal.App.4th 1128, 1138; *Nguyen v. W. Digital Corp.*, (2014, 6th Dist.) 229 Cal.App.4th 1522, 1547; *Araquistain v. Pacific Gas & Electric Co.* (2014, 1st Dist., Div. 4) 229 Cal.App.4th 227, 236; *Rea v. Blue Shield of California* (2014, 2nd Dist., Div. 1) 226 Cal.App.4th 1209, 1224, as modified on denial of rehearing July 9, 2014; *Law School Admission Council, Inc. v. State of California*, (2014, 3rd Dist.) 222 Cal.App.4th 1265, 1277, as modified Feb. 11, 2014; *Certainteed Corp. v. Superior Court* (2014, 2nd Dist., Div. 3) 222 Cal.App.4th 1053, 1061; *People v. Johnson* (2015, 4th Dist., Div. 2) 242 Cal.App.4th 1155, 1162; *Carloss v. County of Alameda* (2015, 1st Dist., Div. 3) 242 Cal.App.4th 116, 128; *UFCW & Employers Benefit Tr. v. Sutter Health* (2015, 1st Dist., Div. 5) 241 Cal.App.4th 909, 925; *People v. Etheridge* (2015, 2nd Dist., Div. 1) 241 Cal.App.4th 800, 807; *Isidora M. v. Silvino M.* (2015, 2nd Dist., Div. 3) 239 Cal.App.4th 11; *Phillips v. Bank of Am., N.A.* (2015, 2nd Dist., Div. 5) 236 Cal.App.4th 217, 225; *Golden State Water Co. v. Casitas Mun. Water Dist.* (2015, 2nd Dist., Div. 6) 235 Cal.App.4th 1246, 1257, as modified on denial of rehearing May 13, 2015; *People v. Johnson* (2015, 2nd Dist., Div. 8) 234 Cal.App.4th 1432; *People v. Gonzales* (2015, 6th Dist.) 232 Cal.App.4th 1449; *City of Los Angeles v. City of Los Angeles Employee Relations Bd.* (2016, 2nd Dist., Div. 3) 7 Cal.App.5th 150, 165; *Armin v. Riverside Community Hospital* (2016, 4th Dist., Div. 3) 5 Cal.App.5th 810, 824, as modified Dec. 15, 2016; *City of San Jose v. Sharma* (2016, 3rd Dist.) 5 Cal.App.5th 123, 152; *California Public Records Research, Inc. v. County of Yolo* (2016, 3rd Dist.) 4 Cal.App.5th 150, 176; *Hopkins v. Superior Court* (2016, 2nd Dist., Div. 4) 2 Cal.App.5th 1275, 12; *Center for Biological Diversity v. Department of Fish & Wildlife* (2016, 2nd Dist., Div. 5) 1 Cal.App.5th 452; *In re M.H.* (2016, 4th Dist., Div. 1) 1 Cal.App.5th 699, 713; *Center for Local Government Accountability v. City of San Diego* (2016, 4th Dist., Div. 1) 247 Cal.App.4th 1146, 1155; *In re J.C.* (2016, 1st Dist., Div. 1) 246 Cal.App.4th 1462; *New Cingular Wireless PCS, LLC v. Public Utilities Comm.* (2016; 1st Dist., Div. 4) 246 Cal.App.4th 784, 803; *In re Donovan L.* (2016, 4th Dist., Div. 1) 244 Cal.App.4th 1075, 1089; *People v. McCarthy* (2016, 1st Dist., Div. 5) 244 Cal.App.4th 1096, 1107; *Rubio v. Superior Court* (2016, 2nd Dist., Div. 3) 244 Cal.App.4th 459; *Kim v. Reins Internat. California, Inc.* (2017, 2nd Dist., Div. 4) 18 Cal.App.5th 1052, 1058; *Lippman v. City of Oakland* (2017, 1st Dist., Div. 4) 19 Cal.App.5th 750, rehearing denied (Feb. 16, 2018), review denied Apr. 11, 2018; *People ex rel. Alzayat v. Hebb* (2017, 4th Dist., Div. 2) 18 Cal.App.5th 801, 817, review denied Apr. 11, 2018; *People v. Alwien* (2017) 18 Cal.App.5th Supp. 9, 15; *PGA W. Residential Assn., Inc. v. Hulven Internat., Inc.* (2017, 4th Dist., Div. 2) 14 Cal.App.5th 156, 174, as modified Aug. 23, 2017; *Marina Pacifica Homeowners Assn. v. S. California Fin. Corp.*

1 (2017, 2nd Dist., Div. 8) 11 Cal.App.5th 54, 61; *People v. Fin. Cas. & Sur., Inc.* (2017, 2nd Dist.,
2 Div. 2) 10 Cal.App.5th 369, 380; *People v. Epperson* (2017, 1st Dist., Div. 5) 7 Cal.App.5th 385, 391

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

4 Committee reports, often drafted by unelected staffers, cannot
5 alter a statute's plain language. (*Martinez v. Regents of University*
6 *of California* (2010) 50 Cal.4th 1277, 1293, 117 Cal.Rptr.3d 359, 241
7 P.3d 855) Section 215's "actual language prevails, not the
8 committee's report." (*Martinez*, at p. 1293, 117 Cal.Rptr.3d 359, 241
9 P.3d 855.) *People v. Johnson* (2015) 60 Cal.4th 966, 992

10 The legislative history provides further, albeit unnecessary,
11 confirmation. ...

12 In early 1998, Senate Bill No. 1608 (1997-1998 Reg. Sess.),
13 which led to the amendments at issue, was introduced. A report of the
14 Senate Committee on Public Safety stated the purpose of the bill was
15 ... (Sen. Com. on Public Safety, Analysis of Sen. Bill No. 1608
16 (1997-1998 Reg. Sess.) as amended Apr. 21, 1998, p. 2 (Analysis).)
17 ... Nothing in the legislative documents supports the broader
18 construction urged by defendant. *People v. Anderson* (2010) 50 Cal.4th
19 19, 30

20 We note also that legislative history materials from the 1980
21 amendment ... (Sen. Com. on Judiciary, analysis of Assem. Bill
22 No.1966 (1979-1980 Reg. Sess.) as amended Feb. 11, 1980, p. 1,
23 italics added.) Likewise, the debate surrounding the 1980 amendment
24 to section 846 focused on ... (See, e.g., Assem. Com. on Judiciary,
25 analysis of Assem. Bill No.1966 (1979-1980 Reg. Sess.) as amended
26 Feb. 11, 1980, p. 3, italics added.) These statements support our
27 construction of section 846 as barring only premises liability claims
28 arising from property-related duties. *Klein v. United States of*
America (2010) 50 Cal.4th 68, 83

29 The California Judges Association sponsored the bill: ...
30 (Judge Philip M. Saeta, letter to Sen. Com. on Judiciary re Sen. Bill
31 No. 1200 (1979-1980 Reg. Sess.) Dec. 21, 1979 (Judge Saeta letter);
32 Sen. Com. on Judiciary, Analysis of Sen. Bill No. 1200 (1979-1980
33 Reg. Sess.) as introduced Apr. 24, 1979, pp. 2-3.) *Reid v. Google,*
34 *Inc.* (2010) 50 Cal.4th 512, 528-533

35 The legislative history behind section 1054.9 shows that the
36 Legislature's main purpose was to enable defendants efficiently to
37 reconstruct defense attorneys' trial files that might have become
38 lost or destroyed after trial. (See *Steele, supra*, 32 Cal.4th at p.
39 694, 10 Cal.Rptr.3d 536, 85 P.3d 444.) For example, the following
40 discussion appears repeatedly in committee reports and other
41 legislative history materials:

42 "According to the sponsor, ... (E.g., Assem. Com. on Public
43 Safety, Analysis of Sen. Bill No. 1391 (2001-2002 Reg. Sess.) as
44 amended Apr. 10, 2002, p. 3.) *Barnett v. Superior Court* (2010) 50
45 Cal.4th 890, 897-898

46 First, the legislative history of the provision in question
47 clearly and explicitly establishes that the reductions in
48 appropriations for employee compensation that were included in the
49 bill reflected the two-day-a-month furloughs. Both the Senate and the
50 Assembly floor analyses of Senate Bill 3X 2-material that was

1 available to the legislators at the time they were considering the
2 budget legislation—describe in similar language the various changes
3 that the bill would make to the 2008 Budget Act, and indicate that
4 the source of the analyses was the author of the bill, Senator
5 Ducheny, the chair of the Senate Budget Committee. ... (Sen. Rules
6 Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill
7 3X 2 (2009–2010 3d Ex.Sess.) as amended Feb. 14, 2009, par. 22,
8 italics added.) The comparable passage in the Assembly bill analysis
9 states... "(Assem. Com. on Budget, Analysis of Sen. Bill 3X 2 (2009–
10 2010 3d Ex.Sess.) as amended Feb. 14, 2009, 2d par. 12, p. 3, italics
11 added.) This history makes it abundantly clear the Legislature
12 contemplated that the reduction in appropriations for employee
13 compensation set forth in section 3.90 could be achieved through the
14 furlough plan that was then in existence. *Professional Engineers in
15 California Government v. Schwarzenegger* (2010) 50 Cal.4th 989, 1046–
16 1047

17
18 Finally, reviewers of Assembly Bill No. 2083 criticized the
19 assumption, implicit in the author's comments in support of the
20 legislation, that a declaration-in-open-court requirement generally
21 would allow bail agents A May 1, 1998, Assembly Republican Bill
22 Analysis commented *People v. Allegheny Casualty Company* (2007)
23 41 Cal.4th 704, 711

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

30 The Court of Appeal granted RVLG's request for judicial notice
31 of documents bearing on the legislative history of section Among
32 the documents the court judicially noticed were the analysis of
33 Senate Bill No. 1397 prepared for the Assembly Committee on Labor,
34 Employment, and Consumer Affairs,... fn.7 [fn.7: We have likewise
35 granted RVLG's request in this court to take judicial notice of these
36 same legislative history materials.] *Smith v. Rae-Venter Law Group*
37 (2002) 29 Cal.4th 345,359, fn.7

38 The crisis ... was the subject of a session of the California
39 State Assembly meeting as a Committee of the Whole on February 13,
40 1989. The purpose of the extraordinary session, Speaker of the
41 Assembly Willie L. Brown, Jr., explained, was "to educate the entire
42 membership of the California State Assembly" on the issue. (1 Assem.
43 J. (1989–1990 Reg. Sess.) pp. 436–437.) "Ordinarily," Speaker Brown
44 noted, "this would be done in a regular committee. On some occasions,
45 when the issue is of such extraordinary importance, and of such
46 immediacy, we [meet as] a Committee of the Whole." (*Id.* at p. 437.)
47 Speaker Brown provided the context in which the regulation of assault
48 weapons was being considered.... A combination of all those things,
49 plus the volume of editorials, the volume of public comment out there
50 about the question, requires us to address the issues." (*Ibid.*)
51 (*Kasler v. Lockyer*, (2000) 23 Cal.4th 472, at pp. 486–487, 97
52 Cal.Rptr.2d 334, 2 P.3d 581.)

1 We are persuaded the Legislature intended §12022.5(d) to be
2 mandatory for several reasons. Legislative history materials for
3 Assembly Bill 476,... include a bill analysis prepared for the
4 Assembly Committee on Criminal Justice stating:... *People v. Ledesma*
5 (1997) 16 Cal.4th 90, 98, 100

6 The Court of Appeal declined to consider this report, (Assembly
7 Committee on Judiciary) stating that "the views of a committee staff
8 member are not appropriate legislative history." However it is well
9 established that reports of legislative committees and commissioners
10 are part of a statute's legislative history and may be considered
11 when the meaning of a statute is uncertain. [Citations.] The United
12 States Supreme Court has long followed a similar practice in using
13 committee reports as an aid in construing federal legislation.
14 [Citations.] The rationale for considering committee reports when
15 interpreting statutes is similar to the rationale for considering
16 voter materials when construing an initiative measure. In both cases
17 it is reasonable to infer that those who actually voted on the
18 proposed measure read and considered the materials presented in
19 explanation of it, and that the materials therefore provide some
20 indication of how the measure was understood at the time by those who
21 voted to enact it. *Hutnick v. U.S. Fidelity and Guaranty Co.* (1988)
22 47 Cal.3rd 456, 465, fn.7

23 Committee reports also are an appropriate source of legislative
24 intent. (See *Mt. Hawley Ins. Co. v. Lopez* (2013) 215 Cal.App.4th
25 1385, 1401, 156 Cal.Rptr.3d 771.) *California Fair Plan Assn. v.*
26 *Garnes* (2017, 1st Dist., Div. 2) 11 Cal.App.5th 1276, 1295, fn.25
27 (Ct. App. 2017), as modified on denial of rehearing June 14, 2017

28 Normally, legislative committee comments are only persuasive
authority when determining the Legislature's intent. (*McMullen v.*
Haycock (2007) 147 Cal.App.4th 753, 759, 54 Cal.Rptr.3d 660) However,
the committee comments quoted in this opinion were taken verbatim
from the Uniform Laws commissioners' commentary. (7A pt. II West's U.
Laws Ann. (2006) U. Fraudulent Transfer Act, com. to § 4, p. 60; see
id., com. to § 9, p. 195, cited post.) Therefore, we give substantial
weight to the official legislative commentary about the UFTA. (See
Lundahl v. Telford (2004) 116 Cal.App.4th 305, 315-316, 9 Cal.Rptr.3d
902.) *PGA W. Residential Assn., Inc. v. Hulven Internat., Inc.* (2017,
4th Dist., Div. 2) 14 Cal.App.5th 156, 174, as modified Aug. 23, 2017

In determining legislative intent, we may consider bill
analyses prepared by the staff of legislative committees. (*People v.*
Benson (1998) 18 Cal.4th 24, 34, fn.6, 74 Cal.Rptr.2d 294, 954 P.2d
557) *Phillips v. Campbell* (2016, 2nd Dist., Div. 6) 2 Cal.App.5th
844, 849

The Legislative Counsel's Digest is the official summary of the
legal effect of a bill and is relied upon by the Legislature
throughout the legislative process. (*Joannou, supra*, 219 Cal.App.4th
at p. 759, 162 Cal.Rptr.3d 158) Although it is not binding, the
Digest is entitled to great weight. (*Ibid.*) *Madrigal v. California*
Victim Comp. & Gov't Claims Bd. (2016, 2nd Dist., Div. 8) 6
Cal.App.5th 1108, 1117, as modified Jan. 5, 2017

Raef represents that the legislative history of section 40008

1 "expresses disdain for paparazzi's subject material and audience,"
2 citing to pages in the record containing letters by supporters of
3 Assembly Bill No. 2479 (2009-2010 Reg. Sess.), which added section
4 40008, newspaper articles, and legislative analyses summarizing the
5 views of the bill's author. As explained in *Kaufman & Broad*
6 *Communities, Inc. v. Performance Plastering, Inc.* (2005) 133
7 Cal.App.4th 26, 34 Cal.Rptr.3d 520, many items contained in a bill
8 history file, such as media articles and the views of interested
9 persons, are not cognizable evidence of the Legislature's intent.
10 (*Id.* at p. 37-39, 34 Cal.Rptr.3d 520) In any event, Raef does not
11 point to specific examples of the disapproval of paparazzi's subject
12 matter allegedly contained in many of these materials. *Raef v.*
13 *Appellate Div. of Superior Court* (2015, 2nd Dist., Div. 4) 240
14 Cal.App.4th 1112, 1131

15 The statute is ambiguous as to the extent of remedy provided
16 and, based on the language alone, reasonable arguments may be made
17 for both positions. Where, as here, a statute is susceptible of more
18 than one reasonable construction it is "appropriate to turn to
19 extrinsic aids, including the legislative history of the measure, to
20 ascertain its meaning. [Citation.]" (*Diamond Multimedia Systems, Inc.*
21 *v. Superior Court* (1999) 19 Cal.4th 1036, 1055, 80 Cal.Rptr.2d 828,
22 968 P.2d 539)

23 We granted Hinerfeld's motion for judicial notice of the
24 legislative history of Civil Code section 3260.1, as contained in
25 Assembly Bill No. 1608 (1991-1992 Reg. Sess.) enacted as chapter 368
26 of the Statutes 1991. That history demonstrates a consistent
27 legislative intent that both the two percent charge and attorney fees
28 would be available under section 3260.1 in cases involving a
homeowner's late progress payments to a contractor. ... (Assem. Com.
on Consumer Protection, Governmental Efficiency and Economic
Development, Rep. on Assem. Bill No. 1608 (1991-1992 Reg. Sess.) as
amended May 15, 1991, p. 1, italics added.)

... (Sen. Com. on Judiciary, Report on Assem. Bill No. 1608
(1991-1992 Reg. Sess.) as amended May 15, 1991, p. 2.) Neither party
has cited, nor have we found, legislative history to the contrary.

We are persuaded by this history that by allowing a contractor
to recover the "penalty" provided in section 3260, subdivision (g) in
an action under section 3260.1, the Legislature intended to authorize
both the two percent charge in lieu of interest and attorney fees to
the prevailing party. As our Supreme Court pointed out in a recent
case, *People v. Indiana Lumbermens Mutual Ins. Co.* (2010) 49 Cal.4th
301, 110 Cal.Rptr.3d 4, 231 P.3d 909, despite the "natural"
construction of a statute suggested by its language, legislative
history can demonstrate that the Legislature intended a different
construction, and that construction will be given effect. (*Id.* at pp.
308-312, 110 Cal.Rptr.3d 4, 231 P.3d 909.) *Hinerfeld-Ward, Inc. v.*
Lipian (2010, 2nd Dist., Div. 4) 188 Cal.App.4th 86

The Act's legislative history also supports our conclusion the
Legislature was concerned with ... The Senate Committee on Judiciary
analysis of the Act provides insight in this regard. *In re Marriage*
of J.Q. & T.B. (2014, 4th Dist., Div. 3) 223 Cal.App.4th 687, 702

We provided the parties with a packet of legislative history
materials previously compiled by the California Judicial Center

1 Library. We take judicial notice of those documents which we cite in
2 this opinion. (Evid. Code, § 452, subd. (c); see *Arce v. Kaiser*
3 *Foundation Health Plan, Inc.* (2010) 181 Cal.App.4th 471, 484, [104
4 Cal.Rptr.3d 545] [reports of legislative committees and commissions
are part of a statute's legislative history and may properly be
subject to judicial notice as official acts of the Legislature].)
People v. Robinson (2014, 4th Dist., Div. 2) 232 Cal.App.4th 69, 77

5 We look to the Legislative Counsel's digest and other summaries
6 and reports indicating the Legislature's intent. "Although the
7 Legislative Counsel's summary digests are not binding, they are
8 entitled to great weight." (*Van Horn v. Watson* (2008) 45 Cal.4th 322,
9 332, fn.11, 86 Cal.Rptr.3d 350, 197 P.3d 164; accord, *Jones, supra*,
10 42 Cal.4th at p. 1170, 72 Cal.Rptr.3d 624, 177 P.3d 232; see *People*
11 *v. Superior Court (Lavi)* (1993) 4 Cal.4th 1164, 1178, 17 Cal.Rptr.2d
12 815, 847 P.2d 1031 [Legislative Counsel's digest is indicative of
13 legislative intent]; *Martin v. PacifiCare of California* (2011) 198
14 Cal.App.4th 1390, 1402, 130 Cal.Rptr.3d 714.) The Legislative
15 Counsel's digest "constitutes the official summary of the legal
16 effect of the bill and is relied upon by the Legislature throughout
17 the legislative process," and thus "is recognized as a primary
18 indication of legislative intent." (*Souvannarath v. Hadden* (2002) 95
19 Cal.App.4th 1115, 1126, fn.9, 116 Cal.Rptr.2d 7) In addition,
20 "[c]ommittee reports are often useful in determining the
21 Legislature's intent." (*California Teachers Assn. v. Governing Bd. of*
22 *Rialto Unified School Dist.* (1997) 14 Cal.4th 627, 646, 59
Cal.Rptr.2d 671, 927 P.2d 1175; see *Tesco Controls, Inc. v. Monterey*
Mechanical Co. (2004) 124 Cal.App.4th 780, 793, 21 Cal.Rptr.3d 751)
"In construing a statute, legislative committee reports, bill
reports, and other legislative records are appropriate sources from
which legislative intent may be ascertained." (*In re John S.* (2001)
88 Cal.App.4th 1140, 1144, fn.2, 106 Cal.Rptr.2d 476; see *Valley*
Vista Services, Inc. v. City of Monterey Park (2004) 118 Cal.App.4th
881, 889, 13 Cal.Rptr.3d 433 ["[w]hen construing a statute, we may
consider its legislative history, including committee and bill
reports, and other legislative records"].) "Relevant material
includes: legislative committee reports; Legislative Analyst's
reports; and testimony or argument to either a house of the
Legislature or one of its committees," but "[m]aterial showing the
motive or understanding of an individual legislator, including the
bill's author, his or her staff, or other interested persons, is
generally not considered." (*Metropolitan Water Dist. v. Imperial*
Irrigation Dist. (2000) 80 Cal.App.4th 1403, 1425-1426, 96
Cal.Rptr.2d 314)

...

23 These declarations and statements [of the Attorney General] of
24 prior legislative intent are relevant to our inquiry, but no
25 individual expression is determinative. *Mt. Hawley Insurance Co. v.*
Lopez (2013, 2nd Dist., Div. 7) 215 Cal.App.4th 1385, 1401, 1408, as
modified May 29, 2013

26 Plaintiffs filed a motion for judicial notice of the Senate
27 bill analysis of Senate Bill No. 61 (2005-2006) Reg. Sess.), which
28 was the bill that introduced subdivisions (a)(1) and (2). (Sen. Bill
No. 61 (2005-2006 Reg. Sess.)) A motion for judicial notice of
published legislative history, such as the Senate analysis here, is
unnecessary. (*Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19

1 Cal.4th 26, 45-46, fn.9, 77 Cal.Rptr.2d 709, 960 P.2d 513) "Citation
2 to the material is sufficient. [Citation.] We therefore consider the
3 request for judicial notice as a citation to those materials that are
4 published." (*Id.* at p. 46, fn.9, 77 Cal.Rptr.2d 709, 960 P.2d 51)
5 *Wittenburg v. Beachwalk Homeowners Assn.* (2013, 4th Dist., Div. 3)
6 217 Cal.App.4th 654, 665

7 "The legislative history for Assembly Bill 369 supports the
8 view that the Legislature intended to limit the attorney fees
9 provision to lawsuits involving affordable housing. For example, one
10 item of legislative history summarizing Assembly Bill 369 as follows:
11 ... (Assem. Bill Analysis, Conc. in Sen. Amends. to Assem. Bill No.
12 369 (2001-2002 Reg. Sess.) as amended July 17, 2001, p. 1, italics
13 added.) *Honchariw v. County of Stanislaus* (2013, 5th Dist.) 218
14 Cal.App.4th 1019, 1024

15 "Accordingly, when we consider the text of section 3550, its
16 legislative history, *Martinez v. Board of Parole Hearings, supra*, 183
17 Cal.App.4th 578, 107 Cal.Rptr.3d 439, and the timing of the
18 Legislature's addition of the word "reasonably" to Senate Bill No.
19 1399, we conclude the Legislature intended the Board to be limited to
20 finding an otherwise "permanently medically incapacitated" inmate
21 unsuitable for medical parole only if the evidence shows a reasonable
22 possibility that the conditions of his release would pose a threat to
23 public safety." *In re Martinez* (2012, 4th Dist., Div.1) 210
24 Cal.App.4th 800, 810-12

25 An analysis prepared for the Assembly Committee on Public
26 Safety on the bill, a source we may properly consider in determining
27 legislative intent (see *People v. Benson* (1998) 18 Cal.4th 24, 34,
28 fn.6, 74 Cal.Rptr.2d 294, 954 P.2d 557), stated that the purpose of
the bill was to ... *People v. Delgado* (2012, 5th Dist.) 210
Cal.App.4th 761, 765

We grant PacifiCare's request to judicially notice the Senate
Judiciary Committee's report, but deny the request on all other
documents. Bright opposes PacifiCare's request because it includes
voluminous documents that are not properly part of the statute's
legislative history. A Senate Judiciary Committee report analyzing a
statute, however, is part of the statute's legislative history and
properly subject to judicial notice. (*Anders v. Superior Court* (2011)
192 Cal.App.4th 579, 590, fn.3, 121 Cal.Rptr.3d 465.) Bright also
argues resort to legislative history materials is unnecessary because
section 1371.25 is unambiguous. Both the United States and California
Supreme Courts have stated that legislative history materials may
properly be considered to confirm or bolster a court's interpretation
of an unambiguous statute. (*Samantar v. Yousuf* (2010) 560 U.S. 305, -
---, 130 S.Ct. 2278, 2287, fn.9, 176 L.Ed.2d 1047; *In re Tobacco II
Cases* (2009) 46 Cal.4th 298, 316, 93 Cal.Rptr.3d 559, 207 P.3d 20.)
PacifiCare of California v. Bright Medical Assn., Inc. (2011, 4th
Dist. Div. 3) 198 Cal.App.4th 1451, 1463

It is readily apparent that the overall intent of AB 1844 was
to ... (See, e.g., Assem. Com. on Appropriations, Analysis of Assem.
Bill No. 1844 (2009-2010 Reg. Sess.) as amended Apr. 28, 2010, p. 1.
People v. Vinson (2011, 5th Dist.) 193 Cal.App.4th 1190, 1196

1 Dig., Assem Bill No. 750 (1981-1982 Reg. Sess.) as amended May 11,
2 1981, p. 4.) The purpose of the Act was to ... (Sen. Com. on
3 Judiciary, Analysis of Assem. Bill No. 750 (1981-1982 Reg. Sess.) as
4 amended May 26, 1981, p. 3.)

5 As for late fees, the legislative history indicates that
6 Assembly Bill No. 2263 (1999-2000 Reg. Sess.), which added the late
7 fee provision in the year 2000, was sponsored by the California Self-
8 Storage Coalition, which sought certainty regarding the
9 reasonableness of late fees in the industry. A Senate Judiciary
10 Committee analysis explained: ... (Sen. Com. on Judiciary, Analysis
11 of Assem. Bill No. 2263 (1999-2000 Reg. Sess.) as amended May 10,
12 2000, p. 3.) ... The legislative history does not reflect
13 consideration of the circumstances governing when late fees may no
14 longer be charged.

15 Appellant points to language in the Senate Judiciary Committee
16 report stating, ... (Sen. Com. on Judiciary, Analysis of Assem. Bill
17 No. 2263, *supra*, as amended May 10, 2000, p. 4.) Although this
18 language suggests the Legislature was aware ..., the Legislature did
19 not include any provisions limiting ... *Vitug v. Alameda Point*
20 *Storage, Inc.* (2010, 1st Dist., Div. 5) 187 Cal.App.4th 407, 415-416,
21 fn.6

22 According to the legislative history of this section, the
23 Legislature was concerned that ... (Assem. Com. on Judiciary,
24 Analysis of Assem. Bill No. 1491 (1999-2000 Reg. Sess.), as amended
25 Jan. 3, 2000, p. 3.)

26 The Legislature was also told that... (Sen. Judiciary Com.,
27 Analysis of Assem. Bill No. 1491 (1999-2000 Reg. Sess.), as amended
28 Mar. 23, 2000, pp. 11-12.)

...

Finally, if we had any doubt about the matter, we would be
swayed by the Legislature's intent to promote uniformity and to
foster "the policy in favor of the early closing and distribution of
estates." (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 1491,
supra, at p. 12.) *Estate of Ziegler* (2010, 4th Dist., Div. 2) 187
Cal.App.4th 1357, 1364, 1366, fn.6 and fn.7

"In any event, committee reports are not necessarily reliable
guides to the Legislature's intent. As our Supreme Court cautioned
recently, quoting the United States Supreme Court, "judicial
reliance on legislative materials like committee reports ... may give
unrepresentative committee members—or, worse yet, unelected staffers
and lobbyists—both the power and the incentive to attempt strategic
manipulations of legislative history to secure results they were
unable to achieve through the statutory text.'" (*Martinez v. Regents*
of University of California (2010) 50 Cal.4th 1277, 1293, 117
Cal.Rptr.3d 359, 241 P.3d 855.)" *In re A.G.* (2011, 1st Dist., Div. 1)
193 Cal.App.4th 791, 806

The plain language of section 12965, subdivision (b), does not
address ... The legislative history, however, shows that by amending
section 12965 to provide for the recovery of expert witness fees, the
Legislature sought to bring California law into alignment with Title
VII. (Assem. Com. on Judiciary, Analysis of Assem. Bill No. 1670
(1999-2000 Reg. Sess.) as amended May 6, 1999, pp. 4-5.) *Holman v.*
Altana Pharma US, Inc. (2010, 1st Dist., Div. 5) 186 Cal.App.4th 262,
279

1 of Assem. Bill No. 749 (2001-2002 Reg. Sess.) Feb. 4, 2002, pp. 1,
2 15-18.) The legislative intent behind section 7573 was to eliminate
3 the "need to file a separate court action for [the] purpose" of
4 giving a declaration the force and effect of a judgment of paternity.
5 (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 1832 (1995-1996
6 Reg. Sess.) as amended June 18, 1996, pp.19-20.) *Kevin Q. v. Lauren*
7 *W.* (2009, 4th Dist.) 175 Cal.App.4th 1119, 95 Cal.Rptr.3d. 477.
8 *Duncan v. W.C.A.B.* (2009, 6th Dist.) 179 Cal.App.4th 1009

9 According to legislative committee reports, the amendment was
10 intended "to provide certainty as to the expiration date of the
11 lien,... Essentially, this codifies a recent Court of Appeal case....
12 [*Ung v. Koehler* (2005) 135 Cal.App.4th 186, 190-191, 37 Cal.Rptr.3d
13 311.]" (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2624
14 (2005-2006 Reg. Sess.) June 27, 2006, p.12.) ...

15 Counsel for plaintiffs referred to these legislative committee
16 reports in its opening brief but without requesting we take judicial
17 notice of them. We treat the reference as a request for judicial
18 notice and grant it. (*Kaufman & Broad Communities, Inc. v.*
19 *Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 30-32, 34
20 Cal.Rptr.3d 520.) *Schmidli v. Pearce* (2009, 3rd Dist.) 178
21 Cal.App.4th 305, fn.5

22 The April 5, 2006 report by the Assembly Committee on Insurance
23 on Assembly Bill No. 2292 explained the sponsor of the legislation,
24 the California Professional Firefighters ... proposed the bill "to
25 clear up the confusion in this area." (Assem. Com. on Insurance, Rep.
26 on Assem. Bill No. 2292 (2005-2006 Reg. Sess.), p.3.) As stated in
27 the committee report, "This bill clarifies that it is the intent of
28 the Legislature that ..." (*Id.* at p. 2; see also Sen. Com. on Labor
and Industrial Relations, Rep. on Assem. Bill No. 2292, as amended
April 27, 2006, p.2 [same].) ... *City of Los Angeles v. Workers'*
Comp. Appeals Bd. (2009, 2nd Dist.) 179 Cal.App.4th 134

The legislative history supports this construction. Legislative
committee reports and analyses prepared in connection with the bill
that added the second sentence of Government Code section 65858,...
stated that the requirement of additional findings would not apply to
interim ordinances.... (Sen. Rules Com., Off. Of Sen. Floor Analyses,
analysis of Sen. Bill No. 1098 (2001-2002 Reg. Sess.) as amended Aug.
28, 2001, p. 3; Assem. Com. on Local Government, Analysis of Sen.
Bill No. 1098 (2001-2002 Reg. Sess.) as amended June 28, 2001, p. 1;
Assem. Com. on Housing and Community Development, Analysis of Sen.
Bill No. 1098 (2001-2002 Reg. Sess.) June 27, 2001 [proposed
amendment], p. A.) The legislative history also indicates that the
bill imposed findings requirements similar to those under the Housing
Accountability Act in order to prevent local governments from
circumventing the requirements of that act through the adoption of
interim ordinances. (Sen. Rules Com., Off. Of Sen. Floor Analyses,
analysis of Sen. Bill No. 1098 (2001-2002 Reg. Sess.) as amended Aug.
28, 2001, pp. 2, 4.) [FN7] *Hoffman Street, LLC v. City of West*
Hollywood (2009, 2nd Dist.) 179 Cal.App.4th 754, 768 and fn.7

The Assembly Committee on Public Safety analysis of the bill
contains the following: "The term ..." The Violence Policy Center has
issued two reports on the .50 caliber sniper rifle. [Citations.] ...
(Assem. Com. on Public Safety, Analysis of Assem. Bill No. 50 (2003-

1 2004 Reg. Sess.) Apr. 29, 2003, pp.7-9.) *People v. James* (2009, 3rd
2 Dist.) 174 Cal.App.4th 662, 673

3 ... The intent of this bill, according to the author and the
4 proponents, is to point the way to the vexatious litigant statutes to
5 the parties engaged in these proceedings and to the court, as a tool
6 to discourage repeated motions by parents to regain custody of their
7 children when there are no changed circumstances to justify a
8 different result." (Sen. Com. on Judiciary Analysis of Assem. Bill
9 No. 1938 (2001-2002 Reg. Sess.), p.6.) *In re R.H.* (2009, 5th Dist.)
10 170 Cal.App.4th 678

11 ... However, the exhibits Ms. Goldberg authenticates in her
12 declaration, including memoranda from the city attorney to the city
13 council concerning the draft ordinance, are properly considered. (See
14 *Southern California Gas Co. v. Public Utilities Comm.* (1979) 24
15 Cal.3d 653, 659, 156 Cal.Rptr. 733, 596 P.2d 1149 ["[s]tatements in
16 legislative committee reports concerning the statutory objects and
17 purposes which are in accord with a reasonable interpretation of the
18 statute are legitimate aids in determining legislative intent"]; *Pac.*
19 *Bell v. California State & Consumer Services Agency* (1990) 225
20 Cal.App.3d 107, 116, 275 Cal.Rptr. 62 ["a legislative staff analysis
21 of a measure may be relevant to ascertaining legislative intent when
22 the analysis is consistent with a reasonable interpretation of the
23 enactment"].) *Aguiar v. Superior Court* (2009, 2nd Dist.) 170
24 Cal.App.4th 313 at 326, fn.7

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

There are two items in the legislative history that, in fact,
support the trial court's interpretation against repealing section
15627. The strongest is on page 3 of the June 21, 2005 report on SB
370 of the Assembly Committee on Elections and Redistricting. *Nguyen*
v. Nguyen (2008, 4th Dist.) 158 Cal.App.4th 1636, 1659

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

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

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

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

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

22 A staff analysis is a useful indicator of legislative intent.
23 [Citation.] *Coburn v. Sievert* (2005, 5th Dist.) 133 Cal.App.4th 1483,
24 1500

25 When looking to legislative history, we may consider
26 legislative committee reports and analyses, including statements
27 pertaining to the bill's purpose (Citation) and the Legislative
28 Counsel's Digest. [Citations.] *Sully-Miller Contracting Co. v.*
29 *California Occupational Safety & Health Appeals Bd.* (2006, 3rd Dist.)
30 138 Cal.App.4th 684, 698-9, fn.6

31 Contemporaneous legislative committee analyses are subject to
32 judicial notice. [Citation.] We may also regard them as reliable
33 indicia of the legislative intent underlying the enacted statute.
34 [Citation.] We find particularly instructive a Senate Floor analysis
35 *In re Microsoft I-V Cases* (2006, 1st Dist.) 135 Cal.App.4th 706,
36 719-720

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

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

1 (2004) 33 Cal.4th 254, 292, fn.21; *People v. Majors* (2004) 33 Cal.4th 321, 335; *Kulshrestha v. First*
2 *Union Commercial Corp.* (2004) 33 Cal.4th 601, 609, 613-614; *Kirkeby v. Superior Court (Fascenelli)*
3 *(2004) 33 Cal.4th 642, 650; People v. Wilkinson* (2004) 33 Cal.4th 821, 845; *In re Jesusa V.* (2004) 32
4 Cal.4th 588, 650; *People v. Oates* (2004) 32 Cal.4th 1048, 1057-1058; *Gavaldon v. DaimlerChrysler*
5 *Corp.* (2004) 32 Cal.4th 1246, 1262-3; *Campbell v. Regents of the University of California* (2005) 35
6 Cal.4th 311, 330; *Parnell v. Adventist Health System/West* (2005) 35 Cal.4th 595, 604-605; *In re*
7 *Dannenberg* (2005) 34 Cal.4th 1061, 1092; *American Financial Services Assn. v. City of Oakland* (2005)
8 34 Cal.4th 1239, 1257; *Frye v. Tenderloin Housing Clinic, Inc.* (2006) 38 Cal.4th 23, 45; *Avila v.*
9 *Citrus Community College Dist.* (2006) 38 Cal.4th 148, 157; *People v. Hofsheier* (2006) 37 Cal.4th
10 1185, 1213; *MW Erectors, Inc. v. Niederhauser Ornamental & Metal Works Co., Inc.* (2005) 36 Cal.4th
11 412, 429, fn.8; *State v. Altus Finance* (2005) 36 Cal.4th 1284, 1296; *Varian Medical Systems, Inc. v.*
12 *Deifino* (2005) 35 Cal.4th 180, 194; *Campbell v. Regents of the University of California* (2005) 35
13 Cal.4th 311, 330; *Parnell v. Adventist Health System/West* (2005) 35 Cal.4th 595, 604; *Jevne v.*
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15 *Superior Court (San Diego County)* (2006) 39 Cal.4th 1272, 1297; *Wells v. Onezone Learning Foundation*
16 (2006) 39 Cal.4th 1164, 1209, fn.32; *Bernard v. Foley* (2006) 39 Cal.4th 794, 809; *In re Derrick B.*
17 (2006) 39 Cal.4th 535, 545; *S.B. Beach Properties v. Berti* (2006) 39 Cal.4th 374, 384; *In re Marriage*
18 *of Fellows* (2006) 39 Cal.4th 179, 185; *Pilimai v. Farmers Insurance Exchange Company* (2006) 39
19 Cal.4th 133, 146; *Estate of Saueressig* (2006) 38 Cal.4th 1045, 1049, fn.4; *People v. Corpuz* (2006) 38
20 Cal.4th 994, 998, fn.4; *People v. Cole* (2006) 38 Cal.4th 964, 983; *Stephens v. County of Tulare* (2006)
21 38 Cal.4th 793, 804; *Avila v. Citrus Community College District* (2006) 38 Cal.4th 148, 157; *Brodie v.*
22 *Workers' Compensation Appeals Board* (2007) 40 Cal.4th 1313, 1329; *Murphy v. Kenneth Cole Productions*
23 (2007) 40 Cal.4th 1094, 1107; *People v. Superior Court (Tulare County)* (2007) 40 Cal.4th 999, 1009;
24 *Grisham v. Philip Morris, U.S.A., Inc.* (2007) 40 Cal.4th 623, 744; *People v. Calhoun* (2007) 40
25 Cal.4th 398, 404; *Beal Bank SSB v. Arter & Hadden, LLP* (2007) 42 Cal.4th 503, 510; *Commission on*
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27 *State of California* (2007) 42 Cal.4th 254, 264; *Shirk v. Vista Unified School District* (2007) 42
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43 Cal.4th 313, 324; *Lonicki v. Sutter Health Central* (2008) 43 Cal.4th 201, 220; *Jones v. Lodge at*
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2 *Angeles v. Los Angeles County Employee Relations Committee* (2013) 56 Cal.4th 905, 923; *City of*
3 *Riverside v. Inland Empire Patients Health & Wellness Ctr., Inc.* (2013) 56 Cal.4th 729, 756;
4 *McWilliams v. City of Long Beach* (2013) 56 Cal.4th 613, 623; *People v. Leiva* (2013) 56 Cal.4th 498,
5 513; *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203, 217; *Apple, Inc. v. Superior Court* (2013)
6 56 Cal.4th 128, 146; *Aryeh v. Canon Business Solutions, Inc.* (2013) 55 Cal.4th 1185, 1193; *Riverside*
7 *County Sheriff's Department v. Stiglitz* (2014) 60 Cal.4th 624, 631; *Steen v. Appellate Div. of*
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11 312, 332; *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1371; *Loeffler v. Target Corp.* (2014) 58
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13 908; *Fahlen v. Sutter Cent. Valley Hospital* (2014) 58 Cal.4th 655, 680; *Holland v. Assessment Appeals*
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19 *People v. Blackburn* (2015) 61 Cal.4th 1113, 1126; *Estate of Duke* (2015) 61 Cal.4th 871; *Even Zohar*
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(2014, 1st Dist., Div. 5) 227 Cal.App.4th 499, 505; Paramount Petroleum Corp. v. Superior Court

(2014, 2nd Dist., Div. 3) 227 Cal.App.4th 226, 240; *Rea v. Blue Shield of California* (2014, 2nd Dist., Div. 1) 226 Cal.App.4th 1209, 1224, as modified on denial of rehearing July 9, 2014; *Jauregui v. City of Palmdale* (2014, 2nd Dist., Div. 5) 226 Cal.App.4th 781, 801; *Gong v. City of Rosemead* (2014, 2nd Dist., Div. 5) 226 Cal.App.4th 363, 373; *In re M.V.* (2014, 1st Dist., Div. 4) 225 Cal.App.4th 1495, 1515; *In re A.M.* (2014, 4th Dist., Div. 2) 225 Cal.App.4th 1075, 1084; *People v. Marinelli* (2014, 6th Dist.) 225 Cal.App.4th 1, 4; *Santa Clara County Corr. Peace Officers' Assn., Inc. v. County of Santa Clara* (2014, 6th Dist.) 224 Cal.App.4th 1016, 1035; *The McCaffrey Group, Inc. v. Superior Court* (2014, 5th Dist.) 224 Cal.App.4th 1330, 1343; *In re Gino C.* (2014, 4th Dist., Div. 1) 224 Cal.App.4th 959, 967; *In re A.L.* (2014, 2nd Dist., Div. 8) 224 Cal.App.4th 354, 368; *People v. Spriggs* (2014, 5th Dist.) 224 Cal.App.4th 150, 157; *Crown Imports, LLC v. Superior Court* (2014, 2nd Dist., Div. 3) 223 Cal.App.4th 1395, 1406; *City of Palmdale v. City of Lancaster* (2014, 2nd Dist., Div. 8) 223 Cal.App.4th 978, 983; *In re Edward C.* (2014, 1st Dist., Div. 5) 223 Cal.App.4th 813, 822; *Brewer Corp. v. Point Ctr. Fin., Inc.* (2014, 4th Dist., Div. 1) 223 Cal.App.4th 831, 850, as modified on denial of rehearing Feb. 27, 2014; *Crosby v. HLC Properties, Ltd.* (2014, 2nd Dist., Div. 3) 223 Cal.App.4th 597, 606; *Vranish v. Exxon Mobil Corp.* (2014, 2nd Dist., Div. 2) 223 Cal.App.4th 103, 111; *Tourgeman v. Nelson & Kennard* (2014, 4th Dist., Div. 1) 222 Cal.App.4th 1447, 1459; *City of Clovis v. County of Fresno* (2014, 5th Dist.) 222 Cal.App.4th 1469, 1476, as modified on denial of rehearing Feb. 13, 2014; *People v. Vega* (2014, 5th Dist.) 222 Cal.App.4th 1374, 1379; *Law School Admission Council, Inc. v. State of California*, (2014, 3rd Dist.) 222 Cal.App.4th 1265, 1277, as modified Feb. 11, 2014; *Garibotti v. Hinkle* (2015, 4th Dist., Div. 3) 243 Cal.App.4th 470, 478; *Castillo v. DHL Express (USA)* (2015, 2nd Dist., Div. 3) 243 Cal.App.4th 1186, 1198; *Javorsky v. W. Athletic Clubs, Inc.* (2015, 1st Dist., Div. 5) 242 Cal.App.4th 1386, 1400; *People v. Johnson* (2015, 4th Dist., Div. 2) 242 Cal.App.4th 1155, 1162; *People v. Superior Court (Sanchez-Flores)*, (2015, 2nd Dist., Div. 5) 242 Cal.App.4th 692, 697, as modified on denial of rehearing Dec. 16, 2015; *San Diegans for Open Gov't v. City of San Diego* (2015, 4th Dist., Div. 1) 242 Cal.App.4th 416, 430; *People v. McGowan* (2015, 2nd Dist., Div. 5) 242 Cal.App.4th 377, 384, as modified Dec. 8, 2015; *Carloss v. County of Alameda* (2015, 1st Dist., Div. 3) 242 Cal.App.4th 116, 128; *People v. Tirey* (2015, 4th Dist., Div. 3) 242 Cal.App.4th 1255, 1261; *UFCW & Employers Benefit Tr. v. Sutter Health* (2015, 1st Dist., Div. 5) 241 Cal.App.4th 909, 925; *People v. Etheridge* (2015, 2nd Dist., Div. 1) 241 Cal.App.4th 800, 807; *Doolittle v. Exch. Bank* (2015, 1st Dist., Div. 3) 241 Cal.App.4th 529, 540, as modified on denial of rehearing Nov. 4, 2015; *People v. Toussain* (2015, 4th Dist., Div. 3) 240 Cal.App.4th 974, 980; *People v. Uffelmann* (2015, 3rd Dist.) 240 Cal.App.4th 195, 198; *Benson v. S. California Auto Sales, Inc.* (2015, 4th Dist., Div. 3) 239 Cal.App.4th 1198, 1205; *Hewlett-Packard Co. v. Oracle Corp.* (2015, 6th Dist.) 239 Cal.App.4th 1174, 1186; *Warner v. Public Employees' Retirement System* (2015, 4th Dist., Div. 2) 239 Cal.App.4th 659, 667; *Newark Unified Sch. Dist. v. Superior Court* (2015, 1st Dist., Div. 1) 239 Cal.App.4th 33, 901; *Doe v. San Diego-Imperial Council* (2015, 4th Dist., Div. 1) 239 Cal.App.4th 81, 89; *Flowers v. Prasad* (2015, 2nd Dist., Div. 4) 238 Cal.App.4th 930, 943; *Everett v. Mountains Recreation & Conservation Auth.* (2015, 2nd Dist., Div. 8) 239 Cal.App.4th 541, 552; *Wells Fargo Bank, N.A. v. 6354 Figarden Gen. Partnership* (2015, 5th Dist.) 238 Cal.App.4th 370; *West v. Arent Fox LLP* (2015, 2nd Dist., Div. 5) 237 Cal.App.4th 1065, 1071, as modified June 26, 2015; *Womack v. Lovell* (2015, 4th Dist., Div. 3) 237 Cal.App.4th 772, 783; *A.M. v. Superior Court* (2015, 4th Dist., Div. 2) 237 Cal.App.4th 506, 513; *Siskiyou County Farm Bureau v. Department of Fish & Wildlife* (2015, 3rd Dist.) 237 Cal.App.4th 411, as modified on denial of rehearing June 26, 2015; *Santos v. Brown* (2015, 3rd Dist.) 238 Cal.App.4th 398; *Noe v. Superior Court* (2015, 2nd Dist., Div. 7) 237 Cal.App.4th 316; *People v. Tingtungco* (2015, 2nd Dist., Div. 8) 237 Cal.App.4th 249, 255; *City of Brentwood v. Campbell* (2015, 3rd Dist.) 237 Cal.App.4th 488; *Yohner v. California Department of Justice* (2015, 4th Dist., Div. 1) 237 Cal.App.4th 1, 10; *Harrold v. Levi Strauss & Co.* (2015, 1st Dist., Div. 3) 236 Cal.App.4th 1259; *Hirst v. City of Oceanside* (2015, 4th Dist., Div. 1) 236 Cal.App.4th 774, 788; *Marzec v. California Public Employees Retirement System* (2015, 2nd Dist., Div. 3) 236 Cal.App.4th 889, 906; *Ambers v. Beverages & More, Inc.* (2015, 2nd Dist., Div. 2) 236 Cal.App.4th 508, 513; *People ex rel. Department of Transportation v. Hansen's Truck Stop, Inc.* (2015, 1st Dist., Div. 4) 236 Cal.App.4th 178; *Kennedy v. Kennedy* (2015, 2nd Dist., Div. 5) 235 Cal.App.4th 1474, 1485, as modified Apr. 22, 2015; *People v. Johnson* (2015, 2nd Dist., Div. 8) 234 Cal.App.4th 1432; *Telish v. State Pers. Bd.* (2015, 2nd Dist., Div. 3) 234 Cal.App.4th 1479, 1489, as modified Mar. 13, 2015; *Animal Legal Def. Fund v. LT Napa Partners LLC* (2015, 1st Dist., Div. 5) 234 Cal.App.4th 1270, 1286; *People v. Lewis* (2015, 1st Dist., Div. 3) 234 Cal.App.4th 203, 211; *Dyanlyn Two v. County of Orange* (2015, 4th Dist., Div. 3) 234 Cal.App.4th 800, 809; *People v. Gonzales* (2015, 6th Dist.) 232 Cal.App.4th 1449; *Hyundai Sec. Co. v. Lee* (2015, 2nd Dist., Div. 5) 232 Cal.App.4th 1379, 1387, as modified Jan. 14, 2015; *City of Los Angeles v. City of Los Angeles Employee Relations Bd.* (2016, 2nd Dist., Div. 3) 7 Cal.App.5th 150, 165; *People v. Cady* (2016, 4th Dist., Div. 1) 7 Cal.App.5th 134, 141; *McNair v. Superior Court* (2016, 2nd Dist., Div. 3) 6 Cal.App.5th 1227, 1232; *Elliott Homes, Inc. v. Superior Court* (2016, 3rd Dist.) 6 Cal.App.5th 333, 341; *Eblovi v. Blair* (2016, 1st Dist., Div. 3) 6 Cal.App.5th 310, 315; *People v. Guerra* (2016, 5th Dist.) 5 Cal.App.5th 961, 968; *Lubin v. The Wackenhut Corp.* (2016, 2nd Dist., Div. 4) 5 Cal.App.5th 926; *Armin v. Riverside Community Hospital* (2016, 4th Dist., Div. 3) 5 Cal.App.5th 810, 824, as modified Dec. 15, 2016; *People v. Wilson* (2016, 3rd Dist.) 5 Cal.App.5th 561, 568; *City of San Jose v. Sharma* (2016, 3rd Dist.) 5 Cal.App.5th 123, 152; *In re N.C.* (2016, 1st Dist., Div. 2) 4 Cal.App.5th 1235, 1250; *Taylor v. Department of Industrial Relations, etc.* (2016, 1st Dist., Div. 5) 4 Cal.App.5th 801, 812; *People v. Lopez* (2016, 2nd Dist., Div. 6) 4 Cal.App.5th 649, 653; *D'Egidio v. City of Santa Clarita* (2016, 2nd Dist., Div. 4) 4 Cal.App.5th 515, 520; *Wang v. Nibbelink* (2016, 3rd Dist.) 4 Cal.App.5th 1, 26; *Bldg. Indus. Assn. of Bay Area v. City of San Ramon* (2016, 1st Dist., Div. 2) 4 Cal.App.5th 62, 78; *A.M. v. Ventura Unified Sch. Dist.* (2016, 2nd Dist., Div. 6) 3

1 Cal.App.5th 1252, 1258, as modified Oct. 19, 2016; *In re Jonathan R.* (2016, 1st Dist., Div. 1) 3
2 Cal.App.5th 963, 971; *T-Mobile W. LLC v. City & County of San Francisco* (2016, 1st Dist., Div. 5) 3
3 Cal.App.5th 334, 353, as modified on denial of rehearing Oct. 13, 2016, aff'd, 6 Cal.5th 1107, 438
4 P.3d 239 (2019); *Adoption of Reed H.* (2016, 3rd Dist.) 3 Cal.App.5th 76, 81; *Hopkins v. Superior*
5 *Court* (2016, 2nd Dist., Div. 4) 2 Cal.App.5th 1275, 1286; *People v. Wagner* (2016, 4th Dist., Div. 1)
6 2 Cal.App.5th 774, 778; *Marin Assn. of Public Employees v. Marin County Employees' Retirement Assn.*
7 (2016, 1st Dist., Div. 2) 2 Cal.App.5th 674, 683; *People v. VanVleck* (2016, 4th Dist., Div. 1) 2
8 Cal.App.5th 355; *Weiss v. City of Los Angeles* (2016, 2nd Dist., Div. 4) 2 Cal.App.5th 194, 215;
9 *People v. Fromuth* (2016, 6th Dist.) 2 Cal.App.5th 91, 102; *JAMS, Inc. v. Superior Court* (2016, 4th
10 Dist., Div. 1) 1 Cal.App.5th 984, 994; *Ctr. for Biological Diversity v. Department of Fish & Wildlife*
11 (2016, 2nd Dist., Div. 5) 1 Cal.App.5th 452; *Tanner v. Public Employees' Retirement Systems* (2016,
12 3rd Dist.) 248 Cal.App.4th 743, 756; *Paslay v. State Farm Gen. Ins. Co.* (2016, 2nd Dist., Div. 4) 248
13 Cal.App.4th 639, 658; *People v. Superior Court (Sokolich)* (2016, 2nd Dist., Div. 4) 248 Cal.App.4th
14 434, 449; *State Comp. Ins. Fund v. Workers' Comp. Appeals Bd.* (2016, 2nd Dist., Div. 3) 248
15 Cal.App.4th 349, 368, as modified on denial of rehearing July 14, 2016; *In re M.H.* (2016, 4th Dist.,
16 Div. 1) 1 Cal.App.5th 699, 713; *People v. Willover* (2016, 6th Dist.) 248 Cal.App.4th 302, 321; *People*
17 *v. Endsley* (2016, 4th Dist., Div. 2) 248 Cal.App.4th 110; *San Diegans for Open Gov't v. City of San*
18 *Diego* (2016, 4th Dist., Div. 1) 247 Cal.App.4th 1306, 1314; *People v. Santa Ana* (2016, 6th Dist.) 247
19 Cal.App.4th 1123, 1138; *Ctr. for Local Gov't Accountability v. City of San Diego* (2016, 4th Dist.,
20 Div. 1) 247 Cal.App.4th 1146, 1155; *People ex rel. Harris v. Delta Air Lines, Inc.* (2016, 1st Dist.,
21 Div. 3) 247 Cal.App.4th 884, 889; *J-M Mfg. Co. v. Phillips & Cohen LLP* (2016, 2nd Dist., Div. 7) 247
22 Cal.App.4th 87, 98; *In re J.C.* (2016, 1st Dist., Div. 1) 246 Cal.App.4th 1462; *People v. Grays* (2016,
23 1st Dist., Div. 5) 246 Cal.App.4th 679, 688; *McGee v. Balfour Beatty Constr., LLC* (2016, 2nd Dist.,
24 Div. 8) 247 Cal.App.4th 235; *People v. McCarthy* (2016, 1st Dist., Div. 5) 244 Cal.App.4th 1096, 1107;
25 *Stuard v. Stuard* (2016, 3rd Dist.) 244 Cal.App.4th 768, 779, as modified on denial of rehearing Mar.
26 1, 2016; *Rubio v. Superior Court* (2016, 2nd Dist., Div. 3) 244 Cal.App.4th 459; *State ex rel.*
27 *Bartlett v. Miller* (2016, 2nd Dist., Div. 7) 243 Cal.App.4th 1398, 1412; *Active Properties, LLC v.*
28 *Cabrera* (2016) 6 Cal.App.5th Supp. 6, 13; *Stanislaus County Deputy Sheriffs' Assn. v. County of*
Stanislaus (2016, 5th Dist.) 2 Cal.App.5th 368; *Kim v. Reins Internat. California, Inc.* (2017, 2nd
Dist., Div. 4) 18 Cal.App.5th 1052, 1058; *Davis v. Superior Court* (2017, 1st Dist., Div. 2) 18
Cal.App.5th 1061, 1069, review denied Mar. 28, 2018; *People ex rel. Alzayat v. Hebb* (2017, 4th Dist.,
Div. 2) 18 Cal.App.5th 801, 817, review denied Apr. 11, 2018; *Priscila N. v. Leonardo G.* (2017, 2nd
Dist., Div. 4) 17 Cal.App.5th 1208, 1214; *The Internat. Bhd. of Boilermakers, etc. v. NASSCO Holdings*
Inc. (2017, 4th Dist., Div. 1) 17 Cal.App.5th 1105, 1123, review denied Feb. 14, 2018; *Flores v.*
Southcoast Auto. Liquidators, Inc. (2017, 2nd Dist., Div. 5) 17 Cal.App.5th 841, 851; *Klem v. Access*
Ins. Co. (2017, 4th Dist., Div. 1) 17 Cal.App.5th 595, 621, review denied Feb. 28, 2018; *In re*
Marriage of Kamgar (2017, 4th Dist., Div. 3) 18 Cal.App.5th 136, 151; *Cornell v. City & County of San*
Francisco (1st Dist., Div. 4) 17 Cal.App.5th 766, as modified Nov. 17, 2017, review denied Feb. 28,
2018; *Doe v. San Diego-Imperial Council* (2017, 4th Dist., Div. 1) 16 Cal.App.5th 301, 314; *Lopez v.*
Friant & Assocs., LLC (2017, 1st Dist., Div. 1) 15 Cal.App.5th 773, review denied Jan. 10, 2018; *Otay*
Land Co., LLC v. U.E. Ltd., L.P. (2017, 4th Dist., Div. 1) 15 Cal.App.5th 806, 826, rehearing denied
Oct. 13, 2017, review denied Dec. 13, 2017; *Sargon Enterprises, Inc. v. Browne George Ross LLP* (2017,
2nd Dist., Div. 3) 15 Cal.App.5th 749, 768, rehearing denied Oct. 17, 2017; *Mission Beverage Co. v.*
Pabst Brewing Co., LLC (2017, 2nd Dist., Div. 2) 15 Cal.App.5th 686, 706; *Am. Cargo Express, Inc. v.*
Superior Court (2017, 3rd Dist.) 16 Cal.App.5th 145, 156, as modified on denial of rehearing Oct. 13,
2017, review denied Dec. 13, 2017; *Guttman v. Chiazor* (2017) 15 Cal.App.5th Supp. 57, 66; *Ed H. v.*
Ashley C. (2017, 4th Dist., Div. 1) 14 Cal.App.5th 899, 909; *Ramirez v. City of Gardena* (2017, 2nd
Dist., Div. 1) 14 Cal.App.5th 811, 824, aff'd, 5 Cal.5th 995 (2018); *Walker v. Appellate Div. of*
Superior Court (2017, 2nd Dist., Div. 5) 14 Cal.App.5th 651, 657; *People v. Pina* (2017) 14
Cal.App.5th Supp. 1, 7; *In re I.F.* (2017, 1st Dist., Div. 3) 13 Cal.App.5th 679, 689, as modified on
denial of rehearing July 31, 2017; *Orange County Water Dist. v. Alcoa Glob. Fasteners, Inc.* (2017,
4th Dist., Div. 1) 12 Cal.App.5th 252, 357, as modified on denial of rehearing June 22, 2017; *Chango*
Coffee, Inc. v. Applied Underwriters, Inc. (2017, 2nd Dist., Div. 3) 11 Cal.App.5th 1247, 1253;
DiCarlo v. County of Monterey (2017, 6th Dist.) 12 Cal.App.5th 468, 485; *In re A.V.* (2017, 1st Dist.,
Div. 1) 11 Cal.App.5th 697, 707; *People v. Figueroa* (2017, 6th Dist.) 11 Cal.App.5th 665, 678; *San*
Diegans for Open Gov't v. San Diego State Univ. Research Found. (2017, 4th Dist., Div. 1) 13
Cal.App.5th 76, 99, as modified on denial of rehearing June 1, 2017; *Gillotti v. Stewart* (2017, 3rd
Dist.) 11 Cal.App.5th 875, 890; *Marina Pacifica Homeowners Assn. v. S. California Fin. Corp.* (2017,
2nd Dist., Div. 8) 11 Cal.App.5th 54, 61; *In re Trejo* (2017, 1st Dist., Div. 2) 10 Cal.App.5th 972,
978; *People v. Paz* (2017, 2nd Dist., Div. 3) 10 Cal.App.5th 1023, 1031; *People v. Bechtol* (2017, 1st
Dist., Div. 5) 10 Cal.App.5th 950, 958; *California Chamber of Commerce v. State Air Res. Bd.* (2017,
3rd Dist.) 10 Cal.App.5th 604, 623; *Pacific Gas & Elec. Co. v. Superior Court* (2017, 1st Dist., Div.
2) 10 Cal.App.5th 563, 573, as modified on denial of rehearing Apr. 20, 2017; *People v. Lee* (2017,
1st Dist., Div. 5) 11 Cal.App.5th 344, 352, as modified May 2, 2017; *People v. Fin. Cas. & Sur., Inc.*
(2017, 2nd Dist., Div. 2) 10 Cal.App.5th 369, 380; *Quiles v. Parent* (2017, 4th Dist., Div. 3) 10
Cal.App.5th 130, 143; *People v. Mejia* (2017, 4th Dist., Div. 2) 9 Cal.App.5th 1036, 1049; *Jarman v.*
HCR ManorCare, Inc. (2017, 4th Dist., Div. 3) 9 Cal.App.5th 807, 826; *Doe v. United States Youth*
Soccer Assn., Inc. (2017, 6th Dist.) 8 Cal.App.5th 1118, 1136, as modified on denial of rehearing
Mar. 16, 2017; *Bank of New York Mellon v. Citibank, N.A.* (2017, 2nd Dist., Div. 4) 8 Cal.App.5th 935,
947, as modified Mar. 1, 2017; *People v. Martinez* (2017, 4th Dist., Div. 1) 8 Cal.App.5th 298, 306;
Acqua Vista Homeowners Assn. v. MWI, Inc. (2017, 4th Dist., Div. 1) 7 Cal.App.5th 1129, 1153; *C.M. v.*
M.C. (2017, 2nd Dist., Div. 1) 7 Cal.App.5th 1188, 1202; *Merced Irrigation Dist. v. Superior Court*

1 (2017, 5th Dist.) 7 Cal.App.5th 916, 928; *San Jose Unified Sch. Dist. v. Santa Clara County Office of*
2 *Educ.* (2017, 6th Dist.) 7 Cal.App.5th 967, 978; *People ex rel. Pierson v. Superior Court* (2017, 3rd
3 Dist.) 7 Cal.App.5th 402, 406

3. Committee Files:

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

11 a. Various Committee File Documents:

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*
15 that the Civil Code 47 privilege ... see Sen. Com. On Judiciary,
16 Background Information on Assemb. Bill No. 478. *Kibler v. Northern*
17 *Inyo County Local Hospital District* (2006) 39 Cal.4th 192, 202

18 Similarly, an opposition letter submitted on behalf of Cole
19 National Corporation argued that the revised statute ... (Donald
20 Brown, Advocation, Inc., letter to Assemblymember Daniel Boatwright
21 re: Assem. Bill No. 1125...) *People v. Cole* (2006) 38 Cal.4th 964,
22 983

23 On April 5, 1983 the Executive Committee of the Estate
24 Planning, Trust and Probate Law Section of the State Bar of
25 California wrote to the Assembly Committee on Judiciary. As relevant
26 here, the executive committee opposed ... This concern was quoted in
27 an Assembly Committee on the Judiciary analysis of Assembly Bill No.
28 25 *Estate of Saueressig* (2006) 38 Cal.4th 1045, 1054

On April 11, 1983, the California Law Revision Commission wrote
to the Assembly Committee on Judiciary, apparently in response to the
executive committee's 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

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

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

16 ... Assemblyman Robert Campbell responded to the uncertainty by
17 introducing Assembly Bill No. 555 (1983-1984 Reg. Sess.), which
18 proposed new Government Code section 831.7. The bill's source, the
19 East Bay Regional Park District, had expressed concern that ... Other
20 supporters decried allegedly baseless personal injury and property
21 damage suits by recreational public property users. (Assem. Com. on
22 Judiciary, Analysis of Assem. Bill No. 555 (1983-1984 Reg. Sess.) as
23 introduced Feb. 10, 1983, p. 2; Richard C. Trudeau, General Manager,
24 East Bay Regional Park District, letter to Senate Com. on Judiciary,
25 May 26, 1983;... *Avila v. Citrus Community College Dist.* (2006) 38
26 Cal.4th 148, 157

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

25 Indeed, to say precisely this may well have been the author's
26 intention. The concern had been expressed that the proposed
27 legislation ... The same concern had been raised by the California
28 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, California Probation,

1 Parole and Correctional Assn., letter to Assemblyman Richard Katz,
Apr. 15, 1993.) . . . *In re Reeves* (2005) 35 Cal.4th 765, 776, fn.15

2 On May 26, 1999, we granted Ultramar's request that we take
3 judicial notice of certain materials from the legislative history of
4 section 3294, subdivision (b), including committee reports and
5 individual legislators' (including co-authors') comments from the
6 Assembly and Senate committee bill files. *White v. Ultramar, Inc.*
7 (1999) 21 Cal.4th 563, 572, fn.3.

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

20 The Estate Planning, Trust and Probate Law Section of the
21 California State Bar proposed what ultimately was enacted as section
22 17211 for the following reasons . . . (California State Bar Estate
23 Planning, Trust & Prob. Law Section, Legislative Proposal, Sen. Bill
24 No. 392, p. 1, excerpted from Senate Com. on Judiciary legislative
25 bill file.) *Chatard v. Oveross* (2009, 2nd Dist.) 179 Cal.App.4th
26 1098, fn.14, 101 Cal.Rptr.3d 883

27 In 2007, the Fourth District, reviewing certain documents from a Committee
28 file, while noting its skepticism of "their independent value", addressed
"miscellaneous materials" from committee files and the "confidence" such
materials can provide a court that is examining issues of legislative history:

29 There is a body of case law involving what is, and what is not,
30 appropriate for examination as legislative history, assuming, for
31 sake of argument, that reference to legislative history is
32 appropriate in the first place. A court is always on firm ground to
33 "consider legislative committee reports and analyses, including
34 statements pertaining to the bill's purpose." (See *Sully-Miller*
35 *Contracting Co. v. California Occupational Safety & Health Appeals*
36 *Bd.* (2006) 138 Cal.App.4th 684, 698, fn.6, 41 Cal.Rptr.3d 742; see
37 also *Hutnick v. United States Fidelity & Guaranty Co.* (1988) 47
38 Cal.3d 456, 465, fn.7, 253 Cal.Rptr. 236, 763 P.2d 1326.) There is
also authority that mere summaries by proponents of bills are not
appropriate legislative history (see *Williams v. Superior Court*
(2001) 92 Cal.App.4th 612, 621, fn.6, 111 Cal.Rptr.2d 918), and in
that vein there is the well-established "judicial reticence [sic] to
rely on statements made by individual members of the Legislature as
an expression of the intent of the entire body." (*Friends of Mammoth*
v. Board of Supervisors (1972) 8 Cal.3d 247, 258, 104 Cal.Rptr. 761,
502 P.2d 1049) We may therefore arguably be incorrect in even looking

1 at the miscellaneous materials from the Senate Judiciary Committee's
2 bill file to test what is otherwise a clear conclusion dictated by
3 the language of the statute and canons of statutory construction.
4 Perhaps we should confine our discussion to the legislative committee
5 reports and analyses—at the very least this opinion would be shorter.
6 In any event, this opinion should not be read as authority for the
7 idea that miscellaneous materials in committee files are good
8 legislative history. However, by consulting these materials as well
9 as looking at the committee reports and analyses we are able to say
10 with confidence that *nothing* in the legislative history shows an
11 intent to change what *Harris* said about section 52. (The issue is, as
12 it turns out, ultimately academic. Only if it turned out that the
13 miscellaneous materials from the committee bill file *clearly* showed
14 an intent to reverse *Harris* (which they don't) would we be forced to
15 confront their independent value probably little or none—as
16 legislative history.) *Gunther v. Lin* (2007, 4th Dist.) 144
17 Cal.App.4th 223, 244, fn.19

18
19 Further appellate decisions:

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

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

29 In addition, the Legislature noted its intent to promote the
30 just, speedy, and economical ... (Chief Counsel Rubin R. Lopez,
31 letter to Assemblyman Elihu M. Harris, Nov. 6, 1986) *Carpenter v.
32 Superior Court (Alameda County)* (2006, 1st Dist.) 141 Cal.App.4th
33 249, 266

34 That history includes a May 23, 1990 memo from the office of
35 San Diego's county counsel that is addressed to all counties in the
36 State. Attached to the memo is a proposed amendment to Senate Bill
37 2791. That proposed amendment is essentially the language of
38 subdivision (c) of section 4985.2. The San Diego memo notes The
39 addition of subdivision (c) to Senate Bill 2791 came in the June 12,
40 1990 amendment of that bill, which was approximately three weeks
41 after San Diego's county counsel's office sought such an addition.
42 *People ex rel. Strumpfer v. Westoaks Investment #27* (2006, 2nd Dist.)
43 139 Cal.App.4th 1038, 1047

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

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

5 Those connected to Assembly Bill No. 2663 (1991-1992 Reg.
6 Sess.), the bill prompted by Resolution 5-9-91 and sponsored by the
7 State Bar to amend Civil Code section 3334, discussed the purpose of
8 the bill in a variety of ways and used the following language ...
9 (Amelia V. Stewart, legislative representative of the State Bar of
10 California, letter of support for Assembly Bill No. 2663 to
11 Assemblyman Phillip Isenberg, Chair of the Assembly Judiciary
12 Committee, March 19, 1992);... (Michael D. Schwartz, letter of
13 support for Assembly Bill No. 2663 to Amelia V. Stewart, legislative
14 representative of the State Bar of California, March 20, 1992);...
15 *Watson Land Co. v. Shell Oil Co.* (2005, 2nd Dist.) 130 Cal.App.4th
16 69, 79

17 As made clear by discussion of the legislation in an analysis
18 prepared for the Senate Judiciary Committee, the enactment of the
19 amendment adding "care custodians" The original proponent of the
20 proposal for the amendment was the Estate Planning Trust and Probate
21 Law Section of the State Bar of California in its annual omnibus
22 bill. In a document prepared by that section discussing the proposed
23 amendment, the "Purpose" of the amendment was described as The
24 "Application" of the amendment is similarly described.... (California
25 State Bar Estate Planning, Trust & Prob. Law Section, Legislative
26 Proposal, Assem. Bill No. 1172, excerpted from Senate Com. on
27 Judiciary legislative bill file.) *In re Conservatorship of Davidson*
28 (2003, 1st Dist.) 113 Cal.App.4th 1035, 1050-1051

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

33 This report, contained within the files of the Senate Judiciary
34 Committee, clearly states the Legislature's understanding that
35 Section 1157, as a "peer review statute," was intended to provide a
36 bar to civil, as opposed to criminal discovery. We must assume the
37 committee relied upon this report in making their recommendations to
38 the full Senate. *People v. Superior Court (Memorial Medical Center)*
39 (1991, 2nd Dist.) 234 Cal.App.3d 363, 380

40 *Runyon v. Board of Trustees of California State University* (2010) 48 Cal.4th 760, 770; *Johnson v.*
41 *Department of Justice* (2015) 60 Cal.4th 871; *DeSaulles v. Community Hospital of Monterey Peninsula*
42 (2016) 62 Cal.4th 1140, 1149; *People v. Safety National Casualty Corp.* (2016) 62 Cal.4th 703, 712;
43 *Ass'n of California Ins. Companies v. Jones* (2017) 2 Cal.5th 376, 396

44 -----
45 *American Liberty Bail Bonds, Inc. v. Garamendi* (2006, 2nd Dist.) 141 Cal.App.4th 1044, 1055-57;
46 *Castillo v. Toll Bros.* (2011, 1st Dist., Div. 1) 197 Cal.App.4th 1172, 1193; *Turner v. Assn. of*
47 *American Medical Colleges* (2011, 1st Dist., Div. 5) 193 Cal.App.4th 1047, 1060; *People v. Guzman*
48 (2011, 5th Dist.) 195 Cal.App.4th 1396, 1406; *People v. Scott* (2012, 6th Dist.) 203 Cal.App.4th 1303,
49 1320; *People v. Colvin* (2012, 2nd Dist., Div. 3) 203 Cal.App.4th 1029, 1038; *Epic Med. Mgmt., LLC v.*
50 *Paquette*, (2015, 2nd Dist., Div. 8) 244 Cal.App.4th 504, 516; *Warner v. Public Employees' Retirement*
51 *System* (2015, 4th Dist., Div. 2) 239 Cal.App.4th 659, 667; *People ex rel. Department of*
52 *Transportation v. Hansen's Truck Stop, Inc.* (2015, 1st Dist., Div. 4) 236 Cal.App.4th 178

1 **b. Bill Analysis Worksheets:**

2 Committee bill analysis worksheets, often entitled, "Background Information
3 on Senate Bill No." or "Fact Sheet on Assembly Bill No.", are documents found
4 only in committee files (where the documents are mostly generated) and on
5 occasion in an author file (usually when generated by the author for a
6 committee).

7 In the following two 2004 cases, the California Supreme Court relied upon
8 committee bill analysis worksheets:

9 Senator John Doolittle introduced Senate Bill No. 229 (1981-
10 1982 Reg. Sess.) on February 5, 1981, at the request of the Peace
11 Officers Research Association of California (PORAC), in order to
12 deter unwarranted lawsuits against peace officers and to reimburse
13 their public employers for the cost of defending such lawsuits. (Sen.
14 Com. on Judiciary, Background Information on Sen. Bill No. 229 (1981-
15 1982 Reg. Sess.) Mar. 10, 1981, p. 1.) *Martin v. Szeto* (2004) 32
16 Cal.4th 445, 450.

17 According to one legislative analysis, "[t]he purpose of"
18 subdivision (d) "is to ensure ... (Sen. Com. on Judiciary, Background
19 Information to Assem. Bill No. 4354 (1975-1976 Reg. Sess.)) Another
20 analysis explained that subdivision (d) "prohibit[s] ... (Assem. Com.
21 on Criminal Justice, Analysis of Assem. Bill No. 4354 (1975-1976 Reg.
22 Sess.) May 26, 1976.) Still another analysis explained that under
23 subdivision (d), a dependency case ... (Assem. Com. on Criminal
24 Justice, Analysis of Assem. Bill No. 4354 (1975-1976 Reg. Sess.) as
25 amended June 2, 1976, p. 1.) This last analysis also explained that
26 "the termination of parental rights is a matter of utmost concern to
27 all parties and that the ... presence of all parties is desirable."
28 (*Ibid.*) These materials reveal a strong legislative interest in
enabling the prisoner to attend the hearing, an interest that would
be undermined by interpreting the statute to make the attorney's
presence sufficient in every case. *In re Jesusa v.* (2004) 32 Cal.4th
588, 623; similarly, see *Walker v. Countrywide Home Loans, Inc.*
(2002, 2nd Dist.) 98 Cal.App.4th 1158, 1171-1172.

29 Similarly, the Appellate Court relied upon the Committee bill analysis
worksheets in the following case:

30 Courts consider such background information documents in
31 discerning legislative intent. (See *Quarry v. Doe I* (2012) 53 Cal.4th
32 945, 987, 139 Cal.Rptr.3d 3, 272 P.3d 977; *Sherwin-Williams Co. v.*
33 *City of Los Angeles* (1993) 4 Cal.4th 893, 899-900, 16 Cal.Rptr.2d
34 215, 844 P.2d 534) *California Fair Plan Assn. v. Garnes* (2017, 1st
35 Dist., Div. 2) 11 Cal.App.5th 1276, 1295, fn.24 (Ct. App. 2017), as
36 modified on denial of rehearing June 14, 2017

1 The legislative history of Civil Code section 2954.4 in the
2 record, even if considered, does not show that property inspection
3 fees are, or should be, considered late fees and hence prohibited by
4 that section. (See generally Assem. Com. on Finance and Insurance,
5 Background Information Relative to the Costs Associated with the
6 Consummation and Financing of Real Property Transactions (Nov. 1974)
7 pp. 33-40; Dugald Gillies, California Assn. of Realtors: Statement on
8 Costs Associated with Real Property Financing Transactions, Nov. 13,
9 1974.) The legislative history suggests that the Legislature was
10 concerned about prohibiting late charges.... The Legislature, in
11 considering how to deal with late charges, did not consider whether
12 property inspection fees are "late fees." *Walker v. Countrywide Home
13 Loans, Inc.* (2002, 2nd Dist.) 98 Cal.App.4th 1158, 1171-1172

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

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

21 The Assembly Committee on Labor and Employment, chaired by the
22 bill's author, offered a Fact Sheet on Assembly Bill No. 3486 ...
23 (Assem. Com. on Labor and Employment, Fact Sheet on Assem. Bill No.
24 3486 (1991-1992 Reg. Sess.), April 21, 1992, p. 1.) *Campbell v.
25 Regents of the University of California* (2005) 35 Cal.4th 311, 331

26 See also: *Armijo v. Miles* (2005) 127 Cal.App.4th 1405, 1415, 26 Cal.Rptr.3d 623, fn.5 ["Background
27 information requests are a proper source for ascertaining legislative intent"].)

28 Courts may take judicial notice of relevant legislative history
to resolve ambiguities and uncertainties concerning the purpose and
meaning of a statute. (See Evid. Code, § 452, subd. (c) [permitting
judicial notice of official acts of the Legislature]; *Quelimane Co.
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
notice of those materials properly noticed by the trial court,
including enrolled bill reports to the governor and legislative
committee and caucus reports, work sheets, and digests. (Evid. Code,
§ 459, subd. (a); [Citations.] *People v. Connor* (2004, 6th Dist.) 115
Cal.App.4th 669, 681, fn.3

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

Sherwin-Williams Co. v. City of Los Angeles (1993) 4 Cal.4th 893, 899-900; *Lexin v. Superior Court*
(2010) 47 Cal.4th 1050, 1080, as modified Apr. 22, 2010; *Baker v. Workers' Compensation Appeals Board*
(2011) 52 Cal.4th 434, 447; *Quarry v. Doe I* (2012) 53 Cal.4th 945, 964; *Johnson v. Department of
Justice* (2015) 60 Cal.4th 871

Van De Kamp v. Gumbiner (1990, 2nd Dist.) 221 Cal.App.3d 1260, 1280; *Farnow v. Superior Court* (1990,
1st Dist.) 226 Cal.App.3d 481, 490; *Mosier v. DMV* (1993, 4th Dist.) 18 Cal.App.4th 420, 424; *Walsh v.
Superior Court* (1996, 2nd Dist.) 42 Cal.App.4th 1822, 1832, 1833; *County of Orange v. Ranger
Insurance Co.* (1998, 4th Dist.) 61 Cal.App.4th 795, 800, 801; *Zink v. Gourley* (2000, 2nd Dist.) 77

1 Cal.App.4th 774, 782, fn.9; *Landau v. Superior Court (Medical Board of California)* (2000, 1st Dist.)
81 Cal.App.4th 191, 204; *People v. Drennan* (2000, 3rd Dist.) 84 Cal.App.4th 1349, 1357-1358; *Florez*
2 *v. Linens 'N Things, Inc.* (2003, 4th Dist.) 108 Cal.App.4th 447, 452; *People ex rel. Allstate Ins.*
3 *Co. v Weitzman* (2003, 2nd Dist.) 107 Cal.App.4th 534, 547-9; *In re Danny H.* (2002, 2nd Dist.) 104
4 Cal.App.4th 92, 102; *Guerrero v. South Bay Union School District* (2003, 4th Dist.) 114 Cal.App.4th
5 264, 280 (Dissent); *People v. Tapia* (2005, 2nd Dist.) 129 Cal.App.4th 1153, 1163 (committee
6 worksheet); *Armenta ex rel City of Burbank v. Mueller Co.* (2006, 2nd Dist.) 142 Cal.App.4th 636, 648;
7 *Air Machine Com SRL v. Superior Court* (2010, 4th Dist., Div. 1) 186 Cal.App.4th 414, 421-425;
8 *Hypertouch, Inc. v. ValueClick, Inc.* (2011, 2nd Dist., Div. 7) 192 Cal.App.4th 805, 821; *Hypertouch,*
9 *Inc. v. ValueClick, Inc.* (2011, 2nd Dist., Div. 7) 192 Cal.App.4th 805, 821; *Turner v. Assn. of*
10 *American Medical Colleges* (2011, 1st Dist., Div. 5) 193 Cal.App.4th 1047, 1060; *Archer v. United*
11 *Rentals, Inc.* (2011, 2nd Dist., Div. 1) 195 Cal.App.4th 807, 820-827, as modified on denial of
12 rehearing June 13, 2011; *Union of American Physicians & Dentist v. Brown* (2011, 1st Dist., Div. 5)
13 195 Cal.App.4th 691, 701; *People v. Spriggs* (2014, 5th Dist.) 224 Cal.App.4th 150, 157; *Epic Med.*
14 *Mgmt., LLC v. Paquette*, (2015, 2nd Dist., Div. 8) 244 Cal.App.4th 504, 516; *Santa Clarita Org. for*
15 *Planning & the Environment v. Abercrombie* (2015, 2nd Dist., Div. 2) 240 Cal.App.4th 300, 312 (2015),
16 as modified Sept. 22, 2015; *Kennedy v. Kennedy* (2015, 2nd Dist., Div. 5) 235 Cal.App.4th 1474, 1485,
17 as modified Apr. 22, 2015; *Marina Pacifica Homeowners Assn. v. S. California Fin. Corp.* (2017, 2nd
18 Dist., Div. 8) 11 Cal.App.5th 54, 61

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

10 Official Commission Reports can include reports prepared by legislative
11 committees for the revision or compilation of particular codes; such as the
12 California Law Revision Commission, the California Constitutional Revision
13 Commission or as in the following 2008 case, it can refer to reports by the Code
14 commissioners in the 1870's. It is well settled that such commission reports
15 provide evidence of legislative intent. Sutherland on Statutory Construction,
16 section 48.09

17 First, as defendant recognizes, official comments of the
18 California Law Revision Commission, while persuasive, are "'not
19 conclusive [] evidence of [legislative] intent.'" (*Department of*
20 *Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals*
21 *Board* (2006) 40 Cal.4th 1, 12, fn.9, 50 Cal.Rptr.3d 585, 145 P.3d
22 462) *People v. Robinson* (2010) 47 Cal.4th 1104, 1139

23 More significantly, the California Legislature had the
24 opportunity to overrule Garcia and Taylor when it amended section
25 1691 in 1961. It chose not to do so. As State Farm observes, the
26 legislative history behind the 1961 amendments to the rescission
27 statutes supports the continuing viability of Garcia and Taylor.
28 Indeed, during its evaluation of the proposed amendments, the
California Law Revision Commission (Commission) considered whether
the rescission and restoration of consideration requirement was
sound. (See Recommendation on Rescission of Contracts, *supra*, at pp.
D-8 to D-14.) ... *Village Northridge Homeowners Assn. v. State Farm*
Fire & Casualty Co. (2010) 50 Cal.4th 913, 927

California's current marriage statutes derive in part from this
state's Civil Code, enacted in 1872, which was based in large part
upon Field's New York Draft Civil Code. As adopted in 1872, former
section 55 of the Civil Code provided that marriage is "a personal
relation arising out of a civil contract, to which the consent of the

1 parties capable of making it is necessary," ^{FN13} and former section 56
2 of that code, in turn, provided that "[a]ny unmarried male of the age
3 of eighteen years or upwards, and any unmarried female of the age of
4 fifteen years or upwards, and not otherwise disqualified, are capable
5 of consenting to and consummating marriage." Although these statutory
6 provisions did not expressly state that marriage could be entered
7 into only by a man and a woman, the statutes clearly were intended to
8 have that meaning and were so understood. (See Code commrs. note
9 foll., 1 Ann. Civ.Code (1st ed. 1872, *Haymond & Burch, commrs.*
10 *annotators*) p. 28) Thus, this court's decisions of that era declared
11 that.... *In re Marriage Cases* (2008) 43 Cal.4th 757, 793

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

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

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

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

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

1 Similarly, the National Conference of Commissioners on Uniform
2 State Laws, which drafted the 1973 Uniform Parentage Act (1973 Act)
3 from which California's UPA was derived (Citation) explained that the
4 1973 Act's presumptions are rebuttable.... *In re Jesusa v.* (2004) 32
5 Cal.4th 588, 650

6 Husband argues that the history of ... shows that the
7 Legislature did not intend to ... in 1984, when the Legislature was
8 considering The Law Revision Commission rejected ... saying: ...
9 (Nathaniel Sterling, California Law Revision Commission Letter to
10 Assemblyman ...). This historical account would support an inference
11 *Mejia v. Reed* (2003) 31 Cal.4th 657, 667

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

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

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

The December 1989 California Law Revision Commission
recommendation on the proposed legislation amending Code of Civil
Procedure former section 353 explained that 'the one year statute is
intended to apply It thus appears that when the amendments to
former section 353 were enacted, they were done so with the clear
understanding and intent that such provisions would govern
Collection Bureau of San Jose v. Rumsey (2000) 24 Cal.4th 301, 308)

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

The requirement that ... was added to article VI, section 2, of
the California Constitution in 1879. Nothing in the 1879
constitutional debates suggests that the drafters intended this

1 provision to restrict the preexisting power to issue preemptory writs
2 in the first instance, without hearing oral argument. *Lewis v.*
Superior Court (1999) 19 Cal.4th 1232, 1257

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

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

23 Appellate cases:

24 "The conflict in the cases should be resolved in favor of the
25 legislative committee comment and the policy articulated by the
26 commission." (*Morris v. County of Marin* (1977) 18 Cal.3d 901, 927,
27 136 Cal.Rptr. 251, 559 P.2d 606 (conc. opn. of Clark, J.)) Comments
28 by legislative committees are among the resources we use to ascertain
legislative intent. (*Schooler v. State of California* (2000) 85
Cal.App.4th 1004, 1012, 102 Cal.Rptr.2d 343; *Arroyo v. State of*
California (1995) 34 Cal.App.4th 755, 761, 40 Cal.Rptr.2d 627)
Nautilus, Inc. v. Yang (2017, 4th Dist., Div. 3) 11 Cal.App.5th 33,
41

29 On our own motion, under Evidence Code sections 452,
30 subdivision (c) and 459, we take judicial notice of the above-cited
31 legislative history materials, since committee reports and
32 legislative resolutions are "indicative of the intent of the
33 Legislature as a whole." (*Metropolitan Water Dist. v. Imperial*
34 *Irrigation Dist.* (2000) 80 Cal.App.4th 1403, 1425, 96 Cal.Rptr.2d
35 314, italics omitted (Metropolitan Water).)

36 ... we take judicial notice of the Final Report of the Van de
37 Kamp Commission as well as the Van de Kamp letter to Chairman
38 Stirling. (See *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th
826, 842, fn.3, 107 Cal.Rptr.2d 841, 24 P.3d 493 [judicial notice of
Attorney General's report on gasoline pricing proper as an official
act of executive department for use as background material]; *Varshock*
v. Department of Forestry & Fire Protection (2011) 194 Cal.App.4th
635, 647, 125 Cal.Rptr.3d 141 ["The report of a commission that
proposes a statute subsequently adopted is given 'substantial weight'
in construing the statute"].) *Cornell v. City & County of San*

1 Francisco (1st Dist., Div. 4) 17 Cal.App.5th 766, as modified Nov.
2 17, 2017, review denied Feb. 28, 2018

3 "Explanatory comments by a law revision commission are
4 persuasive evidence of the intent of the Legislature in subsequently
5 enacting its recommendations into law.'" (*Donkin v. Donkin* (2013) 58
6 Cal.4th 412, 424, fn.8, 165 Cal.Rptr.3d 476, 314 P.3d 780) *DP Pham,*
7 *LLC v. Cheadle* (2016, 4th Dist., Div. 3) 246 Cal.App.4th 653, 670

8 The last case is *Finney, supra*, 111 Cal.App.4th 527, 3
9 Cal.Rptr.3d 604, which, as noted, held that the trial court's power
10 to make an apportionment based on equitable considerations was
11 limited by the Law Revision Commission comments to section 874.040.
12 (*Id.* at pp. 545-546, 3 Cal.Rptr.3d 604) We disagree with this
13 conclusion, because it "exalted the Comments over the statutory
14 language. 'Our first and most important responsibility in
15 interpreting statutes is to consider the words employed; in the
16 absence of ambiguity or conflict, the words employed by the
17 Legislature control, and there is no need to search for indicia of
18 legislative intent.'" (*People v. Osorio* (2008) 165 Cal.App.4th 603,
19 616, 81 Cal.Rptr.3d 167, quoting *People v. Jacobs* (2000) 78
20 Cal.App.4th 1444, 1450, 93 Cal.Rptr.2d 783; see also *People v.*
21 *Robinson* (2010) 47 Cal.4th 1104, 1139, 104 Cal.Rptr.3d 727, 224 P.3d
22 55 ["official comments of the California Law Revision Commission,
23 while persuasive, are "not conclusive [] evidence of [legislative]
24 intent" "].) *Lin v. Jeng* (2012, 2nd Dist., Div. 4) 203 Cal.App.4th
25 1008, 1025

26 We recognize that "[w]hen the Legislature amends a statute
27 without changing those portions ... that have previously been
28 construed by the courts, the Legislature is presumed to have known of
29 and to have acquiesced in the previous judicial construction."'
30 [Citation.]" (*Sharon S. v. Superior Court* (2003) 31 Cal.4th 417, 433-
31 434, 2 Cal.Rptr.3d 699, 73 P.3d 554) Here, however, the Law Revision
32 Commission's comment rebuts this presumption.

33 "We give the California Law Revision Commission comments
34 'substantial weight' in construing the Evidence Code [citation]...."
35 (*People v. Riccardi* (2012) 54 Cal.4th 758, 824, 144 Cal.Rptr.3d 84,
36 281 P.3d 1)

37 Admittedly, the commission made its comment in 1978, not in
38 1965, when Evidence Code section 822 was originally enacted. However,
39 "[a]lthough an expression of legislative intent in a later enactment
40 is not binding upon a court in its construction of an earlier enacted
41 statute, it is a factor that may be considered. [Citations.]"
42 (*Cummins, Inc. v. Superior Court* (2005) 36 Cal.4th 478, 492, 30
43 Cal.Rptr.3d 823, 115 P.3d 98) *City of Corona v. Liston Brick Co.*
44 (2012, 4th Dist., Div. 2) 208 Cal.App.4th 536, 545

45 What weight should we give the statements of the CLR Commission
46 regarding the continuing availability of the right to equitable
47 redemption? The legislative history of the EJJ underlines the
48 significance of the CLR Commission's role in the enactment of the
49 EJJ. An Assembly Office of Research memorandum regarding Assembly
50 Bill No. 707 states, "This bill represents the proposal by the
51 California Law Revision Commission to revise and clarify judgment
52 law." A memorandum regarding Assembly Bill No. 707 from the Senate
53 Committee on Judiciary cites the "Source" of the EJJ as the CLR

1 Commission, and notes that the CLR Commission "has prepared a report
2 which it wishes the Committee to adopt as the Committee's comments."
3 (1981-1982 Reg. Sess., pp. 1, 21.) The courts accept that the
4 Legislature adopted the EUL based on the recommendations of the CLR
5 Commission. (*OCM Principal Opportunities Fund, L.P. v. CIBC World
6 Markets Corp.* (2008) 168 Cal.App.4th 185, 192, 85 Cal.Rptr.3d 350;
7 *Grayson Services, Inc. v. Wells Fargo Bank* (2011) 199 Cal.App.4th
8 563, 569, 131 Cal.Rptr.3d 789) *Lang v. Roche* (2011, 2nd Dist., Div.
9 2) 201 Cal.App.4th 254, 263, fn.8

6 We also have consulted the legislative history of Government
7 Code section 844, including both the report and recommendation of the
8 California Law Revision Commission resulting in the enactment of the
9 Tort Claims Act (Recommendation: Sovereign Immunity Study (Jan. 1963)
10 5 California Law Revision Commission Rep. (1963) pp. 421-426), and
11 certain materials, including the Senate Judiciary Committee Report,
12 from when Government Code section 844 was amended in 1996 to add what
13 currently appears as its second sentence. (Stats.1996, ch. 395, § 1;
14 Sen. Com. on Judiciary, Analysis of Sen. Bill No. 1493 (1995-1996
15 Reg. Sess.) as amended Apr. 8, 1996; see also *Teter v. City of
16 Newport Beach* (2003) 30 Cal.4th 446, 453, 455, 133 Cal.Rptr.2d 139,
17 66 P.3d 1225 [considering the legislative history of Gov.Code, §
18 844].) Those materials are consistent with our conclusion that ...
19 *Lawson v. Superior Court* (2010, 4th Dist., Div. 1) 180 Cal.App.4th
20 1372, 1387

14 In ruling on Kaiser's demurrer to the second amended complaint,
15 the trial court also took judicial notice of numerous documents, as
16 requested by the parties. On appeal, Arce argues that the trial court
17 erred in overruling his objections to Kaiser's request for judicial
18 notice of the 2007 report of the California Legislative Blue Ribbon
19 Commission on Autism. Arce asserts that the report was prepared by a
20 commission, not a legislative committee, and was not prepared in
21 connection with a particular bill. However, "'reports of legislative
22 committees and commissions are part of a statute's legislative
23 history,'" and may properly be subject to judicial notice as official
24 acts of the Legislature (Evid.Code, § 452, subd. (c)). (*Benson v.
25 Workers' Comp. Appeals Bd.* (2009) 170 Cal.App.4th 1535, 1554, fn.16,
26 89 Cal.Rptr.3d 166; see also *Park v. Deftones* (1999) 71 Cal.App.4th
27 1465, 1472, 84 Cal.Rptr.2d 616 [judicial notice taken of report of
28 commission established by the Legislature and relied upon by the
Legislature in enacting statute].) The commission that prepared the
report at issue here was established by the Legislature pursuant to a
concurrent resolution (Sen. Conc. Res. No. 51, Stats. 2005 (2005-2006
Reg. Sess.) res. ch. 124), and the recommendations of the commission
were expressly referenced by the Legislature in approving Senate Bill
1563 (2007-2008 Reg. Sess.). The trial court did not err in taking
judicial notice of the commission report. *Arce v. Kaiser Foundation
Health Plan, Inc.* (2010, 2nd Dist., Div. 7) 181 Cal.App.4th 471, 484-
485, fn.8

26 In recommending the enactment of section 1263.510, the Law
27 Revision Commission explained: ... (Recommendation: Eminent Domain
28 Law (Dec. 1974) 12 California Law Revision Commission. Rep. (1974)
pp. 1652-1653, fns. omitted, quoted in *Los Angeles Unified School
Dist. v. Pulgarin* (2009) 175 Cal.App.4th 101, 106-107, 95 Cal.Rptr.3d
527 (Pulgarin).) "'Because section 1263.510 adopts without change the

1 recommendations of the California Law Revision Commission, the
2 commission's report is entitled to great weight in construing the
3 statute and the Legislature's intent.' (*Redevelopment Agency v. Arvey*
4 *Corp.* [,supra,] 3 Cal.App.4th [at p.] 1363, fn.6 [5 Cal.Rptr.2d
5 161])." (Pulgarin, at p. 107, 95 Cal.Rptr.3d 527.) *Los Angeles*
6 *Unified School District v. Casasola* (2010, 2nd Dist., Div. 4) 187
7 Cal.App.4th 189, 203

8 The Law Revision Commission Comment regarding the partial
9 liquidation exception set forth in section 16350, subdivision
10 (d)(1)(A) supports our interpretation.... (California Law Revision
11 Commission, 54A West's Ann. Probate Code (2010 pamp.) foll. § 16350,
12 p. 75, italics added.) Although the Commission's official comments
13 are not binding, they "reflect the intent of the Legislature in
14 enacting" a statute and "are entitled to substantial weight in
15 construing it. [Citations.]" (*HLC Properties, Ltd. v. Superior Court*
16 (2005) 35 Cal.4th 54, 62, 24 Cal.Rptr.3d 199, 105 P.3d 560) *Manson v.*
17 *Shepherd* (2010, 6th Dist.) 188 Cal.App.4th 1244, 1263

18 The legislative history supports this interpretation. The
19 California Law Revision Commission's report to the Legislature
20 recommending the trust law stated that the proposed law would
21 establish "a uniform rule that the trustee is liable for interest in
22 any case where there is a breach resulting in a loss or depreciation
23 of the trust estate or in profit to the trustee." (Recommendation
24 Proposing the Trust Law (Dec. 1985) 18 California Law Revision
25 Commission Rep. (1986) pp. 560-561.) *Uzyel v. Kadisha* (2010, 2nd
26 Dist., Div. 3) 188 Cal.App.4th 866, 922-923

27 We disagree with the trial court's interpretation. ... In any
28 event, the Law Revision Comments do not trump the unambiguous
language of the statute. (*People v. Osorio* (2008) 165 Cal.App.4th
603, 616, 81 Cal.Rptr.3d 167 [noting that the court in *People v.*
Beyea (1974) 38 Cal.App.3d 176, 113 Cal.Rptr. 254 improperly "exalted
the Comments [accompanying § 1202] over the statutory language,"
because the language of § 1202 is unambiguous]; *People v. Jacobs*
(2000) 78 Cal.App.4th 1444, 1450, 93 Cal.Rptr.2d 783 ["in the absence
of ambiguity or conflict, the words employed by the Legislature
control, and there is no need to search for indicia of legislative
intent"].) And even if there were an ambiguity, the Comments make
clear that section 1202 establishes "a uniform rule permitting a
hearsay declarant to be impeached by inconsistent statements in all
cases." (Comments, *supra*, at p. 27.) *People v. Baldwin* (2010, 2nd
Dist., Div. 4) 189 Cal.App.4th 991, 1004

The California Law Revision Commission in discussing proposed
Probate Code section 18004 prior to its enactment stated, "The third
person should not have to be concerned with the source of the fund
that will be used to pay the claim. (Fn. omitted.) The proposed law
adopts this position. Hence, a third person with a claim against the
trust or trustee may assert (Recommendation Proposing the Trust
Law (1985) 18 California Law Revision Commission Rep. p. 592.)
Stoltenberg v. Newman (2009, 2nd Dist.) 179 Cal.App.4th 287

The restrictions on donative transfers in sections 21350 and
21351 were referred by the Legislature to the California Law Revision
Commission in 2006 for study. (Stats. 2006, ch. 215.) The

1 recommendations of the Law Revision Commission are currently before
2 the Legislature in Senate Bill No. 105. An analysis of that
3 legislation for the Senate Judiciary Committee sets out the
4 circumstances under which the Law Revision Commission was asked to
5 study this topic. It notes that the Chief Justice, in a concurring
6 opinion in *Bernard*, invited the Legislature "to consider modifying or
7 augmenting the relevant provisions....

8 The Senate Judiciary Committee Analysis states that a cleanup
9 bill introduced in 2007 But the donative transfer provisions
10 were deleted from the bill and referred to the Law Revision
11 Commission because it was already studying the subject. (Sen. Com. on
12 Judiciary, Analysis of Sen. Bill No. 105 (2009-2010 Reg. Sess.)) The
13 Law Revision Commission recognized the risk that family members might
14 perpetrate financial abuse of the elderly, citing a study finding
15 that over 85 percent of confirmed cases were committed by relatives.
16 (Law Revision Recommendation, p.125.) But it observed: "Despite the
17 prevalence of abuse by relatives, family members ... is expected and
18 beneficial." (*Ibid.*) The Commission recommended that the existing
19 categorical exceptions to the restriction on donative transfers be
20 continued with minor revisions which are not relevant here. (*Id.* at
21 p. 131.) *In re Estate of Pryor* (2009, 2nd Dist.) 177 Cal.App.4th
22 1466.

23 The Law Revision Commission Comments to section 5303 state:
24 "Subdivision (a) is the same as the first sentence of Section 6-105
25 of the Uniform Probate Code (1987).... *Stevens v. Tri Counties Bank*
26 (2009, 3rd Dist.) 177 Cal.App.4th 236, 247

27 Family Code section 4058, added in 1993, is derived from former
28 Civil Code section 4721 ... which was enacted in 1984. (... "Section
29 4058 continues former Civil Code Section 4721(f) without substantive
30 change." (California Law Revision Commission....) *Asfaw v. Woldberhan*
31 (2007, 2nd Dist.) 147 Cal.App.4th 1407, 1418

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

36 Section 1283.8 was adopted as part of a comprehensive revision
37 of the 1927 statutory scheme governing arbitration (§ 1280 et seq.).
38 The revision was recommended by the California Law Revision
39 Commission's 1960 Recommendation and Study Relating to Arbitration.
40 The Legislature unanimously enacted section 1283.8 without change,
41 exactly as recommended by the Commission. (Feldman, Arbitration
42 Modernized--The New California Arbitration Act (1961) 34 So.
43 California L.Rev. 413, fn.1.) Consequently, the comments of the Law
44 Revision Commission are persuasive evidence of the Legislature's
45 intent. (Citation.) "'Reports of commissions which have proposed
46 statutes that are subsequently adopted are entitled to substantial
47 weight in construing the statutes. [Citations.] This is particularly
48 true where the statute proposed by the commission is adopted by the
49 Legislature without any change whatsoever and where the commission's
50 comment is brief, because in such a situation there is ordinarily
51 strong reason to believe the legislators' votes were based in large
52 measure upon the explanation of the commission proposing the bill.'
53 [Citations.]" (Citation) *Bosworth v. Whitmore* (2006, 2nd Dist.) 135
54 Cal.App.4th 536, 547

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

10 In an effort to discern legislative intent, an appellate court
11 is entitled to take judicial notice of the various legislative
12 materials, including committee reports, underlying the enactment of a
13 statute. [Citations.] In particular, reports and interpretive
14 opinions of the Law Revision Commission are entitled to great weight.
15 [Citation.] *Hale v. Southern California IPA Medical Group, Inc.*
16 (2001, 2nd Dist.) 86 Cal.App.4th 919, 927

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

21 *Keeler v. Superior Court* (1970) 2 Cal.3d 619, 630; *Kaplan v. Superior Court* (1971) 6 Cal.3d 150, 157-
22 8; *People v. Superior Court of Santa Clara County* (1975) 15 Cal.3d 271, 277; *Li v. Yellow Cab Co.*
23 (1975) 13 Cal.3d 804, 817; *People v. Wiley* (1976) 18 Cal.3d 162, 171; *People v. Williams* (1976) 16
24 Cal.3d 663, 668; *Brian W., a minor v. Superior Court* (1978) 20 Cal.3d 618, 622; *People v. Tanner*
25 (1979) 24 Cal.3d 514; *In re Lance, W.* (1985) 37 Cal.3d 873; *Foley v. Interactive Data Corp.* (1988) 47
26 Cal.3d 654, 674; *Estate of MacDonald* (1990) 51 Cal.3d 262, 268; *People v. Superior Court (Douglass)*
27 (1979) 24 Cal.3d 428, 434; *Droeger v. Friedman, Sloan & Ross* (1991) 54 Cal.3d 26, 39; *People v.*
28 *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*
(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*
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;
People v. Superior Court (Laff) (2001) 25 Cal.4th 703, 730; *Teter v. City of Newport Beach* (2003) 30
Cal.4th 446, 453; *In re Marriage of Benson* (2005) 36 Cal.4th 1096, 1106; *City of Stockton v. Superior*
Court (2007) 42 Cal.4th 730, 739; *Shirk v. Vista Unified School District* (2007) 42 Cal.4th 201, 212;
Bruns v. E-Commerce Exchange, Inc. (2011) 51 Cal.4th 717, 727; *Cassel v. Superior Court* (2011) 51
Cal.4th 113, 130; *Estate of Giraladin* (2012) 55 Cal.4th 1058, 1067; *DiCampi-Mintz v. County of Santa*
Clara (2012) 55 Cal.4th 983, 993; *Smith v. Superior Court* (2012) 54 Cal.4th 592, 602; *People v.*
Correa (2012) 54 Cal.4th 331, 346; *Gomez v. Superior Court* (2012) 54 Cal.4th 293, 306; *Donkin v.*
Donkin (2013) 58 Cal.4th 412, 429; *Ceja v. Rudolph & Sletten, Inc.* (2013) 56 Cal.4th 1113, 1121;
McWilliams v. City of Long Beach (2013) 56 Cal.4th 613, 623; *People v. Gonzales* (2013) 56 Cal.4th
353, 375; *Riverside County Sheriff's Department v. Stiglitz* (2014) 60 Cal.4th 624, 631; *Hampton v.*
County of San Diego (2015) 62 Cal.4th 340, 351; *Estate of Duke* (2015) 61 Cal.4th 871; *People v. Cook*
(2015) 60 Cal.4th 922, 924; *City of Perris v. Stamper* (2016) 1 Cal.5th 576, 601; *Prop. Reserve, Inc.*
v. Superior Court (2016) 1 Cal.5th 151; *People v. Hubbard* (2016) 63 Cal.4th 378; *Gaines v. Fidelity*
National Title Insurance Co. (2016) 62 Cal.4th 1081, 1090; *Briggs v. Brown* (2017) 3 Cal.5th 808, as
modified on denial of rehearing Oct. 25, 2017; *Carmack v. Reynolds* (2017) 2 Cal.5th 844, 852

24 *Arellano v. Moreno* (1973) 33 Cal.App.3d 877, 884; *Osgood v. Shasta* (1975) 50 Cal.App.3d 586, 589;
25 *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.)
27 222 Cal.App.3d 578, 585; *Estate of Reeves* (1991, 3rd Dist.) 233 Cal.App.3d 651, 656, 658; *FPI*
Development v. Nakashima (1991) 229 Cal.App.3d 727, 746; *In re Marriage of Hublou* (1991, 6th Dist.)
231 Cal.App.3d 956, 962; *Hattersley v. American Nucleonics Corp.* (1992, 2nd Dist.) 3 Cal.App.4th 397,
401; *Estate of Sanders* (1992, 4th Dist.) 2 Cal.App.4th 462, 471; *Scarzella v. DeMers* (1993, 3rd
28 Dist.) 17 Cal.App.4th 1762, 1768; *Bringante v. Huang* (1993, 2nd Dist.) 20 Cal.App.4th 1569, 1581;
People v. Valladoli (1996, 2nd Dist.) 13 Cal.App.4th 590, 602, 603, 605; *People v. Cruz* (1996, 1st
Dist.) 13 Cal.App.4th 764, 773, 774, fn.5; *Fireman's Fund Insurance Companies v. Quackenbush* (1997,
1st Dist.) 52 Cal.App.4th 599, 606; *Californians for Population Stabilization v. Hewlett-Packard Co.*

(1997, 6th Dist.) 58 Cal.App.4th 273, 288; *Valley Title Co. v. San Jose Water Co.* (1997, 6th Dist.) 57 Cal.App.4th 1490, 1498; *Cheyanna M. v. A.C. Nielsen Co.* (1998, 2nd Dist.) 66 Cal.App.4th 855, 864, 868-870, 875; *Clayton v. Superior Court* (1998, 4th Dist.) 67 Cal.App.4th 28, 32, 33; *People v. Patterson* (1999, 3rd Dist.) 72 Cal.App.4th 438, 442-443; *People v. Angel* (1999, 5th Dist.) 70 Cal.App.4th 1141, 1148; *People v. Bucy* (1999, 4th Dist.) 71 Cal.App.4th 589, 603 (Review Granted); *Barnes v. Department of Corrections* (1999, 5th Dist.) 74 Cal.App.4th 126, 133-136; *In re Marriage of Campbell* (1999, 1st Dist.) 74 Cal.App.4th 1058, 1063; *San Diego County Court Clerks Assn. v. Superior Court* (1999, 4th Dist.) 73 Cal.App.4th 725, 734-735, fn.10; *Zelig v. County of Los Angeles* (1999, 2nd Dist.) 73 Cal.App.4th 741, 759-761, fn.14; *Johnson v. Kotyck* (1999, 2nd Dist.) 76 Cal.App.4th 83, 88; *People v. Le* (2000, 4th Dist.) 82 Cal.App.4th 1352, 1358; *Walt Rankin & Associates, Inc. v. City of Murrieta* (2000, 4th Dist.) 84 Cal.App.4th 605, 617; *Gaetani v. Goss-Golden West Sheet Metal Profit Sharing Plan* (2000, 1st Dist.) 84 Cal.App.4th 1118, 1129; *Trafficschoolonline, Inc. v. Superior Court (Ohlrich)* (2001, 2nd Dist.) 89 Cal.App.4th 222, 232; *Ehret v. Congoleum Corp.* (2001, 2nd Dist.) 87 Cal.App.4th 202, 207; *Emeryville Redevelopment Agency v. Harcros Pigments, Inc.* (2002, 1st Dist.) 101 Cal.App.4th 1083, 1099; *Oldham v. California Capital Fund, Inc.* (2003, 5th Dist.) 109 Cal.App.4th 421, 431; *Quintana v. Gibson* (2003, 2nd Dist.) 113 Cal.App.4th 89, 95; *Estate of Miramontes-Najera* (2004, 4th Dist.) 118 Cal.App.4th 750, 759; *Ventura County Department of Child Support Services v. Brown* (2004, 2nd Dist.) 117 Cal.App.4th 144, 152-153; *Estate of Thomas* (2004, 2nd Dist.) 124 Cal.App.4th 711, 724; *Violante v. Communities Southwest Development & Construction Co.* (2006, 4th Dist.) 138 Cal.App.4th 972, 977 (Code Commission Report); *Ung v. Koehler* (2005, 1st Dist.) 135 Cal.App.4th 186, 198 (CLRC); *Slocum v. State Bd. of Equalization* (2005, 1st Dist.) 134 Cal.App.4th 969, 977 (Constitution Revision Commission Task Force); *City of Stockton v. Superior Court (Civic Partners Stockton, LLC)* (2005, 3rd Dist.) 133 Cal.App.4th 1052, 1062 (California Law Revision Commission Study)[Review Granted.]; *Escondido Union School District v. Casa Sueños De Oro, Inc.* (2005, 4th Dist.) 129 Cal.App.4th 944, 959 (CLRC recommendation); *Sullivan v. Dorsa* (2005, 6th Dist.) 128 Cal.App.4th 947, 957-8; *People v. Johnson* (2006, 1st Dist.) 145 Cal.App.4th 895, 904; *Estate of Burden* (2007, 2nd Dist.) 146 Cal.App.4th 1021, 1028; *County of Los Angeles v. American Contractors Indemnity Company* (2007, 2nd Dist.) 152 Cal.App.4th 661, 667, fn.15; *Dina v. People ex rel. Department of Transportation* (2007, 2nd Dist.) 151 Cal.App.4th 1029, 1042; *Estate of Yool v. Yool* (2007, 1st Dist.) 151 Cal.App.4th 867, 872, fn.2; *People v. Price* (2007, 2nd Dist.) 155 Cal.App.4th 987, 995; *In re Estate of Pryor* (2009, 2nd Dist.) 177 Cal.App.4th 1466; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2010, 4th Dist., Div. 1) 184 Cal.App.4th 1032; *Estate of Lewis* (2010, 4th Dist., Div. 3) 184 Cal.App.4th 507, 514; *Brown v. Valverde* (2010, 1st Dist., Div. 2) 183 Cal.App.4th 1531, 1552; *Estate of Winans* (2010, 1st Dist., Div. 1) 183 Cal.App.4th 102, 120; *Harbour Vista, LLC v. HSBC Mortgage Services, Inc.* (2011, 4th Dist., Div. 3) 201 Cal.App.4th 1496, 1505; *Gananian v. Wagstaffe* (2011, 1st Dist., Div. 1) 199 Cal.App.4th 1532, 1541; *Toyota Motor Corp. v. Superior Court* (2011, 2nd Dist., Div. 3) 197 Cal.App.4th 1107, 1118; *Griffith v. Superior Court* (2011, 2nd Dist., Div. 6) 196 Cal.App.4th 943, 954; *Kucker v. Kucker* (2011, 2nd Dist., Div. 6) 192 Cal.App.4th 90, 94; *Varshock v. Department of Forestry & Fire Protection* (2011, 4th Dist., Div. 1) 194 Cal.App.4th 635, 647-49; *People v. Zeigler* (2012, 6th Dist.) 211 Cal.App.4th 638, 652; *Council of San Benito County Governments v. Hollister Inn, Inc.* (2012, 6th Dist.) 209 Cal.App.4th 473, 490; *Sourcecorp, Inc. v. Shill* (2012, 3rd Dist.) 206 Cal.App.4th 1054, 1060; *Sefton v. Sefton* (2012, 4th Dist., Div. 1) 206 Cal.App.4th 875, 886; *Thornton v. California Unemployment Insurance Appeals Board* (2012, 4th Dist., Div. 1) 204 Cal.App.4th 1403, 1415; *People v. Hale* (2012, 1st Dist., Div. 3) 204 Cal.App.4th 961, 973; *Estate of Moss* (2012, 4th Dist., Div. 1) 204 Cal.App.4th 521, 531; *National Fin. Lending, LLC v. Superior Court* (2013, 4th Dist., Div. 1) 222 Cal.App.4th 262, 271, as modified Jan. 7, 2014; *City of Bell v. Superior Court* (2013, 2nd Dist., Div. 3) 220 Cal.App.4th 236, 257, as modified Oct. 9, 2013, as modified on denial of rehearing Oct. 25, 2013; *POET, LLC v. State Air Resources Board* (2013, 5th Dist.) 218 Cal.App.4th 681, 745, as modified on denial of rehearing Aug. 8, 2013; *Citizens for Ceres v. Superior Court* (2013, 5th Dist.) 217 Cal.App.4th 889, 916; *Jenkins v. Teegarden* (2014, 4th Dist., Div. 2) 230 Cal.App.4th 1128, 1138; *Johnson v. Appellate Div. of Superior Court* (2014, 6th Dist.) 230 Cal.App.4th 825, 831; *Van Zant v. Apple, Inc.* (2014, 6th Dist.) 229 Cal.App.4th 965, 979; *In re Marriage of Evans* (2014, 5th Dist.) 229 Cal.App.4th 374, 386; *McIntyre v. The Colonies-Pac., LLC* (2014, 4th Dist., Div. 1) 228 Cal.App.4th 664, 671; *Burquet v. Brumbaugh* (2014, 2nd Dist., Div. 5) 223 Cal.App.4th 1140, 1146; *People v. McGowan* (2015, 2nd Dist., Div. 5) 242 Cal.App.4th 377, 384, as modified Dec. 8, 2015; *Roe v. Superior Court* (2015, 6th Dist.) 243 Cal.App.4th 138, 148; *In re Marriage of Bonvino* (2015, 2nd Dist., Div. 5) 241 Cal.App.4th 1411, 1428; *In re Aurora P.* (2015, 1st Dist., Div. 5) 241 Cal.App.4th 1142, 1158; *Doolittle v. Exch. Bank* (2015, 1st Dist., Div. 3) 241 Cal.App.4th 529, 540, as modified on denial of rehearing Nov. 4, 2015; *AIDS Healthcare Found. v. State Department of Health Care Services* (2015, 2nd Dist., Div. 7) 241 Cal.App.4th 1327, 1339; *Wells Fargo Bank, N.A. v. 6354 Figarden Gen. P'ship* (2015, 5th Dist.) 238 Cal.App.4th 370; *In re Marriage of Lafkas* (2015, 2nd Dist., Div. 5) 237 Cal.App.4th 921; *E. W. Bank v. Rio Sch. Dist.* (2015, 2nd Dist., Div. 6) 235 Cal.App.4th 742, 749; *Sutter Health v. Eden Twp. Healthcare Dist.* (2016, 1st Dist., Div. 1) 6 Cal.App.5th 60, 67; *ZF Micro Devices, Inc. v. TAT Capital Partners, Ltd.* (2016, 6th Dist.) 5 Cal.App.5th 69, 85, as modified Nov. 30, 2016; *Humboldt County Adult Protective Services v. Superior Court* (2016, 1st Dist., Div. 1) 4 Cal.App.5th 548, 55; *Adoption of Reed H.* (2016, 3rd Dist.) 3 Cal.App.5th 76, 81; *Adoption of A.B.* (2016, 4th Dist., Div. 1) 2 Cal.App.5th 912; *Chang v. County of Los Angeles* (2016, 2nd Dist., Div. 5) 1 Cal.App.5th 25, 36; *Conservatorship of Bower* (2016, 4th Dist., Div. 3) 247 Cal.App.4th 495, 509, as modified May 20, 2016; *Gray v. Jewish Federation of Palm Springs & Desert Area* (2016, 4th Dist., Div. 2) 243 Cal.App.4th 892, 907; *Burd v. Barkley Court Reporters, Inc.* (2017, 2nd Dist., Div. 2) 17 Cal.App.5th 1037, 1048, review denied Feb. 28, 2018; *Hutcheson v. Eskaton FountainWood Lodge* (2017,

1 3rd Dist.) 17 Cal.App.5th 937, 950, rehearing denied (Dec. 15, 2017), review denied Feb. 28, 2018;
2 *Cima-Sorci v. Sorci* (2017, 3rd Dist) 17 Cal.App.5th 875, 887, as modified Nov. 28, 2017; *Direct*
3 *Capital Corp. v. Brooks* (2017, 3rd Dist.) 14 Cal.App.5th 1168, 1174, as modified Sept. 22, 2017; *Webb*
4 *v. Webb* (2017, 2nd Dist., Div. 8) 12 Cal.App.5th 876, 884; *Cross v. Superior Court* (2017, 2nd Dist.,
5 Div. 5) 11 Cal.App.5th 305, 319

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

A summary digest is "not binding or persuasive where contravened by the statutory language, and by other indicia of a contrary legislative intent." (*State ex rel. Harris v. PricewaterhouseCoopers, LLP* (2006) 39 Cal.4th 1220, 1233, fn.9, 48 Cal.Rptr.3d 144, 141 P.3d 256; see *Heavenly Valley v. El Dorado County Bd. of Equalization* (2000) 84 Cal.App.4th 1323, 1339, 101 Cal.Rptr.2d 591 [summary digest conflicting with statute "must be disregarded"].) *In re Abbigail A.* (2016) 1 Cal.5th 83

The summary prepared by the Legislative Counsel for the original 1963 bill states ... (Legis. Counsel, Rep. on Sen. Bill No. 639 (1963 Reg. Sess.) July 5, 1963) and this wording is repeated in some other legislative history documents relating to that bill. These statements might be read as suggesting that Civil Code section 846 confers a blanket immunity. But if the Legislature had actually intended such a broad and unqualified immunity, it could have used the Legislative Counsel's broad and unqualified wording. That it chose rather different wording suggests that it intended a narrower and more focused immunity, and the language of the statute itself is the most reliable guide to legislative intent. *Klein v. United States of America* (2010) 50 Cal.4th 68, 83

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

The summary digests of Legislative Counsel are properly considered by an appellate court without the need for judicial notice because the digests are published. (*People v. Rodriguez* (2012) 55 Cal.4th 1125, 1129, fn.4, 150 Cal.Rptr.3d 533, 290 P.3d 1143) *Merced Irrigation Dist. v. Superior Court* (2017, 5th Dist.) 7 Cal.App.5th 916, 928

Our conclusion is bolstered by the Legislative Counsel's Digest, which is the official summary of the legal effect of a bill

1 and is relied upon by the Legislature throughout the legislative
2 process. (*Joannou, supra*, 219 Cal.App.4th at p. 759, 162 Cal.Rptr.3d
3 158) Although it is not binding, the digest is entitled to great
weight. (*Ibid.*) *Kalnel Gardens, LLC v. City of Los Angeles* (2016, 2nd
4 Dist., Div. 8) 3 Cal.App.5th 927, 942

5 The statements of a bill's author are generally not considered
6 if there is "no reliable indication that the Legislature as a whole
7 was aware of that objective and believed the language of the proposal
8 would accomplish it. [Citations.]" [Citation.]" (*People v. Garcia*
9 (2002) 28 Cal.4th 1166, fn.5, 124 Cal.Rptr.2d 464, 52 P.3d 648) We
may consider the statements above as there is a reliable indication
10 the Legislature as a whole was aware of them; the statements are
11 included in Assembly and Senate committee analyses, of which courts
12 commonly take judicial notice as cognizable legislative history. (See
13 *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.*
14 (2005) 133 Cal.App.4th 26, 31, 39, 34 Cal.Rptr.3d 520.) *People v.*
15 *Johnson* (2015, 2nd Dist., Div. 8) 234 Cal.App.4th 1432

16 The Legislative Counsel's Digest is printed as a preface to
17 every bill considered by the Legislature."'" (*People v. Vega* (2014)
18 222 Cal.App.4th 1374, 1382 [166 Cal.Rptr.3d 506]) It "constitutes
19 the official summary of the legal effect of the bill and is relied
20 upon by the Legislature throughout the legislative process," and thus
21 'is recognized as a primary indication of legislative intent.'" (*In*
22 *re M.G.* (2014) 228 Cal.App.4th 1268, 1277, fn.7 [176 Cal.Rptr.3d
23 459]) "Although the Legislative Counsel's summary digests are not
24 binding [citation], they are entitled to great weight.'" (*Mt. Hawley*
25 *Ins. Co. v. Lopez* (2013) 215 Cal.App.4th 1385, 1401 [156 Cal.Rptr.3d
26 771]) *Walker v. City of San Clemente* (2015, 4th Dist., Div. 3) 239
27 Cal.App.4th 1350, 1364, fn.3

28 The Legislative Counsel's Digest "constitutes the official
summary of the legal effect of the bill and is relied upon by the
Legislature throughout the legislative process," and thus "is
recognized as a primary indication of legislative intent."
(*Souvannarath v. Hadden* (2002) 95 Cal.App.4th 1115, 1126, fn.9, 116
Cal.Rptr.2d 7) *In re M.G.* (2014, 1st Dist., Div. 1) 228 Cal.App.4th
1268, 1277, fn.7

The opinion of the Legislative Counsel, although not binding on
the court, is entitled to consideration. (*California Assn. of*
Psychology Providers v. Rank (1990) 51 Cal.3d 1, 17, 270 Cal.Rptr.
796, 793 P.2d 2; *Los Angeles County Dependency Attorneys, Inc. v.*
Department of General Services (2008) 161 Cal.App.4th 230, 240, 73
Cal.Rptr.3d 817) *Walnut Valley Unified School District v. Superior*
Court (2011, 2nd Dist., Div. 3) 192 Cal.App.4th 234, 243

The most recent amendment to section 351 removed an exemption
to ensure that in all circumstances employees are entitled to
gratuities. (See Legis. Counsel's Dig., Assem. Bill. No. 2509 (1999-
2000 Reg. Sess.) as introduced, Feb. 24, 2000, § 16, at pp. 5, 24.)
Garcia v. Four Points Sheraton LAX (2010, 2nd Dist., Div. 3) 188
Cal.App.4th 364, 378, fn.10 and fn.11

The legislative history of section 31720.6 indicates that the
purpose of the bill was to ... (Legis. Counsel's Digest, Sen. Bill

1 No. 558, Stats. 1999 (1999-2000 Reg. Sess.) Summary Dig., p. 99.)
2 *Sameyah v. Los Angeles County Employees Ret. Assn.* (2010, 2nd Dist.,
3 Div. 1) 190 Cal.App.4th 199, 209

4 Contemporary commentary in the Legislative summary digest
5 confirms existing law "specifie[d] that every person who carries upon
6 his person" ... The new language, it was explained, "impose[s] a
7 state-mandated local program by also making the possession of a
8 switchblade ... misdemeanor." (Legis. Counsel's Dig., Assem. Bill.
9 No. 2985, 4 Stats. 1986, (Reg.Sess.), Summary Digest, pp.551-552.)
10 This makes clear the Legislature's understanding that the existing
11 statute applied to carrying on the person in any location and its
12 intent to impose the "public place" limitation solely on possession
13 in a vehicle. *In re S.C.* (2009, 1st Dist.) 179 Cal.App.4th 1436, fn.3

14 The Legislative Counsel's digest explained that Assembly Bill
15 No. 749 "would provide for increased temporary disability and
16 permanent partial disability and death benefits for injuries or
17 deaths occurring on or after January 1, 2003, with additional
18 increases in benefits phased in over several years." (Legis.
19 Counsel's Dig., Assem. Bill No. 749, 6 Stats.2002, § 21; see also
20 Legis. Counsel's Dig., Assem. Bill No. 486, 866 Stats.2002, § 7.)
21 *Duncan v. W.C.A.B.* (2009, 6th Dist.) 179 Cal.App.4th 1009

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

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

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

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

The Legislative Counsel's Digest of the final Assembly Bill No.
1863 states: "This bill would require subdividers to offer each
existing tenant an option to purchase his or her condominium unit
which is to be created by the conversion (Legis. Counsel's Dig.,
Assem. Bill No. 1863 (1991-1992 Reg. Sess.) 4 Stats. 1991, Summary
Dig., p. 311.)

It is proper for us to consider the Legislative Counsel's
analysis of a bill as evidence of legislative intent, although it is
not controlling. [Citations.] As our Supreme Court has observed:

1 "While an opinion of the Legislative Counsel is entitled to respect,
2 its weight depends on the reasons given in its support." [Citation.]
3 *El Dorado Palm Springs, Ltd. v. City of Palm Springs et al.* (2002,
4 4th Dist.) 96 Cal.App.4th 1155, 1168

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

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

15 Since the Legislative Counsel is a state official (Government
16 Code Section 10200), who is required by law to give such
17 consideration to and service concerning any measure before the
18 Legislature as circumstances will permit, and which is in any way
19 requested by ... the Senate or Assembly,... (Government Code Section
20 10234), it would seem by analogy that it is reasonable to presume
21 that the Legislature adopted Section 139.7 of the Civil Code with the
22 intent and meaning expressed in this digest of the bill. *Maben v.
23 Superior Court* (1967) 255 Cal.App.2d 708, 713

24 *Rockwell v. Superior Court* (1976) 18 Cal.3d 420, 443; *People v. Superior Court (Douglass)* (1979) 24
25 Cal.3d 428, 434; *People v. Thomas* (1992) 4 Cal.4th 206, 209, 213; *People v. Broussard* (1993) 5
26 Cal.4th 1067, 1074; *California Teachers Assn. v. Governing Board of Rialto Unified School District*
27 (1997) 14 Cal.4th 627, 646; *Mercy Hospital and Medical Center v. Farmers Insurance Group of Companies*
28 (1997) 15 Cal.4th 213, 222; *Ventura County Deputy Sheriffs' Assn. v. Board of Retirement* (1997) 16
29 Cal.4th 483, 504-505; *Quelimane Company, Inc. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 45;
30 *Delaney v. Baker* (1999) 20 Cal.4th 23, 30; *California Teachers Assn. v. State of California* (1999) 20
31 Cal.4th 327, 350; *People v. Snyder* (2000) 22 Cal.4th 304, 310; *People v. Murphy* (2001) 25 Cal.4th
32 136, 151; *People v. Holmes* (2004) 32 Cal.4th 432, 439; *Hagberg v. California Federal Bank* (2004) 32
33 Cal.4th 350, 370, fn.6; *Olmstead v. Arthur J. Gallagher & Co.* (2004) 32 Cal.4th 804, 814-815; *Eisner
34 v. Uveges* (2004) 34 Cal.4th 915, 929-930; *City of Long Beach v. Department of Industrial Relations*
35 (2004) 34 Cal.4th 942, 953; *In re Jennings* (2004) 34 Cal.4th 254, 271; *American Financial Services
36 Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1255; *People v. Holmes* (2004) 32 Cal.4th 432, 439;
37 *In re Jesusa V.* (2004) 32 Cal.4th 588, 650; *Pacific Lumber Co. v. State Water Resources Control Bd.*
38 (2006) 37 Cal.4th 921, 941; *Wells v. Onezone Learning Foundation* (2006) 39 Cal.4th 1164, 1207;
39 *Pilimai v. Farmers Insurance Exchange Company* (2006) 39 Cal.4th 133, 146; *Smith v. Superior Court*
40 (2006) 39 Cal.4th 77, 87; *People v. Corpuz* (2006) 38 Cal.4th 994, 998; *Murphy v. Kenneth Cole
41 Productions* (2007) 40 Cal.4th 1094, 1107; *Lonicki v. Sutter Health Central* (2008) 43 Cal.4th 201,
42 219; *People v. Alford* (2007) 42 Cal.4th 749, 757; *McCarther v. Pac. Telesis Grp.* (2010) 48 Cal.4th
43 104, 116; *Tarrant Bell Properties, LLC v. Superior Court* (2011) 51 Cal.4th 538, 543; *Voices of the
44 Wetlands v. State Water Resources Control Board* (2011) 52 Cal.4th 499, 526; *People v. Rodriguez*
45 (2012) 55 Cal.4th 1125, 1129; *Tarrant Bell, Properties, LLC v. Superior Court* (2011) 51 Cal.4th 538,
46 543; *Jankey v. Lee* (2012) 55 Cal.4th 1038, 1050; *People v. Correa* (2012) 54 Cal.4th 331, 346; *People
47 v. Cornett* (2012) 53 Cal.4th 1261, 1267; *Brinker Rest. Corp. v. Superior Court* (2012) 53 Cal.4th
48 1004, 1037; *Quarry v. Doe I* (2012) 53 Cal.4th 945, 964; *American Nurses Assn. v. Torlakson* (2013) 57
49 Cal.4th 570, 580; *B.H. v. County of San Bernardino* (2015) 62 Cal.4th 168, 183; *DeSaulles v. Community
50 Hospital of Monterey Peninsula* (2016) 62 Cal.4th 1140, 1149; *In re R.T.* (2017) 3 Cal.5th 622, 631;
51 *Scher v. Burke* (2017) 3 Cal.5th 136, 149, as modified on denial of rehearing Aug. 9, 2017

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53 *Haworth v. Lira* (1991, 2nd Dist.) 232 Cal.App.3d 1362, 1369-1370; *Southland Mechanical Constructors
54 v. Nixen* (1981, 4th Dist.) 119 Cal.App.3d 417, 427; *Shelton v. City of Westminster* (1982, 4th Dist.)
55 138 Cal.App.3d 610, 614; *California Teachers Assn. v. Governing Board* (1983, 5th Dist.) 141
56 Cal.App.3d 606, 613; *People v. Rodriguez* (1984, 5th Dist.) 160 Cal.App.3d 207, 214, fn.11; *In re Tri-
57 Valley Herald* (1985, 1st Dist.) 169 Cal.App.3d 865, 871; *Coastal Care Centers, Inc. v. MEEKS* (1986,
58 1st Dist.) 184 Cal.App.3d 85, 94; *People v. Martinez* (1987, 2nd Dist.) 194 Cal.App.3d 15, 22; *Terry
59 York Imports v. DMV* (1987, 2nd Dist.) 197 Cal.App.3d 307, 317, fn.2; *Schwetz v. Minnerly* (1990, 4th
60 Dist.) 220 Cal.App.3d 296, 306; *Billings v. Health Plan of America* (1990, 2nd Dist.) 225 Cal.App.3d
61 250, 257, fn.3; *People v. Superior Court (Memorial Medical Center)* (1991, 2nd Dist.) 234 Cal.App.3d

1 363, 377; *Clavell v. North Coast Business Park* (1991, 4th Dist.) 232 Cal.App.3d 328, 332; *County of*
2 *San Diego v. Department of Health Services* (1991, 4th Dist.) 1 Cal.App.4th 656, 663; *Franklin v.*
3 *Appel* (1992, 2nd Dist.) 8 Cal.App.4th 875, 890; *Perez v. Smith* (1993, 1st Dist.) 19 Cal.App.4th 1595,
4 1598; *In re Rudy L.* (1994, 2nd Dist.) 29 Cal.App.4th 1007, 1013; *In re Rottanak K.* (1995, 5th Dist.)
5 37 Cal.App.4th 260, 267; *Lorenz v. Commercial Acceptance Insurance Co.* (1995, 6th Dist.) 40
6 Cal.App.4th 981, 993; *Voss v. Superior Court* (1996, 5th Dist.) 46 Cal.App.4th 900, 914, fn.5;
7 *Hogoboom v. Superior Court* (1996, 2nd Dist.) 51 Cal.App.4th 653, 670; *Building Industry Assn. v. City*
8 *of Livermore* (1996, 1st Dist.) 45 Cal.App.4th 719, 730, fn.8; *In re Marriage of Fell* (1997, 2nd
9 Dist.) 55 Cal.App.4th 1058, 1062; *People v. Prothero* (1997, 3rd Dist.) 57 Cal.App.4th 126, 132, 133,
10 fn.7; *Amvest Mortgage Corp. v. Antt* (1997, 1st Dist.) 58 Cal.App.4th 1239, 1245; *Valley Title Co. v.*
11 *San Jose Water Co.* (1997, 6th Dist.) 57 Cal.App.4th 1490, 1499, 1500; *People v. Hinks* (1997, 2nd
12 Dist.) 58 Cal.App.4th 1157, 1163; *People v. Henson* (1997, 4th Dist.) 57 Cal.App.4th 1380, 1386;
13 *Hudson v. Board of Administration* (1997, 1st Dist.) 59 Cal.App.4th 1310, 1324; *Delaney v. Baker*
14 (1997, 1st Dist.) 59 Cal.App.4th 1403, 1414 (Petition for Review Granted); *Almar Limited v. County of*
15 *Ventura* (1997, 2nd Dist.) 56 Cal.App.4th 105, 109; *Brown v. Smith* (1997, 4th Dist.) 55 Cal.App.4th
16 767, 788; *People v. Steffens* (1998, 6th Dist.) 62 Cal.App.4th 1273, 1284; *Butler v. Superior Court*
17 (1998, 2nd Dist.) 63 Cal.App.4th 64, 67; *Dant v. Superior Court* (1998, 1st Dist.) 61 Cal.App.4th 380,
18 387, fn.9; *In re Parker* (1998, 4th Dist.) 60 Cal.App.4th 1453, 1465; *Sears v. Baccaglio* (1998, 1st
19 Dist.) 60 Cal.App.4th 1136, 1147; *Townzen v. County of El Dorado* (1998, 3rd Dist.) 64 Cal.App.4th
20 1350, 1357; *Terhune v. Superior Court* (1998, 1st Dist.) 65 Cal.App.4th 864, 880, fn.10; *Cheyanna M.*
21 *v. A.C. Nielsen Co.* (1998, 2nd Dist.) 66 Cal.App.4th 855, 875; *In re Carr* (1998, 2nd Dist.) 65
22 Cal.App.4th 1525, 1534; *California Correctional Peace Officers Assn. v. Department of Corrections*
23 (1999, 3rd Dist.) 72 Cal.App.4th 1331, 1359; *City of Alhambra v. P.J.B. Disposal Co.* (1998, 2nd
24 Dist.) 61 Cal.App.4th 136, 147, fn.13; *Bravo Vending v. City of Rancho Mirage* (1993, 4th Dist.) 16
25 Cal.App.4th 383, 399, 401, fn.10; *Alt v. Superior Court* (1999, 3rd Dist.) 74 Cal.App.4th 950, 959,
26 fn.4; *Kerollis v. DMV* (1999, 1st Dist.) 75 Cal.App.4th 1299, 1306; *Zink v. Gourley* (2000, 2nd Dist.)
27 77 Cal.App.4th 774, 782-783, fn.10; *People v. Valencia* (2000, 2nd Dist.) 82 Cal.App.4th 139, 146;
28 *Gaetani v. Goss-Golden West Sheet Metal Profit Sharing Plan* (2000, 1st Dist.) 84 Cal.App.4th 1118,
1129; *People v. Harper* (2000, 3rd Dist.) 82 Cal.App.4th 1413, 1418; *West Shield Investigations &*
Security Consultants v. Superior Court (Eymil) (2000, 6th Dist.) 82 Cal.App.4th 935, 948; *Santa Ana*
Unified School District v. Orange County Development Agency (2001, 4th Dist.) 90 Cal.App.4th 404,
409; *Trafficschoolonline, Inc. v. Superior Court (Ohlrich)* (2001, 2nd Dist.) 89 Cal.App.4th 222, 233-
234; *Woodbury v. Brown-Dempsey* (2003, 4th Dist.) 108 Cal.App.4th 421, 434-436; *Florez v. Linens 'N*
Things, Inc. (2003, 4th Dist.) 108 Cal.App.4th 447, 452, fn.4; *People ex rel. Allstate Ins. Co. v*
Weitzman (2003, 2nd Dist.) 107 Cal.App.4th 534, 547; *People v. Franklin* (2003, 5th Dist.) 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.) 102 Cal.App.4th 977, 989; *Casterson v. Superior Court*
(Cardoso) (2002, 6th Dist.) 101 Cal.App.4th 177 188; *In re Tino v.* (2002, 2nd Dist.) 101 Cal.App.4th
510, 514; *Giles v. Horn* (2002, 4th Dist.) 100 Cal.App.4th 206, 232; *Case v. Lazben Financial Co.*
(2002, 2nd Dist.) 99 Cal.App.4th 172, 188; *Smith v. Santa Rosa Police Department* (2002, 1st Dist.) 97
Cal.App.4th 546, 559; *People v. Arroyas* (2002, 2nd Dist.) 96 Cal.App.4th 1439, 1446; *People v.*
Arroyas (2002, 2nd Dist.) 96 Cal.App.4th 1439, 1445; *Ma v. City and County of San Francisco* (2002,
1st Dist.) 95 Cal.App.4th 488, 515; *De Anza Santa Cruz Mobile Estates Homeowners Assn. v. De Anza*
Santa Cruz Mobile Estates (2001, 6th Dist.) 94 Cal.App.4th 890, 910; *Redevelopment Agency of San*
Diego v. San Diego Gas & Electric Co. (2003, 4th Dist.) 111 Cal.App.4th 912, 920; *People v. Chavez*
(2004, 5th Dist.) 118 Cal.App.4th 379, 386; *People v. Rivera* (2003, 4th Dist.) 114 Cal.App.4th 872,
878; *PG&E Corp. v. Public Utilities Commission (Office of Ratepayer Advocates)* 2004, 1st Dist.) 118
Cal.App.4th 1174, 1204; *Branciforte Heights, LLC v. City of Santa Cruz* (2006, 6th Dist.) 138
Cal.App.4th 914, 926; *Violante v. Communities Southwest Development & Construction Co.* (2006, 4th
Dist.) 138 Cal.App.4th 972, 977; *Benninghoff v. Superior Court (State Bar of California)* (2006, 4th
Dist.) 136 Cal.App.4th 6, 73, fn.11; *California Highway Patrol v. Superior Court (Allende)* (2006, 1st
Dist.) 135 Cal.App.4th 488, 500; *Bell v. Farmers Ins. Exchange* (2006, 1st Dist.) 135 Cal.App.4th
1138, 1150, fn.3; *In re Baby Girl M.* (2006, 4th Dist.) 135 Cal.App.4th 1528, 1538; *Murphy v. Kenneth*
Cole Productions, Inc. (2005, 1st Dist.) 134 Cal.App.4th 728, 748, 752 [Review Granted]; *People v.*
Germany (2005, 2nd Dist.) 133 Cal.App.4th 784, 791; *People v. Palmer* (2005, 2nd Dist.) 133
Cal.App.4th 1141, 1150; *Coburn v. Sievert* (2005, 5th Dist.) 133 Cal.App.4th 1483, 1500; *People v.*
Superior Court (Ferguson) (2005, 1st Dist.) 132 Cal.App.4th 1525, 1532; *Benjamin G. v. Special Ed.*
Hearing Office (Long Beach Unified School Dist.) (2005, 2nd Dist.) 131 Cal.App.4th 875, 882; *Regents*
of University of California v. East Bay Municipal Utility Dist. (2005, 1st Dist.) 130 Cal.App.4th
1361, 1382; *People v. Superior Court (Vidal)* (2005, 5th Dist.) 129 Cal.App.4th 434, 466, fn.30
[Review Granted.]; *Deborah M. v. Superior Court (Daryl W.)* (2005, 4th Dist.) 128 Cal.App.4th 1181,
1190-1; *Matera v. McLeod* (2006, 2nd Dist.) 145 Cal.App.4th, 44, 67; *Faulder v. Mendocino County Board*
of Supervisors (2006, 1st Dist.) 144 Cal.App.4th 1362, 1376; *Wirth v. State of California* (2006, 3rd
Dist.) 142 Cal.App.4th 131, 141; *Frazier Nuts, Inc. v. American Ag Credit* (2006, 5th Dist.) 141
Cal.App.4th 1263, 1272; *People v. Mason* (2006, 2nd Dist.) 140 Cal.App.4th 1190, 1198; *Summer H.*
Superior Court (Los Angeles County)(2006, 2nd Dist.) 139 Cal.App.4th 1315, 1325; *Hesperia Citizens*
for Responsible Development v. City of Hesperia (2007, 4th Dist.) 151 Cal.App.4th 653, 659; *Asfaw v.*
Woldberhan (2007, 2nd Dist.) 147 Cal.App.4th 1407, 1418; *Young v. McCoy* (2007, 2nd Dist.) 147
Cal.App.4th 1078, 1086, fn.8; *Guillen v. Schwarzenegger* (2007, 1st Dist.) 147 Cal.App.4th 929, 941;
In re Walker (2007, 2nd Dist.) 147 Cal.App.4th 533, 548; *Samples v. Brown* (2007, 1st Dist.) 146
Cal.App.4th 787, 807; *Chabak v. Monroy* (2007, 5th Dist.) 154 Cal.App.4th 1502, 1518; *Teachers'*
Retirement Board v. Genest (2007, 3rd Dist.) 154 Cal.App.4th 1012, 1031; *Starrh And Starrh Cotton*

1 *Growers v. Aera Energy LLC* (2007, 5th Dist.) 153 Cal.App.4th 583, 603, 608; *Sisemore v. Master*
2 *Financial, Inc.* (2007, 6th Dist.) 151 Cal.App.4th 1386, 1412; *People v. Superior Court* (2007, 2nd
3 *Dist.*) 157 Cal.App.4th 694, 705; *Gately v. Cloverdale Unified School District* (2007, 1st Dist.) 156
4 *Cal.App.4th 487, 495; Committee For Green Foothills v. Santa Clara County Board of Supervisors* (2008,
5 *6th Dist.*) 161 Cal.App.4th 1204, 1235; *California Highway Patrol v. Superior Court of Sacramento*
6 *County* (2008) 162 Cal.App.4th, 1144, 1152; *Adair v. Stockton Unified School District* (2008, 3rd
7 *Dist.*) 162 Cal.App.4th 1436, 1443; *Little Company of Mary Hospital v. Superior Court of Los Angeles*
8 *(2008, 2nd Dist.)* 162 Cal.App.4th 261, 268; *South San Joaquin Irrigation District v. Superior Court*
9 *(2008, 3rd Dist.)* 162 Cal.App.4th 146, 156; *Committee For Green Foothills v. Santa Clara County Board*
10 *of Supervisors* (2008, 6th Dist.) 161 Cal.App.4th 1204, 1235; *Block v. Orange County Employees'*
11 *Retirement System* (2008, 4th Dist.) 161 Cal.App.4th 1297, 1311, 1312; *California Highway Patrol v.*
12 *Superior Court* (2008, 3rd Dist.) 162 Cal.App.4th 1144, 1152; *People v. Whaley* (2008) 160 Cal.App.4th
13 *779, 802; Tarrant Bell Property, LLC v. Superior Court* (2009, 1st Dist.) 179 Cal.App.4th 1283, 102
14 *Cal.Rptr.3d 235, December 2, 2009; Benson v. Workers' Compensation Appeals Board* (2009, 1st Dist.)
15 *170 Cal.App.4th 1535, 89 Cal.Rptr.3d 166; California School Employees Assn. v. Colton Joint Unified*
16 *School District* (2009, 4th Dist.) 170 Cal.App.4th 857; *Sheppard v. North Orange County Regional*
17 *Occupational Program* (2010, 4th Dist., Div. 3) 191 Cal.App.4th 289; *Azusa Land Partners v. Department*
18 *of Industrial Relations* (2010, 2nd Dist., Div. 1) 191 Cal.App.4th 1, 30; *California Taxpayers'*
19 *Association v. Franchise Tax Board* (2010, 3rd Dist.) 190 Cal.App.4th 1139, 1149-1150; *Khan v. Los*
20 *Angeles City Employees' Retirement System* (2010, 2nd Dist., Div. 1) 187 Cal.App.4th 98, 110, 116-117,
21 *fn.23; People v. Park* (2010), disapproved of by *People v. Gray*, 204 Cal.App.4th 1041, 139 Cal.Rptr.3d
22 *489* (2012) 187 Cal.App.4th Supp. 9, 13-15; *Air Machine Com SRL v. Superior Court* (2010, 4th Dist.,
23 *Div. 1)* 186 Cal.App.4th 414, 421-425; *City of Los Angeles v. Glendora Redevelopment Project* (2010,
24 *6th Dist.)* 185 Cal.App.4th 817; *Citizens for Responsible Equitable Environmental Development v. City*
25 *of San Diego* (2010, 4th Dist., Div. 1) 184 Cal.App.4th 1032; *County of San Diego v. Alcoholic*
26 *Beverage Control Appeals Board* (2010, 4th Dist., Div.1) 184 Cal.App.4th 396, 404; *Sabi v. Sterling*
27 *(2010, 2nd Dist., Div. 8)* 183 Cal.App.4th 916, 928; *Martinez v. Board of Parole Hearings* (2010, 3rd
28 *Dist.)* 183 Cal.App.4th 578, 590; *Purifoy v. Howell* (2010, 1st Dist., Div. 3) 183 Cal.App.4th 166,
177; *People v. Fleury* (2010, 3rd Dist.) 182 Cal.App.4th 1486, 1494; *California Corr. Peace Officers'*
Assn. v. State of California (2010, 1st Dist., Div. 4) 181 Cal.App.4th 1454, 1462; *In re Marriage of*
Howell (2011, 4th Dist., Div. 1) 195 Cal.App.4th 1062, 1074; *People v. Keeper* (2011, 4th Dist., Div.
1) 192 Cal.App.4th 511, 520; *Archer v. United Rentals, Inc.* (2011, 2nd Dist., Div. 1) 195 Cal.App.4th
807, 820-827, as modified on denial of rehearing June 13, 2011; *Baeza v. Superior Court* (2011, 5th
Dist.) 201 Cal.App.4th 1214, 1222; *City of Scotts Valley v. County of Santa Cruz* (2011, 1st Dist.,
Div. 1) 201 Cal.App.4th 1, 34, 44, as modified on denial of rehearing Nov. 23, 2011; *Gananian v.*
Wagstaffe (2011, 1st Dist., Div. 1) 199 Cal.App.4th 1532, 1541; *Field v. Bowen* (2011, 1st Dist., Div.
3) 199 Cal.App.4th 346, 351; *Martin v. PacificCare of California* (2011, 4th Dist., Div. 3) 198
Cal.App.4th 1390, 1402; *Maxwell-Jolly v. Martin* (2011, 1st Dist., Div. 2) 198 Cal.App.4th 347, 355;
Guardianship of Christian G. (2011, 1st Dist., Div. 2) 195 Cal.App.4th 581, 603, as modified May 31,
2011; *Turner v. Assn. of American Medical Colleges* (2011, 1st Dist., Div. 5) 193 Cal.App.4th 1047,
1060; *In re Cesar V.* (2011, 6th Dist.) 192 Cal.App.4th 989, 997; *In re Rolando S.* (2011, 5th Dist.)
197 Cal.App.4th 936, 944, as modified on denial of rehearing Aug. 10, 2011; *Semler v. General*
Electric Capital Corp. (2011, 2nd Dist., Div. 1) 196 Cal.App.4th 1380, 1395; *California Corr. Peace*
Officers Assn. v. Tilton (2011, 3rd Dist.) 196 Cal.App.4th 91, 97; *In re P.A.* (2012, 4th Dist., Div.
2) 211 Cal.App.4th 23, 36; *County of Sacramento v. Superior Court* (2012, 3rd Dist.) 209 Cal.App.4th
776, 783; *People v. Robinson* (2012, 1st Dist., Div. 5) 208 Cal.App.4th 232, 259; *City of Maywood v.*
Los Angeles Unified School District (2012, 2nd Dist., Div. 7) 208 Cal.App.4th 362, 433, as modified
Aug. 14, 2012; *Pulli v. Pony International, LLC* (2012, 4th Dist., Div. 1) 206 Cal.App.4th 1507, 1519;
Boy Scouts of America National Foundation v. Superior Court (2012, 6th Dist.) 206 Cal.App.4th 428,
447; *Taiheiy Cement U.S.A., Inc. v. Franchise Tax Board* (2012, 2nd Dist., Div. 1) 204 Cal.App.4th
254, 260, as modified on denial of rehearing Apr. 4, 2012; *Brown v. County of Los Angeles* (2012, 2nd
Dist., Div. 2) 203 Cal.App.4th 1529, 1542 *Duronslet v. Kamps* (2012, 1st Dist., Div. 5) 203
Cal.App.4th 717, 732; *V.S. v. M.I* (2013, 1st Dist., Div. 3) 222 Cal.App.4th 730, 736; *In re S.B.*
(2013, 4th Dist., Div. 2) 222 Cal.App.4th 612, 618; *Lamar Cent. Outdoor, LLC v. Department of*
Transportation (2013, 2nd Dist., Div. 8) 221 Cal.App.4th 810, 822; *Franchise Tax Board v. Superior*
Court (2013, 1st Dist., Div. 2) 221 Cal.App.4th 647, 661-662; *Nevarrez v. San Marino Skilled Nursing*
and Wellness Ctr., LLC (2013, 2nd Dist., Div. 4) 221 Cal.App.4th 102, 133; *Regents of Univ. of*
California v. Superior Court (2013, 2nd Dist., Div. 7) 220 Cal.App.4th 549, 561, as modified on
denial of rehearing Nov. 13, 2013; *Joannou v. City of Rancho Palos Verdes* (2013, 2nd Dist.) 219
Cal.App.4th 746, 758-59; *In re David R.* (2013, 1st Dist., Div. 5) 219 Cal.App.4th 626, 632; *Dromy v.*
Lukovsky (2013, 2nd Dist., Div. 3) 219 Cal.App.4th 278, 284; *Barker v. Garza* (2013, 2nd Dist., Div.
8) 218 Cal.App.4th 1449, 1471; *Diamond v. Superior Court* (2013, 6th Dist.) 217 Cal.App.4th 1172,
1190; *Mt. Hawley Insurance Co. v. Lopez* (2013, 2nd Dist., Div. 7) 215 Cal.App.4th 1385, 1401, as
modified May 29, 2013; *People v. Evans* (2013, 4th Dist., Div. 1) 215 Cal.App.4th 242, 252; *Borikas v.*
Alameda Unified School District (2013, 1st Dist., Div. 1) 214 Cal.App.4th 135, 159; *Brown v. Superior*
Court (2013, 4th Dist., Div. 3) 213 Cal.App.4th 61, 73; *Pittsburg Unified School District v. S.J.*
Amoroso Construction Co. (2014, 1st Dist., Div. 2) 232 Cal.App.4th 808, 815; *People v. Rahbari* (2014,
1st Dist., Div. 5) 232 Cal.App.4th 185, 192; *Judicial Council of California v. Superior Court* (2014,
2nd Dist., Div. 5) 229 Cal.App.4th 1083, 1092; *Sheet Metal Workers' International Assn., Local 104 v.*
Duncan (2014, 1st Dist., Div. 3) 229 Cal.App.4th 192, 214; *People v. Lofchie* (2014, 2nd Dist., Div. 2)
229 Cal.App.4th 240, 251; *State ex rel. Wilson v. Superior Court* (2014, 2nd Dist., Div. 1) 227

1 Cal.App.4th 579, 601, as modified on denial of rehearing July 25, 2014; *In re A.M.* (2014, 4th Dist.,
2 Div. 2) 225 Cal.App.4th 1075, 1084; *California Tow Truck Assn. v. City & County of San Francisco*
3 (2014, 1st Dist., Div. 4) 225 Cal.App.4th 846, 857; *The McCaffrey Group, Inc. v. Superior Court*
4 (2014, 5th Dist.) 224 Cal.App.4th 1330, 1343; *Adams v. MHC Colony Park, L.P.* (2014, 5th Dist.) 224
5 Cal.App.4th 601, 611; *People v. Vega* (2014, 5th Dist.) 222 Cal.App.4th 1374, 1379; *Sturgeon v. County*
6 *of Los Angeles* (2015, 4th Dist., Div. 3) 242 Cal.App.4th 1437, 1447; *Palacio v. Jan & Gail's Care*
7 *Homes, Inc.* (2015, 5th Dist.) 242 Cal.App.4th 1133, 1141; *Carloss v. County of Alameda* (2015, 1st
8 Dist., Div. 3) 242 Cal.App.4th 116, 128; *Doolittle v. Exch. Bank* (2015, 1st Dist., Div. 3) 241
9 Cal.App.4th 529, 540, as modified on denial of rehearing Nov. 4, 2015; *People v. Uffelmann* (2015, 3rd
10 Dist.) 240 Cal.App.4th 195, 198; *City of Cerritos v. State of California* (2015, 3rd Dist.) 239
11 Cal.App.4th 1020, 1029; *Kennedy v. Kennedy* (2015, 2nd Dist., Div. 5) 235 Cal.App.4th 1474, 1485, as
12 modified Apr. 22, 2015; *People v. Brewer* (2015, 3rd Dist.) 235 Cal.App.4th 122, 140; *In re D.D.*
13 (2015, 1st Dist., Div. 5) 234 Cal.App.4th 824, 832; *People v. Gonzales* (2015, 6th Dist.) 232
14 Cal.App.4th 1449; *County of San Diego v. Comm'n on State Mandates* (2016, 4th Dist., Div. 1) 7
15 Cal.App.5th 12, 24, aff'd and remanded, 6 Cal.5th 196 (2018); *Madrugal v. California Victim Comp. &*
16 *Gov't Claims Bd.* (2016, 2nd Dist., Div. 8) 6 Cal.App.5th 1108, 1117, as modified Jan. 5, 2017; *De*
17 *Vries v. Regents of Univ. of California* (2016, 2nd Dist., Div. 7) 6 Cal.App.5th 574, 597; *Eblovi v.*
18 *Blair* (2016, 1st Dist., Div. 3) 6 Cal.App.5th 310, 315; *People v. Morera-Munoz* (2016, 1st Dist., Div.
19 1) 5 Cal.App.5th 838, 847; *People v. Wilson* (2016, 2nd Dist., Div. 7) 5 Cal.App.5th 561, 56; *Taylor*
20 *v. Department of Industrial Relations, etc.* (2016, 1st Dist., Div. 5) 4 Cal.App.5th 801, 812; *Bldg.*
21 *Indus. Assn. of Bay Area v. City of San Ramon* (2016, 1st Dist., Div. 2) 4 Cal.App.5th 62, 78; *In re*
22 *Jonathan R.* (2016, 1st Dist., Div. 1) 3 Cal.App.5th 963, 971; *Marin Assn. of Public Employees v.*
23 *Marin County Employees' Retirement Assn.* (2016, 1st Dist., Div. 2) 2 Cal.App.5th 674, 683; *Nichols v.*
24 *Century W., LLC* (2016, 2nd Dist., Div. 4) 2 Cal.App.5th 604, 614; *People v. VanVleck* (2016, 4th
25 Dist., Div. 1) 2 Cal.App.5th 355; *Ctr. for Biological Diversity v. Department of Fish & Wildlife*
26 (2016, 2nd Dist., Div. 5) 1 Cal.App.5th 452; *New Cingular Wireless PCS, LLC v. Public Utilities Comm.*
27 (2016; 1st Dist., Div. 4) 246 Cal.App.4th 784, 803; *McGee v. Balfour Beatty Constr., LLC* (2016, 2nd
28 Dist., Div. 8) 247 Cal.App.4th 235; *In re Donovan L.* (2016, 4th Dist., Div. 1) 244 Cal.App.4th 1075,
1089; *County of Santa Clara v. Escobar* (2016, 6th Dist.) 244 Cal.App.4th 555; *Rubio v. Superior Court*
(2016, 2nd Dist., Div. 3) 244 Cal.App.4th 459; *Constr. Indus. Force Account Council, Inc. v. Ross*
Valley Sanitary Dist. (2016, 1st Dist., Div. 3) 244 Cal.App.4th 1303; *Pacific Gas & Electric Co. v.*
Hart High-Voltage Apparatus Repair & Testing Co. (2017, 5th Dist.) 18 Cal.App.5th 415, review denied
Mar. 28, 2018; *M.F. v. Pac. Pearl Hotel Mgmt. LLC* (2017, 4th Dist., Div. 1) 16 Cal.App.5th 693, 702,
review denied Feb. 14, 2018; *Curtis Eng'g Corp. v. Superior Court* (2017, 4th Dist., Div. 1) 16
Cal.App.5th 542, 551, as modified on denial of rehearing Nov. 16, 2017; *Christensen v. Lightbourne*
(2017, 1st Dist., Div. 2) 15 Cal.App.5th 1239, 1254, aff'd, 7 Cal.5th 761, 444 P.3d 85 (2019); *Lopez*
v. Friant & Assocs., LLC (2017, 1st Dist., Div. 1) 15 Cal.App.5th 773, review denied Jan. 10, 2018;
People v. Pina (2017) 14 Cal.App.5th Supp. 1, 7; *In re I.F.* (2017, 1st Dist., Div. 3) 13 Cal.App.5th
679, 689, as modified on denial of rehearing July 31, 2017; *In re A.V.* (2017, 1st Dist., Div. 1) 11
Cal.App.5th 697, 707; *California Taxpayers Action Network v. Taber Constr., Inc.* (2017, 1st Dist.,
Div. 2) 12 Cal.App.5th 115, 132 (Ct. App. 2017); *Marina Pacifica Homeowners Assn. v. S. California*
Fin. Corp. (2017, 2nd Dist., Div. 8) 11 Cal.App.5th 54, 61; *People v. Bechtol* (2017, 1st Dist., Div.
5) 10 Cal.App.5th 950, 958; *Pacific Gas & Electric Co. v. Superior Court* (2017, 1st Dist., Div. 2) 10
Cal.App.5th 563, 573, as modified on denial of rehearing Apr. 20, 2017; *People v. Lee* (2017, 1st
Dist., Div. 5) 11 Cal.App.5th 344, 352, as modified May 2, 2017; *Quiles v. Parent* (2017, 4th Dist.,
Div. 3) 10 Cal.App.5th 130, 143; *People v. Antolin* (2017, 1st Dist., Div. 5) 9 Cal.App.5th 1176,
1183; *People v. Martinez* (2017, 4th Dist., Div. 1) 8 Cal.App.5th 298, 306; *People ex rel. Pierson v.*
Superior Court (2017, 3rd Dist.) 7 Cal.App.5th 402, 406; *People v. Epperson* (2017, 1st Dist., Div. 5)
7 Cal.App.5th 385, 391

6. Legislative Counsel's Opinions:

Based on our review of section 351's legislative history, we conclude that there is no clear indication that the Legislature intended to create a private cause of action under the statute. The pertinent legislative history reveals that ... (Ops. California Legislative Counsel, No. 3740 (Feb. 29, 1972) ... The subsequent successful amendments in 1973 and 1975 confirm that ... (See Assem. Com. on Labor Relations, Rep. on Assem. Bill No. 10 (1973-1974 Reg. Sess.) for hearing on Apr. 4, 1973, p. 1 ...; Sen. Com. on Industrial Relations, analysis of Assem. Bill No. 232 (1975-1976 Reg. Sess.) May 19, 1975, p. 1 [Assem. Bill No. 232's purpose is "[t]o eliminate the authority of the [IWC] to permit employers to credit tips against the wages of employees"]; *Henning, supra*, 46 Cal.3d at p. 1274, 252 Cal.Rptr. 278, 762 P.2d 442 [Assem. Bill No. 232 introduced "to reflect the policy [Assemblyman Greene] previously urged"].) ... *Lu v. Hawaiian Gardens Casino, Inc.* (2010) 50 Cal.4th 592, 598-601

1 Defendants argue preliminarily that we should give deference to
2 both the Legislative Counsel's opinion and the legislative finding.
3 We disagree. It is true that normally we give legislative findings
4 great weight (*Professional Engineers v. Department of Transportation*
5 (1997) 15 Cal.4th 543, 569, 63 Cal.Rptr.2d 467, 936 P.2d 473), and
6 "[o]pinions of the Legislative Counsel, though not binding, are
7 entitled to great weight when courts attempt to discern legislative
8 intent" (*Pacific Lumber Co. v. State Water Resources Control Bd.*
9 (2006) 37 Cal.4th 921, 939, 38 Cal.Rptr.3d 220, 126 P.3d 1040). But
10 this legislative finding is one of law, not of fact, and we are not
11 attempting to discern legislative intent but are deciding whether the
12 statute is valid. The relevant legislative intent behind section
13 68130.5 is clear. The Legislature intended the statute to be valid.
14 But whether a statute is valid is a legal determination for the
15 courts, not the Legislature, to make. In deciding whether a federal
16 statute expressly preempts a state statute, it is Congress's purpose
17 that matters, not the state Legislature's. (*Medtronic, Inc. v. Lohr*
18 (1996) 518 U.S. 470, 484-485, 116 S.Ct. 2240, 135 L.Ed.2d 700)
19 Accordingly, we will consider the legislative finding and the
20 Legislative Counsel's opinion—as well as the Governor's veto message
21 regarding the predecessor bill—for their persuasive value, but we owe
22 them no deference. In fact, we see nothing in any of these sources
23 that adds substantially to the parties' thorough briefs, and we do
24 not discuss them separately from the arguments in the briefs.

...

13 Plaintiffs also cite legislative history. When statutory
14 language is ambiguous, this court and the United States Supreme Court
15 sometimes turn to legislative history, including committee reports,
16 to ascertain legislative or congressional intent. (*Eldred v. Ashcroft*
17 (2003) 537 U.S. 186, 209, fn.16, 123 S.Ct. 769, 154 L.Ed.2d 683;
18 *Coalition of Concerned Communities, Inc. v. City of Los Angeles,*
19 *supra*, 34 Cal.4th at p. 737, 21 Cal.Rptr.3d 676, 101 P.3d 563.) A
20 House conference committee report, commenting on the language that
21 was ultimately enacted as section 1623, states: "This section
22 provides that illegal aliens are not eligible for in-state tuition
23 rates at public institutions of higher education." (H.R.Rep. No. 104-
24 828, 2d Sess. p. 240 (1996) [joint explanatory statement of
25 conference committee on revisions to H.R. No. 2202, 104th Cong.].)

20 Defendants argue that this report does not apply to section
21 1623 because it concerned a related bill that was never enacted (H.R.
22 No. 2202) rather than the omnibus immigration bill that was enacted
23 and that included section 1623. We disagree. The language the
24 conference committee report considered was identical to section
25 1623's language. (Compare H.R. No. 2202, § 507, as added by House
26 conference committee in H.R.Rep. No. 104-828, 2d Sess., at p. 134,
27 with Pub.L. No. 104-208, § 505, 110 Stat. 3009-672, which became §
28 1623.) The high court has considered legislative history concerning a
bill that was not enacted when the relevant language was identical to
the language of the statute actually enacted. (*Begier v. IRS* (1990)
496 U.S. 53, 66 & fn.6, 110 S.Ct. 2258, 110 L.Ed.2d 46; see also *INS*
v. St. Cyr, supra, 533 U.S. at p. 318, 121 S.Ct. 2271 [considering
the same conference committee report].) *Martinez v. Regents of Univ.*
of California (2010) 40 Cal.4th 1277, 1289-1290, 1293, fn.2

27 Opinions of the Legislative Counsel, though not binding, are
28 entitled to great weight when courts attempt to discern legislative
intent. [Citation.] Here, the Legislative Counsel's opinion

1 recognized *Pacific Lumber Co. v. State Water Resources Control*
2 *Bd.* (2006) 37 Cal.4th 921, 939

3 In a related claim, CalChamber points to a Legislative Counsel
4 opinion purportedly concluding any auction system would have to pass
5 muster under *Sinclair Paint*. Although two Legislative Analyst reports
6 in the record refer to such a Legislative Counsel opinion, the
7 opinion is not in the record, and the Legislative Counsel's
8 supervising librarian has advised this court that no publicly
9 available opinion on that subject has been issued. Thus, although
10 CalChamber seeks support in that purported opinion, because its
11 reasoning is unknown, it lacks any persuasive value. (Cf. *Pacific Gas*
12 *& Electric Co. v. Zuckerman* (1987) 189 Cal.App.3d 1113, 1135, 1136,
13 234 Cal.Rptr. 630 [the value of expert opinion rests "in the factors
14 considered and the reasoning employed".]) *California Chamber of*
15 *Commerce v. State Air Res. Bd.* (2017, 3rd Dist.) 10 Cal.App.5th 604,
16 623

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

22 On August 18, 2005, the Legislative Counsel fn.5 issued an
23 opinion on a then-pending Senate Bill which would have The
24 Legislative Counsel concluded that the bill would be unconstitutional
25 fn.5 The Legislative Counsel is selected on a non-partisan basis
26 by concurrent resolution of the Legislature. (Gov. Code, §§10201,
27 10203.) One of the primary duties of the Legislative Counsel is to
28 assist in the preparation and consideration of proposed legislation.
(Gov. Code, §§10231, 10234) In practice this frequently involves
submission of opinions as to the constitutionality of a proposed
statute. *Mendoza v. State of California* (2007, 2nd Dist.) 149
Cal.App.4th 1034, 1044, fn.5

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

Under the circumstances, we find the Legislative Counsel's
construction persuasive. Though not binding, opinions of the
Legislative Counsel are entitled to great weight, "since they are
prepared to assist the Legislature in its consideration of pending
legislation," and it is assumed the Legislature will undertake
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 Comm. v. City of Los Angeles* (1998,
2nd Dist.) 61 Cal.App.4th 719, 724

In response to a request for analysis by Assembly-member
Richard K. Rainey, the Office of Legislative Counsel in a letter

1 dated February 16, 1994 states: "Given the plain language of
2 A.B. 971, it is abundantly clear that the Legislature intends the
3 sentencing provisions proposed by A.B. 971 to apply" ... Utilization
4 of a legislative counsel opinion is appropriate in construing a
5 statute. [Citations.] *People v. Turner* (1995, 2nd Dist.) 40
6 Cal.App.4th 733, 741

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

11 *People v. Broussard* (1993) 5 Cal.4th 1067, 1074; *California Assn. of Psychology Providers v. Rank*
12 (1990) 51 Cal.3d 1, 17; *Grupe Development Co. v. Superior Court* (1993) 4 Cal.4th 911, 922; *Santa*
13 *Clara County Local Transportation Authority v. Guardino* (1995) 11 Cal.4th 220, 238; *Ventura County*
14 *Deputy Sheriffs' Assn. v. Board of Retirement* (1997) 16 Cal.4th 483, 502, 504-505; *Cummins, Inc. v.*
15 *Superior Court (Cox)* (2005) 36 Cal.4th 478, 489; *Ralphs Grocery Co. v. United Food and Commercial*
16 *Workers Union Local 8* (2012) 55 Cal.4th 1083, 1105; *Steen v. Appellate Div. of Superior Court* (2014)
17 59 Cal.4th 1045, 1052; *The Gillette Co. v. Franchise Tax Bd.* (2015) 62 Cal.4th 468, 473; *Larkin v.*
18 *Workers' Comp. Appeals Bd.* (2015) 62 Cal.4th 152, 164; 926 N. Ardmore Ave., LLC v. County of Los
19 Angeles (2017) 3 Cal.5th 319, 329

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21 *Morin v. ABA Recovery Service* (1987, 4th Dist.) 195 Cal.App.3d 200, 206; *California Trout, Inc. v.*
22 *State Water Resources Control Board* (1989, 3rd Dist.) 207 Cal.App.3d 585, 602, fn.7; *Karrin v. Ocean-*
23 *Aire Mobile Home Estates* (1991, 2nd Dist.) 1 Cal.App.4th 1066, 1071; *People v. Ramirez* (1995, 2nd
24 Dist.) 33 Cal.App.4th 559, 572; *Six Flags v. Workers' Compensation Appeals Board* (2006, 2nd Dist.) 145
25 Cal.App.4th 91, 106-107; *Sabi v. Sterling* (2010, 2nd Dist., Div. 8) 183 Cal.App.4th 916, 928; *Allende*
26 *v. Department of California Highway Patrol* (2011, 1st Dist., Div. 3) 201 Cal.App.4th 1006, 1018,
27 fn.9; *Walnut Valley Unified School District v. Superior Court* (2011, 2nd Dist., Div. 3) 192
28 Cal.App.4th 234, 243; *Borikas v. Alameda Unified School District* (2013, 1st Dist., Div. 1) 214
29 Cal.App.4th 135, 159; *S. California Edison Co. v. Public Utilities Comm.* (2014, 2nd Dist., Div. 3)
30 227 Cal.App.4th 172, 189, as modified June 18, 2014; *Siskiyou County Farm Bureau v. Department of*
31 *Fish & Wildlife* (2015, 3rd Dist.) 237 Cal.App.4th 411, as modified on denial of rehearing June 26,
32 2015; *Golden State Water Co. v. Casitas Municipal Water Dist.* (2015, 2nd Dist., Div. 6) 235
33 Cal.App.4th 1246, 1257, as modified on denial of rehearing May 13, 2015

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

35 An "uncodified section is part of the statutory law" and
36 "'properly may be utilized as an aid in construing a statute.'" (Carter v. California Department of Veterans Affairs (2006) 38
37 Cal.4th 914, 925, 44 Cal.Rptr.3d 223, 135 P.3d 637) However, it is
38 only an aid. *People v. Gonzalez* (2017) 2 Cal.5th 1138, 1143

39 "In considering the purpose of legislation, statements of the
40 intent of the enacting body contained in a preamble, while not
41 conclusive, are entitled to consideration." (*People v. Canty* (2004)
42 32 Cal.4th 1266, 1280, 14 Cal.Rptr.3d 1, 90 P.3d 1168) *People v.*
43 *Valencia* (2017) 3 Cal.5th 347, 354

44 Legislative history supports this conclusion. One purpose of
45 the 1990 amendment was to ... The Legislature expressly declared
46 that: ... (Stats. 1990, ch. 1561, § 1, p. 7330.) A second purpose was
47 to ... (Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading
48 analysis of Sen. Bill No. 2594 (1989-1990 Reg. Sess.) as amended Aug.
49 22, 1990, p. 2.) In that regard, the Legislature expressly declared:
50 ... (Stats. 1990, ch. 1561, § 1, pp. 7329-7330.) The overall purpose
51 of the bill was ... (Sen. Com. on Judiciary, Analysis of Sen. Bill
52 No. 2594 (1989-1990 Reg. Sess.) as amended May 7, 1990, p. 2; Sen.
53 Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen.

1 Bill No. 2594 (1989-1990 Reg. Sess.) as amended Aug. 22, 1990, p. 2;
2 see also Judicial Council of Cal., letter to Governor Deukmejian re
3 Sen. Bill No. 2594 (1989-1990 Reg. Sess.) Sept. 17, 1990 [supporting
4 the bill's requirement that parties raise evidentiary objections in
5 the trial court because it would save time for appellate courts and
6 simplify civil proceedings]... *Reid v. Google, Inc.* (2010) 50
7 Cal.4th 512, 528-533

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

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

27 In amending section 1016, former subdivision (3), the
28 Legislature declared its intent to "assist the efforts of victims of
crime to obtain compensation for their injuries from the criminals
who inflicted those injuries." (Stats. 1982, ch. 390, § 1, p. 1725.)
"The Legislature further finds and declares that" (Ibid.) *People*
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

Statements in an uncodified section of the same bill "may
properly be utilized as an aid in construing a statute.'" (*Carter*,
supra, 38 Cal.4th at p. 925, 44 Cal.Rptr.3d 223, 135 P.3d 637; see

1 *id.* at p. 930, 44 Cal.Rptr.3d 223, 135 P.3d 637 [determining
2 legislative intent by reference to uncodified section]; see *Yeager v.*
3 *Blue Cross of California* (2009) 175 Cal.App.4th 1098, 1103 [96
4 Cal.Rptr.3d 723] ["statements of purpose in a statute's preamble can
5 be illuminating if a statute is ambiguous"].) *In re Donovan L.* (2016,
6 4th Dist., Div. 1) 244 Cal.App.4th 1075, 1089

7 Our Supreme Court stated, "In considering the purpose of
8 legislation, statements of the intent of the enacting body ... in an
9 uncodified section do not confer power, determine rights, or enlarge
10 the scope of a measure, [but] they properly may be utilized as an aid
11 in construing a statute.'" And indeed, the court, in reviewing
12 legislative history of a statute in order to ascertain the
13 legislative intent, has found "the most significant source" to be the
14 Legislature's own declarations and findings. (See *California Assn. of*
15 *Psychology Providers v. Rank* (1990) 51 Cal.3d 1, 15, 270 Cal.Rptr.
16 796, 793 P.2d 2 [Legislature's own declarations of findings and
17 purpose accompanying legislation was "the most significant source" of
18 legislative intent for the legislation under review]; see also *People*
19 *v. Soria* (2010) 48 Cal.4th 58, 66, fn.8, 104 Cal.Rptr.3d 780, 224
20 P.3d 99 [citing previous, uncodified declarations and findings in
21 stating objectives of statutorily mandated restitution fines]; *People*
22 *v. Rodriguez* (2002) 28 Cal.4th 543, 546, 122 Cal.Rptr.2d 348, 49 P.3d
23 1085 [interpreting criminal statute "[g]uided by the ... express
24 legislative declarations of intent"].) *Bay Area Citizens v.*
25 *Association of Bay Area Governments* (2016, 1st Dist., Div. 2) 248
26 Cal.App.4th 966, 1001

27 "Statements in an uncodified section of the same bill
28 "properly may be utilized as an aid in construing a statute.""
(*Donovan L., supra*, 244 Cal.App.4th at p. 1090, fn.15, 198
Cal.Rptr.3d 550) *In re M.Z.* (2016, 4th Dist., Div. 1) 5 Cal.App.5th
53, 65

"The legislative history materials the parties provided include
the original text of Senate Bill No. 331, (2003-2004 Reg. Sess.),
amended versions of the bill, the Senate Judiciary Committee analysis
for a May 2003 hearing on the bill, and the Assembly Judiciary
Committee analysis for a July 2003 hearing on the bill. Both parties'
requests for judicial notice are hereby granted. (Evid.Code, §§ 452,
subd. (c); 459.)

Upon examining the legislative history materials the parties
submitted, we noted that they did not include all of the legislative
history available on the official California legislative information
Web site.... On our own motion, to obtain a complete legislative
history, we have taken judicial notice of the materials that are on
that Web site that were not included in the parties' submissions."
Nguyen v. W. Digital Corp., (2014, 6th Dist.) 229 Cal.App.4th 1522,
1547, fn.11

First, the very structure of the Civil Code suggests that very
harmonization. Chapter and section headings may be considered in
ascertaining legislative intent and are entitled to "considerable
weight." (*People v. Hull* (1991) 1 Cal.4th 266, 272, 2 Cal.Rptr.2d
526, 820 P.2d 1036; *Howard Jarvis Taxpayers Association v. County of*
Orange (2003) 110 Cal.App.4th 1375, 1385, 2 Cal.Rptr.3d 514) *Kurtin*
v. Elieff (2013, 4th Dist., Div. 3) 215 Cal.App.4th 455, 484, as
modified on denial of rehearing May 8, 2013

1 We recently explained that uncodified language such as section
2 15 "is known as a 'plus section,' which our Supreme Court termed 'a
3 provision of a bill that is not intended to be a substantive part of
4 the code section or general law that the bill enacts, but to express
5 the Legislature's view on some aspect of the operation or effect of
6 the bill. Common examples of "plus sections" include severability
7 clauses, saving clauses, statements of the fiscal consequences of the
8 legislation, *provisions giving the legislation immediate effect or a
9 delayed operative date* or a limited duration, and provisions
10 declaring an intent to overrule a specific judicial decision or an
11 intent not to change existing law.' (*People v. Allen* (1999) 21
12 Cal.4th 846, 858-859, fn.13 [89 Cal.Rptr.2d 279, 984 P.2d 486]) The
13 court subsequently explained that 'statements of the intent of the
14 enacting body ..., while not conclusive, are entitled to
15 consideration. [Citations.] Although such statements in an uncodified
16 section do not confer power, determine rights, or enlarge the scope
17 of a measure, they properly may be utilized as an aid in construing a
18 statute.' (*People v. Canty* (2004) 32 Cal.4th 1266, 1280 [14
19 Cal.Rptr.3d 1, 90 P.3d 1168])" (*Sequoia Park Associates v. County of
20 Sonoma* (2009) 176 Cal.App.4th 1270, 1287, fn.8, 98 Cal.Rptr.3d 669,
21 italics added)

22 "An uncodified section is part of the statutory law." (*Carter
23 v. California Department of Veterans Affairs* (2006) 38 Cal.4th 914,
24 925, 44 Cal.Rptr.3d 223, 135 P.3d 637) Because uncodified section 15
25 and the 2003 version of section 19177 obviously deal with the subject
26 of penalizing abusive tax shelters, it is appropriate to construe
27 them together, an approach that "'is most justified and ... has the
28 greatest probative force, in the case of statutes relating to the
same subject matter that were passed at the same session of the
legislature, especially if they were passed or approved or take
effect on the same day....'" (*International Business Machines v.
State Bd. of Equalization* (1980) 26 Cal.3d 923, 932, 163 Cal.Rptr.
782, 609 P.2d 1) That is certainly the case with the virtually
identical 2003 enactments. (See fn.5, ante.) *Franchise Tax Board v.
Superior Court* (2013, 1st Dist., Div. 2) 221 Cal.App.4th 647, 661-662

29 The legislative history regarding Family Code section 3691
30 reveals it was enacted as part of the Child Support Enforcement
31 Fairness Act of 2000 (Fairness Act) with the purpose of ... (Stats.
32 1999, ch. 653, § 1.) The Legislature specifically declared, ...
33 (Ibid.) *City of San Diego v. Gorham* (2010, 4th Dist., Div. 1) 186,
34 Cal.App.4th 1215, 1232

35 Even if use of the word "system" in Vehicle Code section
36 21455.5 were ambiguous, the legislative history of section 21455.5
37 demonstrates that the word was intended to ... Section 21455.5 was
38 originally enacted in 1995 (Sen. Bill No. 833 (1995-1996 Reg. Sess.);
Stats. 1995, ch. 922). According to the Legislative Counsel's Digest
...

39 ... The purpose of these warning requirements was also
40 described in intersection-specific language in the legislative
41 findings and declarations of the Rail Traffic Safety Enforcement Act
42 (Sen. Bill No. 1802 (1993-1994 Reg. Sess.)), which added subdivision
43 (c) to section 22451: ...

44 An amendment to Vehicle Code section 21455.5 proposed in 2003
45 (Sen. Bill No. 780 (2003-2004 Reg. Sess.)) would have required
46 warning notices to be issued "during the first 30 days after the

1 first recording unit is installed." (Id., § 11, subd. (c)(1).) The
2 Legislature's rejection of this language in a year when other
3 amendments to the statute were enacted provides further evidence of a
4 legislative intention ... Section 21455.5 was instead amended via
5 Assembly Bill No. 1022 (2003-2004 Reg. Sess.), and the Legislative
6 Counsel's Digest concerning that bill (see Stats. 2003, ch. 511)
7 noted that ... *People v. Park* (2010), disapproved of by *People v.*
8 *Gray*, 204 Cal.App.4th 1041, 139 Cal.Rptr.3d 489 (2012) 187
9 Cal.App.4th Supp. 9, 13-15

6 The preamble to AB 1099 stated, "[e]xisting law ...
(Stats.2001, ch. 433.)

7 ...
8 The preamble of AB 1099 makes a distinction between PERS and
9 CERL. It states: ... (Legis. Counsel's Dig., Assem. Bill 1099;
10 Stats.2001, ch. 433.) The Legislative Counsel's Digest states ...The
11 preamble distinguishes PERL's "specified" systems from CERL's
12 "reciprocal" systems. The legislature does not use the word
13 "reciprocal" with respect to PERL. This distinction indicates a
14 legislative intent that AB 1099 have a different effect on PERL and
15 CERL; this choice of words is more than coincidence. It is not for
16 this court to attempt to discern why the legislature would seek to
17 affect the two systems in different ways; however, the preamble's
18 deliberate choice of words is manifest in an intentionally different
19 statutory organization of PERL and CERL with respect to the
20 compensation provisions of JRS and JRS II. (*Freedom Newspapers, Inc.*
21 *v. Orange County Employees Retirement System* (1993) 6 Cal.4th 821,
22 826, 25 Cal.Rptr.2d 148, 863 P.2d 218 [legislature's choice of words
23 is the best indicator of its intent]; *People v. Duran* (2001) 94
24 Cal.App.4th 923, 941, 114 Cal.Rptr.2d 595 [same]) Thus, analogy to
25 CERL is inapposite. *Khan v. Los Angeles City Employees' Retirement*
26 *System* (2010, 2nd Dist., Div. 1) 187 Cal.App.4th 98, 110, 116-117,
27 fn.23

18 When enacting the 2002 amendments, the Legislature provided the
19 following explanation for the changes: "It is the intent of the
20 Legislature to ... (Stats.2002, ch. 1143, § 2, p. 5704.) *Colony Cove*
21 *Properties, LLC v. City of Carson* (2010, 2nd Dist.) 187 Cal.App.4th
22 1487, 1502

20 Second, as discussed, the Legislature expressly stated the 2001
21 amendment limiting the scope of section 514 was "declarative of
22 existing law." That explanation of the purpose of the amendment,
23 contained in an uncodified section of the legislation itself
24 (Stats.2001, ch. 148, § 4), is confirmed in the Senate Rules
25 Committee's Bill Analysis (Third Reading) of Senate Bill No. 1208
26 (2001-2002 Reg. Sess., May 29, 2001), ... (Sen. Rules Com., Off. of
27 Sen. Floor Analyses, 3d reading analysis of Sen. Bill No. 1208,
28 *supra*, at p. 3.) *Lazarin v. Superior Court* (2010, 2nd Dist., Div. 7)
188 Cal.App.4th 1560, 1575

26 AUSD argues the intent underlying section 51210 was not to
27 protect the health and welfare of elementary school students but to
28 "establish a common curriculum and to encourage local school
districts to develop programs that would incorporate the education
guidelines and standards it establishes." However, this argument is
belied by section 51210.1, which is a statement of legislative

1 findings regarding physical education in schools. It reads: "(a)(1)
2 The Legislature finds and declares all of the following:...

3 While the Legislature may have been interested in encouraging
4 local schools to adopt uniform curricula that meet various
5 legislative guidelines, the ultimate goal was obviously to improve
6 the health and well-being of elementary school students through a
7 minimum level of physical education. *Doe v. Albany Unified School*
8 *District* (2010, 3rd Dist.) 190 Cal.App.4th 668, 684-685

9 First, petitioner's reliance on the title or heading of the
10 provision is unavailing. The California Supreme Court has noted that
11 "[t]itle or chapter headings are unofficial and do not alter the
12 explicit scope, meaning, or intent of a statute." [Citation.]"
13 (*Wasatch, supra*, 35 Cal.4th 1111, 1119, 29 Cal.Rptr.3d 262, 112 P.3d
14 647)... *Sacks v. City of Oakland* (2010, 1st Dist., Div. 1) 190
15 Cal.App.4th 1070, 1093

16 A statute containing "a general statement of legislative intent
17 ... does not impose any affirmative duty that would be enforceable
18 through a writ of mandate. [Citations.]" (*Shamsian v. Department of*
19 *Conservation, supra*, 136 Cal.App.4th at pp. 640-641, 39 Cal.Rptr.3d
20 62; see also *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d
21 432, 444, 261 Cal.Rptr. 574, 777 P.2d 610 ["the precatory declaration
22 of intent expressed in the statute must be read in context" and
23 "cannot be viewed as independently creating substantive duties ... in
24 addition to those imposed by the regulations"].) As for section
25 13000, that is the case. The trial court erred in declaring
26 defendants had a duty to consider the statements of legislative
27 intent found in section 13000 in adopting the MS4 permit and
28 incorporating the TMDL requirements into it. *City of Arcadia v. State*
Water Res. Control Bd., (2010, 4th Dist., Div. 3) 191 Cal.App.4th
156, 176, as modified on denial of rehearing Jan. 20, 2011

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

The absence of legislative intent to grant judges the right to
restrict the use of medical marijuana by a person eligible to do so
under the CUA is shown not just by the text of section 11362.795, but
also by its legislative history. Section 11362.795 was part of Senate
Bill 420 introduced by Senator John Vasconcelos in the 2003
legislative session and commonly known as the Medical Marijuana
Program (MMP). "In uncodified portions of the bill the Legislature
declared that, among its purposes in enacting the statute, was to
'[c]larify the scope of the application of the [CUA] and facilitate
the prompt identification of qualified patients and their designated
primary caregivers in order to avoid unnecessary arrest and
prosecution of these individuals and provided needed guidance to law
enforcement officers.' (Stats.2003, ch. 875, § 1.) *People v. Moret*
(2009, 1st Dist.) 180 Cal.App.4th 839, 886

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

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

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

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

16 *Burden v. Snowden* (1992) 2 Cal.4th 556, 564; *Hughes v. Board of Architectural Examiners* (1998) 17
17 Cal.4th 763, 786; *People v. Allen* (1999) 21 Cal.4th 846, 858; *Robert L. v. Superior Court (People)*
18 (2003) 30 Cal.4th 894, 905; *People v. Elliot* (2005) 37 Cal.4th 453, 478; *Greene v. Marin City Flood*
19 *Control & Water Conservation District* (2010) 49 Cal.4th 277; *Coito v. Superior Court* (2012) 54
20 Cal.4th 480, 490; *Salas v. Sierra Chem. Co.* (2014) 59 Cal.4th 407, 414; *People v. Page* (2017) 3
21 Cal.5th 1175, 1187

22 *People v. Barry* (1987) 194 Cal.App.3d 158; *California Trout, Inc. v. State Water Resources Control*
23 *Board* (1989, 3rd Dist.) 207 Cal.App.3d 585, 602; *Del Mar v. Caspe* (1990, 6th Dist.) 222 Cal.App.3d
24 1316, 1325; *Hung v. Wang* (1992) 8 Cal.App.4th 908, 919; *Rideout Hospital Foundation v. County of Yuba*
25 (1992, 3rd Dist.) 8 Cal.App.4th 214, 222; *Johnson v. Superior Court* (1994, 2nd Dist.) 25 Cal.App.4th
26 1564, 1569; *Campbell v. Zolin* (1995, 6th Dist.) 33 Cal.App.4th 489, 494-496; *Sounhein v. City of San*
27 *Dimas* (1996, 2nd Dist.) 47 Cal.App.4th 1181, 1189, 1191; *Wells Fargo Bank v. Goldzband* (1997, 5th
28 Dist.) 53 Cal.App.4th 596, 616; *Sears v. Baccaglio* (1998, 1st Dist.) 60 Cal.App.4th 1136, 1150; *Kidd*
v. State of California (1998, 3rd Dist.) 62 Cal.App.4th 386, 403; *Case v. Lazben Financial Co.* (2002,
2nd Dist.) 99 Cal.App.4th 172, 186; *Chen v. Superior Court (Gill)* (2004, 2nd Dist.) 118 Cal.App.4th
761, 764, fn.2; *People v. Hard* (2003, 1st Dist.) 112 Cal.App.4th 272, 280; *Stamps v. Superior Court*
(*Kenny-Shea-Traylor-Frontier-Kemper, JV*) (2006, 2nd Dist.) 136 Cal.App.4th 1441, 1450, fn.9; *Slocum*
v. State Bd. of Equalization (2005, 1st Dist.) 134 Cal.App.4th 969, 977; *Knight v. Superior Court*
(*Schwarzenegger*) (2005, 3rd Dist.) 128 Cal.App.4th 14, 26; *Bourquez v. Superior Court* (2007, 3rd
Dist.) 156 Cal.App.4th 1275, 1285; *People v. Whaley* (2008) 160 Cal.App.4th 779, 801; *People v. Kelly*
(2008, 2nd Dist.) 77 Cal.Rptr.3d 390, 398; *City of Los Angeles v. Workers' Comp. Appeals Bd.* (2009,
2nd Dist.) 179 Cal.App.4th, 134; *Purifoy v. Howell* (2010, 1st Dist., Div. 3) 183 Cal.App.4th 166,
177; *People v. Nelson* (2011, 1st Dist., Div.2) 200 Cal.App.4th 1083, 1094; *All Angels Preschool/*
Daycare v. County of Merced (2011, 5th Dist.) 197 Cal.App.4th 394, 403; *Semler v. General Electric*
Capital Corp. (2011, 2nd Dist., Div. 1) 196 Cal.App.4th 1380, 1395; *Yu v. University of LaVerne*
(2011, 2nd Dist., Div. 3) 196 Cal.App.4th 779, 789; *People v. Keeper* (2011, 4th Dist., Div. 1) 192
Cal.App.4th 511, 520; *People v. Gerber* (2011, 6th Dist.) 196 Cal.App.4th 368, 379; *Nortel Networks,*
Inc. v. Board of Equalization (2011, 2nd Dist., Div. 2) 191 Cal.App.4th 1259, 1278; *City of Santa*
Maria v. Adam (2012, 6th Dist.) 211 Cal.App.4th 266, 290; *In re P.A.* (2012, 4th Dist., Div. 2) 211
Cal.App.4th 23, 36; *Hawran v. Hixon* (2012, 4th Dist., Div. 1) 209 Cal.App.4th 256, 271; *Halajian v. D*
& B Towing (2012, 5th Dist.) 209 Cal.App.4th 1, 18; *Worthington v. Davi* (2012, 4th Dist., Div. 3) 208
Cal.App.4th 263, 279; *Thurman v. Bayshore Transit Mgmt., Inc.* (2012, 4th Dist., Div. 1) 203
Cal.App.4th 1112, 1141; *Kaiser Foundation Health Plan, Inc. v. Superior Court* (2012, 2nd Dist., Div.
7) 203 Cal.App.4th 696, 711; *California Insurance Guarantee Assn. v. Workers' Compensation Appeals*
Board (2012, 2nd Dist., Div. 2) 203 Cal.App.4th 1328, 1344; *Los Angeles County Department of Children*
and Family Services v. Superior Court (2013, 2nd Dist., Div. 5) 222 Cal.App.4th 149, 160, as modified
Dec. 30, 2013; *May v. City of Milpitas* (2013, 6th Dist.) 217 Cal.App.4th 1307, 1331; *People v. McCall*
(2013, 2nd Dist., Div. 5) 214 Cal.App.4th 1006, 1015, as modified on denial of rehearing Apr. 18,
2013; *S. California Cement Masons Joint Apprenticeship Comm. v. California Apprenticeship Council*
(2013, 1st Dist., Div. 1) 213 Cal.App.4th 1531, 1545; *218 Properties, LLC v. City of Carson* (2014,
2nd Dist., Div. 8) 226 Cal.App.4th 182, 189, as modified on denial of rehearing June 13, 2014; *People*
v. Sheehy (2014, 4th Dist., Div. 2) 225 Cal.App.4th 445, 450; *The McCaffrey Group, Inc. v. Superior*
Court (2014, 5th Dist.) 224 Cal.App.4th 1330, 1343; *People v. Spriggs* (2014, 5th Dist.) 224
Cal.App.4th 150, 157; *Maher v. County of Alameda* (2014, 1st Dist., Div. 1) 223 Cal.App.4th 1340,
1353; *City of Palmdale v. City of Lancaster* (2014, 2nd Dist., Div. 8) 223 Cal.App.4th 978, 983;
Crosby v. HLC Properties, Ltd. (2014, 2nd Dist., Div. 3) 223 Cal.App.4th 597, 606; *Sterling v.*
Sterling (2015, 2nd Dist., Div. 8) 242 Cal.App.4th 185, 195; *People v. Toussain* (2015, 4th Dist.,

1 Div. 3) 240 Cal.App.4th 974, 980; *Santos v. Brown* (2015, 3rd Dist.) 238 Cal.App.4th 398; *City of*
2 *Emeryville v. Cohen* (2015, 3rd Dist.) 233 Cal.App.4th 293, 303); *City of Los Angeles v. City of Los*
3 *Angeles Employee Relations Bd.* (2016, 2nd Dist., Div. 3) 7 Cal.App.5th 150, 165; *In re J.C.* (2016,
4 1st Dist., Div. 1) 246 Cal.App.4th 1462; *People v. Bush* (2016, 4th Dist., Div. 2) 245 Cal.App.4th
5 992, 1004; *People v. Tidwell* (2016, 6th Dist.) 246 Cal.App.4th 212, 219; *Pini v. Fenley* (2017, 3rd
6 Dist) 9 Cal.App.5th 67, 76; *Department of Alcoholic Beverage Control v. Alcoholic Beverage Control*
7 *Appeals Bd.* (2017, 3rd Dist.) 7 Cal.App.5th 628, 637

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

9 The Attorney General relies on an uncodified section of
10 Proposition 47, which described one aspect of the measure's intent as
11 to ... This general description of the measure cannot displace the
12 express operative language of ... *People v. Page* (2017) 3 Cal.5th
13 1175, 1187

14 Because section 667(a) was enacted by the electorate, it is the
15 voters' intent that controls. (*People v. Jones, supra*, at p. 1149, 22
16 Cal.Rptr.2d 753, 857 P.2d 1163.) Nonetheless, our interpretation of a
17 ballot initiative is governed by the same rules that apply in
18 construing a statute enacted by the Legislature. (*People v. Superior*
19 *Court (Pearson)* (2010) 48 Cal.4th 564, 571, 107 Cal.Rptr.3d 265, 227
20 P.3d 858; *People v. Jones, supra*, at p. 1146, 22 Cal.Rptr.2d 753, 857
21 P.2d 1163) We therefore first look to "the language of the statute,
22 affording the words their ordinary and usual meaning and viewing them
23 in their statutory context." (*Alcala v. Superior Court* (2008) 43
24 Cal.4th 1205, 1216, 78 Cal.Rptr.3d 272, 185 P.3d 708; accord, *Robert*
25 *L. v. Superior Court* (2003) 30 Cal.4th 894, 901, 135 Cal.Rptr.2d 30,
26 69 P.3d 951) Once the electorate's intent has been ascertained, the
27 provisions must be construed to conform to that intent. (*Arias v.*
28 *Superior Court* (2009) 46 Cal.4th 969, 979, 95 Cal.Rptr.3d 588, 209
P.3d 923) "[W]e may not properly interpret the measure in a way that
the electorate did not contemplate: the voters should get what they
enacted, not more and not less." (*Hodges v. Superior Court* (1999) 21
Cal.4th 109, 114, 86 Cal.Rptr.2d 884, 980 P.2d 433) *People v. Park*
(2013) 56 Cal.4th 782, 796

29 "[B]ecause the Judicial Council's proposed amendment to section
30 1382 was adopted verbatim in the 1959 legislative enactment, we can
31 conclude that the Judicial Council's explanation of the measure
32 reflected legislative intent." (*Barsamyan, supra*, 44 Cal.4th at p.
33 976, 81 Cal.Rptr.3d 265, 189 P.3d 271) *Smith v. Superior Court* (2012)
34 54 Cal.4th 592, 602

35 The Official Voter Information Guide for the May 19, 2009,
36 Special Election contains a helpful overview (prepared by the
37 Legislative Analyst's Office) of the then-current state budget
38 problems and the resolution proposed by the February 2009
39 legislation. (Voter Information Guide, Special Elec. (May 19, 2009)
40 Overview of the State Budget, pp. 8-9 (May 2009 Voter Guide).)
41 *Professional Engineers in California Government v. Schwarzenegger*
42 (2010) 50 Cal.4th 989, 1006

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

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

Analyses and arguments contained in official ballot pamphlets
circulated prior to the elections at which the amendments are voted
on are appropriately used to resolve any ambiguities in the language
of propositions adopted. (*Legislature v. Eu* (1991) 54 Cal.3d 492,
503, 286 Cal.Rptr. 283, 816 P.2d 1309; *Kennedy Wholesale, Inc. v.*
State Board of Equalization (1991) 53 Cal.3d 245, 250, 279 Cal.Rptr.
325, 806 P.2d 1360) *Wiseman Park, LLC v. S. Glazer's Wine & Spirits,*
LLC (2017, 2nd Dist., Div. 2) 16 Cal.App.5th 110, 121

If the provisions' intended purpose nonetheless remains opaque,
we may consider extrinsic sources, such as an initiative's ballot
materials. (*Larkin, at p. 158 [194 Cal.Rptr.3d 80, 358 P.3d 552]*)
Moreover, when construing initiatives, we generally presume electors
are aware of existing law. (*In re Lance W.* (1985) 37 Cal.3d 873, 890,
fn.11 [210 Cal.Rptr. 631, 694 P.2d 744] (*Lance W.*))" (*California*
Cannabis Coalition, supra, 3 Cal.5th at pp. 933-934, 222 Cal.Rptr.3d

1 210, 401 P.3d 49) *Gonzalez v. City of Norwalk* (2017, 2nd Dist., Div.
2 3) 17 Cal.App.5th 1295, 1308, as modified on denial of rehearing Jan.
3, 2018, review denied Mar. 14, 2018

3 "Ballot pamphlet arguments have been recognized as a proper
4 extrinsic aid in construing voter initiatives adopted by popular
5 vote." (*Yearwood, supra*, 213 Cal.App.4th at p. 171, 151 Cal.Rptr.3d
6 901) *People v. Thurston* (2016, 1st Dist., Div. 2) 244 Cal.App.4th
7 644, 665, as modified on denial of rehearing Feb. 11, 2016

8 "When the language [of an initiative measure] is ambiguous, 'we
9 refer to other indicia of the voters' intent, particularly the
10 analyses and arguments contained in the official ballot pamphlet.'"'
11 [Citation.] 'In other words, our "task is simply to interpret and
12 apply the initiative's language so as to effectuate the electorate's
13 intent.'" (*People v. Arroyo* (2016) 62 Cal.4th 589, 593, 197
14 Cal.Rptr.3d 122, 364 P.3d 168) *People v. Davis* (2016, 1st Dist., Div.
15 1) 246 Cal.App.4th 127, 134

16 We start with the ordinary meaning of the statutory language,
17 but if that is ambiguous, "we look to other indicia of voter intent."
18 (*People v. Johnson* (2015) 61 Cal.4th 674, 682, 189 Cal.Rptr.3d 794,
19 352 P.3d 366 [interpreting revision to Three Strikes law]) In light
20 of the about-face on this issue in the Proposition 47 materials
21 prepared for judges and practitioners, we think it reasonable to
22 conclude that the term "prior conviction" is ambiguous. Thus, we look
23 to "other indicia" to ascertain voter intent. Because this statute
24 was added to the Penal Code by ballot initiative, we have no
25 legislative history. Instead, we may consult the official ballot
26 materials and the analysis of the Legislative Analyst to assist in
27 interpretation. "In construing statutes adopted by the voters, we
28 apply the same principles of interpretation we apply to statutes
enacted by the Legislature." (*Id.* at p. 682, 189 Cal.Rptr.3d 794, 352
P.3d 366) "'When the language is ambiguous, "we refer to other
indicia of the voters' intent, particularly the analyses and
arguments contained in the official ballot pamphlet." [Citation.]'
[Citation.]" (*Robert L. v. Superior Court* (2003) 30 Cal.4th 894, 901,
135 Cal.Rptr.2d 30, 69 P.3d 951) *People v. Montgomery* (2016, 4th
Dist., Div. 3) 247 Cal.App.4th 1385, as modified on denial of
rehearing June 30, 2016

21 Where, as here, a statute enacted through the initiative
22 process is ambiguous, "'[b]allot summaries and arguments may be
23 considered when determining the voters' intent and understanding of a
24 ballot measure.'" (*Professional Engineers in California Government v.*
25 *Kempton* (2007) 40 Cal.4th 1016, 1037, 56 Cal.Rptr.3d 814, 155 P.3d
26 226; accord, *Robert L., supra*, 30 Cal.4th at pp. 900-901, 135
27 Cal.Rptr.2d 30, 69 P.3d 951.)

28 ... in this case, we find the legislative history helpful and
conclude the ballot materials more strongly support the construction
urged by OEHHA than by CalChamber. *California Chamber of Commerce v.*
Brown (2011, 1st Dist., Div. 1) 196 Cal.App.4th 233, 251

Under the circumstances, we believe it is inappropriate to
focus on the intent of the Legislature in initially enacting
Insurance Code section 1860.1; the relevant inquiry is to determine
the intent of the voters in leaving that statute standing when

1 approving Proposition 103, which repealed the great bulk of the
2 McBride-Grunsky Act, including the provision setting forth the
3 purpose of that Act. It is difficult to believe that Insurance Code
4 section 1860.1 is currently intended to serve the purpose it served
5 in 1947, as the express statement of that purpose has since been
6 repealed. Indeed, it is clear from the official ballot pamphlet
7 analyses and arguments in connection with Proposition 103, that it
8 was intended, in part, to repeal the then-existing antitrust
9 exemption. (Ballot Pamp., Gen. Elec. (Nov. 8, 1988) analysis of Prop.
10 103 by the Legislative Analyst, p. 98 ["Insurance companies are not
11 subject to the state's anti-trust laws." The "measure makes insurance
12 companies subject to the state's antitrust laws."]; *id.*, argument in
13 favor of Prop. 103, p. 100 ["Proposition 103 will also end the
14 insurers' exemption from the antimonopoly laws."]; see *Manufacturers
15 Life Ins. Co. v. Superior Court* (1995) 10 Cal.4th 257, 281-282, 41
16 Cal.Rptr.2d 220, 895 P.2d 56.) Given that Proposition 103 was
intended to eliminate insurers' exemption from antitrust laws, we
cannot conclude that Insurance Code section 1860.1 is currently to be
interpreted in accordance with its initial intent, which was to
exempt insurers from antitrust laws. *MacKay v. Superior Court* (2010,
2nd Dist., Div. 3) 188 Cal.App.4th 1427, 1446-1447

12 Here, section 667.6 was one of over two dozen statutes amended
or added by Jessica's Law. [Fn omitted] (Voter Information Pamp.,
13 Gen. Elec. (Nov. 7, 2006) text of Prop. 83, §§ 3-30, pp.127-138.)
While the electorate's general intent in enacting Prop. 83 was to
14 strengthen and improve the laws that punish sex offenders (Voter
15 Information Pamp., Gen. Elec. (Nov. 7, 2006) text of Jessica's Law, §
16 31, p. 138), we cannot say that it did not intend that section 667.6,
subdivision (c) not be given its literal meaning. This is
particularly so where, as here, the drafters plainly intended to omit
the "whether or not" language.

17 ... "When construing ... initiative measures, ... the intent of
the drafters may be considered ... if there is reason to believe that
18 the electorate was aware of that intent [Citation] and we have often
presumed, in the absence of other indicia of the voters' intent such
19 as ballot arguments [Citation] or contrary evidence, that the
drafters' intent and understanding of the measure was shared by the
20 electorate." (*Rossi v. Brown* (1995) 9 Cal.4th 688, 700, fn.7, 38
Cal.Rptr.2d 363, 889 P.2d 557; see also *People v. Hazelton* (1996) 14
Cal.4th 101, 123, 58 Cal.Rptr.2d 443, 926 P.2d 423)

21 In amending subdivision (c), the drafters not only repealed the
"whether or not" language, but added ... (§ 667.6, subd. (c); (Voter
22 Information Pamp., Gen. Elec. (Nov. 7, 2006) text of Prop. 83, § 11,
p. 130).) *People v. Goodliffe* (2009, 3rd Dist.) 177 Cal.App.4th 723,
23 391

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

27 Whether a statute is enacted through initiative process or
through the Legislature, it is considered a power exercised by the
28 legislative branch of government. [Citation.] Accordingly, references
in this dissent to the "legislative branch" apply equally to actions

1 taken by the people through the initiative process and laws enacted
2 by the Legislature. *Resendiz v. Superior Court (People)* (2001, 4th
3 Dist.) 89 Cal.App.4th 1, 19

4 On our own motion, we take judicial notice of the ballot
5 pamphlet for Proposition 209. (Evid. Code, §452, subd. (c).) The
6 ballot pamphlet may properly be considered to show the intent of the
7 voters in passing an initiative measure. (*Pacific Legal Foundation v.*
8 *Brown, supra*, 29 Cal.3d 168, 182-183, fn.6; *Mobilepark West*
9 *Homeowners Assn. v. Escondido Mobilepark West* (1995) 35 Cal.App.4th
10 32, 42, fn.6 [41 Cal.Rptr.2d 393].) *Kidd v. State of California*
11 (1998, 3rd Dist.) 62 Cal.App.4th 386, 407, fn.7

12 Initiative ballot arguments are considered the equivalent of
13 the legislative history of a legislative enactment. *County of*
14 *Sacramento v. Fair Political Practices Commission* (1990, 3rd Dist.)
15 222 Cal.App.3d 687, 693, fn.2

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

20 A court may ... rely on extrinsic aids such as the history of
21 the statement, committee reports, the legislative debates, and
22 statements to the voters on initiative and referendum measures.
23 *Noroian v. Department of Administration* (1970) 11 Cal.App.3d 651,
24 654-55

25 ... Enacted in 1990, Proposition 115 was adopted to make
26 "comprehensive reforms ... in order to restore balance and fairness
27 to our criminal justice system." (Ballot Pamp., Proposed Amends. to
28 California Constitution with arguments to voters, Gen. Elec. (June 5,
1990) text of Prop. 115, § 1, subd. (a), p. 33.) The voters found
"that it is necessary to reform the law as developed in numerous
California Supreme Court decisions and as set forth in the statutes
of this state. These decisions and statutes have unnecessarily
expanded the rights of accused criminals far beyond that which is
required by the United States Constitution, thereby unnecessarily
adding to the costs of criminal cases, and diverting the judicial
process from its function as a quest for the truth." (*Id.*, text of
Prop. 115, § 1, subd. (b), p. 33 ...)

In adopting Proposition 115, the voters expressly declared that
their purposes were to "create a system in which justice is swift and
fair, and to create a system in which violent criminals receive just
punishment, in which crime victims and witnesses are treated with
care and respect, and in which society as a whole can be free from
the fear of crime in our homes, neighborhoods, and schools." (Ballot
Pamp., Proposed Amends. to California Constitution with arguments to
voters, Gen. Elec. (June 5, 1990) text of Prop. 115, § 1, subd. (c),
p. 33;...

These statements reveal the general thrust of Proposition 115:
to make comprehensive reforms, to create a system in which criminal
justice is swift and fair, and to overrule past decisions of the
California Supreme Court....

Turning to the ballot arguments, we see that the arguments
mention neither Of course, the ballot arguments clearly do not

1 profess to describe Proposition 115 in its entirety but speak largely
2 in generalities. For example,... Many of the arguments, both pro and
3 con, are devoted to Proposition 115's impact upon Californians' right
4 to privacy. The proposed changes in criminal law and procedure are
5 not addressed in detail.

6 ...

7 Accordingly, our review of the ballot arguments and Legislative
8 Analysis does not disclose any clear evidence of the electorate's
9 intent with regard to Hovey. (4b) With respect to the ballot
10 arguments, the absence of such evidence is not particularly
11 persuasive since the ballot arguments are largely rhetorical. The
12 California Supreme Court recognized as much in *Hill v. National
13 Collegiate Athletic Assn.*, *supra*, 7 Cal.4th 1, 22, footnote 5. The
14 court cautioned, "Ballot arguments often embody the sound-bite
15 rhetoric of competing political interests vying for popular support.
16 However useful they may be in identifying the general evils sought to
17 be remedied by an initiative measure, they are principally designed
18 to win votes, not to present a thoughtful or precise explication of
19 legal tests or standards." *Covarrubias v. Superior Court* (1998, 6th
20 Dist.) 60 Cal.App.4th 1168, 1175-1178, 1181

21 In the following case, in a footnote, the court discussed the various versions
22 of the legislative bill which set forth the contents of the sample ballot at
23 issue for an understanding of the legislative intent of the ballot measure
24 approved by the electorate:

25 By motion dated August 7, 1998, appellants requested this court
26 to take judicial notice of several versions of Senate Bill No. 878,
27 the legislation which was the precursor to the Act.... The materials
28 submitted reflect that in early versions of Senate Bill No. 878, the
sample ballot was required to contain "the full proposition as set
forth in the ordinance calling the election." However, on September
13, 1985, Senate Bill No. 878 was amended to include the requirement
that the sample ballot shall contain "the full proposition, as set
forth in the ordinance calling the election, and *the voter
information handbook shall include the entire adopted county
transportation expenditure plan.*" This language appears in the final
version of the Act adopted by the Legislature. (§ 131108, subd. (h),
italics added.) Appellants contend that the above described amendment
of Senate Bill No. 878 reflects "that the [L]egislature's intent was
to have the voters consider, not only the sales tax measure itself,
but also the Expenditure Plan when they voted." *Hayward Area Planning
Assn. v. Alameda County Transportation Authority* (1999, 1st Dist.) 72
Cal.App.4th 95, 105, fn.5

25 *People v. Knowles* (1950) 35 Cal.2d 175, 182; *Lundberg v. County of Alameda* (1956) 46 Cal.2d 644, 653;
26 *San Diego Coast Regional Commission v. See the Sea Limited* (1973) 9 Cal.3d 888, 891; *White v. Davis*
27 (1975) 13 Cal.3d 757, 775; *California Housing Finance Agency v. Patitucci* (1978) 22 Cal.3d 171, 177;
28 *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*

1 (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;
2 *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)
3 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;
4 *Lockyer v. City & County of San Francisco* (2004) 33 Cal.4th 1055, 1085; *Greene v. Marin City Flood Control & Water Conservation District* (2010) 49 Cal.4th 277; *Martinez v. Combs* (2010) 49 Cal.4th 35; *Steinhart v. County Of Los Angeles* (2010) 47 Cal.4th 1298, 1311; *In re E.J.* (2010) 47 Cal.4th 1258, 1288; *People v. Robinson* (2010) 47 Cal.4th 1104, 1139; *People v. Johnson* (2013) 57 Cal.4th 250, 261; *Greb v. Diamond International Corp.* (2013) 56 Cal.4th 243, 254; *People v. Boyce* (2014) 59 Cal.4th 672, 693; *People v. Vargas* (2014) 59 Cal.4th 635, 646; *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1371; *People v. Johnson* (2015) 61 Cal.4th 674, 686; *People v. Mosley* (2015) 60 Cal.4th 1044, 1048; *In re Taylor* (2015) 60 Cal.4th 1019, 1022; *Prop. Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151; *People v. Conley* (2016) 63 Cal.4th 646, 658; *City of San Buenaventura v. United Water Conservation Dist.* (2017) 3 Cal.5th 1191, 1205, as modified on denial of rehearing Feb. 21, 2018; *California Cannabis Coal. v. City of Upland* (2017) 3 Cal.5th 924, 940, as modified on denial of rehearing Nov. 1, 2017; *Briggs v. Brown* (2017) 3 Cal.5th 808, as modified on denial of rehearing Oct. 25, 2017; *People v. Romanowski* (2017) 2 Cal.5th 903, 908

11 *California Institute of Technology v. Johnson* (1942) 55 Cal.App.2d 856, 859; *Crees v. California State Board of Medical Examiners* (1963) 213 Cal.App.2d 195, 211; *Miro v. Superior Court* (1970) 5 Cal.App.3d 87, 98; *Sanders v. Pacific Gas and Electric* (1975) 53 Cal.App.3d 661; *Consumer's Union v. California Milk Product Adv.* (1978) 82 Cal.App.3d 439, 446, 448; *People v. Zikorus* (1983) 150 Cal.App.3d 324, 330; *Arvin Union School District v. Ross* (1985, 2nd Dist.) 176 Cal.App.3d 189, 199; *Aguimatang v. California State Lottery* (1991, 3rd Dist.) 234 Cal.App.3d 769, 790; *Sanford v. Garamendi* (1991, 3rd Dist.) 233 Cal.App.3d 1109, 1118; *People v. Ramirez* (1995, 2nd Dist.) 33 Cal.App.4th 559, 565-566; *People v. Turner* (1995, 2nd Dist.) 40 Cal.App.4th 733, 742; *Thomsen v. City of Escondido* (1996, 4th Dist.) 49 Cal.App.4th 884, 891; *Americans for Nonsmokers' Rights v. State of California* (1996, 3rd Dist.) 51 Cal.App.4th 724, 738; *People v. Griggs* (1997, 5th Dist.) 59 Cal.App.4th 557, 561; *People v. Tran* (1997, 6th Dist.) 59 Cal.App.4th 1125, 1139 (concurrence); *People v. Garcia* (1998, 1st Dist.) 63 Cal.App.4th 820, 831, 832; *Hondo Co. v. Superior Court* (1998, 2nd Dist.) 67 Cal.App.4th 176, 182, 183; *McLaughlin v. State Board of Education* (1999, 1st Dist.) 75 Cal.App.4th 196, 216-217; *Jenkins v. County of Los Angeles* (1999, 2nd Dist.) 74 Cal.App.4th 524, 531-532; *In re Cervera* (1999, 4th Dist.) 74 Cal.App.4th 766, 771; *Kidd v. State of California* (1998, 3rd Dist.) 62 Cal.App.4th 386, 400, 401, 407, fn.5 and fn.7; *Moreno v. Sanchez* (2003, 2nd Dist.) 106 Cal.App.4th 1415, 1436; *People v. De Porceri* (2003, 6th Dist.) 106 Cal.App.4th 60, 71; *In re Mehdizadeh* (2003, 2nd Dist.) 105 Cal.App.4th 995, 1005, fn.28; *People v. Superior Court (Martinez)* (2002, 6th Dist.) 104 Cal.App.4th 692, 699-700; *Board of Retirement v. Superior Court (People)* (2002, 2nd Dist.) 101 Cal.App.4th 1062, 1069; *Guardian North Bay, Inc. v. Superior Court (Myers)* (2001, 6th Dist.) 94 Cal.App.4th 963, 976, fn.2; *North Gualala Water Company v. State Water Resources Control Board* (2006, 1st Dist.) 139 Cal.App.4th 1577, 1591; *Wunderlich v. County of Santa Cruz* (2009, 6th Dist.) 178 Cal.App.4th 680; *Sacks v. City of Oakland* (2010, 1st Dist., Div. 1) 190 Cal.App.4th 1070, 1087-1088; *Bautista v. State of California* (2011, 2nd Dist., Div. 3) 201 Cal.App.4th 716, 731-32; *Field v. Bowen* (2011, 1st Dist., Div. 3) 199 Cal.App.4th 346, 351; *California School Boards Assn. v. Brown* (2011, 2nd Dist., Div. 3) 192 Cal.App.4th 1507, 1523; *Howard Jarvis Taxpayers Assn. v. Bowen* (2011, 3rd Dist.) 192 Cal.App.4th 110, 127; *Griffith v. Superior Court* (2011, 2nd Dist., Div. 6) 196 Cal.App.4th 943, 954; *Styrene Info. & Research Ctr. v. Office of Environmental Health Hazard Assessment* (2012, 3rd Dist.) 210 Cal.App.4th 1082, 1098, as modified Nov. 15, 2012; *People v. Barros* (2012, 1st Dist., Div. 5) 209 Cal.App.4th 1581, 1590, 1593; *Outfitter Properties, LLC v. Wildlife Conservation Board* (2012, 3rd Dist.) 207 Cal.App.4th 237, 247; *Neville v. County of Sonoma* (2012, 1st Dist., Div. 2) 206 Cal.App.4th 61, 78, as modified June 6, 2012; *In re David* (2012, 2nd Dist., Div. 5) 202 Cal.App.4th 675, 689; *In re C.Z.* (2013, 4th Dist., Div. 2) 222 Cal.App.4th 1497, 1505; *Alameda County Flood Control & Water Conservation Dist. v. Department of Water Resources* (2013, 3rd Dist.) 213 Cal.App.4th 1163, 1192; *People v. Yearwood* (2013, 5th Dist.) 213 Cal.App.4th 161, 175, as modified on denial of rehearing Feb. 19, 2013; *People v. Brown* (2014, 4th Dist., Div. 2) 230 Cal.App.4th 1502, 1513; *City of San Diego v. Shapiro* (2014, 4th Dist., Div. 1) 228 Cal.App.4th 756, 773 (2014); *In re M.V.* (2014, 1st Dist., Div. 4) 225 Cal.App.4th 1495, 1515; *Bisno v. Kahn* (2014, 1st Dist., Div. 3) 225 Cal.App.4th 1087, 1105, as modified on denial of rehearing May 23, 2014; *People v. Blakely* (2014, 5th Dist.) 225 Cal.App.4th 1042, 1055; *People v. Superior Court (Cervantes)* (2014, 5th Dist.) 225 Cal.App.4th 1007, 1016; *People v. Superior Court (Martinez)* (2014, 5th Dist.) 225 Cal.App.4th 979, 993; *Morgan v. Imperial Irrigation Dist.* (2014, 4th Dist.) 223 Cal.App.4th 892, 911; *City of Cerritos v. State of California* (2015, 3rd Dist.) 239 Cal.App.4th 1020, 1029; *Santos v. Brown* (2015, 3rd Dist.) 238 Cal.App.4th 398; *Protect Our Benefits v. City & County of San Francisco* (2015, 1st Dist., Div. 5) 235 Cal.App.4th 619, 624; *County of San Diego v. Comm'n on State Mandates* (2016, 4th Dist., Div. 1) 7 Cal.App.5th 12, 24, aff'd and remanded, 6 Cal.5th 196 (2018); *People v. Pinon* (2016, 4th Dist., Div. 3) 6 Cal.App.5th 956, 964, as modified on denial of rehearing Jan. 13, 2017;

1 City of San Jose v. Sharma (2016, 3rd Dist.) 5 Cal.App.5th 123, 152; In re N.C. (2016, 1st Dist.,
2 Div. 2) 4 Cal.App.5th 1235, 1250; People v. Buford (2016, 5th Dist.) 4 Cal.App.5th 886; People v.
3 Superior Court (Rangel) (2016, 4th Dist., Div. 2) 4 Cal.App.5th 410, 420; People v. Martinez (2016,
4 6th Dist.) 5 Cal.App.5th 234, 242; People v. Pak (2016, 2nd Dist., Div. 4) 3 Cal.App.5th 1111, 1120;
5 People v. Holm (2016, 1st Dist., Div. 1) 3 Cal.App.5th 141, 146; In re C.B. (2016, 1st Dist., Div. 3)
6 2 Cal.App.5th 1112, aff'd, 6 Cal.5th 118 (2018); People v. Spiller (2016, 5th Dist.) 2 Cal.App.5th
7 1014, 1024; Santa Clarita Organization for Planning & Environment v. Castaic Lake Water Agency (2016,
8 2nd Dist., Div. 2) 1 Cal.App.5th 1084, as modified on denial of rehearing Aug. 16, 2016; People v.
9 Salmorin (2016, 2nd Dist., Div. 7) 1 Cal.App.5th 738, 748; People v. Smith (2016, 4th Dist., Div. 2)
10 1 Cal.App.5th 266, 272; People ex rel. Feuer v. Progressive Horizon, Inc. (2016, 2nd Dist., Div. 8)
11 248 Cal.App.4th 533, 539; In re J.C. (2016, 1st Dist., Div. 1) 246 Cal.App.4th 1462; People v. Bush
12 (2016, 4th Dist., Div. 2) 245 Cal.App.4th 992, 1004; People v. Tidwell (2016, 6th Dist.) 246
13 Cal.App.4th 212, 219; People v. Harris (2017, 4th Dist., Div. 1) 15 Cal.App.5th 47, 52; People v.
14 Zamora (2017, 5th Dist.) 11 Cal.App.5th 728, 738; People v. Van Orden (2017, 4th Dist., Div. 2) 9
15 Cal.App.5th 1277, 1292; O'Neal v. Stanislaus County Employees' Ret. Assn. (2017, 5th Dist.) 8
16 Cal.App.5th 1184, 1199; People v. Bastidas (2017, 1st Dist., Div. 5) 7 Cal.App.5th 591, 599

8 **Legislative antecedents; failed or enacted:**

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

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

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

27 Thus, our court has never strayed from our pronouncement in
28 *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
intent because none of the indicia of the Legislature's possible
intent (committee analyses and digest and letters from the statute's
author) were before the voters." Thus, to the extent the Court of
Appeal, in ascertaining the voters' intent, relied on evidence of the
drafters' intent that was not presented to the voters, we decline to
follow it. Instead we look to the materials that were before the
voters.

1 In footnotes, however, the court however took judicial notice of these
2 legislative antecedents stating:

3 Real party in interest requests that we take judicial notice of
4 the prior, failed efforts in the Legislature to pass section
5 186.22(d). Petitioner formally opposes this request. In *Horwich*,
6 [Citation] we took judicial notice of legislative antecedents to
7 Proposition 213 despite the fact we found them irrelevant to the
8 electorate's intent. Following the same logic, the request for
9 judicial notice is hereby granted. *Robert L. v. Superior Court*
10 (*People*) (2003) 30 Cal.4th 894, 905, fn.13

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

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

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

19 ...

20 Ultimately the bill was defeated....

21 Because the Legislature failed to enact the crime bill,
22 Governor Wilson took the legislation to the people of California. It
23 was placed on the ballot as Proposition 21,... *People v. Arroyas*
24 (2002, 2nd Dist.) 96 Cal.App.4th 1439, 1447-8

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

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

29 **9. Third Reading Analyses:**

30 After passage by the committee(s) to which the bill was assigned, a bill is
31 on "third reading" where it is usually explained by the author, discussed by the
32 members, and voted on by a roll call vote. Each house prepares a third reading
33 analysis for the bill prior to the "third reading." The Third Reading analysis
34 can be prepared by different entities within each House.

1 Several legislative reports explained that "[t]he purpose of
2 [the statute] is to deter crimes in which a firearm is used and to
3 *incapacitate those who use firearms in crimes.*" (Sen. Com. on Pub.
4 Safety, Analysis of Assem. Bill No. 4 (1997-1998 Reg. Sess.) as
5 amended Apr. 28, 1997, italics added; Sen. Rules Com., Off. of Sen.
6 Floor Analyses, 3d reading analysis of Assem. Bill No. 4 (1997-1998
7 Reg. Sess) as amended Sept. 10, 1997, italics added.) *People v. Oates*
8 (2004) 32 Cal.4th 1048, 1057-1058

9 ... these references are to arguments made by the supporters
10 and opponents of AB 646. While the Legislature knew of these
11 arguments because they were noted in committee reports and analyses,
12 we generally do not consider references showing the motive or
13 understanding of the bill's author or other interested persons in
14 determining legislative intent. (*Joannou v. City of Rancho Palos*
15 *Verdes* (2013) 219 Cal.App.4th 746, 759, 162 Cal.Rptr.3d 158) Such
16 references are entitled to no weight "unless they reiterate
17 legislative discussion and events leading up to the bill's passage."
18 (*Kleffman v. Vonage Holdings Corp.* (2010) 49 Cal.4th 334, 348, 110
19 Cal.Rptr.3d 628, 232 P.3d 625) *San Diego Housing Commission v. Public*
20 *Employment Relations Bd.* (2016, 4th Dist., Div. 1) 246 Cal.App.4th 1,
21 16

22 The Assembly Committee on Judiciary comment on Assembly Bill
23 1441, as amended April 29, 1987, states at page 4 that "[a]
24 beneficiary under these circumstances ... see also Assem.3d reading
25 comments on Assem. Bill No. 1441, as amended May 18, 1987, p. 3
26 ["Should there not be a reasonable period ... punitive damages as the
27 person who knowingly submits such claim with intent to defraud?"]
28 *Armenta ex rel City of Burbank v. Mueller Co.* (2006, 2nd Dist.) 142
Cal.App.4th 636, 648

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

People v. Seneca Ins. Co. (2003) 29 Cal.4th 954, 963; *In re Marriage of Goddard* (2004) 33 Cal.4th 49,
55; *In re Steele* (2004) 32 Cal.4th 682,694; *In re Young* (2004) 32 Cal.4th 900, 908; *Kirby v. Inmoos*
Fire Protection, Inc. (2012) 53 Cal.4th 1244, 1255; *Brinker Rest. Corp. v. Superior Court* (2012) 53
Cal.4th 1004, 1037; *Quarry v. Doe I* (2012) 53 Cal.4th 945, 964

Rieger v. Arnold (2002, 3rd Dist.) 104 Cal.App.4th 451,463; *Babalola v. Superior Court* (2011, 2nd
Dist., Div. 7) 192 Cal.App.4th 948, 957; *People v. Vinson* (2011, 5th Dist.) 193 Cal.App.4th 1190,
1196; *Ventura v. ABM Indus., Inc.* (2012, 2nd Dist., Div. 5) 212 Cal.App.4th 258, 281; *Chino MHC, LP*
v. City of Chino (2012, 4th Dist., Div. 2) 210 Cal.App.4th 1049, 1068; *Goldstone v. County of Santa*
Cruz (2012, 6th Dist.) 207 Cal.App.4th 1038, 1049; *Boy Scouts of America National Foundation v.*
Superior Court (2012, 6th Dist.) 206 Cal.App.4th 428, 447; *Mize-Kurzman v. Marin Community College*
Dist. (2012, 1st Dist., Div. 2) 202 Cal.App.4th 832, 847; *Lamar Central Outdoor, LLC v. Department of*
Transportation (2013, 2nd Dist., Div. 8) 221 Cal.App.4th 810, 822; *Cornejo v. Lightbourne* (2013, 3rd
Dist.) 220 Cal.App.4th 932, 942; *People v. Noyan* (2014, 3rd Dist.) 232 Cal.App.4th 657, 669, as
modified on denial of rehearing Jan. 12, 2015; *Nativi v. Deutsche Bank National Trust Co.*, (2014, 6th
Dist.) 223 Cal.App.4th 261, 274; *People v. McGowan* (2015, 2nd Dist., Div. 5) 242 Cal.App.4th 377,
384, as modified Dec. 8, 2015; *City of Cerritos v. State of California* (2015, 3rd Dist.) 239
Cal.App.4th 1020, 1029; *Montgomery v. GCFS, Inc.* (2015, 1st Dist., Div. 5) 237 Cal.App.4th 724, 731;
Taylor v. Department of Industrial Relations, etc. (2016, 1st Dist., Div. 5) 4 Cal.App.5th 801, 812;
Department of Corr. & Rehab. v. State Pers. Bd. (2016, 3rd Dist.) 247 Cal.App.4th 700, 714; *M.F. v.*
Pac. Pearl Hotel Mgmt. LLC (2017, 4th Dist., Div. 1) 16 Cal.App.5th 693, 702, review denied Feb. 14,
2018

1 **a. Assembly Office of Research Analysis:**

2 We note that the statute's legislative history supports our
3 construction of the statute... Assembly Bill No. 3693, as enacted,
4 amended section 4019, subdivisions (b) and (c) to provide that
5 conduct credit would be calculated based on a six-day period rather
6 than one fifth of a month, and changed the basis for calculating
7 conduct credit "from period of confinement to period of commitment."
8 (Assem. Off. of Research, third reading analysis of Assem. Bill No.
9 3693 (1978-1979 Reg. Sess.) as amended May 11, 1978, p.1.) *People v.*
10 *Dieck* (2009) 46 Cal.4th 934

11 "... the assembly comment does not contain any reflection of
12 legislative intent. Instead, it indicates what "[s]upporters believe"
13 the bill accomplishes. Statements of the beliefs of "supporters" of a
14 bill are just that—the opinion of some unidentified group that does
15 not reflect legislative intent." *People ex rel. Harris v. Sunset Car*
16 *Wash, LLC* (2012, 2nd Dist., Div. 5) 205 Cal.App.4th 1433, 1439

17 The legislative history for section 4985.2 is largely
18 unenlightening. For the most part, the committee reports and
19 Department of Finance analyses merely state that the proposed bill is
20 intended to ... (See., e.g., Assem. Off. of Research, 3d reading
21 analysis of Assem. Bill No. 2371 (1975-1976 Reg. Sess.) January 22,
22 1976, p. 1; Dept. of Finance, Enrolled Bill Rep. on Assem. Bill No.
23 2371 (1975-1976 Reg. Sess.) Mar. 30, 1976.) In a letter to the
24 Governor urging him to sign the legislation, the sponsor of the bill
25 stated: ... (Assemblyman Daniel E. Boatwright, letter to Governor
26 Edmund G. Brown, Jr., Jun. 28, 1976.) *ZC Real Estate Tax Solutions*
27 *Limited v. Gordon B. Ford, as County Treasurer, etc., et al.* (2010,
28 5th Dist.) 191 Cal.App.4th 378, 383

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

Central Pathology Service Medical Clinic v. Superior Court (1992) 3 Cal.4th 181, 188, fn.3; *Calvillo-Silva v. Home Grocery* (1998) 19 Cal.4th 714, 722-723, 726; *People v. Robles* (2000) 23 Cal.4th 1106, 1119; *Southern California Edison Co. v. Peevey* (2003) 31 Cal.4th 781, 817 (dissent); *In re Marriage of Goddard* (2004) 33 Cal.4th 49, 55; *People v. Cole* (2006) 38 Cal.4th 964, 983; *Aryeh v. Canon Business Solutions, Inc.* (2013) 55 Cal.4th 1185, 1193; *Loeffler v. Target Corp.* (2014) 58 Cal.4th 1081, 1116; *Williams v. Chino Valley Indep. Fire Dist.* (2015) 61 Cal.4th 97, 110; *Hudec v. Superior Court* (2015) 60 Cal.4th 815, 822

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

1 Court (San Diego) (2006, 4th Dist.) 145 Cal.App.4th 1418, 1438; Lang v. Roche (2011, 2nd Dist., Div. 2) 201 Cal.App.4th 254, 263; California Grocers Assn. v. Department of Alcoholic Beverage Control (2013, 3rd Dist.) 219 Cal.App.4th 1065, 1071; Honchariv v. County of Stanislaus (2013, 5th Dist.) 218
2 Cal.App.4th 1019, 1024; Diamond v. Superior Court (2013, 6th Dist.) 217 Cal.App.4th 1172, 1190; Department of Correction & Rehabilitation v. State Pers. Bd. (2013, 4th Dist., Div. 1) 215
3 Cal.App.4th 1101, 1111; People v. Evans (2013, 4th Dist., Div. 1) 215 Cal.App.4th 242, 252; Borikas v. Alameda Unified School District (2013, 1st Dist., Div. 1) 214 Cal.App.4th 135, 159; People v. Torres (2013, 5th Dist.) 213 Cal.App.4th 1151, 1160; People v. Robinson (2014, 4th Dist., Div. 2) 232
4 Cal.App.4th 69, 77; Verizon California Inc. v. Board of Equalization (2014, 3rd Dist.) 230 Cal.App.4th 666, 678; Professional Engineers in California Government v. Brown, (2014, 1st Dist., Div. 3) 229 Cal.App.4th 861, 867; United Health Centers of San Joaquin Valley, Inc. v. Superior Court (2014, 5th Dist.) 229 Cal.App.4th 63, 81; Garibotti v. Hinkle (2015, 4th Dist., Div. 3) 243
5 Cal.App.4th 470, 478; Carlross v. County of Alameda (2015, 1st Dist., Div. 3) 242 Cal.App.4th 116, 128; In re Aurora P. (2015, 1st Dist., Div. 5) 241 Cal.App.4th 1142, 1158; Raef v. Appellate Div. of Superior Court (2015, 2nd Dist., Div. 4) 240 Cal.App.4th 1112, 1131; People v. Santa Ana (2016, 6th Dist.) 247 Cal.App.4th 1123, 1138; New Cingular Wireless PCS, LLC v. Public Utilities Comm. (2016; 1st Dist., Div. 4) 246 Cal.App.4th 784, 803; People v. Grays (2016, 1st Dist., Div. 5) 246
6 Cal.App.4th 679, 688
7
8

9 **b. Office of Assembly Floor Analyses:**

10 People v. Nguyen (1999) 21 Cal.4th 197, 206; People v. Frazer (1999) 21 Cal.4th 737, 753; Preston v. State Board of Equalization (2001) 25 Cal.4th 197, 217; Ketchum v. Moses (2001) 24 Cal.4th 1122, 1136, fn.1; Eisner v. Uveges (2004) 34 Cal.4th 915, 934; Murphy v. Kenneth Cole Productions (2007) 40
11 Cal.4th 1094, 1109; In re Derrick B. (2006) 39 Cal.4th 535, 545; Apple, Inc. v. Superior Court (2013) 56 Cal.4th 128, 146; Sanchez v. Valencia Holding Co., LLC (2015) 61 Cal.4th 899, 919
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13 People v. Superior Court (Memorial Medical Center) (1991, 2nd Dist.) 234 Cal.App.3d 363, 379; In re Rudy L. (1994, 2nd Dist.) 29 Cal.App.4th 1007, 1013; Scripps Health v. Marin (1999, 4th Dist.) 72 Cal.App.4th 324, 334-335; People v. Hurtado (1999, 4th Dist.) 73 Cal.App.4th 1243, 1255; People v. Zaragoza (2000, 2nd Dist.) 77 Cal.App.4th 1032, 1038; People v. Tokash (2000, 4th Dist.) 79
14 Cal.App.4th 1373, 1378; Friends of Westhaven & Trinidad v. County of Humboldt (2003, 1st Dist.) 107 Cal.App.4th 878, 886; Emeryville Redevelopment Agency v. Harcross Pigments, Inc. (2002, 1st Dist.) 101 Cal.App.4th 1083, 1099; Smith v. Santa Rosa Police Department (2002, 1st Dist.) 97 Cal.App.4th 546, 562; Teamsters Local 856 v. Priceless, LLC (2003, 1st Dist.) 112 Cal.App.4th 1500, 1518; Rincon Del Diablo Municipal Water District v. San Diego County Water Authority (2004, 5th Dist.) 121 Cal.App.4th 813, 820; Woolls v. Superior Court (Turner) (2005, 2nd Dist.) 127 Cal.App.4th 197, 209; People v. Lai (2006, 2nd Dist.) 138 Cal.App.4th 1227, 1243; National Steel and Shipbuilding Co. v. Superior Court (Godinez) (2006, 4th Dist.) 135 Cal.App.4th 1072, 1081 [Review Granted]; Bell v. Farmers Ins. Exchange (2006, 1st Dist.) 135 Cal.App.4th 1138, 1150, fn.3; Mills v. Superior Court (Bed, Bath & Beyond Inc.) (2006, 2nd Dist.) 135 Cal.App.4th 1547, 1553[Review Granted]; Murphy v. Kenneth Cole Productions, Inc. (2005, 1st Dist.) 134 Cal.App.4th 728, 748, 752 [Review Granted]; People v. Vincelli (2005, 3rd Dist.) 132 Cal.App.4th 646, 652; Watson Land Co. v. Shell Oil Co. (2005, 2nd Dist.) 130 Cal.App.4th 69, 79; Megrabian v. Saenz (2005, 1st Dist.) 130 Cal.App.4th 468, 486, fn.8; Colony Cove Properties, LLC v. City of Carson (2010, 2nd Dist.) 187 Cal.App.4th 1487, 1502-1503; City of Los Angeles v. Glendora Redevelopment Project (2010, 6th Dist.) 185 Cal.App.4th 817; All One God Faith, Inc. v. Organic & Sustainable Indus. Standards, Inc. (2010, 1st Dist., Div. 5) 183 Cal.App.4th 1186, 1214; City of Laguna Beach v. California Insurance Guarantee Assn. (2010, 2nd Dist., Div. 2) 182 Cal.App.4th 711, 719; International Assn. of Firefighters, Local 230 v. City of San Jose (2011, 6th Dist.) 195 Cal.App.4th 119, 1203; In re B.C. (2011, 2nd dist., Div. 3) 192 Cal.App.4th 129, 148; City of Scotts Valley v. County of Santa Cruz (2011, 1st Dist., Div. 1) 201 Cal.App.4th 1, 34, 44, as modified on denial of rehearing Nov. 23, 2011; In re Rolando S. (2011, 5th Dist.) 197 Cal.App.4th 936, 944, as modified on denial of rehearing Aug. 10, 2011; Multani v. Witkin & Neal (2013, 2nd Dist., Div. 7) 215 Cal.App.4th 1428, 1445, as modified on denial of rehearing May 29, 2013; City of San Jose v. Sharma (2016, 3rd Dist.) 5 Cal.App.5th 123, 152
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24 **c. Assembly Third Reading, prepared by Policy Committee:**

25 In 1980, the Legislature passed Senate Bill No. 1200 (1979-1980 Reg. Sess.) ...

26 The purpose of the bill was ... (Assem. Com. on Judiciary, 3d reading analysis of Sen. Bill No. 1200 (1979-1980 Reg. Sess.) Mar. 6, 1980.) It "would require ... (Sen. Com. on Judiciary, Analysis of Sen. Bill No. 1200 (1979-1980 Reg. Sess.) as introduced Apr. 24, 1979, p. 3.) Reid v. Google, Inc. (2010) 50 Cal.4th 512, 528-533
27
28

1 ... I take judicial notice of the legislative history of
2 section 69.5. (Evid.Code § 452, subd. (c).)

3 In 1988, the Legislature enacted Assembly Bill No. 2878, which
4 amended section 69.5. One of the amendments made by Assembly Bill No.
5 2878 was the addition of the language This added language was
6 intended to "specif[y] what replacement date should be used if the
7 replacement dwelling is acquired through the acquisition of vacant
8 land and the new construction of a dwelling on the land (*the
9 replacement date determines the permissible value of the replacement
10 dwelling for qualification for relief.*" (Assem. Com. on Revenue and
11 Taxation, Rep. on Assem. Bill No. 2878 (1987-1988 Reg. Sess.) as
12 amended June 6, 1988, italics added; Assem.3d reading analysis of
13 Assem. Bill No. 2878 (1987-1988 Reg. Sess.) as amended June 28,
14 1988.) *Wunderlich v. County of Santa Cruz* (2009, 6th Dist.) 178
15 Cal.App.4th 680, fn.3, 100 Cal.Rptr.3d 598

9 According to the legislative history, the anti-retaliation
10 provisions in the bill were included because "[g]iven the resource
11 constraints on licensing investigators, employees can provide
12 necessary on-site protection against licensing and other violations."
13 (Assem. Comm. on Human Services, 3d reading analysis of Assem. Bill
14 No. 1040 (1987-1988 Reg. Sess.) as amended May 11, 1987.) The bill
15 was thus intended to encourage employees of child care facilities to
16 monitor licensing violations without fear of retaliation. This is
17 consistent with a statutory scheme intended to protect children by
18 enforcing licensing requirements for child care providers. *Boston v.
19 Penny Lane Centers, Inc.* (2009, 2nd Dist.) 170 Cal.App.4th 936, 88
20 Cal.Rptr.3d 707

15 *State Department of Health Services v. Superior Court (McGinnis)* (2003) 31 Cal.4th 1026, 1042;
16 *Olmstead v. Arthur J. Gallagher & Co.* (2004) 32 Cal.4th 804, 814; *Regency Outdoor Advertising, Inc.*
17 *v. City of Los Angeles* (2006) 39 Cal.4th 507, 527; *In re Marriage of Fellows* (2006) 39 Cal.4th 179,
18 185; *Ordlock v. Franchise Tax Board* (2006) 38 Cal.4th 897, 912, fn.8; *Jones v. Lodge at Torrey Pines
19 Partnership* (2008) 42 Cal.4th 1158, 1170; *Catholic Mutual Relief Society v. Superior Court* (2007) 42
20 Cal.4th 358, 371-372; *Tonya M. v. Superior Court of Los Angeles County* (2007) 42 Cal.4th 836, 846;
21 *People v. Alford* (2007) 42 Cal.4th 749, 756; *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 544;
22 *Lexin v. Superior Court* (2010) 47 Cal.4th 1050, 1080, as modified Apr. 22, 2010; *People v. Bivert*
23 (2011) 52 Cal.4th 120; *People v. Villatoro* (2012) 54 Cal.4th 1152, 1163; *Sierra Club v. Superior
24 Court* (2013) 57 Cal.4th 157, 171

20 *Tarpy v. County of San Diego* (2003, 4th Dist.) 110 Cal.App.4th 267, 274-275; *People ex rel. Allstate
21 Ins. Co. v Weitzman* (2003, 2nd Dist.) 107 Cal.App.4th 534, 548; *Guillemain v. Stein* (2002, 3rd Dist.)
22 104 Cal.App.4th 156, 166; *In re Erik P.* (2002) 104 Cal.App.4th 395, 404; *Maffei v. Sacramento County
23 Employees' Retirement System* (2002, 3rd Dist.) 103 Cal.App.4th 993, 1000; *Wood v. County of San
24 Joaquin* (2003, 3rd Dist.) 111 Cal.App.4th 960, 969; *Franzosi v. Santa Monica Community College
25 District* (2004, 2nd Dist.) 118 Cal.App.4th 442, 450; *Coburn v. Sievert* (2005, 5th Dist.) 133
26 Cal.App.4th 1483, 1500, fn.8; *Park City Services, Inc., v. Ford Motor Company* (2006, 4th Dist.) 144
27 Cal.App.4th 295, 307; *Hesperia Citizens for Responsible Development v. City of Hesperia* (2007, 4th
28 Dist.) 151 Cal.App.4th 653, 659; *Stewart v. Seward* (2007, 2nd Dist.) 148 Cal.App.4th 1513, 1520;
Samples v. Brown (2007, 1st Dist.) 146 Cal.App.4th 787, 807; *Teachers' Retirement Board v. Genest*
(2007, 3rd Dist.) 154 Cal.App.4th 1012, 1023 (Concurrence in Senate Amendments Analysis); *County of
Orange v. Superior Court* (2007, 4th Dist.) 155 Cal.App.4th 1253, 1260; *Starrh And Starrh Cotton
Growers v. Aera Energy LLC* (2007, 5th Dist.) 153 Cal.App.4th 583, 603; *People v. Quitiquit* (2007, 4th
Dist.) 155 Cal.App.4th 1, 9 (Concurrence in Senate Amendments analysis); *Canister v. Emergency
Ambulance Service* (2008, 2nd Dist.) 160 Cal.App.4th 388, 401, fn.6; *Maxwell-Jolly v. Martin* (2011,
1st Dist., Div. 2) 198 Cal.App.4th 347, 355; *Adoption of B.C.* (2011, 4th Dist., Div. 2) 195
Cal.App.4th 913, 919-22; *People v. Gerber* (2011, 6th Dist.) 196 Cal.App.4th 368, 379; *People v. Luna*
(2012, 4th Dist., Div. 3) 209 Cal.App.4th 460, 469; *Bernard v. City of Oakland* (2012, 1st Dist., Div.
1) 202 Cal.App.4th 1553, 1562; *People v. Hunt* (2013, 2nd Dist., Div. 5) 213 Cal.App.4th 13, 19;
Verizon California Inc. v. Board of Equalization (2014, 3rd Dist.) 230 Cal.App.4th 666, 678; *People
v. Vega* (2014, 5th Dist.) 222 Cal.App.4th 1374, 1379; *Building Industry Assn. of Bay Area v. City of
San Ramon* (2016, 1st Dist., Div. 2) 4 Cal.App.5th 62, 78; *Guttman v. Chiazor* (2017) 15 Cal.App.5th
Supp. 57, 66; *People v. Superior Court (Rodas)* (2017, 3rd Dist.) 10 Cal.App.5th 1316, 1321, as

1 modified Apr. 20, 2017; *People v. Fin. Cas. & Sur., Inc.* (2017, 2nd Dist., Div. 2) 10 Cal.App.5th
369, 380; *Haniff v. Superior Court* (2017, 6th Dist.) 9 Cal.App.5th 191, 202

2
3 **d. Assembly Republican Caucus Analysis:**

4 The Assembly Republican Bill Analysis regarding this version of
5 the bill sets forth, at length, the political maneuvering that
6 resulted in the deletion of the severability clause.... (Assem.
7 Republican analysis of Assem. Bill 1381 (2005-2006 Reg. Sess.) as
8 amended Aug. 28, 2006, p. 9.) They were concerned that provisions
9 strengthening the District Superintendent.... Since the severability
10 clause was removed in light of concerns that some proponents of the
11 bill did not, in fact, want the provisions of the Romero Act to be
12 severable, we conclude that the Legislature *had* considered the
13 possibility of partial invalidity of the Romero Act, and had
14 concluded that it would not, in fact, want the remainder of the law
15 to be effective. We therefore conclude the provisions of the Romero
16 Act are not severable. *Mendoza v. State of California* (2007, 2nd
17 Dist.) 149 Cal.App.4th 1034, 1063-1064

18 *Brodie v. Workers' Compensation Appeals Board* (2007) 40 Cal.4th 1313, 1330; *Simpson Strong-Tie Co. v.*
19 *Gore* (2010) 49 Cal.4th 12, 29; *Runyon v. Board of Trustees of California State University* (2010) 48
20 Cal.4th 760, 770; *Lexin v. Superior Court* (2010) 47 Cal.4th 1050, 1080, as modified Apr. 22, 2010;
21 *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157, 171

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23 *Ailanto Properties, Inc. v. City of Half Moon Bay* (2006, 1st Dist.) 142 Cal.App.4th 572, 587-88;
24 *Kennedy v. Kennedy* (2015, 2nd Dist., Div. 5) 235 Cal.App.4th 1474, 1485, as modified Apr. 22, 2015;
25 *People v. Superior Court (Sokolich)* (2016, 2nd Dist., Div. 4) 248 Cal.App.4th 434, 449; *People v.*
26 *Martinez* (2017, 4th Dist., Div. 1) 8 Cal.App.5th 298, 306

27
28 **e. Senate Democratic and Senate Republican Caucus Analyses:**

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

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

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

42 Similarly the third reading analyses of Assembly Bill No. 1303
43 by both the Senate Democratic Caucus and the Senate Republican Caucus
44 refer to "the present 48-hour limitation." *Youngblood v. Gates* (1988,
45 2nd Dist.) 200 Cal.App.3d 1302, 1343

46 *Pilimai v. Farmers Insurance Exchange Company* (2006) 39 Cal.4th 133, 146; *People v. Cole* (2006) 38
47 Cal.4th 964, 983; *People v. Snook* (1997) 16 Cal.4th 1210, 1218; *Calvillo-Silva v. Home Grocery* (1998)
48 19 Cal.4th 714, 722-723, 726; *People v. Snyder* (2000) 22 Cal.4th 304, 310; *Miller v. Bank of America*
49 (2009) 46 Cal.4th 630; *Loeffler v. Target Corp.* (2014) 58 Cal.4th 1081, 1116; *In re R.V.* (2015) 61
50 Cal.4th 181, 194

Southland Mechanical Constructors v. Nixen (1981, 4th Dist.) 119 Cal.App.3d 417, 428; People v. Cardoza (1984) 161 Cal.App.3d 40, 44; Honey Springs Homeowners Assn. v. Board of Supervisors (1984) 157 Cal.App.3d 1122, 1138; People v. Martinez (1987, 2nd Dist.) 194 Cal.App.3d 15, 22; Knighten v. Sam's Parking Valet (1988, 4th Dist.) 106 Cal.App.3d 69, 77; American Tobacco Co. v. Superior Court (1989) 208 Cal.App.3d 480, 486, 487; Schwetz v. Minnerly (1990, 4th Dist.) 220 Cal.App.3d, 296, 306; Van De Kamp v. Gumbiner (1990, 2nd Dist.) 221 Cal.App.3d 1277, 1281, 1282; Alexander, D. v. State Board of Dental Examiners (1991, 1st Dist.) 231 Cal.App.3d 92, 97; Industrial Risk Insurers v. The Rust Engineering Co. (1991, 1st Dist.) 232 Cal.App.3d 1038, 1044; Forty-Niner Truck Plaza, Inc. v. Union Oil Co. (1997, 3rd Dist.) 58 Cal.App.4th 1261, 1273; Golden Day Schools, Inc. v. Department of Education (1999, 3rd Dist.) 69 Cal.App.4th 681, 691-692; People v. Angel (1999, 5th Dist.) 70 Cal.App.4th 1141, 1150, fn.8; Main Fiber Products, Inc. v. Morgan & Franz Insurance Agency (1999, 4th Dist.) 73 Cal.App.4th 1130, 1136; People v. Harper (2000, 3rd Dist.) 82 Cal.App.4th 1413, 1418; Santa Ana Unified School District v. Orange County Development Agency (2001, 4th Dist.) 90 Cal.App.4th 404, 410; Orange County Development Agency (2001, 4th Dist.) 90 Cal.App.4th 404, 410; In re Danny H. (2002, 2nd Dist.) 104 Cal.App.4th 92, 102, fn.19; People v. Washington (2002, 2nd Dist.) 100 Cal.App.4th 590 595; Santa Ana Unified School District v. Pederson v. Superior Court (People) (2003, 2nd Dist.) 105 Cal.App.4th 931, 939; Alch v. Superior Court (Time Warner Entertainment) (2004, 2nd Dist.) 122 Cal.App.4th 339, 364, fn.11; People v. Connor (2004, 6th Dist.) 115 Cal.App.4th 669, 684; Branciforte Heights, LLC v. City of Santa Cruz (2006, 6th Dist.) 138 Cal.App.4th 914, 926; Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co. (2005, 2nd Dist.) 130 Cal.App.4th 890, 901; Amberger-Warren v. City of Piedmont (2006, 1st Dist.) 143 Cal.App.4th 1074, 1082; Qualified Patients Assn. v. City of Anaheim (2010, 4th Dist., Div. 3) 187 Cal.App.4th 734; Archer v. United Rentals, Inc. (2011, 2nd Dist., Div. 1) 195 Cal.App.4th 807, 820-827, as modified on denial of rehearing June 13, 2011; Benson v. Marin County Assessment Appeals Board (2013, 1st Dist., Div. 1) 219 Cal.App.4th 1445, 1457; May v. City of Milpitas (2013, 6th Dist.) 217 Cal.App.4th 1307, 1331; People v. McGowan (2015, 2nd Dist., Div. 5) 242 Cal.App.4th 377, 384, as modified Dec. 8, 2015; People v. Gonzales (2015, 6th Dist.) 232 Cal.App.4th 1449; Center for Biological Diversity v. Department of Fish & Wildlife (2016, 2nd Dist., Div. 5) 1 Cal.App.5th 452; New Cingular Wireless PCS, LLC v. Public Utilities Comm. (2016; 1st Dist., Div. 4) 246 Cal.App.4th 784, 803

14 **f. Senate Republican and Democratic Caucus, Consent Analyses:**

15 On occasion, a bill will generate such little controversy that the Senate
16 Assembly and Senate Republican Caucus will prepare a "Consent Analysis."

17 One purpose for these amendments was to provide that "the
18 insurer would ... Additionally, while the term "use" "is employed
19 often in policy language and defined therein no such definition
20 appears in statute though the policy definition controls several
21 statutorily required coverages." (Sen. Insurance, Claims and
22 Corporations Com., on Assem. Bill No. 3529 (1983-1984 Reg. Sess.) as
amended May 16, 1984; Sen. Democratic Caucus, consent to Assem. Bill
No. 3529 (1983-1984 Reg. Sess.) as amended May 16, 1984; Sen.
Republican Caucus, consent to Assem. Bill No. 3529 (1983-1984 Reg.
Sess.) as amended May 16, 1984.) *Scottsdale Ins. Co. v. State Farm
Mutual Automobile Ins. Co.* (2005, 2nd Dist.) 130 Cal.App.4th 890, 901

23 *Kleffman v. Vonage Holdings Corp.* (2010) 49 Cal.4th 334

24 *People v. Gerber* (2011, 6th Dist.) 196 Cal.App.4th 368, 379

25 **g. Office of Senate Floor Analyses:**

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

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

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

9 The analysis by the Senate Rules Committee described the bill
10 as "revis[ing] the Civil Code prohibitions against sexual harassment
11 in professional and business settings to ... the employment setting."
12 (Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of
13 Assem. Bill No. 519 (1999-2000 Reg. Sess.) as amended June 10, 1999,
14 p.1 (Senate Analysis of Assembly Bill 519).) The analysis noted that
15 the original version of section 51.9 had "established standards for
16 sexual harassment in the Civil Code which do not comport with other
17 California and federal sexual harassment prevention measures." (Sen.
18 Analysis, at p.3.)

19 ... the legislative analysis explained: "Section 51.9 currently
20 uses the term 'persistent' This term is not used by federal or
21 state courts, or any administrative agency, in either employment or
22 housing cases.... The legislative analysis further noted that the
23 bill's proponents "assert that the bill is needed in order to prevent
24 the conflicting definitions

25 This history of the amendments to Civil Code section 51.9
26 leaves no doubt of the Legislature's intent to conform the
27 requirements *Hughes v. Pair* (2009) 46 Cal.4th 1035

28 Civil Code section 1689 codifies grounds for rescission,
29 including the right to rescind "[i]f the consent of the party
30 rescinding ... was given by mistake ... exercised by or with the
31 connivance of the party as to whom he rescinds, or of any other party
32 to the contract jointly interested with such party." (Civ. Code, §
33 1689, subd. (b)(1).) This language was in the original 1872 Civil
34 Code. (See Ann. Civ. Code, § 1689 (1st ed. 1872, Haymond & Burch,
35 Commrs.-annotators) p. 311.) *Ribeiro v. County of El Dorado* (2011,
36 3rd Dist.) 195 Cal.App.4th 354, 358, 365

37 While administrative interpretation of a statutory scheme is
38 entitled to due regard, it is not determinative and cannot override
39 the plain language of the statutes and the import of the legislative
40 history. (See *American Federation of Labor v. Unemployment Ins.*
41 *Appeals Bd.* (1994) 23 Cal.App.4th 51, 58, 28 Cal.Rptr.2d 210,
42 [although court will give great weight to agency's view of a statute
43 or regulation, a reviewing court construes the statute as a matter of
44 law and will reject administrative interpretations where contrary to
45 statutory intent]; see also, e.g., *Los Angeles Unified School Dist.*,
46 *supra*, 181 Cal.App.4th 414, 104 Cal.Rptr.3d 590 [holding county's
47 allocation methodology improperly reduced school district's share of
48 redevelopment passthrough payments].) The "final responsibility" for
49 interpreting a statute or regulation rests with the courts. (*Lazarin*
50 *v. Superior Court* (2010) 188 Cal.App.4th 1560, 1569-1570, 116
51 Cal.Rptr.3d 596; *Aguilar v. Association for Retarded Citizens* (1991)
52 234 Cal.App.3d 21, 28, 285 Cal.Rptr. 515) *City of Scotts Valley v.*
53 *County of Santa Cruz* (2011, 1st Dist., Div. 1) 201 Cal.App.4th 1, 34,
54 44, as modified on denial of rehearing Nov. 23, 2011

1 According to the act's legislative history ... (Sen. Rules
2 Com., Off. of Sen. Floor Analyses, analysis of Sen. Bill No. 420
3 (2003 Reg. Sess.) as amended Sept. 9, 2003, p. 6, italics added.)
4 *Qualified Patients Assn. v. City of Anaheim* (2010, 4th Dist., Div. 3)
5 187 Cal.App.4th 734, 744

6 In addition, as the trial court pointed out, the legislative
7 history of section 135.2 reveals ... (Sen. Rules Com., Off. of Sen.
8 Floor Analyses, 3d reading analysis of Assem. Bill No. 891 (1987-1988
9 Reg. Sess.) Aug. 18, 1987, p. 2; see Sen. Industrial Relations Com.,
10 Analysis of Assem. Bill No. 891 (1987-1988 Reg. Sess.) as amended May
11 7, 1987, pp. 2-3.)

12 Our review of the legislative history of section 135.2 supports
13 the trial court's conclusion. According to the report of the
14 Employment Development Department, ... (Employment Development Dept.,
15 Analysis of Assem. Bill No. 891 (1987-1988 Reg. Sess.) Apr. 7,
16 1987.)...

17 The legislative history underpinning sections 135.1 and 135.2
18 underscores the focus and purpose of the statutes... (Sen. Rules
19 Com., Off. of Sen. Floor Analyses, 3d reading analysis of Assem. Bill
20 No. 891, *supra*, p. 2; see Sen. Industrial Relations Com., Analysis of
21 Assem. Bill No. 891, *supra*, pp. 2-3.) *Employment Development
22 Department v. California Unemployment Insurance Appeals Board* (2010,
23 3rd Dist.) 190 Cal.App.4th 178, 192-193

24 As for CalTax's point about no legislative findings, the
25 Legislative Counsel's Digest, which described Senate Bill No. 28 that
26 enacted section 19138, stated as pertinent: ... (Legis. Counsel's
27 Dig., Sen. Bill No. 28 (2007-2008 1st Ex.Sess.), 5th & 6th pars.; see
28 *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.*
29 (2005) 133 Cal.App.4th 26, 35, 34 Cal.Rptr.3d 520 (*Kaufman & Broad*)
30 [Legislative Counsel's Digest constitutes cognizable legislative
31 history].) ...

32 As for CalTax's point about the large rate of penalty, a
33 legislative analysis states, in part, that ... (Sen. Rules Com., Off.
34 of Sen. Floor Analyses, 3d reading analysis of Sen. Bill No. 28
35 (2007-2008 1st Ex.Sess.) Sept. 19, 2008, p. 3; see *Kaufman & Broad*,
36 *supra*, 133 Cal.App.4th at p. 35, 34 Cal.Rptr.3d 520.) ... *California
37 Taxpayers' Association v. Franchise Tax Board* (2010, 3rd Dist.) 190
38 Cal.App.4th 1139, 1149-1150

39 The Senate Floor Analysis for Senate Bill No. 218 of 2005
40 indicates that the procedures to protect current caregivers, now set
41 out in section 366.26, subdivision (n), were designed to address
42 concerns arising during the more *delayed* "period between termination
43 of parental rights and the granting of a petition for adoption," as
44 distinguished from the more expedited period between voluntary
45 relinquishment and the granting of a petition for adoption. (See Sen.
46 Rules Com., Off. of Sen. Floor Analyses, analysis of Sen. Bill No.
47 218 (2005-2006 Reg. Sess.) *In re R.S.* (2009, 1st Dist.) 179
48 Cal.App.4th 1137

49 The Senate Rules Committee digest addressing Assembly Bill No.
50 891 ... stated one of the purposes of the bill was ... action against
51 that parent." (Sen. Rules Com., Off. of Sen. Floor Analyses, 3d
52 reading analysis of Assem. Bill No. 891 (2001-2002 Reg. Sess.) as
53 amended Sept. 7, 2001, par. 2.) *In re Marriage of Hopkins* (2009, 5th
54 Dist.) 173 Cal.App.4th 281

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

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

12 ... DWR quotes the following from a Senate Floor Analysis of
13 AB 1X:(Sen. Rules Com., Sen. Floor Analysis, 3d reading of Assem.
14 Bill No. 1 (2001-2002 1st Ex.Sess.) Jan. 18, 2001, p. 4.) DWR argues
15 this concern about the "specter of after-the-fact reasonableness
16 reviews" shows the Legislature did not want to impair DWR. *Pacific
17 Gas & Electric Co. v. Department of Water Resources* (2003, 3rd
18 Dist.) 112 Cal.App.4th 477, 497,498

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

25 *Central Pathology Service Medical Clinic v. Superior Court* (1992) 3 Cal.4th 181, 188, fn.3; *Planning
26 & Conservation League v. Department of Water Resources* (1998) 17 Cal.4th 264, 272, 273; *Delaney v.
27 Baker* (1999) 20 Cal.4th 23, 32, 33, 35; *Calvillo-Silva v. Home Grocery* (1998) 19 Cal.4th 714, 722-
28 723, 726; *People v. Nguyen* (1999) 21 Cal.4th 197, 206; *People v. Frazer* (1999) 21 Cal.4th 737, 753;
People v. Rubalcava (2000) 23 Cal.4th 322, 330; *Covenant Care, Inc. v. Superior Court (Inclan)* (2004)
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24 *Bayshore Transit Mgmt., Inc.* (2012, 4th Dist., Div. 1) 203 Cal.App.4th 1112, 1141; *Mize-Kurzman v.*
25 *Marin Community College Dist.* (2012, 1st Dist., Div. 2) 202 Cal.App.4th 832, 847; *In re David* (2012,
26 2nd Dist., Div. 5) 202 Cal.App.4th 675, 689; *In re Perdue* (2013, 2nd Dist., Div. 6) 221 Cal.App.4th
27 1070, 1076; *Kurz v. Syrus Sys., LLC* (2013, 6th Dist.) 221 Cal.App.4th 748, 763; *People v. Childs*
28 (2013, 1st Dist., Div. 4) 220 Cal.App.4th 1079, 1099; *California Grocers Assn. v. Department of*
Alcoholic Beverage Control (2013, 3rd Dist.) 219 Cal.App.4th 1065, 1071; *Diamond v. Superior Court*
(2013, 6th Dist.) 217 Cal.App.4th 1172, 1190; *Department of Correction & Rehabilitation v. State*
Pers. Bd. (2013, 4th Dist., Div. 1) 215 Cal.App.4th 1101, 1111; *People v. Evans* (2013, 4th Dist.,
Div. 1) 215 Cal.App.4th 242, 252; *Borikas v. Alameda Unified School District* (2013, 1st Dist., Div.
1) 214 Cal.App.4th 135, 159; *Jolley v. Chase Home Fin., LLC* (2013, 1st Dist., Div. 2) 213 Cal.App.4th
872, 902, as modified on denial of rehearing Mar. 7, 2013; *People v. Hunt* (2013, 2nd Dist., Div. 5)
213 Cal.App.4th 13, 19; *Satyadi v. W. Contra Costa Healthcare District* (2014, 1st Dist. Div. 5) 232
Cal.App.4th 1022, 1033; *People v. Noyan* (2014, 3rd Dist.) 232 Cal.App.4th 657, 669, as modified on
denial of rehearing Jan. 12, 2015; *People v. Robinson* (2014, 4th Dist., Div. 2) 232 Cal.App.4th 69,
77; *People v. Vaughn* (2014, 1st Dist., Div. 5) 230 Cal.App.4th 322, 331; *Judicial Council of*
California v. Superior Court (2014, 2nd Dist., Div. 5) 229 Cal.App.4th 1083, 1092; *United Health*
Centers of San Joaquin Valley, Inc. v. Superior Court (2014, 5th Dist.) 229 Cal.App.4th 63, 81; *In re*
Alexandria P. (2014, 2nd Dist., Div. 5) 228 Cal.App.4th 1322, 1339; *Demetriades v. Yelp, Inc.* (2014,
2nd Dist., Div. 1) 228 Cal.App.4th 294, 309; *Department of Corrections & Rehabilitation v. State*
Pers. Bd. (2014, 6th Dist.) 227 Cal.App.4th 1250, 1259; *Am. Indian Model Sch. v. Oakland Unified Sch.*
Dist. (2014, 1st Dist., Div. 2) 227 Cal.App.4th 258, 266; *Paramount Petroleum Corp. v. Superior Court*
(2014, 2nd Dist., Div. 3) 227 Cal.App.4th 226, 240; *Rea v. Blue Shield of California* (2014, 2nd
Dist., Div. 1) 226 Cal.App.4th 1209, 1224, as modified on denial of rehearing July 9, 2014; *Jauregui*
v. City of Palmdale (2014, 2nd Dist., Div. 5) 226 Cal.App.4th 781, 801; *California Tow Truck Assn. v.*
City & County of San Francisco (2014, 1st Dist., Div. 4) 225 Cal.App.4th 846, 857; *In re Gino C.*
(2014, 4th Dist., Div. 1) 224 Cal.App.4th 959, 967; *People v. Spriggs* (2014, 5th Dist.) 224
Cal.App.4th 150, 157; *People v. Rosalinda C.* (2014, 1st Dist., Div. 1) 224 Cal.App.4th 1, 11; *In re*
Edward C. (2014, 1st Dist., Div. 5) 223 Cal.App.4th 813, 822; *Crosby v. HLC Properties, Ltd.* (2014,
2nd Dist., Div. 3) 223 Cal.App.4th 597, 606; *Nativi v. Deutsche Bank Nat'l Tr. Co.,* (2014, 6th Dist.)
223 Cal.App.4th 261, 274; *Gonzalez v. Santa Clara County Department of Social Services* (2014, 6th
Dist.) 223 Cal.App.4th 72, 100; *City of Clovis v. County of Fresno* (2014, 5th Dist.) 222 Cal.App.4th
1469, 1476, as modified on denial of rehearing Feb. 13, 2014; *Law School Admission Council, Inc. v.*
State of California, (2014, 3rd Dist.) 222 Cal.App.4th 1265, 1277, as modified Feb. 11, 2014;
Garibotti v. Hinkle (2015, 4th Dist., Div. 3) 243 Cal.App.4th 470, 478; *Castillo v. DHL Express (USA)*
(2015, 2nd Dist., Div. 3) 243 Cal.App.4th 1186, 1198 *People v. Superior Court (Sanchez-Flores),* (2015,
2nd Dist., Div. 5) 242 Cal.App.4th 692, 697, as modified on denial of rehearing Dec. 16, 2015;
Carloss v. County of Alameda (2015, 1st Dist., Div. 3) 242 Cal.App.4th 116, 128; *People v. Morris*
(2015, 6th Dist.) 242 Cal.App.4th 94, 100; *Donorovich-Odonnell v. Harris* (2015, 4th Dist., Div. 1)
241 Cal.App.4th 1118, 1130; *UFCW & Employers Benefit Tr. v. Sutter Health* (2015, 1st Dist., Div. 5)
241 Cal.App.4th 909, 925; *People v. Etheridge* (2015, 2nd Dist., Div. 1) 241 Cal.App.4th 800, 807;
Raef v. Appellate Div. of Superior Court (2015, 2nd Dist., Div. 4) 240 Cal.App.4th 1112, 1131; *People*
v. Toussain (2015, 4th Dist., Div. 3) 240 Cal.App.4th 974, 980; *People v. Uffelmann* (2015, 3rd Dist.)
240 Cal.App.4th 195, 198; *Isidora M. v. Silvino M.* (2015, 2nd Dist., Div. 3) 239 Cal.App.4th 11;
Sprint Telephony PCS, L.P. v. Bd. of Equalization (2015, 1st Dist., Div. 1) 238 Cal.App.4th 871, 879,
as modified on denial of rehearing Aug. 14, 2015; *West v. Arent Fox LLP* (2015, 2nd Dist., Div. 5) 237
Cal.App.4th 1065, 1071, as modified June 26, 2015; *Monterossa v. Superior Court* (2015, 3rd Dist.) 237
Cal.App.4th 747; *Noe v. Superior Court* (2015, 2nd Dist., Div. 7) 237 Cal.App.4th 316; *Phillips v.*
Bank of Am., N.A. (2015, 2nd Dist., Div. 5) 236 Cal.App.4th 217, 225; *Kennedy v. Kennedy* (2015, 2nd
Dist., Div. 5) 235 Cal.App.4th 1474, 1485, as modified Apr. 22, 2015; *Mosser Companies v. San*

1 *Francisco Rent Stabilization & Arbitration Bd.* (2015, 1st Dist., Div. 3) 233 Cal.App.4th 505, 513);
2 *City of Los Angeles v. City of Los Angeles Employee Relations Bd.* (2016, 2nd Dist., Div. 3) 7
3 Cal.App.5th 150, 165; *Cal Fire Local 2881 v. California Public Employees' Ret. System* (2016, 1st
4 Dist., Div. 3) 7 Cal.App.5th 115, 121, aff'd, 6 Cal.5th 965 (2019); *County of San Diego v. Commission*
5 *on State Mandates* (2016, 4th Dist., Div. 1) 7 Cal.App.5th 12, 24, aff'd and remanded, 6 Cal.5th 196
6 (2018); *Madrigal v. California Victim Comp. & Gov't Claims Bd.* (2016, 2nd Dist., Div. 8) 6
7 Cal.App.5th 1108, 1117, as modified Jan. 5, 2017; *People v. Guerra* (2016, 5th Dist.) 5 Cal.App.5th
8 961, 968; *Lubin v. The Wackenhut Corp.* (2016, 2nd Dist., Div. 4) 5 Cal.App.5th 926; *Humboldt County*
9 *Adult Protective Services v. Superior Court* (2016, 1st Dist., Div. 1) 4 Cal.App.5th 548, 55;
10 *California Public Records Research, Inc. v. County of Yolo* (2016, 3rd Dist.) 4 Cal.App.5th 150, 176;
11 *T-Mobile W. LLC v. City & County of San Francisco* (2016, 1st Dist., Div. 5) 3 Cal.App.5th 334, 353,
12 as modified on denial of rehearing Oct. 13, 2016, aff'd, 6 Cal.5th 1107, 438 P.3d 239 (2019); *Weiss*
13 *v. City of Los Angeles* (2016, 2nd Dist., Div. 4) 2 Cal.App.5th 194, 215; *Center for Local Government*
14 *Accountability v. City of San Diego* (2016, 4th Dist., Div. 1) 247 Cal.App.4th 1146, 1155; *People ex*
15 *rel. Harris v. Delta Air Lines, Inc.* (2016, 1st Dist., Div. 3) 247 Cal.App.4th 884, 889; *California*
16 *Public Records Research, Inc. v. County of Stanislaus* (2016, 5th Dist.) 246 Cal.App.4th 1432, 1453;
17 *New Cingular Wireless PCS, LLC v. Public Utilities Comm.* (2016; 1st Dist., Div. 4) 246 Cal.App.4th
18 784, 803; *Chorn v. Workers' Compensation Appeals Bd.* (2016, 2nd Dist., Div. 4) 245 Cal.App.4th 1370,
19 1378, as modified on denial of rehearing Apr. 20, 2016; *In re Donovan L.* (2016, 4th Dist., Div. 1)
20 244 Cal.App.4th 1075, 108; *Priscila N. v. Leonardo G.* (2017, 2nd Dist., Div. 4) 17 Cal.App.5th 1208,
21 1214; *M.F. v. Pac. Pearl Hotel Mgmt. LLC* (2017, 4th Dist., Div. 1) 16 Cal.App.5th 693, 702, review
22 denied Feb. 14, 2018; *Lopez v. Friant & Assocs., LLC* (2017, 1st Dist., Div. 1) 15 Cal.App.5th 773,
23 review denied Jan. 10, 2018; *Mission Beverage Co. v. Pabst Brewing Co., LLC* (2017, 2nd Dist., Div. 2)
24 15 Cal.App.5th 686, 706; *Shames v. Util. Consumers' Action Network* (2017, 4th Dist., Div. 1) 13
25 Cal.App.5th 29, 43; *In re I.F.* (2017, 1st Dist., Div. 3) 13 Cal.App.5th 679, 689, as modified on
26 denial of rehearing July 31, 2017; *In re A.V.* (2017, 1st Dist., Div. 1) 11 Cal.App.5th 697, 707;
27 *People v. Figueroa* (2017, 6th Dist.) 11 Cal.App.5th 665, 678; *People v. Elder* (2017, 6th Dist.) 11
28 Cal.App.5th 123, 140; *People v. Mejia* (2017, 4th Dist., Div. 2) 9 Cal.App.5th 1036, 1049; *Haniff v.*
Superior Court (2017, 6th Dist.) 9 Cal.App.5th 191, 202; *Bank of New York Mellon v. Citibank, N.A.*
(2017, 2nd Dist., Div. 4) 8 Cal.App.5th 935, 947, as modified Mar. 1, 2017; *Orange County Water Dist.*
v. Public Employment Relations Board (2017, 4th Dist., Div. 3) 8 Cal.App.5th 52, 64; *Acqua Vista*
Homeowners Assn. v. MWI, Inc. (2017, 4th Dist., Div. 1) 7 Cal.App.5th 1129, 1153; *People v. Epperson*
(2017, 1st Dist., Div. 5) 7 Cal.App.5th 385, 391

14 **h. Senate Floor Amendments Analysis prepared by Senate Policy Committee:**

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

19 *Kleffman v. Vonage Holdings Corp.* (2010) 49 Cal.4th 334; *Steen v. Appellate Div. of Superior Court*
(2014) 59 Cal.4th 1045, 1052; *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1371; *People v. Rinehart*
(2016) 1 Cal.5th 652

20 -----
21 *Field v. Bowen* (2011, 1st Dist., Div. 3) 199 Cal.App.4th 346, 351; *Jackson v. Doe* (2011, 1st Dist.,
22 Div. 5) 192 Cal.App.4th 742, 752; *Friends of Willow Glen Trestle v. City of San Jose* (2016, 6th
23 Dist.) 2 Cal.App.5th 457, 468

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

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

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

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

8
9 Indeed, the legislative history leading to the elimination of
10 Senate Bill No. 901's stricter requirement explains why this court
11 ought not itself resurrect it. One legislative analysis warned that
12 the required finding The Department of Housing and Community
13 Development's analysis further warned that *Vineyard Area*
14 *Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*
15 (2007) 40 Cal.4th 412, 454-5

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

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

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

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

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

1 candidate and treasurer are responsible for violations of the Act,
2 and yet, rely on others who cannot be held liable for their errors
3 and omissions under the Act." (FPPC, Mem. To Sen. Com. on Elections &
4 Reapportionment (Feb. 27, 1984) p. 1; id., (May 22, 1984) p. 1.)
5 fn.5. *People v. Snyder* (2000) 22 Cal.4th 304, 309

6 [The Tenth Biennial Report of the Judicial Council of
7 California] is a most valuable aid in ascertaining the meaning of the
8 statute. While it is true that what we are interested in is the
9 legislative intent as disclosed by the language of the section under
10 consideration, the council drafted this language at the request of
11 the Legislature, and in this respect was a special legislative
12 committee. As part of its special report containing the proposed
13 legislation it told the Legislature what it intended to provide by
14 the language used. In the absence of compelling language in the
15 statute to the contrary, it will be assumed that the Legislature
16 adopted the proposed legislation with the intent and meaning
17 expressed by the council in its report. [Citations.] *Sierra Club v.*
18 *San Joaquin Local Agency Formation Comm.* (1999) 21 Cal.4th 489, 508

19 The purpose of this exemption was stated by the Franchise Tax
20 Board staff in its Enrolled Bill Report to the Governor immediately
21 prior to the enactment of the 1983 amendment containing the
22 exemption, and its statement could be equally well applied to the
23 Board of Equalization. "Department counsel issues a" *Yamaha*
24 *Corp. of America v. State Board of Equalization* (1998) 19 Cal.4th 1,
25 22-23

26 We acknowledge the Attorney General's opinion is not binding on
27 this court, but it is entitled to considerable weight. (*Lexin v.*
28 *Superior Court* (2010) 47 Cal.4th 1050, 1087, fn.17, 103 Cal.Rptr.3d
767, 222 P.3d 214) "'Reliance on Attorney General opinions is
particularly appropriate where, as here, no clear case authority
exists, and the factual context of the opinions is closely parallel
to that under review.'" [Citation.]" (*County of Orange v. Association*
of *Orange County Deputy Sheriffs* (2011) 192 Cal.App.4th 21, 36, 121
Cal.Rptr.3d 151) As discussed *ante*, there is no case authority on
this issue, and the 2003 opinion of the California Attorney General
addresses the precise issue presented here regarding whether a
modified agency shop is authorized by section 3502.5. We find the
analysis in that opinion persuasive in concluding section 3502.5
authorizes the modified agency shop proposed by the Association in
this case. *Orange County Water Dist. v. Public Employment Relations*
Bd. (2017, 4th Dist., Div. 3) 8 Cal.App.5th 52, 64

29 The People have filed a request for judicial notice of
30 legislative history materials obtained from the files of the Attorney
31 General's Legislative Affairs Unit. Defendant does not oppose the
32 request, and in fact, he relies on some of the documents in his own
33 briefing. We grant the request for judicial notice. (Evid. Code, §
34 452, subd. (c) [courts may take judicial notice of the official acts
35 of the legislative, executive, and judicial departments of any
36 state]; *People v. Snyder* (2000) 22 Cal.4th 304, 313, fn.11, 92
37 Cal.Rptr.2d 734, 992 P.2d 1102.) *People v. Costella* (2017, 4th Dist.,
38 Div. 2) 11 Cal.App.5th 1, 7

1 In this regard, committee reports are often useful in
2 determining the Legislature's intent. (*California Teachers Assn. v.*
3 *Governing Bd. of Rialto Unified School Dist.* (1997) 14 Cal.4th 627,
4 646, 59 Cal.Rptr.2d 671, 927 P.2d 1175 (*California Teachers Assn.*))

5 Legislative history such as committee reports may be resorted
6 to as an extrinsic aid to discerning legislative intent. (*California*
7 *Teachers Assn., supra*, 14 Cal.4th at p. 646, 59 Cal.Rptr.2d 671, 927
8 P.2d 1175) *Stanislaus County Deputy Sheriffs' Assn. v. County of*
9 *Stanislaus* (2016, 5th Dist.) 2 Cal.App.5th 368

10 "An amendment which merely clarifies existing law may be given
11 retroactive effect even without an expression of legislative intent
12 for retroactivity. [Citations.]" (*Negrette v. California State*
13 *Lottery Comm.* (1994) 21 Cal.App.4th 1739, 1744, 26 Cal.Rptr.2d 809;
14 see also *Sandoval v. M1 Auto Collisions Centers* (N.D. Cal. 2015) 309
15 F.R.D. 549, 568 [whether defendants' statements were inaccurate and
16 injured plaintiffs under Lab. Code, § 226 presents common
17 questions].) *Lubin v. The Wackenhut Corp.* (2016, 2nd Dist., Div. 4) 5
18 Cal.App.5th 926

19 Courts have frequently referred to bill summaries when
20 examining legislative history to determine the meaning of a statute.
21 (E.g., *People v. Superior Court (Arthur R.)* (1988) 199 Cal.App.3d
22 494, 499-500, 244 Cal.Rptr. 841; *Mir v. Charter Suburban Hospital*
23 (1994) 27 Cal.App.4th 1471, 1484, 33 Cal.Rptr.2d 243.)

24 We obtained the legislative history on our own initiative;
25 however, we sent a copy of the bill summary to counsel and invited
26 supplemental briefs on the subject. Crosier contends the bill summary
27 is "the opinion of a third party and not the drafter" and "is wrong."
28 However, contrary to Crosier's assertion, the bill summary was
prepared by the Department of Consumer Affairs, which sponsored the
legislation. (*Department of Corrections & Rehabilitation v. State*
Personnel Bd. (2013) 215 Cal.App.4th 1101, 1111, 155 Cal.Rptr.3d 838
["We recognize 'statements by a bill's sponsor appearing in a
committee report have been quoted and relied upon by our Supreme
Court in determining the meaning of a statute.'"]) *Dorsey v.*
Superior Court (2015, 4th Dist., Div. 1) 241 Cal.App.4th 583, 597,
fn.3 and fn.4

We are not normally required to parse Attorney General opinions
finely, but in this case we shall do so.

...

We have examined Governor Warren's enrolled bill file and find
no revealing information.

...

SCERS points to a document in Governor Knight's enrolled bill
file, drafted by the same deputy who authored the 1956 Attorney
General opinion. That document states *in full*: "We have examined the
above bill and find no substantial legal objection thereto." (Off. of
Atty. Gen., Enrolled Bill Rep. on Assem. Bill No. 3015 (1957 Reg.
Sess.) prepared for Governor Knight (June 6, 1957) p. 1.) Although we
are compelled to accept that an enrolled bill report prepared by the
executive branch may shed light on the Legislature's intent (see
Kaufman, supra, 133 Cal.App.4th at pp. 40-42, 34 Cal.Rptr.3d 520
[disagreeing with rule, but bound by precedent]), this tepid
statement of nonopposition does not tie the 1957 amendment to the

1 1956 Attorney General opinion. *Sacramento County Employees Retirement*
2 *System v. Superior Court* (2011, 3rd Dist.) 195 Cal.App.4th 440, 456

3 "Opinions of the Attorney General, while not binding, are
4 entitled to great weight. [Citations.] In the absence of controlling
5 authority, these opinions are persuasive "since the Legislature is
6 presumed to be cognizant of that construction of the statute" ...
7 'and that if it were a misstatement of the legislative intent, "some
8 corrective measure would have been adopted."' (California Assn. of
9 *Psychology Providers v. Rank* (1990) 51 Cal.3d 1, 17, 270 Cal.Rptr.
10 796, 793 P.2d 2) *City of Woodlake v. Tulare County Grand Jury* (2011,
11 5th Dist.) 197 Cal.App.4th 1293, 1301, fn.4

12 Intervenor's rely on a 1984 Attorney General Opinion ...

13 Intervenor's also rely on an August 5, 2008 memorandum of a
14 Deputy Attorney General, written to advise the Delta Vision Blue
15 Ribbon Task Force regarding ...

16 Intervenor's fashion an argument based on the Federal Endangered
17 Species Act (FESA) (16 U.S.C. § 1531 et seq.)... *Watershed Enforcers*
18 *v. Department of Water Resources* (2010, 1st Dist., Div. 1) 185
19 Cal.App.4th 969, 983-985

20 The amendment to section 425.13 alone is not the only
21 indication of the Legislature's deliberate intent to omit limiting
22 language from section 425.14. Indeed, opponents of the legislation
23 that ultimately became section 425.14, including the Department of
24 Consumer Affairs, highlighted the (See Analysis of Sen. Bill No.
25 1, as amended Aug. 26, 1988, Dept. of Consumer Affairs, Sept. 19,
26 1998, at p. 6.) *Little Company of Mary Hospital v. Superior Court of*
27 *Los Angeles* (2008, 2nd Dist.) 162 Cal.App.4th 261, 270, fn.5

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

Any doubt about the plain meaning of the statute is resolved by
the concededly meager legislative history of the section. In
recommending that Governor Reagan sign Assembly Bill No. 2310 (1967-
1968 Reg. Sess., as amended June 27, 1967) ... the Department of
Professional and Vocational Standards explained the bill was a
response to (Memorandum to Governor Ronald Reagan from
Department of Professional and Vocational Standards, Aug. 1, 1967, p.
1;... *California Veterinary Medical Association v. City of West*
Hollywood (2007, 2nd Dist.) 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.) 141
Cal.App.4th 1044, 1055-56

A Department of Fish and Game report stated that section 13271
would ... (California Department of Fish & Game, Rep. on Assem. Bill
No. 2823 (1979-1980 Reg. Sess.) May 2, 1980.) A bill analysis

1 prepared by the Department of Conservation indicated that ... Dept.
2 of Conservation, Analysis of Assem. Bill No. 2281 (1981-1982 Reg.
3 Sess.) Nov. 10, 1981, p. 1.) [10] Thus, we see *City of Modesto
4 Redevelopment Agency v. Superior Court (Dow Chemical Co.)* (2004, 1st
5 Dist.) 119 Cal.App.4th 28, 44

6 The bill analysis performed by the Department of Public Works
7 in connection with the initial 1971 legislation summarized:... *Diede
8 Construction, Inc. v. Monterey Mechanical Co.* (2004, 1st Dist.) 125
9 Cal.App.4th 380, 388

10 As originally proposed, Senate Bill No. 1406 contained a
11 provision ... However, the Department of Real Estate proposed an
12 amendment to delete the waiver provision, arguing that it "defeats
13 the bill's objective and acts as a shield against disclosing matters
14 required in the absence of this bill." (California Department of Real
15 Estate, Analysis of Sen. Bill No. 1406 As a result, the waiver
16 provision was deleted from the final version of the bill... *Realmutto
17 v. Gagnard* (2003) 110 Cal.App.4th 193, 201

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

26 In a memorandum to Governor Reagan, recommending that he sign
27 the bill adopting section 14177, the Director of Finance stated,...
28 This was reiterated in a letter to the Governor by the deputy
29 Director of the State Health and Welfare Agency, in which the
30 Administrator of the Health and Welfare Agency concurred.... *Boehm &
31 Associates v. Workers' Comp. Appeals Bd.* (2003, 3rd Dist.) 108
32 Cal.App.4th 137, 145

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

37 We note that our review of the legislative history discloses
38 nothing that indicates the board's (Board of Equalization) analysis
39 which was made available to the Legislature and the legislative
40 committees that passed judgment on it, was ever disputed at any point
41 in the legislative process. It is reasonable to infer from the
42 absence of any challenge to the board's statements that the
43 Legislature accepted these authoritative representations as to the
44 proper construction of the bill. *Kern v. County of Imperial* (1990,
45 4th Dist.) 226 Cal.App.3d 391, 401

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

1 Gay v. Reclamation District No. 1500 (1917) 174 Cal. 622, 630; Armenta v. Churchill (1954) 42 Cal.2d
448, 455; Pearson v. State Social Welfare Board (1960) 54 Cal.2d 184, 210; People v. Tanner (1979) 24
2 Cal.3d 514; Nickelsberg v. W.C.A.B. (1991) 54 Cal.3d 288, 296; Burden v. Snowden (1992) 2 Cal.4th
556, 564; DuBois v. W.C.A.B. (1993) 5 Cal.4th 382, 394; Stop Youth Addiction, Inc. v. Lucky Stores,
3 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.
4 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; People v. Redd (2010) 48 Cal.4th 691,
716; Lexin v. Superior Court (2010) 47 Cal.4th 1050, 1080, as modified Apr. 22, 2010; People v.
5 Harrison (2013) 57 Cal.4th 1211, 1222; Sterling Park, L.P. v. City of Palo Alto (2013) 57 Cal.4th
1193, 1209; Sierra Club v. Superior Court (2013) 57 Cal.4th 157, 171; Loeffler v. Target Corp. (2014)
6 58 Cal.4th 1081, 1116; Holland v. Assessment Appeals Bd. No. 1 (2014) 58 Cal.4th 482, 486, as
modified on denial of rehearing Apr. 16, 2014; Johnson v. Department of Justice (2015) 60 Cal.4th
871; Horiike v. Coldwell Banker Residential Brokerage Co. (2016) 1 Cal.5th 1024, 1037; People v.
7 Pennington (2017) 3 Cal.5th 786, 794; People v. Superior Court (Sahlolbei) (2017) 3 Cal.5th 230, 237;
People v. Garcia (2017) 2 Cal.5th 792, 797

8 -----
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,
772; Sockett v. Gottlieb (1960) 187 Cal.App.2d 760, 768; Michaels v. Wayson (1964) 229 Cal.App.2d
9 404, 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.
1, 14, fn.17; Blakey v. Superior Court (1984) 153 Cal.App.3d 101, 105; Comite De Padres De Familia v.
10 Honig (1987) 192 Cal.App.3d 528, 533; E. Peninsula Ed. Council v. Palos Verdes School District (1989,
2nd Dist.) 210 Cal.App.3d 155, 168; Van De Kamp v. Gumbiner (1990, 2nd Dist.) 221 Cal.App.3d 1260,
1278, fn.10; People v. Henson (1991, 5th Dist.) 231 Cal.App.3d 172, 178; Al-Sal Oil Co. v. State
11 Board of Equalization (1991, 3rd Dist.) 232 Cal.App.3d 969, 978; People v. Newman (1991) 233
Cal.App.3d 646, 649, fn.3; CIGA v. W.C.A.B. (1992, 2nd Dist.) 10 Cal.App.4th 988, 996, fn.6; Johnson
12 v. Superior Court (1994, 2nd Dist.) 25 Cal.App.4th 1564, 1570; Building Industry Assn. v. City of
Livermore (1996, 1st Dist.) 45 Cal.App.4th 719, 730, 737; Sounhein v. City of San Dimas (1996, 2nd
13 Dist.) 47 Cal.App.4th 1181, 1190; Keh v. Walters (1997, 6th Dist.) 55 Cal.App.4th 1522, 1532; People
v. Erickson (1997, 5th Dist.) 57 Cal.App.4th 1391, 1402; Clemente v. Amundson (1998, 3rd Dist.) 60
14 Cal.App.4th 1094, 1105; Hudson v. Board of Administration (1997, 1st Dist.) 59 Cal.App.4th 1310,
1323; John Hancock Mutual Life Insurance Co. v. Greer (1998, 1st Dist.) 60 Cal.App.4th 877, 882; San
Rafael Elementary School District v. State Board of Education (1999, 3rd Dist.) 73 Cal.App.4th 1018,
15 1029-1030; Santa Ana Unified School District v. Orange County Development Agency (2001, 4th Dist.) 90
Cal.App.4th 404, 409; People ex rel. Allstate Ins. Co. v Weitzman (2003, 2nd Dist.) 107 Cal.App.4th
16 534, 547-552; Ruiz v. Sylva (2002, 2nd Dist.) 102 Cal.App.4th 199, 210-212; Johnson v. Superior Court
(California Cryobank, Inc.) (2002, 2nd Dist.) 101 Cal.App.4th 869, 882; Giles v. Horn (2002, 4th
17 Dist.) 100 Cal.App.4th 206, 232; Migliore v. Mid-Century Ins. Co. (2002, 2nd Dist.) 97 Cal.App.4th
592, 610; Santa Ana Unified School District v. Orange County Development Agency (2001, 4th Dist.) 90
18 Cal.App.4th 404, 410; City of Brentwood v. Central Valley Regional Water Quality Control Bd. (2004,
1st Dist.) 123 Cal.App.4th 714, 730, fn.8 and fn.9; Violante v. Communities Southwest Development &
19 Construction Co. (2006, 4th Dist.) 138 Cal.App.4th 972, 977 ("... report of the Department of
Industrial Relations (1933-1937)...); Kuperman v. San Diego Assessment Appeals Bd. No. 1 (Smith)
20 (2006, 4th Dist.) 137 Cal.App.4th 918, 934 (departmental analysis); American Liberty Bail Bonds, Inc.
v. Garamendi (2006, 2nd Dist.) 141 Cal.App.4th 1044, 1055-6; Friends of Lagoon Valley v. City of
21 Vacaville (2007, 1st Dist.) 154 Cal.App.4th 807, 828; Committee For Green Foothills v. Santa Clara
County Board of Supervisors (2008, 6th Dist.) 161 Cal.App.4th 1204, 1235; Taheri Law Group v. Evans
22 (2008, 2nd Dist.) 160 Cal.App.4th 482, 491; Northwest Energetic Services, LLC v. California Franchise
Tax Board (2008 1st Dist.) 159 Cal.App.4th 841, 856-857; Coastsides Fishing Club v. California
23 Resources Agency (2008, 1st Dist.) 158 Cal.App.4th 1183, 1197; Employment Development Department v.
California Unemployment Insurance Appeals Board (2010, 3rd Dist.) 190 Cal.App.4th 178; Gardner v.
Superior Court (2010, 1st Dist., Div. 2) 185 Cal.App.4th 1003, 1013; Riverside Sheriffs' Association
24 v. Board of Administration (2010, 3rd Dist.) 184 Cal.App.4th 1, 9; Mendoza v. ADP Screening &
Selection Services, Inc. (2010, 2nd Dist. Div. 8) 182 Cal.App.4th 1644, 1658; State Farm Gen. Ins.
25 Co. v. JT's Frames, Inc. (2010, 2nd Dist., Div. 4) 181 Cal.App.4th 429, 443; Gananian v. Wagstaffe
(2011, 1st Dist., Div. 1) 199 Cal.App.4th 1532, 1541; Babalola v. Superior Court (2011, 2nd Dist.,
26 Div. 7) 192 Cal.App.4th 948, 957; County of Orange v. Assn. of Orange County Deputy Sheriffs (2011,
2nd Dist., Div. 1) 192 Cal.App.4th 21, 36-38; California Attorneys, etc. v. Brown (2011, 1st Dist.,
27 Div. 3) 195 Cal.App.4th 119, 125-26; People v. Guzman (2011, 5th Dist.) 195 Cal.App.4th 1396, 1406;
In re P.A. (2012, 4th Dist., Div. 2) 211 Cal.App.4th 23, 36; People v. Orozco (2012, 4th Dist., Div.
28 3) 209 Cal.App.4th 726, 733; Sandler v. Sanchez (2012, 2nd Dist., Div. 7) 206 Cal.App.4th 1431, 1440;
Eel River Disposal and Res. Recovery, Inc. v. County of Humboldt (2013, 1st Dist., Div. 2) 221
Cal.App.4th 209, 230; Morriscal v. Rogers (2013, 1st Dist., Div. 5) 220 Cal.App.4th 438, 454;
California State Teachers' Retirement System v. County of Los Angeles (2013, 2nd Dist., Div. 3) 216
Cal.App.4th 41, 57; Alameda County Flood Control & Water Conservation Dist. v. Department of Water
Resources (2013, 3rd Dist.) 213 Cal.App.4th 1163, 1192; Browne v. County of Tehama (2013, 3rd Dist.)
213 Cal.App.4th 704, 723; People v. Gjersvold (2014, 4th Dist., Div. 2) 230 Cal.App.4th 746, 751;
City of San Diego v. Shapiro (2014, 4th Dist., Div. 1) 228 Cal.App.4th 756, 773 (2014); Jauregui v.
City of Palmdale (2014, 2nd Dist., Div. 5) 226 Cal.App.4th 781, 801; Nathan G. v. Clovis Unified Sch.

1 Dist. (2014, 5th Dist.) 224 Cal.App.4th 1393, 1405; *People v. Spriggs* (2014, 5th Dist.) 224
2 Cal.App.4th 150, 157; *Carloss v. County of Alameda* (2015, 1st Dist., Div. 3) 242 Cal.App.4th 116,
3 128; *UFCW & Employers Benefit Tr. v. Sutter Health* (2015, 1st Dist., Div. 5) 241 Cal.App.4th 909,
4 925; *People v. Toussain* (2015, 4th Dist., Div. 3) 240 Cal.App.4th 974, 980; *Santos v. Brown* (2015,
5 3rd Dist.) 238 Cal.App.4th 398; *Kennedy v. Kennedy* (2015, 2nd Dist., Div. 5) 235 Cal.App.4th 1474,
6 1485, as modified Apr. 22, 2015; *City of Los Angeles v. City of Los Angeles Employee Relations Bd.*
7 (2016, 2nd Dist., Div. 3) 7 Cal.App.5th 150, 165; *D'Egidio v. City of Santa Clarita* (2016, 2nd Dist.,
8 Div. 4) 4 Cal.App.5th 515, 520; *San Francisco Apartment Assn. v. City & County of San Francisco*
9 (2016, 1st Dist., Div. 3) 3 Cal.App.5th 463, 484; *Bay Area Citizens v. Assn. of Bay Area Governments*
10 (2016, 1st Dist., Div. 2) 248 Cal.App.4th 966, 1001; *State Compensation Insurance Fund v. Workers'*
11 *Compensation Appeals Bd.* (2016, 2nd Dist., Div. 3) 248 Cal.App.4th 349, 368, as modified on denial of
12 rehearing July 14, 2016; *McGee v. Balfour Beatty Constr., LLC* (2016, 2nd Dist., Div. 8) 247
13 Cal.App.4th 235; *Chorn v. Workers' Compensation Appeals Bd.* (2016, 2nd Dist., Div. 4) 245 Cal.App.4th
14 1370, 1378, as modified on denial of rehearing Apr. 20, 2016; *Burd v. Barkley Court Reporters, Inc.*
15 (2017, 2nd Dist., Div. 2) 17 Cal.App.5th 1037, 1048, review denied Feb. 28, 2018; *Cornell v. City &*
16 *County of San Francisco* (1st Dist., Div. 4) 17 Cal.App.5th 766, as modified Nov. 17, 2017, review
17 denied Feb. 28, 2018; *Am. Cargo Express, Inc. v. Superior Court* (2017, 3rd Dist.) 16 Cal.App.5th 145,
18 156, as modified on denial of rehearing Oct. 13, 2017, review denied Dec. 13, 2017; *People v.*
19 *Figueroa* (2017, 6th Dist.) 11 Cal.App.5th 665, 678; *California Taxpayers Action Network v. Taber*
20 *Constr., Inc.* (2017, 1st Dist., Div. 2) 12 Cal.App.5th 115, 132 (Ct. App. 2017); *California Chamber*
21 *of Commerce v. State Air Res. Bd.* (2017, 3rd Dist.) 10 Cal.App.5th 604, 623; *O'Neal v. Stanislaus*
22 *County Employees' Ret. Assn.* (2017, 5th Dist.) 8 Cal.App.5th 1184, 1199; *People v. Martinez* (2017,
23 4th Dist., Div. 1) 8 Cal.App.5th 298, 306

11 Attorney General Opinions

12 As we have explained, "[a]bsent controlling authority, [the
13 Attorney General's opinion] is persuasive because we presume that the
14 Legislature was cognizant of the Attorney General's construction of
15 [the statute] and would have taken corrective action if it disagreed
16 with that construction.'" (*Hunt v. Superior Court* (1999) 21 Cal.4th
17 984, 1013, 90 Cal.Rptr.2d 236, 987 P.2d 705) "Attorney General
18 opinions are entitled to considerable weight." (*Lexin v. Superior*
19 *Court* (2010) 47 Cal.4th 1050, 1087, fn.17, 103 Cal.Rptr.3rd 767, 222
20 P.3rd 214; see *California Assn. of Psychology Providers v. Rank*
21 (1990) 51 Cal.3rd 1, 17, 270 Cal.Rptr. 796, 793 P.2d 2 ["Opinions
22 of the Attorney General, while not binding, are entitled to great
23 weight."].) *Ennabe v. Manosa* (2014) 58 Cal.4th 697, 716, fn.14

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

23 We accord the opinion of the Attorney General "great weight,"
24 while recognizing that the opinion is not "controlling as to the
25 meaning of a constitutional provision or statute." (*County of Fresno*
26 *v. Clovis Unified School Dist.* (1988) 204 Cal.App.3rd 417, 427, 251
27 Cal.Rptr. 170 (*County of Fresno*)) *City of San Diego v. Shapiro* (2014,
28 4th Dist., Div. 1) 228 Cal.App.4th 756, 773

26 "Attorney General opinions are entitled to considerable
27 weight." (*Lexin v. Superior Court* (2010) 47 Cal.4th 1050, 1087,
28 fn.17, [103 Cal.Rptr.3rd 767, 222 P.3rd 214]; see *California Assn. of*
Psychology Providers v. Rank (1990) 51 Cal.3rd 1, 17, [270 Cal.Rptr.
796, 793 P.2d 2] ["Opinions of the Attorney General, while not

1 binding, are entitled to great weight'"].) *Rando v. Harris*, (2014, 2nd
2 Dist., Div. 2) 228 Cal.App.4th 868, 879, as modified Aug. 21, 2014

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

8 As the Supreme Court has observed in the context of a different
9 legislative scheme, "While the Attorney General's views do not bind
10 us [Citation], they are entitled to considerable weight [Citation].
11 This is especially true here since the Attorney General regularly
12 advises many local agencies about the meaning of the [statutory
13 scheme in question] and publishes a manual designated to assist local
14 governmental agencies in complying with the Act's ... requirements."
15 [Citation.] The Attorney General Opinions at issue here, though only
16 advisory, are similarly entitled to "considerable weight" because the
17 Attorney General regularly advises local agencies about conflicts of
18 interest and publishes a manual designated to assist local
19 governmental agencies in complying with the conflict of interest
20 statutes. Reliance on Attorney General Opinions is particularly
21 appropriate where, as here, no clear case authority exists, and the
22 factual context of the Opinions is closely parallel to that under
23 review. [Citation.] *Thorpe v. Long Beach Community College District*
24 (2000, 2nd Dist.) 83 Cal.App.4th 655, 662-663

25
26
27
28
Landau v. Superior Court (Medical Board of California) (2000, 1st Dist.) 81 Cal.App.4th 191, 204,
224, fn.7; *Bartold v. Glendale Federal Bank* (2000, 4th Dist.) 81 Cal.App.4th 816, 833; *Rothschild v.*
Tyco Internat. (US), Inc. (2000, 4th Dist.) 83 Cal.App.4th 488, 499; *Zabetian v. Medical Board* (2000,
3rd Dist.) 80 Cal.App.4th 462, 468; *Community Redevelopment Agency v. County of Los Angeles* (2001,
2nd Dist.) 89 Cal.App.4th 719, 726-729; *Casella v. Southwest Dealer Services, Inc.* (2007, 4th Dist.)
157 Cal.App.4th 1127, 1137; *California School Employees Assn. v. Colton Joint Unified School Dist.*
(2009, 4th Dist.) 170 Cal.App.4th 857; *California School Employees Assn. v. Torrance Unified School*
District (2010, 2nd Dist., Div. 3) 182 Cal.App.4th 1040, 1045; *Eden Twp. Healthcare Dist. v. Sutter*
Health (2011, 1st Dist., Div. 1) 202 Cal.App.4th 208, 224; *Sonoma County Employees' Ret. Assn. v.*
Superior Court (2011, 1st Dist., Div. 1) 198 Cal.App.4th 986, 994-95; *All Angels Preschool/Daycare v.*
County of Merced (2011, 5th Dist.) 197 Cal.App.4th 394, 403; *San Diego County Employees Retirement*
Assn. v. Superior Court (2011, 4th Dist., Div. 1) 196 Cal.App.4th 1228, 1238; *McGuire v. Employment*
Dev. Department (2012, 1st Dist., Div. 1) 208 Cal.App.4th 1035, 1045; *Costa Mesa City Employees'*
Assn. v. City of Costa Mesa (2012, 4th Dist., Div. 3) 209 Cal.App.4th 298, 315, as modified Oct. 10,
2012; *Dicon Fiberoptics, Inc. v. Franchise Tax Board* (2012) 53 Cal.4th 1227, 1239; *City of Bell v.*
Superior Court (2013, 2nd Dist., Div. 3) 220 Cal.App.4th 236, 257, as modified Oct. 9, 2013, as
modified on denial of rehearing Oct. 25, 2013; *Natkin v. California Unemployment Insurance Appeals*
Board (2013, 2nd Dist., Div. 2) 219 Cal.App.4th 997, 1004; *Sorenson v. Superior Court* (2013, 6th
Dist.) 219 Cal.App.4th 409, 444; *Mt. Hawley Insurance Co. v. Lopez* (2013, 2nd Dist., Div. 7) 215
Cal.App.4th 1385, 1401, as modified May 29, 2013; *Humane Society of U.S. v. Superior Court* (2013, 3rd
Dist.) 214 Cal.App.4th 1233, 1257; *Soco W., Inc. v. California Environmental Protection Agency* (2013,
4th Dist., Div. 3) 213 Cal.App.4th 1511, 1515, as modified on denial of rehearing Mar. 27, 2013; *Save*
Mount Diablo v. Contra Costa County (2015, 1st Dist., Div. 1) 240 Cal.App.4th 1368, 1385); *Siskiyou*
County Farm Bureau v. Department of Fish & Wildlife (2015, 3rd Dist.) 237 Cal.App.4th 411, as
modified on denial of rehearing June 26, 2015; *Davis v. Fresno Unified Sch. Dist.* (2015, 5th Dist.)
237 Cal.App.4th 261, 280, as modified June 19, 2015; *Rubio v. Superior Court* (2016, 2nd Dist., Div.
3) 244 Cal.App.4th 459; *Lippman v. City of Oakland* (2017, 1st Dist., Div. 4) 19 Cal.App.5th 750,
rehearing denied Feb. 16, 2018, review denied Apr. 11, 2018; *San Jose Unified Sch. Dist. v. Santa*
Clara County Office of Educ. (2017, 6th Dist.) 7 Cal.App.5th 967, 978

Attorney General Guidelines

Qualified Patients Assn. v. City of Anaheim (2010, 4th Dist., Div. 3) 187 Cal.App.4th 734; *People v.*
Colvin (2012, 2nd Dist., Div. 3) 203 Cal.App.4th 1029, 1038; *People v. Baniani*, (2014, 4th Dist.,
Div. 3) 229 Cal.App.4th 45, 55

1 **11. Transcripts of Hearings:**

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

6 The Court of appeal correctly notes that, while the word ...
7 appears at various times in both the legislative history of ... as
8 well as the transcripts of IWC hearings at which the ... was
9 discussed. *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th 1094,
10 1109

11 ... the Assembly Judiciary Committee heard testimony from David
12 Huebner, representing the Center for Law in the Public Interest,
13 which participated in drafting both the current federal and
14 California false claims statutes. Huebner described the proposed
15 California law as *Harris v. Pricewaterhousecoopers, LLP* (2006)
16 39 Cal.4th 1220, 1230-1

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

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

19 The legislative history of the CFCA indicates that the
20 statute's purpose was to The principal drafter of the statute
21 testified before the Assembly Committee on the Judiciary that ...

22 (Sen. Com. on Judiciary, Rep. on Assem. Bill No. 1441 (1987-
23 1988 Reg. Sess.) appended testimony of David Huebner, representative
24 of the Center for Law in the Public Interest, before Assem. Com. on
25 Judiciary, May 6, 1987, p. 3) *State v. Altus Finance* (2005) 36
26 Cal.4th 1284, 1296

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

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

32 ... the history of the relevant wage order indicates an intent
33 to create a penalty. The IWC adopted the wage order at a hearing on

1 June 30, 2000, where (... [transcript of 6/30/2000 hearing],...) A representative of the California Labor Federation addressing the
2 IWC noted that *Murphy v. Kenneth Cole Productions, Inc.* (2005, 1st Dist.) 134 Cal.App.4th 728, 752 [Review Granted]

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

6 General background materials pertaining to this 1961
7 legislation amending Section 825 were furnished by the Legislative Intent Service [citation] and included the transcript of a public
8 hearing of the Assembly Interim Committee on Criminal Procedure conducted on February 18 and 19, 1960, pertaining to "Laws of
9 Arrest." Such documents are the type of material this division has readily consulted in the past. *Youngblood v. Gates* (1988, 2nd Dist.)
10 200 Cal.App.3d 1302, 1340

11 *Flesker v. W.C.A.B.* (1979) 23 Cal.3d 382, 325; *People v. Tanner* (1979) 24 Cal.3d 514; *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1260, and 1260, fn.13; *Conservatorship of Whitley* (2010) 50 Cal.4th 1206, 1218-1219, fn.3; *In re W.B.* (2012) 55 Cal.4th 30, 55, as modified on denial of rehearing Sept. 26, 2012; *Sonic-Calabasas A, Inc. v. Moreno* (2013) 57 Cal.4th 1109, 1169; *B.H. v. County of San Bernardino* (2015) 62 Cal.4th 168, 183

13 -----
14 *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, 678; *Maggio v. A.L.R.B.* (1987) 194 Cal.App.3d 1329, 1333; *People v. Thompson* (1988, 2nd Dist.) 205 Cal.App.3d 871, 879-80; *In re Marriage of Watt* (1989) 214 Cal.App.3d 340, 349; *Conservatorship of Bryant* (1996, 4th Dist.) 45 Cal.App.4th 117, 120; *Bravo Vending v. City of Rancho Mirage* (1993, 4th Dist.) 16 Cal.App.4th 383, 407; *Santos v. Brown* (2015, 3rd Dist.) 238 Cal.App.4th 398; *People v. Costella* (2017, 4th Dist., Div. 2) 11 Cal.App.5th 1, 7

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

17 While not binding upon a court, courts do give consideration to statements
18 made by a bill's sponsor as a source that is well-informed as to the bill's
19 purpose, meaning and intended effect. (Sutherland on Statutory Construction, (6th
20 Ed. 2000) Extrinsic Aides-Legislative History, §48.15) Courts have given
21 consideration to sponsor's statements to the extent that such statements are
22 consistent with other legislative history and not merely an expression of
23 personal opinion.

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

The legislative history reveals that Senator Kopp proposed as part of the 1997 amendments to the statute to eliminate the phrase for this reason. (Sen. Com. On the Judiciary, Analysis of ...)

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

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

8 Defendant contests this interpretation of the foregoing
9 legislative history. Relying upon three documents, he asserts
that....

10 We disagree. The first document, apparently dated April 2,
11 1992, is from the Sacramento Legislative Office of the Los Angeles
12 District Attorney and is titled "Explanation of Proposed Amendments
13 to SB 1342 (Royce)." According to defendant, this document was
14 located in the Senate Committee on Judiciary's bill file for Senate
15 Bill No. 1342.... The second document, dated April 7, 1992, stamped
16 ":working copy," and prepared for a hearing on April 7, 1992, appears
to be a product of the Senate Committee on Judiciary, analyzing
Senate Bill No. 1342 ... as introduced and stating that the bill
"reflects author's amendments to be offered in committee." The third
document, dated 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

17 On April 11, 1983, the California Law Revision Commission wrote
18 to the Assembly Committee on Judiciary, apparently in response to the
19 executive committee' concerns The "justification of the change
20 recommended by the Commission is given in more detail" in an attached
21 December 17, 1982 letter from professor Jesse Dukeminier.... In that
22 letter, Professor Dukeminier responded to the executive committee's
23 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

24 On April 5, 1983 the Executive Committee of the Estate
25 Planning, Trust and Probate Law Section of the State Bar of
26 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

27 ... Assemblyman Robert Campbell responded to the uncertainty by
28 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, California Probation,
21 Parole and Correctional Assn., letter to Assemblyman Richard Katz,
22 Apr. 15, 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

In a 1999 case, the California Supreme Court looked to "individual
legislators' (including co-authors') comments from the Assembly and Senate
committee bill files as "expressions of legislative intent". (*White v. Ultramar,*
Inc. (1999) 21 Cal.4th 563, 572, fn.3) In a Concurring Opinion Justice Mosk, in
apparent reference to the judicially noticed documents, stated: "This conclusion
is supported by contemporaneous legislative materials indicating that the bill's
sponsors, and even its opponents, including the California Trial Lawyers
Association, believed that it codified rather than narrowed existing law." (Id.
at page 580, see also page 580, fn.2)

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.

1 Volk, who were members of the Committee which drafted the Corporate
2 Securities Law of 1968. In their treatise these drafters state:...

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

7 ... These letters do not support-let alone compel-the
8 conclusion that.... To begin, these letters reflect the opinions of
9 entities lobbying our Legislature, not the Legislature itself.
10 Moreover, the letters on their face simply recognize... *Mission
11 Beverage Co. v. Pabst Brewing Co., LLC* (2017, 2nd Dist., Div. 2) 15
12 Cal.App.5th 686, 706

13 The statewide charter school provisions were added very late in
14 the legislative process, only two weeks before the bill's passage.
15 (Assem. Bill No. 1994 (2001-2002 Reg. Sess.) as amended Aug. 15,
16 2002, p. 1.) The late amendment came on the heels of a lobbying
17 effort aimed at the Senate Committee on Education (Letters to Sen.
18 Com. on Education re Assem. Bill No. 1994 (2001-2002 Reg. Sess.)
19 dated June 20-25, 2002) organized by the California Network of
20 Educational Charters (CANEC Listserv Announcement, June 20, 2002,
21 URGENT). *California School Boards Assn. v. State Board of Education*
22 (2010, 1st Dist., Div.4) 186 Cal.App.4th 1298, 1319, fn.15

23 However, after the Litigation Section of the California State
24 Bar objected that the proposed bill's failure to require a ... (Barry
25 Rosenbaum, State Bar Litigation Section, Legislative Com., mem. to
26 Larry Doyle, Director Office of Governmental Affairs re Assem. Bill
27 No. 2068 ...), the bill was amended to include the "at or near"
28 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.) 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
references to the qualified immunity provision of the bill.... The
first item is a letter dated February 20, 1980, from the State Bar
Committee on Juvenile Justice to Senator Omer L. Rains, the author of
Senate Bill No. 781³.... In its letter of February 20, 1980, the
Committee on Juvenile Justice stated that it could not support Senate
Bill No. 781 because, among other reasons, the bill would allow
FN3. Legislative history material provided by Legislative Intent
Service. *Chabak v. Monroy* (2007, 5th Dist.) 154 Cal.App.4th 1502,
1516

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

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

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

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

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

28 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 Dist.) 142 Cal.App.4th 131,
141-142

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

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

That history includes a May 23, 1990 memo from the office of
San Diego's county counsel that is addressed to all counties in the
State. Attached to the memo is a proposed amendment to Senate Bill

1 2791. That proposed amendment is essentially the language of
2 subdivision (c) of section 4985.2. The San Diego memo notes The
3 addition of subdivision (c) to Senate Bill 2791 came in the June 12,
4 1990 amendment of that bill, which was approximately three weeks
5 after San Diego's county counsel's office sought such an addition.
6 *People ex rel. Strumpfer v. Westoaks Investment #27* (2006, 2nd Dist.)
7 139 Cal.App.4th 1038, 1047

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

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

19 Those connected to Assembly Bill No. 2663 (1991-1992 Reg.
20 Sess.), the bill prompted by Resolution 5-9-91 and sponsored by the
21 State Bar to amend Civil Code section 3334, discussed the purpose of
22 the bill in a variety of ways and used the following language ...
23 (Amelia V. Stewart, legislative representative of the State Bar of
24 California, letter of support for Assembly Bill No. 2663 to
25 Assemblyman Phillip Isenberg, Chair of the Assembly Judiciary
26 Committee, March 19, 1992);... (Michael D. Schwartz, letter of
27 support for Assembly Bill No. 2663 to Amelia V. Stewart, legislative
28 representative of the State Bar of California, March 20, 1992);...
Watson Land Co. v. Shell Oil Co. (2005, 2nd Dist.) 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
analysis of proposed legislation and a report by the State Bar Access
to Justice Working Group, which they claim are related to the issue
of whether California attorney fees law authorizes payment for
contingent risk in order to provide an incentive for private
attorneys to prosecute public interest cases. Because the materials
are relevant to a material issue in this case, we grant the request.
Ketchum v. Moses (2001) 24 Cal.4th 1122, 1136, fn.1; see *Whaley v.*
Sony Computer Entertainment America, Inc. (2004, 4th Dist.) 121
Cal.App.4th 479, 487 where a State Bar Committee on Arbitration
Report was not relied upon in statutory construction.

... Consequently the various reports on the bill prepared for
Senate and Assembly committees do not discuss the amendment. The
amendment is discussed, however, in letters to the Governor by the
bill's Senate sponsor and others, urging that the legislation be
signed or vetoed. These letters consistently explain (See Sen.
John Doolittle, letter to Governor Edmund Brown, Sept. 22, 1981, p.
1; see also Joe Aceto, Director, Legislative Division, POARC, letter
to Governor Edmund Brown, Sept. 22, 1981, p. 2.). The American Civil
Liberties Union (ALCU), which opposed the bill, nevertheless
recounted the amendment's history in precisely the same way. These
statements about pending legislation are entitled to consideration to

1 the extent they constitute "a reiteration of legislative discussion
2 and events leading to adoption of proposed amendments rather than
3 merely an expression of personal opinion." (*California Teachers Assn.
v. San Diego Community College Dist.* (1981) 28 Cal 3d 692, 700);
4 *Martin v. Szeto* (2004) 32 Cal.4th 445, 450-451, fn.6

5 The original proponent of the proposal for the amendment was
6 the Estate Planning Trust & Probate Law Section of the State Bar of
7 California in its annual omnibus bill. In a document prepared by that
8 Section discussing the proposed amendment, the "Purpose" of the
9 amendment was described as ... (California State Bar Estate Planning,
10 Trust & Prob. Law Section, Legislative Proposal, Assem. Bill No.
11 1172, excerpted from Senate Com. on Judiciary legislative bill file)
12 *Conservatorship of Davidson* (2003, 1st Dist.) 113 Cal.App.4th 1035,
13 1050-1051

14 There was a proposal to restrict release of general information
15 to situations where This proposal was quelled by members of the
16 news media, who expressed concern that *Garrett v. Young* (2003,
17 2nd Dist.) 109 Cal.App.4th 1393, 1402, with further reference to
18 proponent and opponent statements at 1402-1404

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

23 While these statements included in legislative committee
24 evaluations of Senate Bill No. 67 provide no direct evidence on ...
25 legitimate aids in determining legislative intent. [Citation.]
26 Statements in committee reports concerning the statute's objects and
27 purposes cannot be dismissed as simply opinions of individual
28 legislators or "self-interested third parties" and therefore unworthy
of consideration, as Philip Morris and B&W assert.... Committee
reports are part of a statute's legislative history and may be
utilized in construing uncertain statutory language. [Citations.]
Letters regarding the purpose of legislation published by the
Legislature are also properly considered in interpreting a statute
"when the expression of intent appears to convey more than a personal
view of the proponent of the bill." [Citations.] *Souders v. Philip
Morris, Inc.* (2001, 2nd Dist.) 87 Cal.App.4th 756, 772-774 (Review
Granted)

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

As plaintiffs note, had the drafters and the Legislature
intended to restrict in every case the civil liability of persons
who engage in practices made unlawful by section 25400, they could
easily have done so in section 25500 by inserting the "in this
state" limitation in that section.... The drafters and the
Legislature did not do so, however, and it is not our function to
insert language omitted by the Legislature. (*Manufacturers Life Ins.
Co. v. Superior Court* (1995) 10 Cal.4th 257, 274 [41 Cal.Rptr.2d
220, 895 P.2d 56].) *Diamond Multimedia Systems, Inc. v. Superior
Court* (1999) 19 Cal.4th 1036, 1054.

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

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

9 In supporting Senate Bill No. 933, the Los Angeles County
10 District Attorney told the Legislature "'courts are aware of the
11 problems caused by forum shopping and have devised procedures to
12 prevent it. Moreover, cases are usually assigned by court clerks or
13 by random assignment so that there is no way a prosecutor could
14 direct a case into a particular court.'" (Assem. Com. on Public
15 Safety, Analysis of Sen. Bill No. 933, as amended May 20, 1993, for
16 hearing on July 13, 1993.) ... Ironically, what the People now appear
17 to want is the opportunity to direct a case away from a particular
18 court. This can only be described as the very forum shopping the
19 Legislature recognized as a problem and attempted to remedy by
20 inserting a prohibition against the evil within section 1538.5,
21 subdivision (p). *Soil v. Superior Court* (1997, 2nd Dist.) 55
22 Cal.App.4th 872, 878-879

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

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

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

21 *In re Jennings* (2004) 34 Cal.4th 254, 264; *People v. Tanner* (1979) 24 Cal.3d 514, 548, 561; *Pasadena*
22 *Police Officers Assn. v. City of Pasadena* (1990) 51 Cal.3d 564, 577, fn.7; *Laurel Heights Improvement*
23 *Assn. v. Regents of U.C.* (1993) 6 Cal.4th 1112, 1127; *People v. Snyder* (2000) 22 Cal.4th 304, 309,
24 fn.5; *Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 61-62; *Southern California*
25 *Edison Co. v. Peevey* (2003) 31 Cal.4th 781, 811 (dissent); *Hassan v. Mercy American River Hospital*
26 (2003) 31 Cal.4th 709, 723-724; *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th
27 1239, 1262, fn.12; *In re Smith* (2008) 42 Cal.4th 1251, 1261; *In re Tobacco Cases II* (2007) 41 Cal.4th
28 1257, 1273; *Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 528-533; *Runyon v. Board of Trustees of*
California State University (2010, Sup.Ct. of CA) 48 Cal.4th 760, 770; *Catlin v. Superior Court*
(2011) 51 Cal.4th 300, 405; *Shalant v. Girardi* (2011) 51 Cal.4th 1164, 1175, fn.7; *In re Ethan C.*
(2012) 54 Cal.4th 610, 629; *Coito v. Superior Court* (2012) 54 Cal.4th 480, 490; *People v. Park* (2013)
56 Cal.4th 782, 796; *Fahlen v. Sutter Cent. Valley Hospital* (2014) 58 Cal.4th 655, 680; *Johnson v.*
Department of Justice (2015) 60 Cal.4th 871; *Horiike v. Coldwell Banker Residential Brokerage Co.*
(2016) 1 Cal.5th 1024, 1037; *DeSaulles v. Community Hospital of Monterey Peninsula* (2016) 62 Cal.4th
1140, 1149

Woodwork Mfrs. v. N.L.R.B. (1967) 386 U.S. 612, 640; *De Malherbe v. International Union of Elevator*
Constructors (1977 N.D. Cal.) 438 F. Supp. 1121, 1139, fn.22; *Southland Mechanical Constructors v.*
Nixen (1981, 4th Dist.) 119 Cal.App.3d 417, 428; *Carroll v. State Bar* (1985) 166 Cal.App.3d 1193,

1 1202; *Anaheim Redevelopment Agency v. Dusek* (1987) 193 Cal.App.3d 249, 256; *People v. Jenkins* (1987,
2 2nd Dist.) 196 Cal.App.3d 394, 404; *California Trout, Inc. v. State Water Resources Control Board*
3 (1989, 3rd Dist.) 207 Cal.App.3d 585, 602-603, fn.7; *American Tobacco Co. v. Superior Court* (1989)
4 208 Cal.App.3d 480, 487; *People v. Weatherill* (1989, 2nd Dist.) 215 Cal.App.3d 1569, 1576; *Van De*
5 *Kamp v. Gumbiner* (1990, 2nd Dist.) 221 Cal.App.3d 1260, 1279, 1289; *Ferraro v. Chadwick* (1990, 4th
6 Dist.) 221 Cal.App.3d 86, 94; *Perez v. So. Pacific Trans. Co.* (1990, 2nd Dist.) 218 Cal.App.3d 462,
7 468; *Kishida v. State of California* (1991, 4th Dist.) 229 Cal.App.3d 329, 335; *Alexander, D. v. State*
8 *Board of Dental Examiners* (1991, 1st Dist.) 231 Cal.App.3d 92, 97; *Cal Service Station Assn. v. Union*
9 *Oil Co.* (1991, 1st Dist.) 232 Cal.App.3d 44, 54; *Shapell Industries v. Governing Board* (1991, 6th
10 Dist.) 1 Cal.App.4th 218, 242; *Transamerica Occidental Life v. State Board of Equalization* (1991, 2nd
11 Dist.) 232 Cal.App.3d 1048, 1058; *County of San Diego v. Department of Health Services* (1991, 4th
12 Dist.) 1 Cal.App.4th 656, 661; *In re Marriage of Seaman and Menjou* (1991, 1st Dist.) 1 Cal.App.4th
13 1489, 1502; *People v. Bishop* (1993, 6th Dist.) 11 Cal.App.4th 1125, 1132; *Mosier v. DMV* (1993, 4th
14 Dist.) 18 Cal.App.4th 420, 424; *JA Jones Construction Co. v. Superior Court* (1994, 4th Dist.) 27
15 Cal.App.4th 1568, 1579; *Dubins v. Regents of the University of California* (1994, 1st Dist.) 25
16 Cal.App.4th 77, 86, 87; *Johnson v. Superior Court* (1994, 2nd Dist.) 25 Cal.App.4th 1564, 1569;
17 *Coniglio v. Department of Motor Vehicles* (1995, 6th Dist.) 39 Cal.App.4th 666, 675; *Lorenz v.*
18 *Commercial Acceptance Insurance Co.* (1995, 6th Dist.) 40 Cal.App.4th 981, 993; *People v. Butler*
19 (1996, 2nd Dist.) 43 Cal.App.4th 1224, 1236; *Walsh v. Superior Court* (1996, 2nd Dist.) 42 Cal.App.4th
20 1822, 1832; *Conrad v. Medical Board of California* (1996, 4th Dist.) 48 Cal.App.4th 1038, 1050;
21 *Building Industry Assn. v. City of Livermore* (1996, 1st Dist.) 45 Cal.App.4th 719, 737; *Crusader*
22 *Insurance Co. v. Scottsdale Insurance Co.* (1997, 2nd Dist.) 54 Cal.App.4th 121, 136; *Forty-Niner*
23 *Truck Plaza, Inc. v. Union Oil Co.* (1997, 3rd Dist.) 58 Cal.App.4th 1261, 1273, 1274, 1280, 1281;
24 *Valley Title Co. v. San Jose Water Co.* (1997, 6th Dist.) 57 Cal.App.4th 1490, 1499-1501; *Pandazos v.*
25 *Superior Court* (1997, 2nd Dist.) 60 Cal.App.4th 324, 327; *County of Orange v. Ranger Insurance Co.*
26 (1998, 4th Dist.) 61 Cal.App.4th 795, 800; *Dant v. Superior Court* (1998, 1st Dist.) 61 Cal.App.4th
27 380, 386; *Herman v. Los Angeles County Metropolitan Transportation Authority* (1999, 2nd Dist.) 70
28 Cal.App.4th 819, 829; *Zink v. Gourley* (2000, 2nd Dist.) 77 Cal.App.4th 774, 782, fn.9; *Aguilar v.*
Lerner (2001, 1st Dist.) 90 Cal.App.4th 177, 185; *Hicks v. E.T. Legg & Associates* (2001, 4th Dist.)
89 Cal.App.4th 496, 506; *In re Marriage of Cordero* (2002, 4th Dist.) 95 Cal.App.4th 653, 663; *In re*
Danny H. (2002, 2nd Dist.) 104 Cal.App.4th 92, 103, fn.20; *Guillemin v. Stein* (2002, 3rd Dist.) 104
Cal.App.4th 156, 166, fn.12; *Ruiz v. Sylva* (2002, 2nd Dist.) 102 Cal.App.4th 199, 210-212; *People v.*
Washington (2002, 2nd Dist.) 100 Cal.App.4th 590 594; *Walker v. Countrywide Home Loans, Inc.* (2002,
2nd Dist.) 98 Cal.App.4th 1158, 1172; *Gamble v. Los Angeles Department of Water & Power* (2002, 2nd
Dist.) 97 Cal.App.4th 253, 258; *People ex rel. Allstate Ins. Co. v. Weitzman* (2003, 2nd Dist.) 107
Cal.App.4th 534, 547-552; *Reis v. Biggs Unified School District* (2005, 3rd Dist.) 126 Cal.App.4th
809, 826; *City of Brentwood v. Central Valley Regional Water Quality Control Bd.* (2004, 1st Dist.)
123 Cal.App.4th 714, 730, fn.10; *ARP Pharmacy Services, Inc. v. Gallagher Bassett Services, Inc.*
(2006, 2nd Dist.) 138 Cal.App.4th 1307, 1319 & 1321 (author letter to Governor; sponsor letter to
Governor)[Review Granted]; *In re Marriage of Burkle* (2006, 2nd Dist.) 135 Cal.App.4th 1045, 1053,
fn.8(1); *Amberger-Warren v. City of Piedmont* (2006, 1st Dist.) 143 Cal.App.4th 1074, 1082; *Asfaw v.*
Woldberhan (2007, 2nd Dist.) 147 Cal.App.4th 1407, 1418; *Simpson Strong-Tie Company, Inc. v. Gore*
(2008, 6th Dist.) 162 Cal.App.4th 737, 757; *Block v. Orange County Employees' Retirement System*
(2008, 4th Dist.) 161 Cal.App.4th 1297, 1312; *Nguyen v. Nguyen* (2008, 4th Dist.) 158 Cal.App.4th
1636, 1656, fn.19; *Schmidlin v. City of Palo Alto* (2008, 6th Dist.) 157 Cal.App.4th 728, 756;
California School Employees Assn. v. Colton Joint Unified School Dist. (2009, 4th Dist.) 170
Cal.App.4th 857; *Brown v. Valverde* (2010, 1st Dist., Div. 2) 183 Cal.App.4th 1531, 1552; *Sabi v.*
Sterling (2010, 2nd Dist., Div. 8) 183 Cal.App.4th 916, 928; *San Francisco Unified School District ex*
rel. Contreras v. Laidlaw Transit, Inc. (2010, 1st Dist., Div. 5) 182 Cal.App.4th 438, 447, as
modified on denial of rehearing Mar. 25, 2010; *Westamerica Bank v. City of Berkeley*, (2011, 1st
Dist., Div. 4) 201 Cal.App.4th 598, 611-12; *Estate of Bartsch* (2011, 1st Dist., Div. 1) 193
Cal.App.4th 885, 897; *Toyota Motor Corp. v. Superior Court* (2011, 2nd Dist., Div. 3) 197 Cal.App.4th
1107, 1118; *Castillo v. Toll Bros.* (2011, 1st Dist., Div. 1) 197 Cal.App.4th 1172, 1193; *People v.*
Butler (2011, 2nd Dist., Div. 1) 195 Cal.App.4th 535, 539, as modified on denial of rehearing June 7,
2011; *Fireman's Fund Ins. Co. v. Superior Court* (2011, 2nd Dist., Div. 3) 196 Cal.App.4th 1263, 1278;
Pulli v. Pony Internat, LLC (2012, 4th Dist., Div. 1) 206 Cal.App.4th 1507, 1519; *People v. Scott*
(2012, 6th Dist.) 203 Cal.App.4th 1303, 1320; *Borikas v. Alameda Unified School District* (2013, 1st
Dist., Div. 1) 214 Cal.App.4th 135, 159; *Araquistain v. Pacific Gas & Electric Co.* (2014, 1st Dist.,
Div. 4) 229 Cal.App.4th 227, 236; *Mega RV Corp. v. HWH Corp.* (2014, 4th Dist., Div. 3) 225
Cal.App.4th 1318, 1329, as modified on denial of rehearing May 20, 2014; *In re Marriage of Haugh*
(2014, 4th Dist., Div. 1) 225 Cal.App.4th 963, 972; *People v. McGowan* (2015, 2nd Dist., Div. 5) 242
Cal.App.4th 377, 384, as modified Dec. 8, 2015; *Carlross v. County of Alameda* (2015, 1st Dist., Div.
3) 242 Cal.App.4th 116, 128; *In re Marriage of Lafkas* (2015, 2nd Dist., Div. 5) 237 Cal.App.4th 92);
Siskiyou County Farm Bureau v. Department of Fish & Wildlife (2015, 3rd Dist.) 237 Cal.App.4th 411,
as modified on denial of rehearing June 26, 2015; *Armin v. Riverside Community Hospital* (2016, 4th
Dist., Div. 3) 5 Cal.App.5th 810, 824, as modified Dec. 15, 2016; *Center for Biological Diversity v.*
Department of Fish & Wildlife (2016, 2nd Dist., Div. 5) 1 Cal.App.5th 452; *State ex rel. Bartlett v.*
Miller (2016, 2nd Dist., Div. 7) 243 Cal.App.4th 1398, 1412; *PGA W. Residential Assn., Inc. v. Hulven*
Internat., Inc. (2017, 4th Dist., Div. 2) 14 Cal.App.5th 156, 174, as modified Aug. 23, 2017; *Merced*
Irrigation Dist. v. Superior Court (2017, 5th Dist.) 7 Cal.App.5th 916, 928

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

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

4 "[u]npassed bills, as evidences of legislative intent, have
5 little value." (*Dyna-Med, Inc. v. Fair Employment & Housing Comm.*
6 (1987) 43 Cal.3d 1379, 1396, 241 Cal.Rptr. 67, 743 P.2d 1323) *Apple,*
7 *Inc. v. Superior Court* (2013) 56 Cal.4th 128, 146

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

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

26 In 1963, the Legislature amended Penal Code section 1016--
27 permitting defendants to enter a nolo contendere plea with the
28 consent of the district attorney and the approval of the court--
reportedly in response to our decision in *Teitelbaum Furs, Inc. v.*
29 *Dominion Ins. Co., Ltd.* [Citation.] (Note, Nolo Contendere--Its Use
30 and Effect (1964) 52 California L.Rev. 408, 409 (hereafter Nolo
31 Contendere)... Reviewing the 1963 legislation, the State Bar Journal
32 explained, "The plea of nolo contendere permits speedy disposal of
33 the criminal charge. Defendants charged with traffic offenses and
34 defendants in corporate fraud cases, which are usually long and
35 complex, are among those expected to utilize the plea." (Review of
36 1963 Code Legislation (1963) 38 State Bar J. 751, 752.) The foregoing
37 suggests that when the Legislature added former subdivision
38 *People v. Yartz* (2005) 37 Cal.4th 529, 539

39 The compromise agreement reportedly is known as "the 'napkin
40 deal' since it was hammered out by political adversaries" - (one side
41 "wanting comprehensive changes in California tort law, the other
42 wanting to maintain the status quo") - on a white cloth napkin in a
43 Sacramento restaurant. (Moy, *Tobacco Companies, Immune No More-*
44 *California's Removal of the Legal Barriers Preventing Plaintiffs From*
45 *Recovering for Tobacco-related Illness* (1998) 29 McGeorge L.Rev. 761,
46 770) *Myers v. Philip Morris Companies, Inc.* (2002) 28 Cal.4th 828,
47 834, fn.3

1 The seminal academic research on which the original version of
2 the statute was based used ... (*Zhao v. Wong*, *supra* 48 Cal.App.4th at
3 p. 1124, quoting Canan & Pring, *Studying Strategic Lawsuits Against*
4 *Public Participation: Mixing Quantitative and Qualitative Approaches*
5 (1988) 22 Law & Socy. Rev. 385, 387) *Briggs v. Eden Council for Hope*
6 *and Opportunity* (1997) 19 Cal.4th 1106, 1120

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

13 'In interpreting a voter initiative ..., we apply the same
14 principles that govern statutory construction. [Citation.]'
15 [Citation.] "'The fundamental purpose of statutory construction is to
16 ascertain the intent of the lawmakers so as to effectuate the purpose
17 of the law. [Citations.]'" [Citation.]" (*People v. Superior Court*
18 (*Cervantes*) (2014) 225 Cal.App.4th 1007, 1014, 171 Cal.Rptr.3d 86)
19 Thus, in the case of a provision adopted by the voters, "their intent
20 governs. [Citations.]" (*People v. Jones* (1993) 5 Cal.4th 1142, 1146,
21 22 Cal.Rptr.2d 753, 857 P.2d 1163)

22 Because nowhere in the ballot materials for Proposition 47 was
23 it called to voters' attention the definition of the phrase contained
24 in section 1170.18, subdivision (c) would apply to resentencing
25 proceedings under the Act, we simply cannot conclude voters intended
26 Proposition 47 to alter the Act in that respect.

27 That one of the authors of both measures may have so intended
28 (St. John & Gerber, *Prop. 47 jolts landscape of California justice*
29 *system* (Nov. 5, 2014) Los Angeles Times <http://www.latimes.com/local/politics/la-me-ff-pol-proposition47-20141106-story.html> [as of Oct.
30 27, 2016]; see Stanford Law School Directory—Michael Romano
31 <https://law.stanford.edu/directory/michael-romano/> [as of Oct. 27,
32 2016]) is, in light of the information actually conveyed to voters,
33 of no import (see *People v. Garcia* (2002) 28 Cal.4th 1166, 1175–1176,
34 fn.5, 124 Cal.Rptr.2d 464, 52 P.3d 648; *Kaufman & Broad Communities,*
35 *Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 30,
36 34 Cal.Rptr.3d 520) *People v. Buford* (2016, 5th Dist.) 4 Cal.App.5th
37 886, fn.26

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

48 In 1963, the Legislature added a second statutory exception to
49 the general rule ... at the request of the CYA to provide ...
50 (Citation; *Youth Authority: Extended Time of Detention* (1963) 38
51 State Bar J. 820, 821.) *In re Schmidt* (2006, 6th Dist.) 143
52 Cal.App.4th 694, 706

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

11 The limited legislative history of section 1008 supports this
12 interpretation, suggesting that the statute was enacted to A
13 contemporary commentary states, after reviewing the elements of a
14 claim of prescriptive easement:... (Review of Selected 1965 Code
15 Legislation (Cont.Ed.Bar 1965), pp. 48--49.) *Aaron v. Dunham* (2006,
16 1st Dist.) 137 Cal.App.4th 1244, 1250

17 Section 1283.8 was adopted as part of a comprehensive revision
18 of the 1927 statutory scheme governing arbitration (§ 1280 et seq.).
19 The revision was recommended by the California Law Revision
20 Commission's 1960 Recommendation and Study Relating to Arbitration.
21 The Legislature unanimously enacted section 1283.8 without change,
22 exactly as recommended by the Commission. (Feldman, *Arbitration*
23 *Modernized--The New California Arbitration Act* (1961) 34 So.
24 California L.Rev. 413, fn.1.) *Bosworth v. Whitmore* (2006, 2nd Dist.)
25 135 Cal.App.4th 536, 547 (author letter to Governor)

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

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

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

Under [rule 3(b) as originally enacted], only new trial
proceedings served to extend time to appeal. In view of the general

1 policy favoring applications for relief in the trial court, the
2 draftsman suggested that motions [to vacate] made under Section 663
3 of the Code of Civil Procedure, which are analogous and complementary
4 to new trial motions, should likewise receive the benefits of the
5 extension provisions. (Witkin, New California Rules on Appeal (1943-
6 1944) 17 So.Cal.L.Rev. 79, 96-97, fn. omitted) *Maides v. Ralphs*
7 *Grocery Co.* (2000, 4th Dist.) 77 Cal.App.4th 1363, 1369

8 In 1963, the Legislature adopted the State Bar's amendment
9 almost verbatim.... Since the Legislature enacted the State Bar's
10 proposal almost verbatim, the State Bar's report may be used as an
11 interpretive aid.... *Dowden v. Superior Court* (1999, 4th Dist.) 73
12 Cal.App.4th 126, 132-133

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

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

The Legislative file contains several newspapers articles
concerning early contract renewals of school district and other
government officials, as well as the settlement Though normally
such articles are of little value (see *Bermudez v. Municipal Court*
(1992) 1 Cal.4th 855, 864, fn.6, 4 Cal.Rptr.2d 609, 823 P.2d 1210),
the committee reports reveal that the Legislature took into
consideration several instances of what were considered excessively
high buy-outs of such contracts in implementing the limitations of
sections 53260 and 53261. Further, the Legislature expressly
considered, but rejected, having the statutory limitations apply only
to circumstances in which the parties mutually agreed to terminate
the contract, presumably instances not involving the employee's
assertion of legal claims or causes of action. *Unzueta v. Ocean View*
School Dist. (1992) 6 Cal.App.4th 1689, 1696-1697

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

1 *Diamond Multimedia Systems, Inc. v. Superior Court* (1999) 19 Cal.4th 1036, 1056, fn.16; *People v.*
2 *Tanner* (1979) 24 Cal.3d 514, 547-549 (news article); *Stop Youth Addiction, Inc. v. Lucky Stores, Inc.*
3 (1998) 17 Cal.4th 553, 571; *Broughton v. Cigna Healthplans* (1999) 21 Cal.4th 1066, 1077; *Fairmont*
4 *Insurance Co. v. Superior Court (Stendell)* (2000) 22 Cal.4th 245, 254; *Lexin v. Superior Court* (2010)
5 47 Cal.4th 1050, 1080, as modified Apr. 22, 2010; *People v. Robinson* (2010) 47 Cal.4th 1104, 1139;
6 *Coito v. Superior Court* (2012) 54 Cal.4th 480, 490; *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1371;
7 *Loeffler v. Target Corp.* (2014) 58 Cal.4th 1081, 1116; *Lee v. Hanley* (2015) 61 Cal.4th 1225, 1234;
8 *Johnson v. Department of Justice* (2015) 60 Cal.4th 871; *People v. Vidana* (2016) 1 Cal.5th 632; *City*
9 *of Montebello v. Vasquez* (2016) 1 Cal.5th 409; *Prop. Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th
10 151; *In re R.T.* (2017) 3 Cal.5th 622, 631; *Williams & Fickett v. County of Fresno* (2017) 2 Cal.5th
11 1258, 1270; *Kabran v. Sharp Mem'l Hosp.* (2017) 2 Cal.5th 330, 345

12 *Federal National Mortgage Assn. v. Bugna* (1997, 4th Dist.) 57 Cal.App.4th 529, 539; *John Hancock*
13 *Mutual Life Insurance Co. v. Greer* (1998, 1st Dist.) 60 Cal.App.4th 877, 882, 884; *Covarrubias v.*
14 *Superior Court* (1998, 6th Dist.) 60 Cal.App.4th 1168, 1181; *People v. Maldonado* (1999, 4th Dist.) 72
15 Cal.App.4th 588, 595, fn.4; *In re Polk* (1999, 1st Dist.) 71 Cal.App.4th 1230, 1235; *Oldham v.*
16 *California Capital Fund, Inc.* (2003, 5th Dist.) 109 Cal.App.4th 421, 429, fn.7; *Violante v.*
17 *Communities Southwest Development & Construction Co.* (2006, 4th Dist.) 138 Cal.App.4th 972, 977
18 (denied media and law review article); *People v. McNeal* (2007, 4th Dist.) 66 Cal.Rptr.3d 212, 222-
19 223; *Chosak v. Alameda County Medical Center* (2007, 1st Dist.) 153 Cal.App.4th 549, 563; *Simpson*
20 *Strong-Tie Company, Inc. v. Gore* (2008, 6th Dist.) 162 Cal.App.4th 737, 757; *Fiscal v. City and*
21 *County of San Francisco* (2008, 1st Dist.) 158 Cal.App.4th 895, 913; *Benson v. Workers' Compensation*
22 *Appeals Board* (2009, 1st Dist.) 170 Cal.App.4th 1535; *Qualified Patients Assn. v. City of Anaheim*
23 (2010, 4th Dist., Div. 3) 187 Cal.App.4th 734; *Fireman's Fund Ins. Co. v. Superior Court* (2011, 2nd
24 Dist., Div. 3) 196 Cal.App.4th 1263, 1278; *In re E.S.* (2011, 4th Dist., Div. 2) 196 Cal.App.4th 1329,
25 1338, as modified on denial of rehearing July 20, 2011; *People v. Colvin* (2012, 2nd Dist., Div. 3)
26 203 Cal.App.4th 1029, 1038; *People v. Wahidi* (2013, 2nd Dist., Div. 7) 222 Cal.App.4th 802, 807;
27 *Jolley v. Chase Home Fin., LLC* (2013, 1st Dist., Div. 2) 213 Cal.App.4th 872, 902, as modified on
28 denial of rehearing Mar. 7, 2013; *Donorovich-Odonnell v. Harris* (2015, 4th Dist., Div. 1) 241
Cal.App.4th 1118, 1130; *Doolittle v. Exch. Bank* (2015, 1st Dist., Div. 3) 241 Cal.App.4th 529, 540,
as modified on denial of rehearing Nov. 4, 2015; *Monterossa v. Superior Court* (2015, 3rd Dist.) 237
Cal.App.4th 747; *Santos v. Brown* (2015, 3rd Dist.) 238 Cal.App.4th 398; *People v. Chavez* (2016, 3rd
Dist.) 5 Cal.App.5th 110, aff'd on other grounds, 4 Cal.5th 771 (2018); *People v. Buford* (2016, 5th
Dist.) 4 Cal.App.5th 886; *ZF Micro Devices, Inc. v. TAT Capital Partners, Ltd.* (2016, 6th Dist.) 5
Cal.App.5th 69, 85, as modified Nov. 30, 2016; *Cornell v. City & County of San Francisco* (1st Dist.,
Div. 4) 17 Cal.App.5th 766, as modified Nov. 17, 2017, review denied Feb. 28, 2018; *Julian v. Mission*
Cnty. Hosp. (2017, 2nd Dist., Div. 7) 11 Cal.App.5th 360, 397, as modified on denial of rehearing May
23, 2017; *California Taxpayers Action Network v. Taber Constr., Inc.* (2017, 1st Dist., Div. 2) 12
Cal.App.5th 115, 132 (Ct. App. 2017); *People v. Paz* (2017, 2nd Dist., Div. 3) 10 Cal.App.5th 1023,
1031; *California Chamber of Commerce v. State Air Res. Bd.* (2017, 3rd Dist.) 10 Cal.App.5th 604, 623;
Pacific Gas & Electric Co. v. Superior Court (2017, 1st Dist., Div. 2) 10 Cal.App.5th 563, 573, as
modified on denial of rehearing Apr. 20, 2017; *Merced Irrigation Dist. v. Superior Court* (2017, 5th
Dist.) 7 Cal.App.5th 916, 928; *People v. Epperson* (2017, 1st Dist., Div. 5) 7 Cal.App.5th 385, 391

14. House Journals and Final Histories:

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

Also revealing of intent is the fact the Legislature considered legislation amending section 4685 at the same time it considered 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. (1991-1992 Reg. Sess.) pp 381-382; Sen. Bill No. 1383, 2 Sen. Final Hist. (1991-1992 Reg. Sess.) p. 1000.) *Clemente v. Amundson* (1998, 3rd Dist.) 60 Cal.App.4th 1094, 1106

Moreover, we have independently examined the legislative history of Section 170.3(d) which makes it abundantly clear that the 1984 revision of the challenge for cause statute, of which this section is part, was to have no effect on the preemptory challenge

1 statute. The Senate Final History of Senate Bill 1633 which amended
the statute specifically notes:... *Woodman v. Superior Court* (1987)
196 Cal.App.3d 407, 413

2 It will also examine evidence of legislative intent printed in the Senate
3 or Assembly Journals. In the early decades of the State, the appendices to the
4 Journals contained committee reports and annual reports of state agencies to the
5 Governor. In *City of Berkeley v. Superior Court* (1999) 26 Cal.3d 515, 530, fn.15,
6 the court was analyzing an enactment of 1868, and looked to the Governor's
7 Message to the Legislature, the Annual Report of the Attorney General, and a
8 Special Committee Report found in the appendices to the Journals, circa 1867-
9 1870. (Id, pages 529-530, and page 530, fn.15) In other cases the Courts have
10 acted similarly:

11 On July 14, 1983, the Senate Committee on the Judiciary
12 published a report in the Senate Journal stating *Estate of*
Saueressig (2006) 38 Cal.4th 1045, 1050, fn.6

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

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

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

24 *County of Yolo v. Colgan* (1901) 132 Cal. 265; *County of Los Angeles v. State* (1987) 43 Cal.3d 46, 51,
25 fn.2; *People v. Jeffers* (1987) 43 Cal.3d 984, 996; *People v. Superior Court (Romero)* (1996) 13
Cal.4th 497, 504, 520, 528; *In re Jorge M.* (2000) 23 Cal.4th 866, 874; *Lantzy v. Centex Homes* (2003)
26 31 Cal.4th 363, 376-7; *Lu v. Hawaiian Gardens Casino, Inc.* (2010) 50 Cal.4th 592, 598-601, fn.4 and
fn.5; *Ralphs Grocery Co. v. United Food and Commercial Workers Union Local 8* (2012) 55 Cal.4th 1083,
1105; *Am. Nurses Assn. v. Torlakson* (2013) 57 Cal.4th 570, 580; *People v. Vidana* (2016) 1 Cal.5th 632

27 -----
In re Marriage of Martinez (1984) 156 Cal.App.3d 20, 28; *People v. Monroe* (1993, 1st Dist.) 12
28 Cal.App.4th 1174, 1184; *Joyce G. v. Superior Court* (1995, 3rd Dist.) 38 Cal.App.4th 1501, 1510, fn.7;

1 *People v. Ramos* (1996, 5th Dist.) 50 Cal.App.4th 810, 821; *People v. Butler* (1996, 2nd Dist.) 43
2 Cal.App.4th 1224, 1236; *People v. Mejia* (1999, 4th Dist.) 72 Cal.App.4th 1269, 1273, fn.2 (Dissent);
3 *People v. Patterson* (1999, 3rd Dist.) 72 Cal.App.4th 438, 442-443; *Landau v. Superior Court (Medical*
4 *Board of California)* (2000, 1st Dist.) 81 Cal.App.4th 191, 205; *In re Danny H.* (2002, 2nd Dist.) 104
5 Cal.App.4th 92, 102, fn.19; *Smith v. Santa Rosa Police Department* (2002, 1st Dist.) 97 Cal.App.4th
6 546, 557; *Violante v. Communities Southwest Development & Construction Co.* (2006, 4th Dist.) 138
7 Cal.App.4th 972, 977 (final history); *Slocum v. State Bd. of Equalization* (2005, 1st Dist.) 134
8 Cal.App.4th 969, 977 (Constitution Revision Commission Task Force from Journal); *Bullard v.*
9 *California State Automobile Assn.* (2005, 3rd Dist.) 129 Cal.App.4th 211, 219 (final history);
10 *Gravillis Jr. v. Coldwell Banker Residential Brokerage Company* (2006, 2nd Dist.) 143 Cal.App.4th 761,
11 778-779; *Petropoulos v. Department of Real Estate* (2006, 1st Dist.) 142 Cal.App.4th 554, 562-563;
12 *People v. James* (2009, 3rd Dist.) 174 Cal.App.4th 662; *City of Los Angeles v. Glendora Redevelopment*
13 *Project* (2010, 6th Dist.) 185 Cal.App.4th 817; *Maxwell-Jolly v. Martin* (2011, 1st Dist., Div. 2) 198
14 Cal.App.4th 347, 355; *City of Scotts Valley v. County of Santa Cruz* (2011, 1st Dist., Div. 1) 201
15 Cal.App.4th 1, 34, 44, as modified on denial of rehearing Nov. 23, 2011; *Archer v. United Rentals,*
16 *Inc.* (2011, 2nd Dist., Div. 1) 195 Cal.App.4th 807, 820-827, as modified on denial of rehearing June
17 13, 2011; *Borikas v. Alameda Unified School District* (2013, 1st Dist., Div. 1) 214 Cal.App.4th 135,
18 159; *People v. McGowan* (2015, 2nd Dist., Div. 5) 242 Cal.App.4th 377, 384, as modified Dec. 8, 2015;
19 *In re Aurora P.* (2015, 1st Dist., Div. 5) 241 Cal.App.4th 1142, 1158; *Wells Fargo Bank, N.A. v. 6354*
20 *Figarden General Partnership* (2015, 5th Dist.) 238 Cal.App.4th 370; *Montgomery v. GCFs, Inc.* (2015,
21 1st Dist., Div. 5) 237 Cal.App.4th 724, 731; *In re C.B.* (2016, 1st Dist., Div. 3) 2 Cal.App.5th 1112,
22 aff'd, 6 Cal.5th 118 (2018); *Center for Biological Diversity v. Department of Fish & Wildlife* (2016,
23 2nd Dist., Div. 5) 1 Cal.App.5th 452; *In re J.C.* (2016, 1st Dist., Div. 1) 246 Cal.App.4th 1462;
24 *People v. McCarthy* (2016, 1st Dist., Div. 5) 244 Cal.App.4th 1096, 1107; *PGA W. Residential Assn.,*
25 *Inc. v. Hulven Internat., Inc.* (2017, 4th Dist., Div. 2) 14 Cal.App.5th 156, 174, as modified Aug.
26 23, 2017; *People v. Guzman* (2017, 2nd Dist., Div. 3) 11 Cal.App.5th 184, 195, aff'd, 8 Cal.5th 673
27 (2019)

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

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

15 "Unpassed bills, as evidences of legislative intent, have
16 little value." (*Dyna-Med, Inc. v. Fair Employment & Housing Comm.*
17 (1987) 43 Cal.3d 1379, 1396, 241 Cal.Rptr. 67, 743 P.2d 1323) *People*
18 *v. Wade* (2016) 63 Cal.4th 137

19 Although proposed legislation may fail for many reasons, and
20 only limited inferences can be drawn when a bill fails (see *Granberry*
21 *v. Islay Investments* (1995) 9 Cal.4th 738, 746, 38 Cal.Rptr.2d 650,
22 889 P.2d 970), we found this legislative history telling. The
23 repeated "defeat of attempts to impose more stringent environmental
24 review requirements on land use initiatives provide[d] ...
25 corroboration that the Legislature did not intend such requirements
26 to obstruct the exercise of the right to amend general plans by
27 initiative." (*DeVita, supra*, 9 Cal.4th at p. 795, 38 Cal.Rptr.2d
28 699, 889 P.2d 1019) *Tuolumne Jobs & Small Business Alliance v.*
Superior Court (2014) 59 Cal.4th 1029, 1040

23 First, the Workers' Compensation Insurance Rating Bureau of
24 California (WCIRB) prepared a cost analysis report for the
25 Legislature, which is part of the official legislative history of
26 Assembly Bill No. 749 (2001-2002 Reg. Sess.), in which the indexing
27 of disability benefits proposed in the new legislation was summarized
28 and analyzed. (WCIRB, Preliminary Evaluation of Assembly Bill No. 749
as Amended January 31, 2002 (Feb. 1, 2001) pp. 1-2.) *Baker v.*
Workers' Compensation Appeals Board (2011) 52 Cal.4th 434, 447

From 1929 to 1973, former section 351 (along with former
section 352) remained strictly "notice" statutes. (See *Cal. Drive-in*

1 *Restaurant Assn. v. Clark* (1943) 22 Cal.2d 287, 293, 140 P.2d 657 ...
2 The former statute did not refer to "[e]very gratuity" as being the
3 "sole property" of an employee or employees; the Legislature added
4 this language in 1973. (Stats. 1973, ch. 879, § 1, p. 1611.) This
5 language, which has largely remained unchanged to date, in fact
6 originated in 1972 legislation that was not passed. (See Assem. Bill
7 No. 78 1 Assem. J. (1972 Reg. Sess.) p. 120; *Henning, supra*, 46
8 Cal.3d at pp. 1273-1274, 252 Cal.Rptr. 278, 762 P.2d 442.) While
9 unpassed legislation ordinarily reveals very little regarding
10 legislative intent (see *People v. Mendoza* (2000) 23 Cal.4th 896, 921,
11 98 Cal.Rptr.2d 431, 4 P.3d 265), we have recognized that Assembly
12 Bill No. 78 is "the ultimate source of section 351 in its current
13 form." (*Henning, supra*, 46 Cal.3d at p. 1278, 252 Cal.Rptr. 278, 762
14 P.2d 442)

15 In general, Assembly Bill No. 78 "was introduced by the author
16 [Assemblyman Leroy F. Greene] when he learned that ... (Sen. Com. on
17 Industrial Relations, analysis of Assem. Bill No. 78 (1972 Reg.
18 Sess.) as amended June 5, 1972, p. 1; see *Henning, supra*, 46 Cal.3d
19 at p. 1278, 252 Cal.Rptr. 278, 762 P.2d 442.) Assembly Bill No. 78
20 would have prohibited employers from taking any part of an employee's
21 gratuity, without exception. (Assem. Bill No. 78 1 Assem. J. (1972
22 Reg. Sess.) p. 120.) *Lu v. Hawaiian Gardens Casino, Inc.* (2010) 50
23 Cal.4th 592, 598-601, fn.5

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

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

...

Reform of the apportionment process was originally proposed as
part of Even in the text and committee analyses of these other
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

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

Despite this 1967 legislation, members of the building industry
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 As evidences of legislative intent they have little value."
(*Sacramento Newspaper Guild v. Sacramento Board of Supervisors* (1968)
263 Cal.App.2d 41, 58, 69 Cal.Rptr. 480; cited with approval by *Dyna-*
4 *Med, Inc. v. Fair Employment & Housing Comm.* (1987) 43 Cal.3d 1379,
1396, 241 Cal.Rptr. 67, 743 P.2d 1323)

5 The limited circumstances under which an unenacted bill is
relevant, such as where the Legislature has studied an issue or court
6 ruling and thereafter declines to change the law or adopt a new
proposal (see, e.g., *Western Land Office, Inc. v. Cervantes* (1985)
7 175 Cal.App.3d 724, 741, 220 Cal.Rptr. 784; *Seibert v. Sears, Roebuck*
& Co. (1975) 45 Cal.App.3d 1, 17-19, 120 Cal.Rptr. 233), or passes a
8 bill without a specific provision contained in a prior version of the
bill (see, e.g., *People v. Hunt* (1999) 74 Cal.App.4th 939, 947-948,
9 88 Cal.Rptr.2d 524), are not present here. Instead, as in the general
run of cases, it may be said only that "the failure of the
10 Legislature to enact the proposed bill, in one form or another, is
some evidence that the Legislature does not consider it necessary or
proper or expedient to enact such legislation." (*Sterling v. City of*
11 *Oakland* (1962) 208 Cal.App.2d 1, 6, 24 Cal.Rptr. 696) *California*
Chamber of Commerce v. State Air Resources Bd. (2017, 3rd Dist.) 10
12 Cal.App.5th 604, 623, fn.15

13 While "[p]rior unpassed bills generally have little value in
showing legislative intent" (*Medical Board v. Superior Court* (2003)
14 111 Cal.App.4th 163, 181, 4 Cal.Rptr.3d 403), here the predecessor
bills are instructive. This is because the Assembly Committee on
15 Judiciary acknowledged the relationship between Assembly Bill 1 and
its predecessor bills, stating that Assembly Bill 1 "incorporates the
16 concepts or language of the following assembly bills introduced
during the regular or special session," referencing Assem. Bills 21
17 and 27. Since the adopted bill, Assembly Bill 1, incorporated "the
concepts or language" of the prior bills, it is not unreasonable to
18 conclude the legislative intent to extend the statute's reach to
future damages was adopted as well. *Cuevas v. Contra Costa County*
19 (2017, 1st Dist., Div. 1) 11 Cal.App.5th 163, 177

20 Garnes also asks us to consider the legislative history of a
similar, but not identical, predecessor bill, Senate Bill No. 1678,
21 which was proposed in 2002 by Senator Richard Polanco but which,
after a number of amendments, ultimately failed to pass out of
22 committee. We decline to do so because neither house of the
Legislature passed Senate Bill No. 1678, and the history that
23 surrounds it thus "cannot be deemed a reliable and clear indication
of the Legislature's intent" two years later, when the Legislature
enacted AB 2692. (See *Medical Bd. v. Superior Court* (2003) 111
24 Cal.App.4th 163, 181-182, 4 Cal.Rptr.3d 403.) *California Fair Plan*
Assn. v. Garnes (2017, 1st Dist., Div. 2) 11 Cal.App.5th 1276, 1295
25 (Ct. App. 2017), as modified on denial of rehearing June 14, 2017

26 First of all, "[u]npassed bills, as evidences of legislative
intent, have little value." (*Dyna-Med, Inc. v. Fair Employment &*
27 *Housing Comm.* (1987) 43 Cal.3d 1379, 1396, 241 Cal.Rptr. 67, 743 P.2d

28 1323) *People v. ConAgra Grocery Prod. Co.* (2017, 6th Dist.) 17

1 Cal.App.5th 51, 115, rehearing denied Dec. 6, 2017, review denied
2 Feb. 14, 2018, cert. denied sub nom. *ConAgra Grocery Prod. Co. v. California*, 139 S. Ct. 377, 202 L. Ed. 2d 288 (2018), and cert.
3 denied sub nom. *Sherwin-Williams Co. v. California*, 139 S. Ct. 378, 202 L. Ed. 2d 288 (2018)

4 As a general rule, unpassed legislation provides “very limited
5 guidance” when interpreting existing legislation.” (*Joannou v. City of Rancho Palos Verdes* (2013) 219 Cal.App.4th 746, 761, 162
6 Cal.Rptr.3d 158) “However, in some circumstances it may be a reliable
7 indicator of existing legislative intent.” (*Ibid.*) *Lemaire v. Covenant Care California, LLC* (2015, 2nd Dist., Div. 6) 234
8 Cal.App.4th 860, 868

9 Courts “can rarely determine from the failure of the
10 Legislature to pass a particular bill what the intent of the
11 Legislature is with respect to existing law.” (*Ingersoll v. Palmer*
12 (1987) 43 Cal.3rd 1321, 1349, 241 Cal.Rptr. 42, 743 P.2nd 1299, fn.
13 omitted; see *Grupe Development Co. v. Superior Court* (1993) 4 Cal.4th
14 911, 922-923, 16 Cal.Rptr.2nd 226, 844 P.2nd 545; *Dyna-Med, Inc. v. Fair Employment & Housing Comm.* (1987) 43 Cal.3rd 1379, 1396, 241
15 Cal.Rptr. 67, 743 P.2nd 1323 [“Unpassed bills, as evidences of
16 legislative intent, have little value”].)

17 “Opinions of the Legislative Counsel ordinarily are ‘prepared
18 to assist the Legislature in its consideration of pending
19 legislation’ [citation], and therefore such opinions often shed light
20 on legislative intent.” (*St. John’s Well Child & Family Center v. Schwarzenegger* (2010) 50 Cal.4th 960, 982, 116 Cal.Rptr.3rd 195, 239
21 P.3rd 651, italics added.) However, when the Legislative Counsel’s
22 opinion addresses a matter other than pending legislation, such as
23 when the opinion expresses a view concerning the constitutionality of
24 an action taken by another branch of government, “it is entitled to
25 no more weight than the views of the parties.” (*Ibid.* [post-enactment
26 opinion by Legislative Counsel that Governor exceeded his authority
27 in vetoing items in bill entitled to “no more weight than the views
28 of the parties”].) *Southern California Edison Co. v. Public Utilities Comm.* (2014, 2nd Dist., Div. 3) 227 Cal.App.4th 172, 189, as modified
June 18, 2014

19 Moya’s citation to a senate committee report on the prior
20 vetoed bill describing its sponsor’s intent does not assist our
21 review. We recognize “statements by a bill’s sponsor appearing in a
22 committee report have been quoted and relied upon by our Supreme
23 Court in determining the meaning of a statute.” (*Robinson v. City of Chowchilla* (2011) 202 Cal.App.4th 368, 380, fn.3, 134 Cal.Rptr.3d
24 687) However, we cannot rely on the proffered statement in this case
25 because the prior vetoed bill never became law and the proffered
26 statement was not included in the legislative history of the bill
27 that became law. The legislative history of the bill that became law
28 instead quotes the intent of its author, who was different than the
authors of the vetoed bill,... *Department of Corrections & Rehabilitation v. State Personnel Bd.* (2013, 4th Dist., Div. 1) 215
Cal.App.4th 1101, 1111, fn.2

Respondents also point out that on three separate occasions,
the Legislature has failed to pass bills that would explicitly

require a physician to be present to supervise CRNA’s administering

1 anesthesia. However, our Supreme Court has repeatedly cautioned that
2 "[u]npassed bills, as evidences of legislative intent, have little
3 value. [Citations.]" (*Dyna-Med, Inc. v. Fair Employment & Housing*
4 *Comm.* (1987) 43 Cal.3d 1379, 1396, 241 Cal.Rptr. 67, 743 P.2d 1323;
5 accord, *Lolley v. Campbell* (2002) 28 Cal.4th 367, 378-379, 121
6 Cal.Rptr.2d 571, 48 P.3d 1128; *Carter v. California Department of*
7 *Veterans Affairs* (2006) 38 Cal.4th 914, 927, 44 Cal.Rptr.3d 223, 135
8 P.3d 637) *California Society of Anesthesiologists v. Brown* (2012, 1st
9 Dist., Div. 4) 204 Cal.App.4th 390, 404

10 The words ... appear to have been borrowed from Senate Bill
11 289, which had been introduced earlier in the same legislative
12 session but did not pass.... The legislative history of Senate Bill
13 289 makes the intent of this language even more clear.... *Park City*
14 *Services, Inc., v. Ford Motor Company* (2006, 4th Dist.) 144
15 Cal.App.4th 295, 307

16 Ordinarily, the legislative history of bills that fail to pass
17 in the Legislature are entitled to little weight because of the
18 conflicting intentions of the proponents of the legislation and those
19 who voted against it. [Citation.] Here, however, Assembly Bill No.
20 551 [vetoed bill] *did* pass both houses of the Legislature, and
21 therefore the Legislature's intent in passing the legislation can be
22 gleaned from its history.

23 ...
24 Thus, not only the Legislature, but also the governor
25 understood, long after section 1812.5095 was originally enacted, that
26 it was intended to define employment relationships for workers'
27 compensation purposes. As the most recent expression of the meaning
28 of this statute, we give these statements considerable weight. An
29 *Independent Home Support Service, Inc. v. Superior Court (San Diego)*
30 (2006, 4th Dist.) 145 Cal.App.4th 1418, 1434

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

36 What one does not find in the legislative history of AB 1077 is
37 any mention of the There is a related bill, AB 3825, which, at
38 the time (the Spring of 1992) did target But that bill never
39 became law. *Gunther v. Lin* (2007, 4th Dist.) 144 Cal.App.4th 223,
40 244, fn.19

41 Generally speaking, "'[u]npassed bills, as evidences of
42 legislative intent, have little value.' [Citation.]" [Citation.] It
43 is apparent, however, that by enacting Senate Bill No. 3 and
44 rejecting Senate Bill No. 51, which was introduced during the same
45 legislative session, the Legislature (See Sen. Com. on Public
46 Safety, bill analysis of Sen. Bill No. 51 (2003-2004 Reg. Sess.) as
47 introduced, p. 12.) fn.30. *People v. Superior Court (Vidal)* (2005,
48 5th Dist.) 129 Cal.App.4th 434, 466, fn.30 [Review Granted.]

49 Further, the view that the Legislature was proceeding by stages
50 in enacting chapter 478/89 finds support in the history of the nearly

51 identical predecessor to chapter 478/89, Assembly Bill No. 1097. *City*

1 of *Richmond v. Commission on State Mandates* (1998, 3rd Dist.) 64
Cal.App.4th 1190, 1199

2 Section 170.3, subdivision (d) was enacted as part of the
3 overhaul of the system of challenging judges for cause which occurred
4 in 1984 through enactment of Senate Bill 1633 (Stats.1984, ch. 1555,
5 § 7). A virtually identical provision was contained in an
6 unsuccessful predecessor bill, Senate Bill No. 598. Detailed analysis
7 of Senate Bill No. 598 was provided to the Senate Judiciary Committee
8 by Professor Preble Stolz, chair of the State Bar committee which
9 drafted the legislation. Page 15 of that analysis, which has been
10 furnished to us by Legislative Intent Service states:... *People v.*
11 *Jenkins* (1987, 2nd Dist.) 196 Cal.App.3d 394, 404

12 It was when Senate Bill No. 899 emerged from the conference
13 committee that the proposed apportionment provisions first appeared
14 in the current form. (Proposed Conf. Report No. 1 to Sen. Bill No.
15 899 (2003-2004 Reg. Sess.), as proposed April 15, 2004, pp. 88-89,
16 91.) Although the legislative history does not provide any further
17 clarification for the changes, we must conclude that the changes had
18 significance. None of the precursor bills had proposed repeal of
19 former sections 4663 and 4750. (See Assem. Bill No. 1481 (2003-2004
20 Reg. Sess.) as introduced Feb. 21.2003; Sen. Amend. to Sen. Bill No.
21 714 (2003-2004 Reg. Sess.) Apr. 21, 2003; Sen. Amend. to Assem. Bill
22 No. 1579 (2003-2004 Reg. Sess.) July 2, 2003.) Furthermore, all of
23 these precursor bills proposed limiting the Board's reliance....
24 (Assem. Bill No. 1481 (2003-2004 Reg. Sess.) as introduced Feb.
25 21.2003, pp. 3-4, italics added; accord, Sen. Amend. to Sen. Bill No.
26 714 (2003-2004 Reg. Sess.) Apr. 21, 2003, p. 2; Sen. Amend. to Assem.
27 Bill No. 1579 (2003-2004 Reg. Sess.) July 2, 2003, p. 60.) By
28 removing this limitation ... it can be inferred that the Legislature
intended to expand the scope of apportionment to include prior
industrial injuries that had not been the subject of prior
compensation. (Compare Assem. Bill No. 1481 (2003-2004 Reg. Sess.) as
introduced Feb. 21.2003, pp. 3-4 with § 4663, subd. (c).) Had the
Legislature intended apportionment only for prior industrial injuries
that had been the subject of previous awards, it would not have
changed the proposed statutory language. *Benson v. Workers'*
Compensation Appeals Board (2009, 1st Dist.) 170 Cal.App.4th 1535,
1556

20 *Martinez v. Regents of University of California* (2010) 50 Cal.4th 1277; *Conservatorship of John L.*
21 (2010) 48 Cal.4th 131, 148; *McCarther v. Pac. Telesis Grp.* (2010) 48 Cal.4th 104, 116; *In re Greg F.*
22 (2012) 55 Cal.4th 393; *United Teachers of Los Angeles v. Los Angeles Unified School District* (2012)
23 54 Cal.4th 504, 523; *Kirby v. Immoos Fire Protection, Inc.* (2012) 53 Cal.4th 1244, 1255; *American*
Nurses Assn. v. Torlakson (2013) 57 Cal.4th 570, 580; *Apple, Inc. v. Superior Court* (2013) 56 Cal.4th
24 128, 146; *Verdugo v. Target Corp.* (2014) 59 Cal.4th 312, 332; *Brown v. Superior Court* (2016) 63
25 Cal.4th 335; *Williams & Fickett v. County of Fresno* (2017) 2 Cal.5th 1258, 1270

24 *People v. Prothero* (1997, 3rd Dist.) 57 Cal.App.4th 126, 134; *Muller v. Automobile Club of So.*
25 *California* (1998, 4th Dist.) 61 Cal.App.4th 431, 441, 442; *In re Carr* (1998, 2nd Dist.) 65
26 Cal.App.4th 1525, 1532, 1533; *People v. Munoz* (2001, 2nd Dist.) 87 Cal.App.4th 239, 244; *Faulder v.*
Mendocino County Board of Supervisors (2006, 1st Dist.) 144 Cal.App.4th 1362, 1374-5; *Doe v. Saenz*
27 (2006, 1st Dist.) 140 Cal.App.4th 960, 986; *People v. Park* (2010), disapproved of by *People v. Gray*,
204 Cal.App.4th 1041, 139 Cal.Rptr.3d 489 (2012) 187 Cal.App.4th Supp. 9, 13-15; *All One God Faith,*
Inc. v. Organic & Sustainable Indus. Standards, Inc. (2010, 1st Dist., Div. 5) 183 Cal.App.4th 1186,
28 1214; *Sabi v. Sterling* (2010, 2nd Dist., Div. 8) 183 Cal.App.4th 916, 928; *Arce v. Kaiser Foundation*
Health Plan, Inc. (2010, 2nd Dist., Div. 7) 181 Cal.App.4th 471, 484-485; *Ni v. Slocum* (2011, 1st
Dist., Div. 1) 196 Cal.App.4th 1636, 1650; *Union of American Physicians & Dentist v. Brown* (2011, 1st
Dist., Div. 5) 195 Cal.App.4th 691, 701; *Chino MHC, LP v. City of Chino* (2012, 4th Dist., Div. 2) 210

Cal.App.4th 1049, 1068; *Joannou v. City of Rancho Palos Verdes* (2013, 2nd Dist.) 219 Cal.App.4th 746,

758-59; *Borikas v. Alameda Unified School District* (2013, 1st Dist., Div. 1) 214 Cal.App.4th 135, 159; *Alejo v. Torlakson* (2013, 1st Dist., Div. 2) 212 Cal.App.4th 768, 792; *Rea v. Blue Shield of California* (2014, 2nd Dist., Div. 1) 226 Cal.App.4th 1209, 1224, as modified on denial of rehearing July 9, 2014; *In re J.C.* (2016, 1st Dist., Div. 1) 246 Cal.App.4th 1462; *McGee v. Balfour Beatty Construction, LLC* (2016, 2nd Dist., Div. 8) 247 Cal.App.4th 235; *In re Donovan L.* (2016, 4th Dist., Div. 1) 244 Cal.App.4th 1075, 1089; *California Taxpayers Action Network v. Taber Constr., Inc.* (2017, 1st Dist., Div. 2) 12 Cal.App.5th 115, 132 (Ct. App. 2017)

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

a. **California Supreme Court:**

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

Defendant seeks judicial notice of various legislative materials concerning section 186.22. Exhibits A through C, which counsel obtained from the Legislative Intent Service, reflect statements made by the author of the bill that would become section 186.22. Exhibit A is a copy of a letter written by the author to a committee chairperson, exhibit B reflects the author's statements to the Senate, and exhibit C shows the author's statements to the Senate Judiciary Committee. We deny judicial notice as to these items, which, "although bearing a Legislative Intent Service stamp, are not certified copies." (*In re Marriage of Pendleton & Fireman* (2000) 24 Cal.4th 39, 47, fn.6, 99 Cal.Rptr.2d 278, 5 P.3d 839; see *Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 46, fn.9, 77 Cal.Rptr.2d 709, 960 P.2d 513 (*Quelimane Co.*); Evid.Code, §§ 1401, 1530.) Further, "the views of individual legislators as to the meaning of a statute rarely, if ever, are relevant...." (*Quelimane Co.*, at pp. 45-46, fn.9, 77 Cal.Rptr.2d 709, 960 P.2d 513)

Exhibits D, E, and G are copies of Legislative Counsel's summary digests of the Senate and Assembly versions of the bill and the final versions enacted by the Legislature. "A request for judicial notice of published material is unnecessary." (*Quelimane Co.*, *supra*, 19 Cal.4th at pp. 45-46, fn.9, 77 Cal.Rptr.2d 709, 960 P.2d 513) We considered similar materials in *People v. Albillar* (2010) 51 Cal.4th 47, 119 Cal.Rptr.3d 415, 244 P.3d 1062 and *People v. Castenada* (2000) 23 Cal.4th 743, 97 Cal.Rptr.2d 906, 3 P.3d 278 with respect to section 186.22 without taking judicial notice of them. (See *Albillar*, at pp. 56-57, 119 Cal.Rptr.3d 415, 244 P.3d 1062; *Castenada*, at pp. 749-750, 97 Cal.Rptr.2d 906, 3 P.3d 278) "We therefore consider the request for judicial notice as a citation to those materials that are published." (*Quelimane Co.*, at pp. 45-46, fn.9, 77 Cal.Rptr.2d 709, 960 P.2d 513)

Finally, exhibit F is a copy of a report dated September 27, 1988, from the Legislative Counsel to the Governor regarding the

1 enrolled bill. As we have verified the authenticity of this item from
2 legislative history materials in our possession, we grant defendant's
3 judicial notice request as to exhibit F only. (See *Hisel v. County of*
4 *Los Angeles* (1987) 193 Cal.App.3d 969, 978, fn.13, 238 Cal.Rptr. 678
5 [noting that the Legislative Counsel's report to the Governor
6 regarding an enrolled bill is judicially noticeable]) *People v.*
7 *Rodriguez* (2012) 55 Cal.4th 1125, 1129

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

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

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

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

23 In 2004, the court reiterated and clarified the CTA case in *Martin v. Szeto*
24 (2004) 32 Cal.4th 445:

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

29 The Court in a June, 2006 opinion addresses statements or letters of an
30 author. The documents are evaluated to determine whether they can be regarded as

1 evidence of legislative intent. Factors in that evaluation process are
2 enunciated:

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

12 ...
13 Senator Watson appears to have thought that provisions did not
14 include customer harassment. On June 22, 1984, she wrote to the
15 California Manufacturers Association, stating in relevant part:... We
16 find this letter less persuasive because it reflects one legislator's
17 personal opinion of the provision at issue. In general a legislator's
18 personal understanding of a bill does not indicate the Legislature
19 collective intent in enacting that bill. [Citation.] *Carter v.*
20 *California Department of Veteran's Affairs* (2006) 38 Cal.4th 914,
21 928-9

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

24 **i. Author's Letter to the Governor:**

25 This statement is from a letter written by the bill's sponsor,
26 and sent before the Governor signed the bill into law. While there
27 are often limits to what an interpreter may reasonably infer from an
28 individual legislator's letter (e.g., *In re Marriage of Bouquet*
(1976) 16 Cal.3d 583, 589-590, 128 Cal.Rptr. 427, 546 P.2d 1371), we
have considered letters expressing the views of a bill's sponsor
where those views are fully consonant with the statutory language and
the history of the legislation. (*Harrott v. County of Kings* (2001) 25
Cal.4th 1138, 1162, fn.4, 108 Cal.Rptr.2d 445, 25 P.3d 649 [looking
to a letter from a bill's sponsor to the Governor, where that letter
accorded with the statutory language and other pieces of legislative
history].) This letter tends to support our determination—rooted in
considerations of section 3362's text, structure, and operation in
the larger workers' compensation scheme—that section 3362 does not
apply to regularly sworn, salaried peace officers. *Larkin v. Workers'*
Compensation Appeals Bd. (2015) 62 Cal.4th 152, 164

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 We recognize that "statements [in letters to the governor]
2 about pending legislation are entitled to consideration to the extent
3 they constitute 'a reiteration of legislative discussion ... rather
4 than merely an expression of personal opinion.'" (*Martin v. Szeto*
5 (2004) 32 Cal.4th 445, 450-451, 9 Cal.Rptr.3d 687, 84 P.3d 374) The
6 statement here is consistent with the discussion in legislative
7 analyses about the purpose of the bill. *People v. Grays* (2016, 1st
8 Dist., Div. 5) 246 Cal.App.4th 679, 688

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

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

18 *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211, 219, fn.9; *Mercy Hospital and*
19 *Medical Center v. Farmers Insurance Group of Companies* (1997) 15 Cal.4th 213, 222; *Drouet v. Superior*
20 *Court (Broustis)* (2003) 31 Cal.4th 583, 598, fn.4; *Simpson Strong-Tie Co. v. Gore* (2010) 49 Cal.4th
21 12, 29; *Runyon v. Board of Trustees of California State University* (2010) 48 Cal.4th 760, 770;
22 *Shalant v. Girardi* (2011) 51 Cal.4th 1164, 1175, fn.7; *In re Ethan C.* (2012) 54 Cal.4th 610, 629;
23 *Coito v. Superior Court* (2012) 54 Cal.4th 480, 490; *People v. Park* (2013) 56 Cal.4th 782, 796; *Lee v.*
24 *Hanley* (2015) 61 Cal.4th 1225, 1234; *Johnson v. Department of Justice* (2015) 60 Cal.4th 871; *People*
25 *v. Rodriguez* (2016) 1 Cal.5th 676, 689

26 -----
27 *People v. Costella* (2017, 4th Dist., Div. 2) 11 Cal.App.5th 1, 7

28 **ii. Author comments from Committee bill files:**

The author, Senator Kopp, explained: "... (Sen. Kopp, Sen.
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

White v. Ultramar, Inc. (1999) 21 Cal.4th 563, 572, fn.3. The
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)

iii. Author's statements and letters:

"[T]he statements of an individual legislator, including the
author of a bill, are generally not considered in construing a
statute, as the court's task is to ascertain the intent of the
Legislature as a whole in adopting a piece of legislation." (*Quintano*
v. Mercury Casualty Co. (1995) 11 Cal.4th 1049, 1062, 48 Cal.Rptr.2d
1, 906 P.2d 1057) *People v. Wade* (2016) 63 Cal.4th 137

Defendants also cite the statement at an April 1974 press
conference of former Assembly member John Knox, who cosponsored the
Knox-Keene Act. The statement, which did not identify the proposed
legislation by bill number, apparently related not to Assembly Bill
No. 138, which was introduced in December 1974, but to Assembly Bill

1 No. 3385 (1983-1984 Reg. Sess.), which dealt with the same subject and
2 which former Assemblymember Knox introduced the day before the press
conference. *People v. Cole* (2006) 38 Cal.4th 964, 988, fn.20

3 In arguing that ... SSB relies upon a letter written by
4 Assembly Speaker Jesse Unruh, the principal author of the 1967
5 invasion-of-privacy statute, in which he refers to an amendment to
6 the 1967 act that he was considering introducing in the Legislature.
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
contention.

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

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

12 ... Several of the legislators debating the WCEA seemed to
13 think so. fn.3 - (See, e.g., Remarks of Sen. Speier, Sen. Floor
14 Debate on Sen. Bill No. 41 (1999-2000 Reg. Sess.) Apr. 12, 1999, pp.
15 7-8 [floor statement of Senator Speier asserting that Remarks of
Sen. Speier, Sen. Floor Debate on ... floor statement of Senator
Speier arguing that *Catholic Charities of Sacramento, Inc. v.*
Superior Court (Department of Managed Health Care) (2004) 32 Cal.4th
527, 579 (Dissent)

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

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

21 We have acknowledged that floor statements provide cognizable
22 legislative history of a bill. (*Kaufman & Broad Communities, Inc. v.*
Performance Plastering, Inc. (2005) 133 Cal.App.4th 26, 31-32, 34
23 Cal.Rptr.3d 520 (Kaufman)) *California Chamber of Commerce v. State*
Air Res. Bd. (2017, 3rd Dist.) 10 Cal.App.5th 604, 623

24 The People point to language in a press release issued by the
25 bill's author after the bill's enactment. (See *People v. Owen* (1991)
26 226 Cal.App.3d 996, 1005, 277 Cal.Rptr. 341 (Owen) [quoting Oct. 1,
1984 press release]; Stats. 1984, ch. 1666, § 1 [enacted Sept. 30,
1984]) We note this press release is of questionable value for
27 purposes of legislative history. (See *California Highway Patrol v.*
Superior Court (2006) 135 Cal.App.4th 488, 501, 38 Cal.Rptr.3d 16
28 ["The views of an individual legislator or staffer concerning the
interpretation of legislation may not properly be considered part of
a statute's legislative history, particularly when the views are

1 offered after the statute has already been enacted."].) However, as
2 discussed *post*, the same language appears in pre-enactment committee
reports. *People v. Grays* (2016, 1st Dist., Div. 5) 246 Cal.App.4th
3 679, 688

4 See also: *Fernandez v. Lawson* (2003) 31 Cal.4th 31, 43 (concurrency); *People v. Villatoro* (2012) 54
Cal.4th 1152, 1163; *Sterling Park, L.P. v. City of Palo Alto* (2013) 57 Cal.4th 1193, 1209

5 **iv. Author Comment Quoted or Paraphrased in Analysis:**

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

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

12 **v. Author Letter Printed in Journal:**

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

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

19 -----
20 *Walnut Valley Unified School District v. Superior Court* (2011, 2nd Dist., Div. 3) 192 Cal.App.4th
234, 243; *City of Clovis v. County of Fresno* (2014, 5th Dist.) 222 Cal.App.4th 1469, 1476, as
modified on denial of rehearing Feb. 13, 2014; *In re Marriage of Lafkas* (2015, 2nd Dist., Div. 5) 237
Cal.App.4th 921

21 **b. First District Court of Appeal:**

22 The First District Court of Appeal, in a decision rendered after the CTA
23 ruling, determined the intention of the Legislature from various historical
24 documents and then quoted extensively from the author's letter to the Governor
25 "Confirming this intent...." *Rogers v. Alvas* (1984) 160 Cal.App.3d 997, 1003. An
26 author's letter was quoted, without comment, in *Blakey v. Superior Court* (1984)
27 153 Cal.App.3d 101, 105; see also *Duty v. Abex Corp.* (1989) 214 Cal.App.3d 742,
28 747 (citing the same letter). The First District, in *F&P Growers Assn. v.*

1 A.L.R.B. (1985) 168 Cal.App.3d 667, 678 made the statement "Declarations of a
2 legislator are admissible as part of legislative history for whatever help it may
3 be."

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

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

19 More recently:

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

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

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

37 Statements of an individual legislator, including the bill's
38 author, are generally not considered in construing a statute.
39 [Citation.] An exception exists, however, when the letter constitutes
40 a "reiteration of legislative discussion and events leading to
41 adoption of proposed amendments rather than merely an expression of
42 personal opinion." [Citations.] The exception applies here because

1 Senator Kopp's letters explain the events leading to the adoption of
2 amended language after Senator Kopp first urged the bill's passage.
3 *People v. Superior Court (Ferguson)* (2005, 1st Dist.) 132 Cal.App.4th
4 1525, 1532

5 Also see *Amberger-Warren v. City of Piedmont* (2006, 1st Dist.) 143 Cal.App.4th 1074, 1082; *Bank of the*
6 *Orient v. Town of Tiburon* (1990, 1st Dist.) 220 Cal.App.3d 992, 1002, fn.11; *Farnow v. Superior Court*
7 (1990, 1st Dist.) 226 Cal.App.3d 481, 490; *Emeryville Redevelopment Agency v. Harcross Pigments, Inc.*
8 (2002, 1st Dist.) 101 Cal.App.4th 1083, 1097; *Smith v. Santa Rosa Police Department* (2002, 1st Dist.)
9 97 Cal.App.4th 546, 559-560, fn.11; *Teamsters Local 856 v. Priceless, LLC* (2003, 1st Dist.) 112
10 Cal.App.4th 1500, 1517; *Friends of Westhaven & Trinidad v. County of Humboldt* (2003, 1st Dist.) 107
11 Cal.App.4th 878, 886; *Bologna v. City and County of San Francisco* (2011, 1st Dist., Div. 3) 192
12 Cal.App.4th 929, 436; *Ventura v. ABM Industries, Inc.* (2012, 2nd Dist., Div. 5) 212 Cal.App.4th 258,
13 281; *McGuire v. Employment Development Department* (2012, 1st Dist., Div. 1) 208 Cal.App.4th 1035,
14 1045; *Duronslet v. Kamps* (2012, 1st Dist., Div. 5) 203 Cal.App.4th 717, 732; *Benson v. Marin County*
15 *Assessment Appeals Board* (2013, 1st Dist., Div. 1) 219 Cal.App.4th 1445, 1457; *Borikas v. Alameda*
16 *Unified School District* (2013, 1st Dist., Div. 1) 214 Cal.App.4th 135, 159; *City of S. San Francisco*
17 *v. Bd. of Equalization* (2014, 1st Dist., Div. 2) 232 Cal.App.4th 707, 715; ; *California Tow Truck*
18 *Assn. v. City & County of San Francisco* (2014, 1st Dist., Div. 4) 225 Cal.App.4th 846, 857; *Building*
19 *Industry Assn. of Bay Area v. City of San Ramon* (2016, 1st Dist., Div. 2) 4 Cal.App.5th 62, 78; *New*
20 *Cingular Wireless PCS, LLC v. Public Utilities Comm.* (2016; 1st Dist., Div. 4) 246 Cal.App.4th 784,
21 803; *Lopez v. Friant & Assocs., LLC* (2017, 1st Dist., Div. 1) 15 Cal.App.5th 773, review denied Jan.
22 10, 2018

23 **c. Second District Court of Appeal:**

24 The Second Dist. Court of Appeal has similarly relied on legislator's
25 statements. The court analyzed a Committee memorandum and an author's letter to
26 the Governor together and decided that the letter was proper for separate bills
27 in *Van De Kamp v. Gumbiner* (1990, 2nd Dist.) 221 Cal.App.3d 1260, 1274, 1276, and
28 1280.

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

... while the legislative history of a statute may be a
legitimate aid in interpreting a statute, "the statements of an
individual legislator, including the author of a bill, are generally
not considered in construing a statute, as the court's task is to
ascertain the intent of the Legislature as a whole in adopting a
piece of legislation." [Citation.]" (*In re Greg F.* (2012) 55 Cal.4th
393, 419, fn.5, 146 Cal.Rptr.3d 272, 283 P.3d 1160; accord, *People v.*
Cruz (1996) 13 Cal.4th 764, 780, fn.9, 55 Cal.Rptr.2d 117, 919 P.2d
731 ["[w]e do not rely ... on evidence of the individual views of
proponents of legislation".]) *PaintCare v. Mortensen* (2015, 2nd
Dist., Div. 7) 233 Cal.App.4th 1292, 1309

Statements by a bill's author as to its intended purpose are
not cognizable evidence of the legislative intent. (See *Kaufman &*
Broad Communities, Inc. v. Performance Plastering, Inc. (2005) 133
Cal.App.4th 26, 37-38, 34 Cal.Rptr.3d 520; *People v. Patterson* (1999)
72 Cal.App.4th 438, 443-444, 84 Cal.Rptr.2d 870) *People v. Bradley*
(2012, 2nd Dist., Div. 8) 208 Cal.App.4th 64, 83

Courts are generally reluctant to rely on the position of one
legislator to reveal legislative intent except, as here when the

1 speaker was the author of the bill and no other interpretations of
2 the statutory language exist. [Citation.] Comments by the author of a
3 bill are properly considered where such comments are before the
4 legislative body and presumably entered into its deliberations in
5 passing the bill. [Citation.] *Wells Fargo Bank v. Bank of America*
6 (1995, 2nd Dist.) 32 Cal.App.4th 424, 434

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

11 More recently:

12 At defendant's request, the author of the legislation amending
13 sections 1098 and 1098.5 submitted a letter to this court concerning
14 his view of the intent underlying the legislation. We rejected the
15 filing, since statements by an individual legislator that were not
16 communicated to the Legislature as a whole are not relevant to a
17 determination of legislative intent, and we have not considered the
18 letter for any purpose. *Marina Pacifica Homeowners Assn. v. S.*
19 *California Fin. Corp.* (2017, 2nd Dist., Div. 8) 11 Cal.App.5th 54, 61

20 "... (Assemblymember Steinberg, letter to Governor Davis re AB
21 2509 (1999-2000 Reg. Sess.), Sep. 8, 2000, p. 2; see *In re Marriage*
22 *of Bouquet* (1976) 16 Cal.3d 583, 590, 128 Cal.Rptr. 427, 546 P.2d
23 1371 [a legislator's statement may be considered when it reiterates
24 legislative discussion and events leading to adoption to proposed
25 amendments, rather than merely expressing a personal opinion].)"
26 *United Parcel Serv. Wage & Hour Cases* (2011, 2nd Dist., Div. 8) 196
27 Cal.App.4th 57, 66

28 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.) 147 Cal.App.4th 1078, 1086, fn.8

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

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

See also *People v. Superior Court (Memorial Medical Center)* (1991, 2nd Dist.) 234 Cal.App.3d 363,
380; *Texas Commerce Bank v. Garamendi* (1992, 2nd Dist.) 11 Cal.App.4th 460, 490; *Arcadia*

1 Redevelopment v. Ikemoto (1993, 2nd Dist.) 16 Cal.App.4th 444, 457; People v. Butler (1996, 2nd
2 Dist.) 43 Cal.App.4th 1224, 1237; Amex Life Insurance Co. v. Superior Court (1996, 2nd Dist.) 48
3 Cal.App.4th 810, 819; Cheyanna M. v. A.C. Nielsen Co. (1998, 2nd Dist.) 66 Cal.App.4th 855,876, 877;
4 Garrett v. Young (2003, 2nd Dist.) 109 Cal.App.4th 1393, 1402; People ex rel. Allstate Ins. Co. v
5 Weitzman (2003, 2nd Dist.) 107 Cal.App.4th 534, 548-9; In re Danny H. (2002, 2nd Dist.) 104
6 Cal.App.4th 92, 103; Ruiz v. Sylva (2002, 2nd Dist.) 102 Cal.App.4th 199, 208, fn.6; People v.
7 Washington (2002, 2nd Dist.) 100 Cal.App.4th 590 594; City of Malibu v. Santa Monica Mountains
8 Conservancy (2002, 2nd Dist.) 98 Cal.App.4th 1379, 1387; Salazar v. Diversified Paratransit, Inc.
9 (2004, 2nd Dist.) 117 Cal.App.4th 318, 327 People v. Miranda (2004, 2nd Dist.) 123 Cal.App.4th 1124,
10 1132; Alch v. Superior Court (Time Warner Entertainment) (2004, 2nd Dist.) 122 Cal.App.4th 339, 364,
11 fn.12; ARP Pharmacy Services, Inc. v. Gallagher Bassett Services, Inc. (2006, 2nd Dist.) 138
12 Cal.App.4th 1307, 1319 (author letter to Governor) [Review Granted]; Bosworth v. Whitmore (2006, 2nd
13 Dist.) 135 Cal.App.4th 536, 547 (author letter to Governor); Benjamin G. v. Special Ed. Hearing
14 Office (Long Beach Unified School Dist.) (2005, 2nd Dist.) 131 Cal.App.4th 875, 882, 883, fn.7;
15 Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co. (2005, 2nd Dist.) 130 Cal.App.4th 890,
16 901 (author letter to governor); People v. Tapia (2005, 2nd Dist.) 129 Cal.App.4th 1153, 1163 (author
17 letter to governor); People v. Price (2007, 2nd Dist.) 155 Cal.App.4th 987, 994-5; California School
18 Employees Assn. v. Torrance Unified School District (2010, 2nd Dist., Div. 3) 182 Cal.App.4th 1040,
19 1045; Fireman's Fund Ins. Co. v. Superior Court (2011, 2nd Dist., Div. 3) 196 Cal.App.4th 1263, 1278;
20 Areso v. CarMax, Inc. (2011, 2nd Dist., Div. 1) 195 Cal.App.4th 996, 1003; Archer v. United Rentals,
21 Inc. (2011, 2nd Dist., Div. 1) 195 Cal.App.4th 807, 820-827, as modified on denial of rehearing June
22 13, 2011; Yu v. University of LaVerne (2011, 2nd Dist., Div. 3) 196 Cal.App.4th 779, 789; United
23 Parcel Service Wage and Hour Cases (2011, 2nd Dist., Div. 8) 196 Cal.App.4th 57, 66; California
24 Insurance Guarantee Assn. v. Workers' Compensation Appeals Board (2012, 2nd Dist., Div. 2) 203
25 Cal.App.4th 1328, 1344; Joannou v. City of Rancho Palos Verdes (2013, 2nd Dist.) 219 Cal.App.4th 746,
26 758-59; Dromy v. Lukovsky (2013, 2nd Dist., Div. 3) 219 Cal.App.4th 278, 284; Velasquez v. Superior
27 Court (2014, 2nd Dist., Div. 3) 227 Cal.App.4th 1471, 1477; Golden State Water Co. v. Casitas
28 Municipal Water Dist. (2015, 2nd Dist., Div. 6) 235 Cal.App.4th 1246, 1257, as modified on denial of
rehearing May 13, 2015; Rubio v. Superior Court (2016, 2nd Dist., Div. 3) 244 Cal.App.4th 459

13 **d. Third District Court of Appeal:**

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

20 Arguing to the contrary, the Commissioner cites a 1976 letter
21 urging the Governor to sign the bill creating Berman hearings, in
22 which Assemblyman Berman said the bill solved Appellants
23 submitted the letter to the trial court. However, the author's letter
24 to the Governor does not constitute cognizable legislative history
25 because the Commissioner cites nothing indicating that the author's
26 view was made known to the Legislature as a whole before it voted on
27 the bill. [Citation.] The letter merely said, "While questions
28 concerning the bill's constitutionality have been raised, I am
satisfied, as are the supporters of the bill, that there are no
constitutional problems in this area." In any event, a legislator's
view about constitutionality is not binding on the judiciary, which
is the final arbiter on this constitutional issue. [Citation.]
Corrales v. Bradstreet (2007, 3rd Dist.) 153 Cal.App.4th 33, 61

27 The Kaufman case quoted appears to supersede the prior case precedent of
28 this district. However, should there be an appropriate matter, in 1986 the Third

1 District took judicial notice of "the floor statement of the sponsoring
2 legislator." *In re Marriage of Siller* (1986) 187 Cal.App.3d 36, 46, fn.6. In
3 2002, the Third District cited to an author's letter to the Governor on a 1988
4 enactment - *Hamilton v. Gourley* (2002, 3rd Dist.) 103 Cal.App.4th 351, 358, fn.1.
5 An author's Committee Statement was referenced in *Lewis v. County of Sacramento*
6 (2001, 3rd Dist.) 93 Cal.App.4th 107, 121, fn.4.

7 *Roy v. Superior Court* (2011, 3rd Dist.) 198 Cal.App.4th 1337, 1351; *McIntyre v. The Colonies-Pac.,*
8 *LLC* (2014, 4th Dist., Div. 1) 228 Cal.App.4th 664, 671

8 **e. Fourth District Court of Appeal:**

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

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

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

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

24 Division 1 of the Fourth District indicated concerning an author's
25 statement: "In determining the legislative intent underlying the passage of a
26 bill, courts may consider the motive or understanding of the author of the bill
27 or other individual legislator if that 'legislator's opinions regarding the
28 purpose of meaning of the legislation were expressed in testimony or argument to

1 either a house of the Legislature or one of its committees,..." *Southbay*
2 *Creditors Trust v. General Motors Acceptance Corp.* (1999, 4th Dist.) 69
3 Cal.App.4th 1068, 1079

4 More recently:

5 "The letter also states, "The provisions of AB 903 were
6 suggested by building industry representatives, the consumer
7 attorneys, legislative counsel, and Assembly and Senate staff
8 familiar with SB 800. All of the changes are non-controversial,
9 consensus changes." (Assembly member Darrell S. Steinberg, letter to
10 Governor Gray Davis, Sept. 16, 2003.) The letter may be considered in
11 ascertaining legislative intent since it reflects "'a reiteration of
12 legislative discussion and events leading to adoption of proposed
13 amendments rather than merely an expression of personal opinion.'" *(Martin v. Szeto*
14 *(2004) 32 Cal.4th 445, 450-451, 9 Cal.Rptr.3d 687,*
15 *84 P.3d 374) Acqua Vista Homeowners Assn. v. MWI, Inc.* (2017, 4th
16 Dist., Div. 1) 7 Cal.App.5th 1129, 1153

17 In contrast, there is nothing in the legislative history to
18 suggest that the Legislature intended Citizens relies on the
19 following quotation from the Enrolled Bill Report: "The author's
20 staff explained that ... is being introduced to" [Citation.]
21 However, the intention of the bill author in introducing the bill is
22 not indicative the Legislature's intent in passing the bill. *Hesperia*
23 *Citizens for Responsible Development v. City of Hesperia* (2007, 4th
24 Dist.) 151 Cal.App.4th 653, 662

25 Added support for that conclusion is found in the letter from
26 the bill's author, Bruce Bronzan, to Governor Wilson urging him to
27 sign the bill: ... *Gunther v. Lin* (2006, 4th Dist.) 144 Cal.App.4th
28 223, 243

Consistently, in a post-passage letter sent to the Governor,
the author of the bill stated the bill codified The letter
further indicated that the bill, (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.) 135 Cal.App.4th 1072, 1081 [Review
Granted]

See also: *People v. Cherry* (1989) 209 Cal.App.3d 1131, 1135; *City of Poway v. City of San Diego*
(1991, 4th Dist.) 229 Cal.App.3d 847, 866; *Estate of Sanders* (1992, 4th Dist.) 2 Cal.App.4th 462,
474; *William Lyon Co. v. Franchise Tax Board* (1992) 4 Cal.App.4th 267, 275; *Bravo Vending v. City of*
Rancho Mirage (1993, 4th Dist.) 16 Cal.App.4th 383, 399, 401, fn.10; *Rancho Viejo v. Tres Amigos*
Viejos (2002, 4th Dist.) 100 Cal.App.4th 550, 563; *Jabro v. Superior Court* (2002, 4th Dist.) 95
Cal.App.4th 754, 757; *California Emergency Physicians Medical Group v. PacificCare of Ca.* (2003, 4th
Dist.) 111 Cal.App.4th 1127, 1132; *People v. Rivera* (2003, 4th Dist.) 114 Cal.App.4th 872, 878;
People v. Morris (2005, 4th Dist.) 126 Cal.App.4th 527, 547; *Cacho v. Boudreau* (2005, 4th Dist.) 127
Cal.App.4th 707, 728; *Pulli v Pony Internat, LLC* (2012, 4th Dist., Div. 1) 206 Cal.App.4th 1507,
1519; *Mega RV Corp. v. HWH Corp.* (2014, 4th Dist., Div. 3) 225 Cal.App.4th 1318, 1329, as modified on
denial of rehearing May 20, 2014; *Dagher v. Ford Motor Co.* (2015, 4th Dist., Div. 1) 238 Cal.App.4th
905, 924; *Fredericks v. Superior Court* (2015, 4th Dist., Div. 1) 233 Cal.App.4th 209, 232; *People v.*

1 *Endsley* (2016, 4th Dist., Div. 2) 248 Cal.App.4th 110; *In re Donovan L.* (2016, 4th Dist., Div. 1) 244
Cal.App.4th 1075, 1089

2 **f. Fifth District Court of Appeal:**

3 In 1991, the Fifth District cited an author's letter to the Governor in
4 *People v. Henson* (1991, 5th Dist.) 231 Cal.App.3d 172, 179. In 1994 this District
5 quoted from an author's floor statement, *Golden State Homebuilding Association v.*
6 *City of Modesto* (1994, 5th Dist.) 26 Cal.App.4th 601, 609, stating:

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

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

13 HART's opposition to MID's request for judicial notice of the
14 legislative history compiled by LRI History LLC for section 10251
15 contends that documents reflecting the opinions of individuals, even
16 the author of the bill, should not be considered. (See *Mt. Hawley*
17 *Ins. Co. v. Lopez* (2013) 215 Cal.App.4th 1385, 1401, 156 Cal.Rptr.3d
18 771 [material showing the motive or understanding of an individual
19 legislator, including the bill's author, generally is not
20 considered].) Despite this general approach, we note that letters
21 from the author of a bill to the Governor are quoted occasionally by
22 the California Supreme Court. (E.g., *Property Reserve, Inc. v.*
23 *Superior Court* (2016) 1 Cal.5th 151, 181, fn.9, 204 Cal.Rptr.3d 770,
24 375 P.3d 887; *In re Greg F.* (2012) 55 Cal.4th 393, 419, 146
25 Cal.Rptr.3d 272, 283 P.3d 1160) Consequently, we will consider the
26 author's letter to the Governor for what it is worth. (*Drouet v.*
27 *Superior Court* (2003) 31 Cal.4th 583, 598, fn.4, 3 Cal.Rptr.3d 205,
28 73 P.3d 1185 [very little value to letter from bill's author that
merely recounts author's views].) *Merced Irrigation Dist. v. Superior*
Court (2017, 5th Dist.) 7 Cal.App.5th 916, 928

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

36 See also: *Unnamed Physician v. Board of Trustees* (2001, 5th Dist.) 93 Cal.App.4th 607, 623; *Lewis c.*
37 *Nelson & Sons, Inc. v. Clovis Unified School Dist.* (2001, 5th Dist.) 90 Cal.App.4th 64, 71; *People v.*
38 *Chavez* (2004, 5th Dist.) 118 Cal.App.4th 379, 386; *All Angels Preschool/Daycare v. County of Merced*
(2011, 5th Dist.) 197 Cal.App.4th 394, 403, fn.14

1 **g. Sixth District Court of Appeal:**

2 In *Atkinson v. Elk Corporation* (2003, 6th Dist.) 109 Cal.App.4th 739, 748,
3 fn.11, 751-752, this appellate court quoted from a senator's correspondence to
4 the Governor as well as others on legislation. More recently:

5 In his Senate floor statement on Senate Bill No. 1785, Senator
6 Foran, the bill's author, explained ... (Floor statement by Senator
7 John Francis Foran regarding Sen. Bill No. 1785 (1981-1982 Reg.
8 Sess.), May 21, 1982.) This statement suggests *Branciforte*
9 *Heights, LLC v. City of Santa Cruz* (2006, 6th Dist.) 138 Cal.App.4th
10 914, 937-8

11 See also: *Schmidlin v. City of Palo Alto* (2008, 6th Dist.) 157 Cal.App.4th 728,756; *Joyce v. Ford*
12 *Motor Co.* (2011, 3rd Dist.) 198 Cal.App.4th 1478, 1492-93; *Castillo v. Toll Bros.* (2011, 1st Dist.,
13 Div. 1) 197 Cal.App.4th 1172, 1193; *People v. Gerber* (2011, 6th Dist.) 196 Cal.App.4th 368, 379

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

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

18 Similarly, an opposition letter submitted on behalf of Cole
19 National Corporation argued that the revised statute ... (Donald
20 Brown, Advocation, Inc., letter to Assembly member Daniel Boatwright
21 re: Assem. Bill No. 1125....) *People v. Cole* (2006) 38 Cal.4th 964,
22 983

23 Defendants also cite the statement at an April 1974 press
24 conference of former Assembly member John Knox, who cosponsored the
25 Knox-Keene Act. The statement, which did not identify the proposed
26 legislation by bill number, apparently related not to Assembly Bill
27 No. 138, which was introduced in December 1974, but to Assembly Bill
28 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

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

The statute's legislative sponsor, Assemblyman Floyd, stated in
his letter urging Governor Deukmejian to sign the ... (Assemblyman
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

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

9 We grant the People's request for judicial notice of the
10 legislative history of section 2933.1. *In re Reeves* (2005) 35 Cal.4th
11 765, 776, fn.15

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

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

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

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

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

43 In addition, the Legislature noted its intent to promote the
44 just, speedy, and economical ... (Chief Counsel Rubin R. Lopez,
45 letter to Assemblyman Elihu M. Harris, Nov. 6, 1986) *Carpenter v.*
46 *Superior Court (Alameda County)* (2006 1st Dist.) 141 Cal.App.4th 249,
47 266

48 That history includes a May 23, 1990 memo from the office of
49 San Diego's county counsel that is addressed to all counties in the
50 State. Attached to the memo is a proposed amendment to Senate Bill

1 2791. That proposed amendment is essentially the language of
2 subdivision (c) of section 4985.2. The San Diego memo notes The
3 addition of subdivision (c) to Senate Bill 2791 came in the June 12,
4 1990 amendment of that bill, which was approximately three weeks
5 after San Diego's county counsel's office sought such an addition.
6 *People ex rel. Strumpfer v. Westoaks Investment #27* (2006, 2nd Dist.)
7 139 Cal.App.4th 1038, 1047

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

20 Senator Beilenson's statement was before the trial court in the
21 proceedings on plaintiffs' summary judgment motion. The statement,
22 submitted by defendants below, is part of the current record on
23 appeal. A statement by a bill's author can be considered evidence of
24 legislative intent. (*Bronco Wine Co. v. Jolly* (2004) 33 Cal.4th 943,
25 977-978, fn.46 (*Bronco Wine*); Citation.) *Viva! Internat. Voice for*
26 *Animals v. Adidas Promotional Retail Operations, Inc.* (2005, 1st
27 Dist.) 134 Cal.App.4th 133, 142, fn.10

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

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

Grupe Development Co. v. Superior Court (1993) 4 Cal.4th 911, 924, fn.2; *Pacific Gas & Electric v. County of Stanislaus* (1997) 16 Cal.4th 1143; *Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 981, fn.10; *In re Resendiz* (2001) 25 Cal.4th 230, 260; *Myers v. Philip Morris Companies, Inc.* (2002) 28 Cal.4th 828, 845; *People v. Farell* (2002) 28 Cal.4th 381, 392; *Association of California Ins. Companies v. Jones* (2017) 2 Cal.5th 376, 396

Farnow v. Superior Court (1990, 1st Dist.) 226 Cal.App.3d 481, 490; *People v. Mejia* (1999, 4th Dist.) 72 Cal.App.4th 1269, 1273, fn.2 (Dissent); *Landau v. Superior Court (Medical Board of California)* (2000, 1st Dist.) 81 Cal.App.4th 191, 203-205, 224, fn.7; *Pacific Bell v. Public Utilities Commission* (2000, 1st Dist.) 79 Cal.App.4th 269, 284, fn.6; *Aguilar v. Lerner* (2001, 1st Dist.) 90 Cal.App.4th 177, 185; *Hicks v. E.T. Legg & Associates* (2001, 4th Dist.) 89 Cal.App.4th 496, 507; *Garrett v. Young* (2003, 2nd Dist.) 109 Cal.App.4th 1393, 1402-1403; *Atkinson v. Elk Corp.* (2003) 109 Cal.App.4th 739,

1 751-2; *People ex rel. Allstate Ins. Co. v Weitzman* (2003, 2nd Dist.) 107 Cal.App.4th 534, 548-9;
2 *Guillemín v. Stein* (2002, 3rd Dist.) 104 Cal.App.4th 156, 166, fn.12; *Emeryville Redevelopment Agency*
3 *v. Harcross Pigments, Inc.* (2002, 1st Dist.) 101 Cal.App.4th 1083, 1097-8; *Teamsters Local 856 v.*
4 *Priceless, LLC* (2003, 1st Dist.) 112 Cal.App.4th 1500, 1518; *American Liberty Bail Bonds, Inc. v.*
5 *Garamendi* (2006, 2nd Dist.) 141 Cal.App.4th 1044, 1055-56; *ARP Pharmacy Services, Inc. v. Gallagher*
6 *Bassett Services, Inc.* (2006, 2nd Dist.) 138 Cal.App.4th 1307, 1319 (author letter to Governor)
7 [Review Granted]; *Bosworth v. Whitmore* (2006, 2nd Dist.) 135 Cal.App.4th 536, 547 (author letter to
8 Governor); *Benjamin G. v. Special Ed. Hearing Office (Long Beach Unified School Dist.)* (2005, 2nd
9 Dist.) 131 Cal.App.4th 875, 882-883, fn.6 and fn.7 (author's letter to Governor, to proponent;
10 opponent letter); *Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co.* (2005, 2nd Dist.) 130
11 Cal.App.4th 890, 901 (author letter to governor); *People v. Tapia* (2005, 2nd Dist.) 129 Cal.App.4th
12 1153, 1163 (author letter to governor); *People v. Price* (2007, 2nd Dist.) 155 Cal.App.4th 987, 994-5;
13 *Fireman's Fund Insurance Co. v. Superior Court* (2011, 2nd Dist., Div. 3) 196 Cal.App.4th 1263, 1278;
14 *People v. Scott* (2012, 6th Dist.) 203 Cal.App.4th 1303, 1320; *City of San Diego v. Shapiro* (2014, 4th
15 Dist., Div. 1) 228 Cal.App.4th 756, 773; *People v. Spriggs* (2014, 5th Dist.) 224 Cal.App.4th 150, 157;
16 *Law School Admission Council, Inc. v. State of California*, (2014, 3rd Dist.) 222 Cal.App.4th 1265,
17 1277, as modified Feb. 11, 2014; *Santa Clarita Org. for Planning & the Environment v. Abercrombie*
18 (2015, 2nd Dist., Div. 2) 240 Cal.App.4th 300, 312 (2015), as modified Sept. 22, 2015; *Newark Unified*
19 *School Dist. v. Superior Court* (2015, 1st Dist., Div. 1) 239 Cal.App.4th 33, 901; *Fulle v. Kanani*
20 (2017, 2nd Dist., Div. 4) Cal.App.5th 1305, 1316

9 **18. Legislative Analyst's Office Reports:**

10 The Legislative Analyst's Office has provided fiscal and policy advice to
11 the Legislature for over half a century and is overseen by the Joint Legislative
12 Budget Committee, a sixteen-member bipartisan committee. While not dispositive of
13 legislative intent, Legislative Analyst reports are considered by courts to help
14 determine legislative intent.

15 The California Supreme Court has "routinely found enrolled bill
16 reports, prepared by a responsible agency contemporaneous with
17 passage and before signing, instructive on matters of legislative
18 intent." (*Elsner v. Uveges* (2004) 34 Cal.4th 915, 934, fn.19, 22
19 Cal.Rptr.3d 530, 102 P.3d 915) *Mosser Companies v. San Francisco Rent*
20 *Stabilization & Arbitration Bd.* (2015, 1st Dist., Div. 3) 233
21 Cal.App.4th 505, 513

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

23 Prior to 1991, tissue transplants (such as ...) were
24 essentially unregulated. (Legis. Analyst, Rep. to Assemb. Com. on
25 Health,... *Johnson v. Superior Court (California Cryobank, Inc.)*
26 (2002, 2nd Dist.) 101 Cal.App.4th 869, 882

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

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

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

6 *County of Los Angeles v. State* (1987) 43 Cal.3d 46, 50, fn.1; *Moradi-Shalal v. Fireman's Fund* (1988)
7 46 Cal.3d 287, 301; *Taxpayers v. FPPC* (1990) 51 Cal.3d 744, 749-754; *DuBois v. W.C.A.B.* (1993) 5
8 Cal.4th 382, 394; *Santa Clara County Local Transportation Authority v. Guardino* (1995) 11 Cal.4th
9 220, 237; *People v. Snook* (1997) 16 Cal.4th 1210, 1218; *People v. Benson* (1998) 18 Cal.4th 24, 33;
10 *Southern California Edison Co. v. Peevey* (2003) 31 Cal.4th 781, 803, 817 (dissent); *Greene v. Marin
City Flood Control & Water Conservation District* (2010) 49 Cal.4th 277; *Simpson Strong-Tie Co. v.
Gore* (2010) 49 Cal.4th 12, 29; *California Redevelopment Assn. v. Matosantos* (2011) 53 Cal.4th 231,
273, fn.3; *Los Angeles Unified School District v. Garcia* (2013) 58 Cal.4th 175, 183; *People v.
Johnson* (2013) 57 Cal.4th 250, 261; ; *Holland v. Assessment Appeals Bd. No. 1* (2014) 58 Cal.4th 482,
486, as modified on denial of rehearing Apr. 16, 2014; *City of San Diego v. Board of Trustees of
California State Univ.* (2015) 61 Cal.4th 945, 955

11 *Estate of Cirone* (1984) 153 Cal.App.3d 199, 202; *Arvin Union School District v. Ross* (1985, 2nd
12 Dist.) 176 Cal.App.3d 189; *Somerset Importers, Ltd. v. Continental Vintners* (1986) 790 F.2d 775, 778;
13 *Van De Kamp v. Gumbiner* (1990, 2nd Dist.) 221 Cal.App.3d 1260, 1276, 1281; *County of Sacramento v.
Fair Political Practices Commission* (1990, 3rd Dist.) 222 Cal.App.3d 687, 692-693; *People v. Henson*
14 (1991, 5th Dist.) 231 Cal.App.3d 172, 178; *Aguimatang v. California State Lottery* (1991, 3rd Dist.)
15 234 Cal.App.3d 769, 788; *Greenwood Addition Homeowners Assn. v. City of San Marino* (1993, 2nd Dist.)
16 14 Cal.App.4th 1360, 1370; *People v. Turner* (1995, 2nd Dist.) 40 Cal.App.4th 733, 742; *Crusader
Insurance Co. v. Scottsdale Insurance Co.* (1997, 2nd Dist.) 54 Cal.App.4th 121, 132, 133; *Covarrubias
v. Superior Court* (1998, 6th Dist.) 60 Cal.App.4th 1168, 1177, 1178, fn.6; *People v. Garcia* (1998,
17 1st Dist.) 63 Cal.App.4th 820, 831; *Kidd v. State of California* (1998, 3rd Dist.) 62 Cal.App.4th 386,
407, fn.7; *Hondo Co. v. Superior Court* (1998, 2nd Dist.) 67 Cal.App.4th 176, 182, 183; *People v.
Patterson* (1999, 3rd Dist.) 72 Cal.App.4th 438, 442-443; *Bravo Vending v. City of Rancho Mirage*
18 (1993, 4th Dist.) 16 Cal.App.4th 383, 399, 401; *Santa Ana Unified School District v. Orange County
Development Agency* (2001, 4th Dist.) 90 Cal.App.4th 404, 410; *Teamsters Local 856 v. Priceless, LLC*
19 (2003, 1st Dist.) 112 Cal.App.4th 1500, 1517; *Slocum v. State Bd. of Equalization* (2005, 1st Dist.)
20 134 Cal.App.4th 969, 977; *In re Jeffrey M.* (2006, 5th Dist.) 141 Cal.App.4th 1017, 1026; *Committee
For Green Foothills v. Santa Clara County Board of Supervisors* (2008, 6th Dist.) 161 Cal.App.4th
21 1204, 1235; *Board of Trustees of the California State University v. Public Employment Relations Bd.*
22 (2007) 155 Cal.App.4th 866, 883; *Wunderlich v. County of Santa Cruz* (2009, 6th Dist.) 178 Cal.App.4th
680; *McGuire v. Employment Development Department* (2012, 1st Dist., Div. 1) 208 Cal.App.4th 1035,
1045; *Franchise Tax Board v. Superior Court* (2013, 1st Dist., Div. 2) 221 Cal.App.4th 647, 661-662;
People v. Evans (2013, 4th Dist., Div. 1) 215 Cal.App.4th 242, 252; *Verizon California Inc. v. Board
of Equalization* (2014, 3rd Dist.) 230 Cal.App.4th 666, 678; *City of San Diego v. Shapiro* (2014, 4th
23 Dist., Div. 1) 228 Cal.App.4th 756, 773; *Velasquez v. Superior Court* (2014, 2nd Dist., Div. 3) 227
24 Cal.App.4th 1471, 1477; *Morgan v. Imperial Irrigation Dist.* (2014, 4th Dist.) 223 Cal.App.4th 892,
911; *City of Cerritos v. State of California* (2015, 3rd Dist.) 239 Cal.App.4th 1020, 1029); *Siskiyou
County Farm Bureau v. Department of Fish & Wildlife* (2015, 3rd Dist.) 237 Cal.App.4th 411, as
25 modified on denial of rehearing June 26, 2015; *City of Brentwood v. Campbell* (2015, 3rd Dist.) 237
26 Cal.App.4th 488; *California Chamber of Commerce v. State Air Res. Bd.* (2017, 3rd Dist.) 10
27 Cal.App.5th 604, 623; *People v. Martinez* (2017, 4th Dist., Div. 1) 8 Cal.App.5th 298, 306

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

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

27 The Senate later amended Bill No. 2509, deleting This
deletion, far from supporting KCP's position, is further evidence
28 against it. "The rejection of a specific provision contained in an
act as originally introduced is 'most persuasive' that the act should

1 not be interpreted to include what was left out." *Murphy v. Kenneth*
2 *Cole Productions* (2007) 40 Cal.4th 1094, 1107

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

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

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

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

31 A few days before passing the final version of Assembly Bill
32 No. 971, the Senate rejected language ... (Sen. Floor Amend. RN
33 9406668 to Assembly Bill No. 971 (1993-1994 Reg Sess.) Mar. 2, 1994.)
34 that the amendment was not adopted makes it difficult to view the
35 final wording of,... as anything but a purposeful choice. *People v.*
36 *Superior Court (Romero)* (1996) 13 Cal.4th 497, 504, 520, 528

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

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

45 Our Supreme Court has cautioned courts not to read too much
46 into deletions from bills when ascertaining legislative intent.
47 [Citation.] However *Fiscal v. City and County of San Francisco*
48 (2008, 1st Dist.) 158 Cal.App.4th 895, 914

1 Ordinarily, the legislative history of bills that fail to pass
2 in the Legislature are entitled to little weight because of the
3 conflicting intentions of the proponents of the legislation and those
4 who voted against it. [Citation.] Here, however, Assembly Bill No.
5 551 [vetoed bill] did pass both houses of the Legislature, and
6 therefore the Legislature's intent in passing the legislation can be
7 gleaned from its history.

8 ...
9 Thus, not only the Legislature, but also the governor
10 understood, long after section 1812.5095 was originally enacted, that
11 it was intended to define employment relationships for workers'
12 compensation purposes. As the most recent expression of the meaning
13 of this statute, we give these statements considerable weight. An
14 *Independent Home Support Service, Inc. v. Superior Court (San Diego)*
15 (2006, 4th Dist.) 145 Cal.App.4th 1418, 1434

16 The fact that California does not follow this proposed rule
17 that compliance with federal minimum safety standards bars claims for
18 punitive damages is also demonstrated by the fact that such a rule
19 has been proposed through legislation in California on several
20 occasions but has not been enacted. In 2000 the Legislature
21 considered a bill that would have enacted the rule ... However, the
22 bill never made it out of committee... A similar bill did not secure
23 passage in 1996... Another such bill was introduced in February 2006
24 in the Senate... There would be no need for such legislation if
25 compliance with government standards already provided a defense to
26 punitive damages claims. *Buell-Wilson v. Ford Motor Company* (2006,
27 4th Dist.) 141 Cal.App.4th 525, 563-564

28 The fact that the DMHC did not adopt the regulation to prohibit
balance billing further indicates that ... (Citation. ["[T]he
Legislature's omission of a provision from the final version of a
statute which was included in an earlier version "constitutes strong
evidence that the act as adopted should not be construed to
incorporate the original provision.""]); (Citation. ["The courts
have repeatedly concluded that when the Legislature has rejected a
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.) 136 Cal.App.4th 1155, 1169-
70 [Review Granted]

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

As originally proposed, Senate Bill No. 1406 contained a
provision However, the Department of Real Estate proposed an

1 amendment to delete the waiver provision, arguing As a result,
2 the waiver provision was deleted from the final version of the
bill.... *Realmuto v. Gagnard* (2003) 110 Cal.App.4th 193, 201

3 The fact is telling that, for whatever reason, both the
4 legislative and the executive branches have rejected specific and
5 repeated attempts to amend the statute. Concluding as we have the
6 Legislature has consciously refused to extend the limited immunity
provided by *Ma v. City and County of San Francisco* (2002, 1st
Dist.) 95 Cal.App.4th 488, 517, see 513-517 for review of
unsuccessful measures

7 The evolution of a proposed statute after its original
8 introduction in the Senate or Assembly can offer considerable
enlightenment as to legislative intent. [Citations.] Generally the
9 Legislature's reaction of a specific provision which appeared in the
original version of an act supports the conclusion that the act
10 should not be construed to include the omitted provision.
[Citations.] *People v. Goodloe* (1995, 1st Dist.) 37 Cal.App.4th 485,
491

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

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

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

20 *People v. Brannon* (1973) 32 Cal.App.3d 971; *Madrid v. Justice Court* (1975) 52 Cal.App.3d 819; *Seibert*
v. Sears Roebuck (1975) 45 Cal.App.3d 11, 19; *Western Land Office v. Cervantes* (1985) 175 Cal.App.3d
21 724; *Moseley v. Abrams* (1985) 170 Cal.App.3d 355; *In re Marriage of Norvall* (1987) 192 Cal.App.3d
1047; *Morin v. ABA Recovery Service* (1987, 4th Dist.) 195 Cal.App.3d 100, 206, fn.2; *Terry York*
Imports v. DMV (1987, 2nd Dist.) 197 Cal.App.3d 307, 317; *Fallbrook Sanitation District v. LAFCO*
(1989) 208 Cal.App.3d 753, 764; *People v. Harrell* (1989) 207 Cal.App.3d 1439, 1446; *Graham v.*
22 *W.C.A.B.* (1989) 210 Cal.App.3d 499, 505; *Van De Kamp v. Gumbiner* (1990, 2nd Dist.) 221 Cal.App.3d
1260, 1282; *People v. Barrett* (1990, 2nd Dist.) 226 Cal.App.3d 244, 252; *Shapell Industries v.*
Governing Board (1991, 6th Dist.) 1 Cal.App.4th 218, 242; *Clark v. W.C.A.B.* (1991, 2nd Dist.) 230
23 Cal.App.3d 684, 696; *Estate of Sanders* (1992, 4th Dist.) 2 Cal.App.4th 462, 473; *People v. Gangemi*
(1993, 1st Dist.) 13 Cal.App.4th 1790, 1798; *People v. Jones* (1993, 2nd Dist.) 12 Cal.App.4th 1106,
24 1114; *Central Delta Water Agency v. Water Resources Control Board* (1993, 3rd Dist.) 17 Cal.App.4th
621, 634; *Adoption of Haley A.* (1996, 1st Dist.) 49 Cal.App.4th 1351, 1382; *Steinfeld v. Foote-*
Goldman Proctologic Medical Group, Inc. (1997, 2nd Dist.) 60 Cal.App.4th 13, 18; *Universal City*
25 *Nissan, Inc. v. Superior Court* (1998, 2nd Dist.) 65 Cal.App.4th 203, 207, 208; *Azusa Land Reclamation*
Co. v. Main San Gabriel Basin Watermaster (1997, 2nd Dist.) 52 Cal.App.4th 1165, 1203; *Ostayan v.*
Nordoff Townhomes Homeowners Assn., Inc. (2003) 110 Cal.App.4th 120, 128 fn.3; *Residential Capital v.*
26 *Cal-Western Reconveyance Corp.* (2003, 4th Dist.) 108 Cal.App.4th 807, 816-817; *In re Mehdizadeh*
(2003, 2nd Dist.) 105 Cal.App.4th 995, 1005, fn.28; *Megrabian v. Saenz* (2005, 1st Dist.) 130
27 Cal.App.4th 468, 486, fn.8 (subsequent unpassed bill); *North Gualala Water Company v. State Water*
Resources Control Board (2006, 1st Dist.) 139 Cal.App.4th 1577, 1592, fn.10; *In re Estate of Pryor*
(2009, 2nd Dist.) 177 Cal.App.4th 1466

1 **20. Conference Committee Reports:**

2 A Conference Report is prepared by a Conference Committee brought together
3 on a particular bill to attempt to reach a compromise on a bill's language that
4 is acceptable to both the Senate and the Assembly. It is comprised of six
5 legislators, three from each House. The court noted the acceptability of a
6 Conference Committee Report in the matter of *Benson v. Workers' Compensation Bd.*
7 (2009, 1st Dist.) in a footnote:

8 Amicus curiae County of Los Angeles filed a request seeking
9 judicial notice of: (1) a conference report of the Senate
10 Rules Committee on Senate Bill No. 899; (2) a press release
11 from the office of Governor Arnold Schwarzenegger after
12 passage of Senate Bill No. 899; (3) an article written by
13 David Neumark, for the Public Policy Institute of
14 California, entitled *The Workers' Compensation Crisis in*
15 *California* (Jan.2005) *California Economic Policy*, page 1;
16 and (4) minutes from the February 24, 2005, meeting of the
17 Commission on Health and Safety and Workers' Compensation.
18 ... We grant the County of Los Angeles's request for
19 judicial notice with respect to item (1) above. "[I]t is
20 well established that reports of legislative committees and
21 commissions are part of a statute's legislative history and
22 may be considered when the meaning of a statute is
23 uncertain. [Citations.]" (*Hutnick v. United States Fidelity*
24 *& Guaranty Co.* (1988) 47 Cal.3d 456, 465, fn.7, 253
25 Cal.Rptr. 236, 763 P.2d 1326; accord, *Kaufman & Broad*
Communities, Inc. v. Performance Plastering, Inc. (2005)
133 Cal.App.4th 26, 31-32, 34 Cal.Rptr.3d 520 (*Kaufman*.)
However, we deny the County of Los Angeles's request for
judicial notice with respect to items (2), (3), and (4)
above. In construing a statute, "the court's task is to
ascertain the intent of the Legislature as a whole in
adopting a piece of legislation. [Citations.]" (*Quintano v.*
Mercury Casualty Co. (1995) 11 Cal.4th 1049, 1062, 48
Cal.Rptr.2d 1, 906 P.2d 1057 (*Quintano*)) Because there is
no indication that the Legislature considered items (2),
(3), or (4), they are not proper subjects of judicial
notice. (*Cortez v. Purolator Air Filtration Products Co.*
(2000) 23 Cal.4th 163, 168, fn.2, 96 Cal.Rptr.2d 518, 999
P.2d 706; *Quintano, supra*, 11 Cal.4th at p.1062, fn.5, 48
Cal.Rptr.2d 1, 906 P.2d 1057; *Kaufman, supra*, 133
Cal.App.4th at pp. 38, 42, 34 Cal.Rptr.3d 520.) *Benson v.*
Workers' Compensation Bd. (2009, 1st Dist.) 170 Cal.App.4th
1535, 1554, fn.16

26 While the court in the *Benson* case did not find the Governor's Press
27 Release suitable for judicial notice, other courts, including the California
28 Supreme Court, have taken judicial notice and considered this type of document.

1 (See *People v. Tanner* (1979) 24 Cal.3d 514, 520; *Knighten v. Sam's Parking Valet*
2 (1988, 4th Dist.) 206 Cal.App.3d 69, 77; see also cases and discussion under, "C.
3 Post Enrollment History, 3. Governor's Correspondence, Press Releases and
4 Messages," below.) Similarly, courts have considered news media and law review
5 articles, when appropriate, for evidence of legislative history and intent. (See
6 cases and discussion under "13. News and Law Review," above.)

7 *Grupe Development Co. v. Superior Court* (1993) 4 Cal.4th 911, 924; *Yvanova v. New Century Mortgage*
8 *Corp.* (2016) 62 Cal.4th 919, 942

8 *Salem v. Superior Court* (1989) 211 Cal.App.3d 595, 601; *O'Loughlin v. W.C.A.B.* (1990, 1st Dist.) 222
9 Cal.App.3d 1518, 1524; *Crowl v. Commission on Professional Competence* (1990, 3rd Dist.) 225
10 Cal.App.3d 334, 347; *Grossmont Hospital v. Workers' Compensation Appeals Board* (1997, 4th Dist.) 59
11 Cal.App.4th 1348, 1358; *California Correctional Peace Officers Assn. v. Department of Corrections*
12 (1999, 3rd Dist.) 72 Cal.App.4th 1331, 1359; *City of Scotts Valley v. County of Santa Cruz* (2011, 1st
13 Dist., Div. 1) 201 Cal.App.4th 1, 34, 44, as modified on denial of rehearing Nov. 23, 2011; *City of*
14 *Sebastopol v. Workers' Comp. Appeals Board* (2012, 1st Dist., Div. 5) 208 Cal.App.4th 1197, 1209;
15 *Warner v. Public Employees' Ret. System* (2015, 4th Dist., Div. 2) 239 Cal.App.4th 659, 667;
16 *Monterossa v. Superior Court* (2015, 3rd Dist.) 237 Cal.App.4th 747; *Lucioni v. Bank of America, N.A.*
17 (2016, 2nd Dist., Div. 5) 3 Cal.App.5th 150, 159; *New Cingular Wireless PCS, LLC v. Public Utilities*
18 *Comm.* (2016, 1st Dist., Div. 4) 246 Cal.App.4th 784, 803

13 **C. Post-Enrollment History.**

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

17 *Duronslet v. Kamps* (2012, 1st Dist., Div. 5) 203 Cal.App.4th 717, 732; *Newark Unified Sch. Dist. v.*
18 *Superior Court* (2015, 1st Dist., Div. 1) 239 Cal.App.4th 33, 901; *Fredericks v. Superior Court* (2015,
19 4th Dist., Div. 1) 233 Cal.App.4th 209, 232

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

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

25 *Center for Biological Diversity v. Department of Fish & Wildlife*, (2015) 62 Cal.4th 204, 221, as
26 modified on denial of rehearing Feb. 17, 2016

26 *City of Los Angeles v. Glendora Redevelopment Project* (2010, 6th Dist.) 185 Cal.App.4th 817; *Ni v.*
27 *Slocum* (2011, 1st Dist., Div. 1) 196 Cal.App.4th 1636, 1650; *Alameda County Flood Control & Water*
28 *Conservation Dist. v. Department of Water Resources* (2013, 3rd Dist.) 213 Cal.App.4th 1163, 1192);
Siskiyou County Farm Bureau v. Department of Fish & Wildlife (2015, 3rd Dist.) 237 Cal.App.4th 411,
as modified on denial of rehearing June 26, 2015

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

2 Although we have often found enrolled bill reports instructive
3 on matters of legislative intent when prepared by a responsible
4 agency contemporaneously with passage, we have also cautioned that
5 such a report "cannot be used to alter the substance of legislation."
6 (*Conservatorship of Whitley* (2010) 50 Cal.4th 1206, 1218, fn.3, 117
7 Cal.Rptr.3d 342, 241 P.3d 840)

8 "Moreover, an enrolled bill report cannot prevail over "more
9 direct windows into legislative intent," such as a committee analysis
10 of the bill. (*Conservatorship of Whitley, supra*, 50 Cal.4th at p.
11 1218, fn.3, 117 Cal.Rptr.3d 342, 241 P.3d 840) *Association of*
12 *California Ins. Companies v. Jones* (2017) 2 Cal.5th 376, 396

13 These materials are by no means dispositive. But we have
14 treated similar materials as entitled to some weight. (See *Jones v.*
15 *Lodge at Torrey Pines Partnership* (2008) 42 Cal.4th 1158, 1170, 72
16 Cal.Rptr.3d 624, 177 P.3d 232 [Legislative Counsel's summaries];
17 *Dyna-Med, Inc. v. Fair Employment & Housing Comm.* (1987) 43 Cal.3d
18 1379, 1399, 241 Cal.Rptr. 67, 743 P.2d 1323 [enrolled bill
19 memorandum]; *Horiike v. Coldwell Banker Residential Brokerage Co.*
20 (2016) 1 Cal.5th 1024, 1037, 210 Cal.Rptr.3d 1, 383 P.3d 1094
21 [Assembly Judiciary Committee bill analysis].) *Scher v. Burke* (2017)
22 3 Cal.5th 136, 149, as modified on denial of rehearing Aug. 9, 2017

23 [W]e have routinely found enrolled bill reports, prepared by a
24 responsible agency contemporaneous with passage and before signing,
25 instructive on matters of legislative intent." (*Elsner v. Uveges*
26 (2004) 34 Cal.4th 915, 934, fn.19, 22 Cal.Rptr.3d 530, 102 P.3d 915)
27 *Commission For Green Foothills v. Santa Clara County Board of*
28 *Supervisors* (2010) 48 Cal.4th 32, 49

This emphasis on remediating the infeasibility of public
interest litigation is underscored in various legislative history
documents. As was stated by the Department of Consumer Affairs in its
enrolled bill report to the Governor ... (Dept. Consumer Affairs,
Enrolled Bill Rep. on Assem. Bill No. 1310 (1977-1978 Reg. Sess.)
prepared for Governor Brown (Sept. 28, 1977) p. 2.)

The theme of the financial feasibility of public interest
litigation is further underscored by the testimony of John R.
Phillips, an executive committee member of the State Bar Legal
Services Section, before the Senate Judiciary Committee considering
Assembly Bill No. 1310 (1977-1978 Reg. Sess.): ... (Testimony of John
R. Phillips to Sen. Judiciary Com., Aug. 16, 1977, in support of
Assem. Bill No. 1310 (1977-1978 Reg. Sess.), pp. 7-8 (Phillips
testimony).)

It is noteworthy that the above legislative history does not
focus on litigants' initial subjective motivation—on what may cause
them to want to bring a public interest lawsuit. What section 1021.5
does address is the problem of affordability of such lawsuits.

In *Elsner v. Uveges* (2004) 34 Cal.4th 915, 934, footnote 19, 22
Cal.Rptr.3d 530, 102 P.3d 915, we rejected the argument that enrolled
bill reports are irrelevant to discerning legislative intent because
they are prepared after the Legislature's passage of the bill. As we
stated: "[W]e have routinely found enrolled bill reports, prepared by
a responsible agency contemporaneous with passage and before signing,
instructive on matters of legislative intent. (See, e.g., *Lolley v.*

1 *Campbell* (2002) 28 Cal.4th 367, 375-376 [121 Cal.Rptr.2d 571, 48 P.3d
2 1128] [Department of Industrial Relations enrolled bill report];
3 *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d
4 1379, 1399 [241 Cal.Rptr. 67, 743 P.2d 1323] [same]; *Yamaha Corp. v.*
5 *State Bd. of Equalization* (1998) 19 Cal.4th 1, 22-23 [78 Cal.Rptr.2d
6 1, 960 P.2d 1031]; *Lockheed Information Management Services Co. v.*
7 *City of Inglewood* (1998) 17 Cal.4th 170, 184 [70 Cal.Rptr.2d 152, 948
8 P.2d 943].) Though we do not give great weight to the report, it is
9 instructive here." Reliance on enrolled bill reports has been
10 criticized by some courts of appeal. (See *Kaufman & Broad*
11 *Communities, Inc. v. Performance Plastering, Inc.* (2005) 133
12 Cal.App.4th 26, 40-41, 34 Cal.Rptr.3d 520 and cases cited therein.)
13 But it is well established that "[t]he contemporaneous construction
14 of a new enactment by the administrative agency charged with its
15 enforcement, although not controlling, is entitled to great weight."
16 (*Dyna-Med, Inc. v. Fair Employment & Housing Com., supra*, 43 Cal.3d
17 at p. 1388, 241 Cal.Rptr. 67, 743 P.2d 1323.) An implicit reason for
18 the rule is that a contemporaneous construction is likely to reflect
19 the understanding of the Legislature that enacted the statute, which
20 will not be the case with an administrative construction made many
21 years after the fact. (See *id.* at p. 1389, 241 Cal.Rptr. 67, 743 P.2d
22 1323.) So, too, is an enrolled bill report, generally prepared within
23 days after the bill's passage, likely to reflect such legislative
24 understanding, particularly because it is written by a governmental
25 department charged with informing the Governor about the bill so that
26 he can decide whether to sign it, thereby completing the legislative
27 process. Although these reports certainly do not take precedence over
28 more direct windows into legislative intent such as committee
analyses, and cannot be used to alter the substance of legislation,
they may be as here "instructive" in filling out the picture of the
Legislature's purpose. *Conservatorship of Whitley* (2010) 50 Cal.4th
1206, 1218-1219, fn.3

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
Edmund Brown on Sen. Bill No. 1140...) ... *Parnell v. Adventist*
Health System/West (2005) 35 Cal.4th 595, 604-605

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

24 "The Department of Housing and Community Development's enrolled
25 bill report for SB800, which recommended that the Governor sign
26 SB800, is fully consistent with the plain language of the statute
27 with respect to this issue. (Department of Housing and Community
28 Development, Enrolled Bill Rep. on Sen. Bill No. 800 (2001-2002 Reg.
Sess.) Aug. 13, 2002, p. 5.) [stating that SB800 "[p]rovide[s] that
any defect not listed in this bill shall be actionable in tort only
if it causes actual property or bodily damage" (italics added)].) We
may rely on this report in interpreting the statute. (See *Elsner v.*
Uveges (2004) 34 Cal.4th 915, 934, fn.19, 22 Cal.Rptr.3d 530, 102
P.3d 915 [the California Supreme Court has "routinely found enrolled

1 bill reports, prepared by a responsible agency contemporaneous with
2 passage and before signing, instructive on matters of legislative
3 intent"].) *Acqua Vista Homeowners Assn. v. MWI, Inc.* (2017, 4th
4 Dist., Div. 1) 7 Cal.App.5th 1129, 1153

5 In addition to the proposed signing statement, the enrolled
6 bill report also includes three different draft veto messages. Their
7 inclusion shows that not all documents found in such reports are
8 relevant or persuasive indications of legislative intent. (See *Jones,*
9 *supra*, 2 Cal.5th at pp. 395-396, 212 Cal.Rptr.3d 395, 386 P.3d 1188;
10 *Kaufman, supra*, 133 Cal.App.4th at pp. 40-42, 34 Cal.Rptr.3d 520)
11 *California Chamber of Commerce v. State Air Res. Bd.* (2017, 3rd
12 Dist.) 10 Cal.App.5th 604, 623

13 See *Elsner v. Uveges* (2004) 34 Cal.4th 915, 934, fn.19, 22
14 Cal.Rptr.3d 530, 102 P.3d 915 ("we have routinely found enrolled bill
15 reports, prepared by a responsible agency contemporaneous with
16 passage and before signing, instructive on matters of legislative
17 intent"); accord, *Conservatorship of Whitley* (2010) 50 Cal.4th 1206,
18 1218, fn.3, 117 Cal.Rptr.3d 342, 241 P.3d 840; see also *Lee v. Hanley*
19 (2015) 61 Cal.4th 1225, 1235, 191 Cal.Rptr.3d 536, 354 P.3d 334
20 (considering same). *Pacific Gas & Electric Co. v. Superior Court*
21 (2017, 1st Dist., Div. 2) 10 Cal.App.5th 563, 573, as modified on
22 denial of rehearing Apr. 20, 2017

23 Appellant dismisses the use of an enrolled bill report as a
24 source of legislative history. However, our Supreme Court "ha[s]
25 routinely found enrolled bill reports, prepared by a responsible
26 agency contemporaneous with passage and before signing, instructive
27 on matters of legislative intent.'" (*In re Conservatorship of Whitley*
28 (2010) 50 Cal.4th 1206, 1218, fn.3, 117 Cal.Rptr.3d 342, 241 P.3d
840) "Although these reports certainly do not take precedence over
more direct windows into legislative intent such as committee
analyses, and cannot be used to alter the substance of legislation,
they may be as here 'instructive' in filling out the picture of the
Legislature's purpose." (*Ibid.*) *People v. Bechtol* (2017, 1st Dist.,
Div. 5) 10 Cal.App.5th 950, 958

19 The California Supreme Court has routinely considered
20 statements in enrolled bill reports and memoranda as evidence of the
21 Legislature's intent. (See *Lockheed Information Management Services*
22 *Co. v. City of Inglewood* (1998) 17 Cal.4th 170, 184, 70 Cal.Rptr.2d
23 152, 948 P.2d 943; *California Correctional Peace Officers Assn. v.*
24 *State Personnel Bd.* (1995) 10 Cal.4th 1133, 1149, 43 Cal.Rptr.2d 693,
25 899 P.2d 79) *California Fair Plan Assn. v. Garnes* (2017, 1st Dist.,
26 Div. 2) 11 Cal.App.5th 1276, 1295 (Ct. App. 2017), as modified on
27 denial of rehearing June 14, 2017

28 Although an enrolled bill report is generally prepared after
the bill's enactment, courts may properly consider the information in
these reports to understand the context of the legislation. (*People*
v. Bechtol (2017) 10 Cal.App.5th 950, 959, fn.11, 216 Cal.Rptr.3d
515) An enrolled bill report may be "'instructive' in filling out the
picture of the Legislature's purpose." (*Conservatorship of Whitley*
(2010) 50 Cal.4th 1206, 1218, fn.3, 117 Cal.Rptr.3d 342, 241 P.3d
840) *The Internat. Brotherhood of Boilermakers, etc. v. NASSCO*
Holdings Inc. (2017, 4th Dist., Div. 1) 17 Cal.App.5th 1105, 1123,
review denied Feb. 14, 2018

1 In construing a statute, bill reports and other legislative
2 records are "'appropriate sources from which legislative intent may
3 be ascertained.'" (*Mt. Hawley Insurance Company v. Lopez* (2013) 215
4 Cal.App.4th 1385, 1401, 156 Cal.Rptr.3d 771; see *Ste. Marie v.*
5 *Riverside County Regional Park and Open-Space District* (2009) 46
6 Cal.4th 282, 291, 93 Cal.Rptr.3d 369, 206 P.3d 739 [relying on
enrolled bill report to interpret a statute]; *American Financial*
Services Assn. v. City of Oakland (2005) 34 Cal.4th 1239, 1263-1264,
23 Cal.Rptr.3d 453, 104 P.3d 813 [using enrolled bill reports to
determine the scope of legislative debate].) *Babbitt v. Superior*
Court (2016, 2nd Dist., Div. 7) 246 Cal.App.4th 1135, 1146

7 While not binding, "'a declaration of a later Legislature as to
8 what an earlier Legislature intended is entitled to consideration.'" (*Carter v. California Department of Veterans Affairs* (2006) 38
9 Cal.4th 914, 922, 44 Cal.Rptr.3d 223, 135 P.3d 637; see *People ex*
10 *rel. Lockyer v. R.J. Reynolds Tobacco Co.* (2005) 37 Cal.4th 707, 724,
11 36 Cal.Rptr.3d 814, 124 P.3d 408 ["'[w]hile "subsequent legislation
12 interpreting [a] statute ... [cannot] change the meaning [of the
earlier enactment,] it [does supply] an indication of the legislative
intent which may be considered together with other factors in
arriving at the true intent existing at the time the legislation was
enacted'"").) *De Vries v. Regents of Univ. of California* (2016, 2nd
Dist., Div. 7) 6 Cal.App.5th 574, 597

13 "When the Legislature chooses to omit a provision from the
14 final version of a statute which was included in an earlier version,
15 this is strong evidence that the act as adopted should not be
construed to incorporate the original provision." (*People v. Delgado*
(2013) 214 Cal.App.4th 914, 918 [154 Cal.Rptr.3d 337])

16 '[w]e have routinely found enrolled bill reports, prepared by a
17 responsible agency contemporaneous with passage and before signing,
18 instructive on matters of legislative intent.'" (*Turner v.*
19 *Association of American Medical Colleges* (2011) 193 Cal.App.4th 1047,
20 1061, fn.10 [123 Cal.Rptr.3d 395]; accord, *Conservatorship of Whitley*
21 (2010) 50 Cal.4th 1206, 1218-1219, fn.3 [117 Cal.Rptr.3d 342, 241
22 P.3d 840]; but see *Joyce v. Ford Motor Co.* (2011) 198 Cal.App.4th
23 1478, 1492-1493 [131 Cal.Rptr.3d 548] [criticizing the California
24 Supreme Court's holding that enrolled bill reports are cognizable
25 legislative history]; *Kaufman & Broad Communities, Inc. v.*
26 *Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 41-42 [34
27 Cal.Rptr.3d 520] [same].) An enrolled bill report is "likely to
28 reflect the understanding of the Legislature that enacted the statute
... particularly because it is written by a governmental department
charged with informing the Governor about the bill so that he can
decide whether to sign it, thereby completing the legislative
process. Although these reports certainly do not take precedence over
more direct windows into legislative intent such as committee
analyses, and cannot be used to alter the substance of legislation,
they may be ... 'instructive' in filling out the picture of the
Legislature's purpose." (*Conservatorship of Whitley*, at pp. 1218-
1219, fn.3, 117 Cal.Rptr.3d 342, 241 P.3d 840) *UFCW & Employers*
Benefit Tr. v. Sutter Health (2015, 1st Dist., Div. 5) 241
Cal.App.4th 909, 925

To the extent any ambiguity exists concerning the Cullen Act's
use of the terms "disaster" and "fixed," we look to the Act's

1 legislative history, including a failed attempt to amend the Act to
2 expressly include slow-moving landslides. In doing so, we examine the
3 Legislative Counsel's Digest and other summaries and reports that
4 indicate the Legislature's intent. (*Mt. Hawley Insurance, supra*, 215
5 Cal.App.4th at p. 1401, 156 Cal.Rptr.3d 771) The Legislative
6 Counsel's digest is the official summary of the legal effect of a
7 bill and is relied upon by the Legislature throughout the legislative
8 process. (*Ibid.*) As a result, the digest is entitled to great weight,
9 but is not binding. (*Ibid.*) Reports of legislative committees and
10 analysts are also useful indicators of legislative intent, but
11 material showing the motive or understanding of the bill's author or
12 other interested persons is generally not considered. (*Ibid.*) *Joannou*
13 *v. City of Rancho Palos Verdes* (2013, 2nd Dist.) 219 Cal.App.4th 746,
14 758-59

8 *The Enrolled Bill Report.*

9 Appellants ask us to consider, as part of the legislative
10 history, an enrolled bill report prepared by the Department of
11 Housing and Community Development.... (Housing and Community
12 Development Dept. Enrolled Bill Rep. on Assem. Bill No. 930 (2001-
13 2002 Reg. Sess.) Aug. 26, 2002. at p. 1, italics added (hereafter
14 Enrolled Bill Rep..))

12 ...

13 "An "enrolled bill report" is prepared by a department or
14 agency in the executive branch that would be affected by the
15 legislation. Enrolled bill reports are typically forwarded to the
16 Governor's office before the Governor decides whether to sign the
17 enrolled bill." [Citation.]" (*In re Lucas* (2012) 53 Cal.4th 839, 856,
18 fn.13, 137 Cal.Rptr.3d 595, 269 P.3d 1160) The Supreme Court has
19 "routinely found enrolled bill reports, prepared by a responsible
20 agency contemporaneous with passage and before signing, instructive
21 on matters of legislative intent." (*Elsner v. Uveges* (2004) 34
22 Cal.4th 915, 934, fn.19, 22 Cal.Rptr.3d 530, 102 P.3d 915)

17 This practice has been criticized, for several reasons. As this
18 court has noted, "it is not reasonable to infer that enrolled bill
19 reports prepared by the executive branch for the Governor were ever
20 read by the Legislature." (*McDowell v. Watson* (1997) 59 Cal.App.4th
21 1155, 1161-1162, fn.3, 69 Cal.Rptr.2d 692 [Fourth Dist., Div. Two])
22 "Moreover, to permit consideration of enrolled bill reports as
23 cognizable legislative history gives the executive branch an
24 unwarranted opportunity to determine the meaning of statutes. That is
25 the proper and exclusive duty of the judicial branch of government."
26 [Citation.]" (*Joyce v. Ford Motor Co.* (2011) 198 Cal.App.4th 1478,
27 1492-1493, 131 Cal.Rptr.3d 548)

23 Thus, while the Supreme Court finds enrolled bill reports
24 instructive, it does not necessarily give them "great weight."
25 (*Elsner v. Uveges, supra*, 34 Cal.4th at p. 934, fn.19, 22 Cal.Rptr.3d
26 530, 102 P.3d 915) It has also cautioned that "these reports
27 certainly do not take precedence over more direct windows into
28 legislative intent such as committee analyses...." (*In re*
Conservatorship of Whitley (2010) 50 Cal.4th 1206, 1218-1219, fn.3,
117 Cal.Rptr.3d 342, 241 P.3d 840)

26 ...

27 If the Enrolled Bill Report could be understood as requiring
28 majority support, it would be contrary to the Floor Analysis, which
is entitled to greater weight.

"[T]he Legislature's failure to enact a proposed amendment to

1 an existing statutory scheme offers only limited guidance, if any,
2 concerning the Legislature's original intent. *Chino MHC, LP v. City
of Chino* (2012, 4th Dist., Div. 2) 210 Cal.App.4th 1049, 1068

3 DPA argues that enrolled bill reports cannot reflect the intent
4 of the Legislature because the executive branch prepares them after
5 the bill has passed and is enrolled. But, according to the California
6 Supreme Court, enrolled bill reports, prepared by a responsible
7 agency contemporaneously with passage and before signing, are
8 instructive on matters of legislative intent. (*Elsner v. Uveges*
9 (2004) 34 Cal.4th 915, 934, fn.19, 22 Cal.Rptr.3d 530, 102 P.3d 915;
10 accord *Committee for Green Foothills v. Santa Clara County Bd. of
Supervisors* (2010) 48 Cal.4th 32, 50, fn.16, 105 Cal.Rptr.3d 181, 224
11 P.3d 920) We are obligated to follow these decisions. (*Auto Equity
Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455, 20 Cal.Rptr.
12 321, 369 P.2d 937; *Kaufman & Broad Communities, Inc. v. Performance
Plastering, Inc.* (2005) 133 Cal.App.4th 26, 40, 34 Cal.Rptr.3d 520
13 [disagreed with *Elsner v. Uveges* but followed it due to stare
14 decisis].) *California Statewide Law Enforcement Assn. v. Department
of Personnel Administration* (2011, 3rd Dist.) 192 Cal.App.4th 1, 17

15 While we are bound to take judicial notice of the enrolled bill
16 report (see *Elsner v. Uveges* (2004) 34 Cal.4th 915, 934, fn.19, 22
17 Cal.Rptr.3d 530, 102 P.3d 915), we do so with the understanding that
18 "enrolled bill reports cannot reflect the intent of the Legislature
19 because they are prepared by the executive branch, and then not until
20 after the bill has passed the Legislature and has become 'enrolled.'
21 Moreover, to permit consideration of enrolled bill reports as
22 cognizable legislative history gives the executive branch an
23 unwarranted opportunity to determine the meaning of statutes. That is
24 the proper and exclusive duty of the judicial branch of government."
25 (*Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.*
26 (2005) 133 Cal.App.4th 26, 41-42, 34 Cal.Rptr.3d 520.) We also take
27 judicial notice of the Governor's press release. (See *People v.
Tanner* (1979) 24 Cal.3d 514, 520, 156 Cal.Rptr. 450, 596 P.2d 328;
28 contra, *Benson v. Workers' Compensation Appeals Bd.* (2009) 170
Cal.App.4th 1535, 1554, fn.16, 89 Cal.Rptr.3d 166) However, while we
do so, we similarly conclude that this announcement cannot reflect
the intent of the Legislature, and is therefore not cognizable
legislative history. *Joyce v. Ford Motor Co.* (2011, 3rd Dist.) 198
Cal.App.4th 1478, 1492-93

21 "An agency's interpretation of a statute "'may be helpful'"
22 where "'application of the settled rules of statutory construction
23 does not clearly reveal the Legislature's intent....'" (*Katosh v.
Sonoma County Employees' Retirement Assn.* (2008) 163 Cal.App.4th 56,
63, 77 Cal.Rptr.3d 324.)" *People v. Wilson* (2010, 5th Dist.) 186
24 Cal.App.4th 789

25 In any event, the record supports the conclusion that the rate
26 freeze was enacted solely for budgetary reasons. ... According to the
27 Senate floor analysis, the purpose of the rate freeze was to "curb
28 the fiscal structural problem" facing the State for 2004-2005 rate
year. (See Senate Rules Com., Off. of Sen. Floor Analyses, 3d reading
of Assem. Bill No. 1762 (2003-2004 Reg. Sess.) as amended July 27,
2003, p. 8). Furthermore, in an enrolled bill report, ... (Dept.
Health Services, Enrolled Bill Rep. on Assem. Bill No. 1762 (2003-

1 2004 Reg. Sess.) as amended July 27, 2003, p. 7.) ... *California Hosp.*
2 *Assn. v. Maxwell-Jolly* (2010, 1st Dist., Div. 4) 188 Cal.App.4th 559,
3 579

3 Thus, while the initial motivation behind Insurance Code
4 section 1860.1 may have been exemption from antitrust laws in
5 particular, it was recognized that the language of the exemption was,
6 in fact, broader. Deputy Attorney General Harold Haas wrote Governor
7 Warren, prior to its enactment, explaining, "The exemption is a very
8 broad one.... If other business regulations such as the Fair Trade
9 Act are applicable to insurance, the exemption applies to them also."
10 (Deputy Attorney General Harold Haas, Interdepartmental Communication
11 to Governor Earl Warren, June 11, 1947, p. 3.) *MacKay v. Superior*
12 *Court* (2010, 2nd Dist., Div. 3) 188 Cal.App.4th 1427, 1445

8 Force Framing submitted a request for judicial notice. The
9 request included documents supplied by Legislative Intent Service,
10 Inc., concerning "the enactment of Assembly Bill 3784 of 1986." We
11 have not delved into statutory interpretation or legislative history.
12 Accordingly, we deny Force Framing's request for judicial notice,
13 because the documents are not necessary for our resolution of the
14 issues presented. *Force Framing, Inc. v. Chinatrust Bank (U.S.A.)*,
15 (2010, 4th Dist., Div. 2) 187 Cal.App.4th 1368, 1375, fn.4

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

15 The enrolled bill report by the Governor's Office of Planning
16 and Research confirms the mandatory nature of the new procedures of
17 Article 1.5. It explained that existing law provides for regulations
18 by LAFCO.... *South San Joaquin Irrigation District v. Superior Court*
19 (2008, 3rd Dist.) 162 Cal.App.4th 146, 156

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

22 Appellants quote from an enrolled bill report prepared by the
23 then Labor Commissioner, which appellants submitted in the trial
24 court and which may be considered as indicative of legislative intent
25 (Citation.) as follows:... *Corrales v. Bradstreet* (2007, 3rd Dist.)
26 153 Cal.App.4th 33, 50

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

1 We grant SCEA's request for judicial notice as to items 1-11 of
2 the legislative history attached to the declaration of Maria A.
3 Sanders. We deny the request as to item 12 (post-enrollment documents
4 regarding Senate Bill No. 1628). Post-enrollment documents are not
5 proper indicia of legislative intent because it is not reasonable to
6 infer that they were ever read or considered by the Legislature.
7 (McDowell v. Watson (1997, 4th Dist.) 59 Cal.App.4th 1155, 1161,
8 fn.3; but see CD Investment Co. v. California Ins. Guarantee Assn.
9 (2001) 84 Cal.App.4th 1410, 1426 [noting that courts have relied upon
10 post-enrollment bill reports in interpreting statutes].) *Whaley v.*
11 *Sony Computer Entertainment America, Inc.* (2004, 4th Dist.) 121
12 Cal.App.4th 479, 487, fn.4

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

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

26 Courts may take judicial notice of relevant legislative history
27 to resolve ambiguities and uncertainties concerning the purpose and
28 meaning of a statute. (See Evid. Code, § 452, subd. (c) [permitting
judicial notice of official acts of the Legislature]; *Quelimane Co.*
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
notice of those materials properly noticed by the trial court,
including enrolled bill reports to the governor and legislative
committee and caucus reports, work sheets, and digests. (Evid. Code,
§ 459, subd. (a); [Citations.] *People v. Connor* (2004, 6th Dist.) 115
Cal.App.4th 669, 681, fn.3

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

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

The legal affairs department of the Governor's office noted
that "The bill reflects present Regent policies under existing law."
Thus we infer that the Legislature intended that only the meetings of
the Regents ... would be subject to the open meeting requirements of

1 the Bagley-Keene Act.... *Tafoya v. Hastings College of Law* (1987) 191
2 Cal.App.3d 437, 444

3 *Nickelsberg v. W.C.A.B.* (1991) 54 Cal.3d 288, 295; *Mercy Hospital and Medical Center v. Farmers*
4 *Insurance Group of Companies* (1997) 15 Cal.4th 213, 222; *People v. Snook* (1997) 16 Cal.4th 1210,
5 1219; *Murillo v. Fleetwood Enterprises, Inc.* (1998) 17 Cal.4th 985, 1003 (dissent); *Konig v. Fair*
6 *Employment & Housing Comm.* (2002) 28 Cal.4th 743, 749-751; *Lantzy v. Centex Homes* (2003) 31 Cal.4th
7 363, 377; *People v. Montes* (2003) 31 Cal.4th 350, 355-356; *Alford v. Superior Court (People)* (2003)
8 29 Cal.4th 1033, 1041-1042; *Fernandez v. Lawson* (2003) 31 Cal.4th 31, 43 (concurrence); *People v.*
9 *Lopez* (2005) 34 Cal.4th 1002, 1010; *American Financial Services Assn. v. City of Oakland* (2005) 34
10 Cal.4th 1239, 1257 and 1263; *Villa De Las Palmas Homeowners Assn. v. Terifaj* (2004) 33 Cal.4th 73,
11 85; *Gavaldon v. DaimlerChrysler Corp.* (2004) 32 Cal.4th 1246, 1258, fn.2; *Pacific Lumber Co. v. State*
12 *Water Resources Control Bd.* (2006) 37 Cal.4th 921, 941-2; *In re Reeves* (2005) 35 Cal.4th 765, 776,
13 fn.15; *S.B. Beach Properties v. Berti* (2006) 39 Cal.4th 374,384; *Kibler v. Northern Inyo County Local*
14 *Hospital District* (2006) 39 Cal.4th 192, 202; *People v. Cole* (2006) 38 Cal.4th 964, 983; *Vineyard*
15 *Area Citizens for Responsible Growth, Inc., v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 454-5;
16 *In re Marriage Cases* (2008) 43 Cal.4th 757, 795; *Lonicki v. Sutter Health Central* (2008) 43 Cal.4th
17 201, 220; *Jones v. Lodge at Torrey Pines Partnership* (2008) 42 Cal.4th 1158, 1170-2; *Miller v. Bank*
18 *of America* (2009) 46 Cal.4th 630; *Kleffman v. Vonage Holdings Corp.* (2010) 49 Cal.4th 334; *In re E.J.*
19 *(2010)* 47 Cal.4th 1258, 1288; *Pineda v. Williams-Sonoma Stores, Inc.* (2011) 51 Cal.4th 524, 534;
20 *Department of Fair Employment and Housing v. Mayr* (2011, 6th Dist.) 192 Cal.App.4th 719, 725; *In re*
21 *Greg F.* (2012) 55 Cal.4th 393; *In re Lucas* (2012) 53 Cal.4th 839, 850; *People v. Harrison* (2013) 57
22 Cal.4th 1211, 1222; *Elk Hills Power, LLC v. Board of Equalization* (2013) 57 Cal.4th 593, 603; *Sierra*
23 *Club v. Superior Court* (2013) 57 Cal.4th 157, 171; *People v. Leiva* (2013) 56 Cal.4th 498, 513; *Aryeh*
24 *v. Canon Business Solutions, Inc.* (2013) 55 Cal.4th 1185, 1193; *Verdugo v. Target Corp.* (2014) 59
25 Cal.4th 312, 332; *Loeffler v. Target Corp.* (2014) 58 Cal.4th 1081, 1116; *Lee v. Hanley* (2015) 61
26 Cal.4th 1225, 1234; *Coffey v. Shiomoto* (2015) 60 Cal.4th 1198, 1208; *State Department of Public*
27 *Health v. Superior Court* (2015) 60 Cal.4th 940, 950; *McLean v. State of California* (2016) 1 Cal.5th
28 615, 624; *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, 1185; *Rubenstein v. Doe No. 1* (2017) 3
Cal.5th 903, 915, as modified on denial of rehearing Nov. 1, 2017; *In re R.T.* (2017) 3 Cal.5th 622,
631; *926 N. Ardmore Ave., LLC v. County of Los Angeles* (2017) 3 Cal.5th 319, 329

14 *Post v. Prati* (1979) 90 Cal.App.3d 626, 634; *People v. Cardoza* (1984) 161 Cal.App.3d 40; *People v.*
15 *Rodriguez* (1984, 5th Dist.) 160 Cal.App.3d 207, 214, fn.11; *Bell v. Superior Court* (1989) 215
16 Cal.App.3d 1103, 1109, fn.7; *Bank of the Orient v. Town of Tiburon* (1990, 1st Dist.) 220 Cal.App.3d
17 992, 1002, fn.11; *Van De Kamp v. Gumbiner* (1990, 2nd Dist.) 221 Cal.App.3d 1260, 1278; *People v. Tabb*
18 *(1991, 4th Dist.)* 228 Cal.App.3d 1300, 1310; *Kishida v. State of California* (1991, 4th Dist.) 229
19 Cal.App.3d 329, 335; *City of Poway v. City of San Diego* (1991, 4th Dist.) 229 Cal.App.3d 847, 866;
20 *Transamerica Occidental Life v. State Board of Equalization* (1991, 2nd Dist.) 232 Cal.App.3d 1048,
21 1058; *Texas Commerce Bank v. Garamendi* (1992, 2nd Dist.) 11 Cal.App.4th 460, 490; *Bell v. DMV* (1992,
22 1st Dist.) 11 Cal.App.4th 304, 311; *Kaiser Foundation Health Plan v. Lifeguard* (1993, 1st Dist.) 18
23 Cal.App.4th 1753, 1764; *Johnson v. Superior Court* (1994, 2nd Dist.) 25 Cal.App.4th 1564, 1570;
24 *Natural Resources Defense Council v. Fish & Game Commission* (1994, 3rd Dist.) 28 Cal.App.4th 1104,
25 1118; *Golden State Homebuilding Association v. City of Modesto* (1994, 5th Dist.) 26 Cal.App.4th 601,
26 609; *State Compensation Insurance Fund v. W.C.A.B.* (1995, 2nd Dist.) 37 Cal.App.4th 675, 682; *Cuadra*
27 *v. Bradshaw* (1997, 1st Dist.) 53 Cal.App.4th 869, 875; *Forty-Niner Truck Plaza, Inc. v. Union Oil Co.*
28 *(1997, 3rd Dist.)* 58 Cal.App.4th 1261, 1273, 1274; *Grossmont Hospital v. Workers' Compensation*
Appeals Board (1997, 4th Dist.) 59 Cal.App.4th 1348, 1359; *Aquilino v. Marin County Employees'*
Retirement Assn. (1998, 1st Dist.) 60 Cal.App.4th 1509, 1516; *City of Alhambra v. P.J.B. Disposal Co.*
(1998, 2nd Dist.) 61 Cal.App.4th 136, 147-148, fn.14; *Rodeo Sanitary District v. Board of Supervisors*
(1999, 1st Dist.) 71 Cal.App.4th 1443, 1453; *M&B Construction v. Yuba County Water Agency* (1999, 3rd
Dist.) 68 Cal.App.4th 1353, 1360-1361; *People v. Pena* (1999, 5th Dist.) 74 Cal.App.4th 1078, 1082-
1083; *Landau v. Superior Court (Medical Board of California)* (2000, 1st Dist.) 81 Cal.App.4th 191,
202; *In re Adrian R.* (2000, 2nd Dist.) 85 Cal.App.4th 448, 457; *Adoption of Alexander M.* (2001, 4th
Dist.) 94 Cal.App.4th 430, 437; *De Anza Santa Cruz Mobile Estates Homeowners Assn. v. De Anza Santa*
Cruz Mobile Estates (2001, 6th Dist.) 94 Cal.App.4th 890, 910; *Lewis v. County of Sacramento* (2001,
3rd Dist.) 93 Cal.App.4th 107, 121, fn.4; *In re Danny H.* (2002, 2nd Dist.) 104 Cal.App.4th 92, 104,
fn.22; *Guillemain v. Stein* (2002, 3rd Dist.) 104 Cal.App.4th 156, 165, fn.9, 166, fn.12; *Hamilton v.*
Gourley (2002, 3rd Dist.) 103 Cal.App.4th 351, 358; *Casterson v. Superior Court (Cardoso)* (2002, 6th
Dist.) 101 Cal.App.4th 177 188-189; *Warmington Old Town Associates v. Tustin Unified School District*
(2002, 4th Dist.) 101 Cal.App.4th 840, 853-4; *People v. Washington* (2002, 2nd Dist.) 100 Cal.App.4th
590 594; *Mitchell v. American Fair Credit Assn.* (2002, 1st Dist.) 99 Cal.App.4th 1345, 1352; *People*
v. Chenze (2002, 4th Dist.) 97 Cal.App.4th 521, 527; *Garrett v. Young* (2003, 2nd Dist.) 109
Cal.App.4th 1393, 1403-1404; *Boehm & Associates v. Workers' Comp. Appeals Bd.* (2003, 3rd Dist.) 108
Cal.App.4th 137, 145; *Florez v. Linens 'N Things, Inc.* (2003, 4th Dist.) 108 Cal.App.4th 447, 453;
People ex rel. Allstate Ins. Co. v Weitzman (2003, 2nd Dist.) 107 Cal.App.4th 534, 547-552; *Friends*
of Westhaven & Trinidad v. County of Humboldt (2003, 1st Dist.) 107 Cal.App.4th 878, 886; *Pederson v.*
Superior Court (People) (2003, 2nd Dist.) 105 Cal.App.4th 931, 939; *Trinkle v. California State*
Lottery (2003, 3rd Dist.) 105 Cal.App.4th 1401, 1409, fn.7; *City of Long Beach v. California Citizens*
for Neighborhood Empowerment (2003, 2nd Dist.) 111 Cal.App.4th 302, 308; *Jaramillo v. JH Real Estate*

1 Partners, Inc. (2003, 6th Dist.) 111 Cal.App.4th 394, 402-3; Teamsters Local 856 v. Priceless, LLC
2 (2003, 1st Dist.) 112 Cal.App.4th 1500, 1517; People v. Ozkan (2004, 1st Dist.) 124 Ca.App.4th 1072,
3 1080-1081; People v. Miranda (2004, 2nd Dist.) 123 Cal.App.4th 1124, 1132; City of Modesto
4 Redevelopment Agency v. Superior Court (Dow Chemical Co.) (2004, 1st Dist.) 119 Cal.App.4th 28, 43;
5 Ochs v. PacifiCare of California (2004, 2nd Dist.) 115 Cal.App.4th 782, 790-791; Alch v. Superior
6 Court (Time Warner Entertainment) (2004, 2nd Dist.) 122 Cal.App.4th 339, 364, fn.11; PG&E Corp. v.
7 Public Utilities Commission (Office of Ratepayer Advocates) (2004, 1st Dist.) 118 Cal.App.4th 1174,
8 1204; People v. Carmony (2005, 3rd Dist.) 127 Cal.App.4th 1066, 1079; Branciforte Heights, LLC v.
9 City of Santa Cruz (2006, 6th Dist.) 138 Cal.App.4th 914, 926; Doran v. North State Grocery, Inc.
10 (2006, 3rd Dist.) 137 Cal.App.4th 484, 491-2; Kuperman v. San Diego Assessment Appeals Bd. No. 1
11 (Smith) (2006, 4th Dist.) 137 Cal.App.4th 918, 934; California Highway Patrol v. Superior Court
12 (Allende) (2006) 135 Cal.App.4th 1567b, 1567c; [Modification of opinion (135 Cal.App.4th 488) on
13 denial of petition for rehearing.]; National Steel and Shipbuilding Co. v. Superior Court (Godinez)
14 (2006, 4th Dist.) 135 Cal.App.4th 1072, 1083 [Review Granted]; Murphy v. Kenneth Cole Productions,
15 Inc. (2005, 1st Dist.) 134 Cal.App.4th 728, 748, 753 [Review Granted]; In re Maurice E. (2005, 1st
16 Dist.) 132 Cal.App.4th 474, 481; Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co. (2005,
17 2nd Dist.) 130 Cal.App.4th 890, 900; Escondido Union School Dist. v. Casa Sueños De Oro, Inc. (2005,
18 4th Dist.) 129 Cal.App.4th 944, 970; Lozada v. City and County of San Francisco (2006, 1st Dist.) 145
19 Cal.App.4th 1139, 1154-1155; Six Flags v. Workers' Compensation Appeals Board (2006, 2nd Dist.) 145
20 Cal.App.4th 91, 106-107; Faulder v. Mendocino County Board of Supervisors (2006, 1st Dist.) 144
21 Cal.App.4th 1362, 1375, 1378, fn.6; Amberger-Warren v. City of Piedmont (2006, 1st Dist.) 143
22 Cal.App.4th 1074, 1082; In re Schmidt (2006, 6th Dist.) 143 Cal.App.4th 694, 706; Wirth v. State of
23 California (2006, 3rd Dist.) 142 Cal.App.4th 131, 141-142; Petropoulos v. Department of Real Estate
24 (2006, 1st Dist.) 142 Cal.App.4th 554, 567; People v. Mojica (2006, 2nd Dist.) 139 Cal.App.4th 1197
25 1206; Hesperia Citizens for Responsible Development v. City of Hesperia (2007, 4th Dist.) 151
26 Cal.App.4th 653, 659; Fremont Indemnity Company v. Fremont General Corporation (2007, 2nd Dist.) 148
27 Cal.App.4th 97, 128-129; Young v. McCoy (2007, 2nd Dist.) 147 Cal.App.4th 1078, 1086, fn.8; TJX
28 Companies, Inc. v. Superior Court of Orange County (2007, 4th Dist.) 163 Cal.App.4th 80, 89; Plumbers
and Steamfitters, Local 290 v. Duncan (2007, 1st Dist.) 157 Cal.App.4th 1083, 1089; Collier v. City
and County of San Francisco (2007, 1st Dist.) 151 Cal.App.4th 1326, 1342, fn.11; Eicher v. Advanced
Business Integrators, Inc. (2007, 3rd Dist.) 151 Cal.App.4th 1363, 1382; Committee For Green
Foothills v. Santa Clara County Board of Supervisors (2008, 6th Dist.) 161 Cal.App.4th 1204, 1235;
Qualified Patients Assn. v. City of Anaheim (2010, 4th Dist., Div. 3) 187 Cal.App.4th 734; ZC Real
Estate Tax Solutions Limited v. Gordon B. Ford, as County Treasurer, etc., et al. (2010, 5th Dist.)
191 Cal.App.4th 378; ZC Real Estate Tax Solutions Limited v. Gordon B. Ford, as County Treasurer,
etc., et al. (2010, 5th Dist.) 191 Cal.App.4th 378; Glendale Redevelopment Agency v. City of Los
Angeles (2010, 2nd Dist., Div. 5) 184 Cal.App.4th 1388, 1402; County of San Diego v. Alcoholic
Beverage Control Appeals Board (2010, 4th Dist., Div.1) 184 Cal.App.4th 396, 404; Brown v. Valverde
(2010, 1st Dist., Div. 2) 183 Cal.App.4th 1531, 1552; People v. Bojorquez (2010, 4th Dist., Div. 3)
183 Cal.App.4th 407, 419; California Corr. Peace Officers' Assn. v. State of California (2010, 1st
Dist., Div. 4) 181 Cal.App.4th 1454, 1462; Westamerica Bank v. City of Berkeley, (2011, 1st Dist.,
Div. 4) 201 Cal.App.4th 598, 611-12; Lewis Operating Corp. v. Superior Court (2011, 4th Dist., Div.
2) 200 Cal.App.4th 940, 951; City of Scotts Valley v. County of Santa Cruz (2011, 1st Dist., Div. 1)
201 Cal.App.4th 1, 34, 44, as modified on denial of rehearing Nov. 23, 2011; People v. Butler (2011,
2nd Dist., Div. 1) 195 Cal.App.4th 535, 539, as modified on denial of rehearing June 7, 2011; People
v. Williams (2011, 2nd Dist., Div. 8) 199 Cal.App.4th 1285, 1289; Turner v. Assn. of American Medical
Colleges (2011, 1st Dist., Div. 5) 193 Cal.App.4th 1047, 1060; California Assn. of Med. Prod.
Suppliers v. Maxwell-Jolly (2011, 1st Dist., Div. 2) 199 Cal.App.4th 286, 314; California Retail
Portfolio Fund GMBH & Co. KG v Hopkins Real Estate Group (2011, 2nd Dist., Div. 8) 193 Cal.App.4th
849, 857; California Attorneys, etc. v. Brown (2011, 1st Dist., Div. 3) 195 Cal.App.4th 119, 125-26;
Martin v. PacifiCare of California (2011, 4th Dist., Div. 3) 198 Cal.App.4th 1390, 1402; Roy v.
Superior Court (2011, 3rd Dist.) 198 Cal.App.4th 1337, 1351; People v. Gerber (2011, 6th Dist.) 196
Cal.App.4th 368, 379; Sacramento County Employees Retirement System v. Superior Court (2011, 3rd
Dist.) 195 Cal.App.4th 440, 456; Estate of Bartsch (2011, 1st Dist., Div. 1) 193 Cal.App.4th 885,
897; In re P.A. (2012, 4th Dist., Div. 2) 211 Cal.App.4th 23, 36; Burgos v. Superior Court (2012, 1st
Dist., Div. 5) 206 Cal.App.4th 817, 829, 832; Sierra Club v. Napa County Board of Supervisors (2012,
1st Dist., Div. 4) 205 Cal.App.4th 162, 175; Taiheiyo Cement U.S.A., Inc. v. Franchise Tax Board
(2012, 2nd Dist., Div. 1) 204 Cal.App.4th 254, 260, as modified on denial of rehearing Apr. 4, 2012;
Porter v. Board of Retirement of Orange County Employees Retirement System (2013, 4th Dist., Div. 3)
222 Cal.App.4th 335, 343; Nevarrez v. San Marino Skilled Nursing and Wellness Ctr., LLC (2013, 2nd
Dist., Div. 4) 221 Cal.App.4th 102, 133; Benson v. Marin County Assessment Appeals Board (2013, 1st
Dist., Div. 1) 219 Cal.App.4th 1445, 1457; May v. City of Milpitas (2013, 6th Dist.) 217 Cal.App.4th
1307, 1331; California State Teachers' Retirement System v. County of Los Angeles (2013, 2nd Dist.,
Div. 3) 216 Cal.App.4th 41, 57; Department of Correction & Rehabilitation v. State Pers. Bd. (2013,
4th Dist., Div. 1) 215 Cal.App.4th 1101, 1111; People v. Evans (2013, 4th Dist., Div. 1) 215
Cal.App.4th 242, 252; Soco W., Inc. v. California Environmental Protection Agency (2013, 4th Dist.,
Div. 3) 213 Cal.App.4th 1511, 1515, as modified on denial of rehearing Mar. 27, 2013; Brown v.
Superior Court (2013, 4th Dist., Div. 3) 213 Cal.App.4th 61, 73; City of S. San Francisco v. Bd. of
Equalization (2014, 1st Dist., Div. 2) 232 Cal.App.4th 707, 715; Ellena v. Department of Insurance
(2014, 1st Dist., Div. 2) 230 Cal.App.4th 198, 214; City of San Diego v. Shapiro (2014, 4th Dist.,
Div. 1) 228 Cal.App.4th 756, 773 (2014); Rea v. Blue Shield of California (2014, 2nd Dist., Div. 1)
226 Cal.App.4th 1209, 1224, as modified on denial of rehearing July 9, 2014; Epic Med. Mgmt., LLC v.

1 Paquette, (2015, 2nd Dist., Div. 8) 244 Cal.App.4th 504, 516; *People v. McGowan* (2015, 2nd Dist.,
2 Div. 5) 242 Cal.App.4th 377, 384, as modified Dec. 8, 2015; *Carloss v. County of Alameda* (2015, 1st
3 Dist., Div. 3) 242 Cal.App.4th 116, 128; *Dorsey v. Superior Court* (2015, 4th Dist., Div. 1) 241
4 Cal.App.4th 583, 597; *Newark Unified Sch. Dist. v. Superior Court* (2015, 1st Dist., Div. 1) 239
5 Cal.App.4th 33, 901; *Doe v. San Diego-Imperial Council* (2015, 4th Dist., Div. 1) 239 Cal.App.4th 81,
6 89; *Womack v. Lovell* (2015, 4th Dist., Div. 3) 237 Cal.App.4th 772, 783; *Siskiyou County Farm Bureau*
7 *v. Department of Fish & Wildlife* (2015, 3rd Dist.) 237 Cal.App.4th 411, as modified on denial of
8 rehearing June 26, 2015; *Harrold v. Levi Strauss & Co.* (2015, 1st Dist., Div. 3) 236 Cal.App.4th
9 1259; *Mosser Companies v. San Francisco Rent Stabilization & Arbitration Bd.* (2015, 1st Dist., Div.
10 3) 233 Cal.App.4th 505, 513; *Fredericks v. Superior Court* (2015, 4th Dist., Div. 1) 233 Cal.App.4th
11 209, 232; *People v. Gonzales* (2015, 6th Dist.) 232 Cal.App.4th 1449; *Building Industry Assn. of Bay*
12 *Area v. City of San Ramon* (2016, 1st Dist., Div. 2) 4 Cal.App.5th 62, 78; *T-Mobile W. LLC v. City &*
13 *County of San Francisco* (2016, 1st Dist., Div. 5) 3 Cal.App.5th 334, 353, as modified on denial of
14 rehearing Oct. 13, 2016, aff'd, 6 Cal.5th 1107, 438 P.3d 239 (2019); *Adoption of Reed H.* (2016, 3rd
15 Dist.) 3 Cal.App.5th 76, 81; *Friends of Willow Glen Trestle v. City of San Jose* (2016, 6th Dist.) 2
16 Cal.App.5th 457, 468; *San Diegans for Open Gov't v. City of San Diego* (2016, 4th Dist., Div. 1) 247
17 Cal.App.4th 1306, 1314; *People v. Santa Ana* (2016, 6th Dist.) 247 Cal.App.4th 1123, 1138; *County of*
18 *Santa Clara v. Escobar* (2016, 6th Dist.) 244 Cal.App.4th 555; *Rubio v. Superior Court* (2016, 2nd
19 Dist., Div. 3) 244 Cal.App.4th 459; *Lippman v. City of Oakland* (2017, 1st Dist., Div. 4) 19
20 Cal.App.5th 750, rehearing denied (Feb. 16, 2018), review denied Apr. 11, 2018; *Pacific Gas &*
21 *Electric Co. v. Hart High-Voltage Apparatus Repair & Testing Co.* (2017, 5th Dist.) 18 Cal.App.5th
22 415, review denied Mar. 28, 2018; *Klem v. Access Ins. Co.* (2017, 4th Dist., Div. 1) 17 Cal.App.5th
23 595, 621, review denied Feb. 28, 2018; *Walker v. Physical Therapy Bd. of California* (2017, 4th Dist.,
24 Div. 1) 16 Cal.App.5th 1219, 1231, as modified Nov. 16, 2017; *Otay Land Co., LLC v. U.E. Ltd., L.P.*
25 (2017, 4th Dist., Div. 1) 15 Cal.App.5th 806, 826, rehearing denied Oct. 13, 2017, review denied Dec.
26 13, 2017; *Am. Cargo Express, Inc. v. Superior Court* (2017, 3rd Dist.) 16 Cal.App.5th 145, 156, as
27 modified on denial of rehearing Oct. 13, 2017, review denied Dec. 13, 2017; *Guttman v. Chiazor* (2017)
28 15 Cal.App.5th Supp. 57, 66; *Walker v. Appellate Div. of Superior Court* (2017, 2nd Dist., Div. 5) 14
Cal.App.5th 651, 657; *People v. Paz* (2017, 2nd Dist., Div. 3) 10 Cal.App.5th 1023, 1031; *People v.*
Epperson (2017, 1st Dist., Div. 5) 7 Cal.App.5th 385, 391

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

On November 6, 2008, the Governor published a letter addressed to all state employees... *Professional Engineers in California Government v. Schwarzenegger* (2010) 50 Cal.4th 989, 1001

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

The statute's legislative sponsor, Assemblyman Floyd, stated in his letter urging Governor Deukmejian to sign the ... (Assemblyman 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

... Governor Wilson's message to the Assembly upon signing the bill that became section 2933.1. The Governor wrote that the ... (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* (2005) 35 Cal.4th 765, 777

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)
16 *Martin v. Szeto* (2004) 32 Cal.4th 445, 450-451

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

13 Finally, there exists the executive statement of Governor Brown
14 issued by press release in which he explained the effects of the
15 legislation. He stated: "By signing this bill, I want to send a clear
16 message to every person in this state that using a gun in the
17 commission of a serious crime means a stiff prison sentence. Whatever
18 the circumstances, however eloquent the lawyer, *judges will no longer*
19 *have discretion to grant probation even to first offenders.*"
20 (Governor's Press Release No. 284 (Sept. 23, 1975), italics added.)
21 *People v. Tanner* (1979) 24 Cal.3d 514, 520

18 Finally, a September 11, 1980 letter to Governor Brown, Jr.,
19 from Yolo County District Attorney Richard L. Gilbert, a sponsor of
20 Assembly Bill No. 2861 (1979-1980 Reg. Sess.), urging the signing of
21 the bill, provides, "The bill has been amended in a number of
22 particulars since its first introduction in order to provide ...
23 limitations on the time period for the filing of petitions...." ...

20 ... A reviewing court may consider correspondence directed to
21 the Governor's office in determining legislative intent. (*Karlin v.*
22 *Zalta* (1984) 154 Cal.App.3d 953, 968, fn.9; accord, *Shapero v.*
23 *Fliegel* (1987) 191 Cal.App.3d 842, 847, fn.5)

23 Nothing in the language of section 851.8(1) or the
24 aforementioned legislative history limits the two-year filing period
25 to any one of the three classes of individuals entitled to relief
26 under section 851.8. This suggests the Legislature intended the
27 limitations period to apply to anyone entitled to petition for such
28 relief. *People v. Bermudez* (2009, 1st Dist.) 172 Cal.App.4th 966, 91
29 Cal.Rptr.3d 510

27 In a letter supporting Assembly Bill No. 743, the California
28 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 Dist.) 142 Cal.App.4th 131,
141-142

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

13 Statements of an individual legislator, including the bill's
14 author, are generally not considered in construing a statute.
15 [Citation.] An exception exists, however, when the letter constitutes
16 a "reiteration of legislative discussion and events leading to
17 adoption of proposed amendments rather than merely an expression of
18 personal opinion." [Citations.] The exception applies here because
19 Senator Kopp's letters explain the events leading to the adoption of
20 amended language after Senator Kopp first urged the bill's passage.
21 *People v. Superior Court (Ferguson)* (2005, 1st Dist.) 132 Cal.App.4th
22 1525, 1532

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

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

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

In fact, section 1633.5's own legislative history reveals that
the purpose in enacting the provision was to declare "that State
licensing pre-empts local licensing" (Assembly member Thomas M. Rees,
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
that section 1633.5 does not proscribe a UCA action. *Stevens v.*
Superior Court (1999, 2nd Dist.) 75 Cal.App.4th 594, 605

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

Once the Governor had signed the legislation, his office issued
a press release stating: "The bill declares that civil liability to a

1 third party is incurred solely by the intoxicated person" (Governor's
2 Press Release No. 320 [September 20, 1978]). Such documents may be
3 used to determine legislative intent [Citations]... *Knighen v.*
4 *Sam's Parking Valet* (1988, 4th Dist.) 206 Cal.App.3d 69, 77

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

11 *Harrott v. County of Kings* (2001) 25 Cal.4th 1138, 1150; *Cornette v. Department of Transportation*
12 (2001) 26 Cal.4th 63, 72; *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th
13 1239, 1263; *Ordlock v. Franchise Tax Board* (2006) 38 Cal.4th 897, 912, fn.8; *Murphy v. Kenneth Cole*
14 *Productions* (2007) 40 Cal.4th 1094, 1107, 1110, fn.12; *O'Connell v. City of Stockton* (2007) 41
15 Cal.4th 1061, 1078, fn.1; *Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 528-533; *Voices of the Wetlands*
16 *v. State Water Resources Control Board* (2011) 52 Cal.4th 499, 526; *In re Greg F.* (2012) 55 Cal.4th
17 393; *United Teachers of Los Angeles v. Los Angeles Unified School District* (2012) 54 Cal.4th 504,
18 523; *American Nurses Assn. v. Torlakson* (2013) 57 Cal.4th 570, 580; *Verdugo v. Target Corp.* (2014) 59
19 Cal.4th 312, 332; *People v. Elmore* (2014) 59 Cal.4th 121, 144; *Centinela Freeman Emergency Medical*
20 *Assn. v. Health Net of California, Inc.* (2016) 1 Cal.5th 994, 1009; *Brown v. Superior Court* (2016) 63
21 Cal.4th 335; *Gerawan Farming, Inc. v. Agricultural Labor Relations Bd.* (2017) 3 Cal.5th 1118, 1132,
22 cert. denied, 139 S. Ct. 60, 202 L. Ed. 2d 196 (2018)

23 -----
24 *Post v. Prati* (1979) 90 Cal.App.3d 626, 634; *People v. Stepney* (1981) 120 Cal.App.3d 1016, 1020,
25 fn.4; *People v. Garcia* (1998, 1st Dist.) 63 Cal.App.4th 820, 831; *In re Carr* (1998, 2nd Dist.) 65
26 Cal.App.4th 1525, 1535; *Zhao v. Wong* (1996, 1st Dist.) 48 Cal.App.4th 1114, 1123, fn.5; *Alt v.*
27 *Superior Court* (1999, 3rd Dist.) 74 Cal.App.4th 950, 959, fn.4; *Hahn v. State Board of Equalization*
28 (1999, 2nd Dist.) 73 Cal.App.4th 985, 993-994; *Bartold v. Glendale Federal Bank* (2000, 4th Dist.) 81
29 Cal.App.4th 816, 833; *Aguilar v. Lerner* (2001, 1st Dist.) 90 Cal.App.4th 177, 185; *Garrett v. Young*
30 (2003, 2nd Dist.) 109 Cal.App.4th 1393, 1403-1404; *Boehm & Associates v. Workers' Comp. Appeals Bd.*
31 (2003, 3rd Dist.) 108 Cal.App.4th 137, 145; *Friends of Westhaven & Trinidad v. County of Humboldt*
32 (2003, 1st Dist.) 107 Cal.App.4th 878, 886; *City of West Hollywood v. 1112 Investment Co.* (2003, 2nd
33 Dist.) 105 Cal.App.4th 1134, 1144; *In re Danny H.* (2002, 2nd Dist.) 104 Cal.App.4th 92, 103, fn.20;
34 *Hamilton v. Gourley* (2002, 3rd Dist.) 103 Cal.App.4th 351, 358, fn.1; *Ruiz v. Sylva* (2002, 2nd Dist.)
35 102 Cal.App.4th 199, 210; *People v. Washington* (2002, 2nd Dist.) 100 Cal.App.4th 590 595; *City of*
36 *Malibu v. Santa Monica Mountains Conservancy* (2002, 2nd Dist.) 98 Cal.App.4th 1379, 1387; *Gamble v.*
37 *Los Angeles Department of Water & Power* (2002, 2nd Dist.) 97 Cal.App.4th 253, 258; *Smith v. Santa*
38 *Rosa Police Department* (2002, 1st Dist.) 97 Cal.App.4th 546, 559-560, fn.11; *Ma v. City and County of*
39 *San Francisco* (2002, 1st Dist.) 95 Cal.App.4th 488, 515; *Jabro v. Superior Court* (2002, 4th Dist.) 95
40 Cal.App.4th 754, 757; *Summerfield v. Windsor Unified School District* (2002, 1st Dist.) 95 Cal.App.4th
41 1026, 1035; *City of Long Beach v. California Citizens for Neighborhood Empowerment* (2003, 2nd Dist.)
42 111 Cal.App.4th 302, 308; *People v. Chavez* (2004, 5th Dist.) 118 Cal.App.4th 379, 386; *People v.*
43 *Rivera* (2003, 4th Dist.) 114 Cal.App.4th 872, 878; *City of Brentwood v. Central Valley Regional Water*
44 *Quality Control Bd.* (2004, 1st Dist.) 123 Cal.App.4th 714, 730, fn.11; *People v. Miranda* (2004, 2nd
45 Dist.) 123 Cal.App.4th 1124, 1132; *Alch v. Superior Court (Time Warner Entertainment)* (2004, 2nd
46 Dist.) 122 Cal.App.4th 339, 364, fn.12; *Salawy v. Ocean Towers Housing Corp.* (2004, 2nd Dist.) 121
47 Cal.App.4th 664, 677 (dissent); *Cacho v. Boudreau* (2005, 4th Dist.) 127 Cal.App.4th 707, 729; *ARP*
48 *Pharmacy Services, Inc. v. Gallagher Bassett Services, Inc.* (2006, 2nd Dist.) 138 Cal.App.4th 1307,
49 1319 and 1321 (author letter to Governor; sponsor letter to Governor) [Review Granted]; *Bosworth v.*
50 *Whitmore* (2006, 2nd Dist.) 135 Cal.App.4th 536, 547 (author letter to Governor); *Benjamin G. v.*
51 *Special Ed. Hearing Office (Long Beach Unified School Dist.)* (2005, 2nd Dist.) 131 Cal.App.4th 875,
52 882-883, fn.6 and fn.7 (author's letter to Governor, to proponent; opponent letter); *Scottsdale Ins.*
53 *Co. v. State Farm Mutual Automobile Ins. Co.* (2005, 2nd Dist.) 130 Cal.App.4th 890, 901 (author
54 letter to governor); *People v. Tapia* (2005, 2nd Dist.) 129 Cal.App.4th 1153, 1163 (author letter to
55 governor); *An Independent Home Support Service, Inc. v. Superior Court (San Diego)* (2006, 4th Dist.)
56 145 Cal.App.4th 1418, 1434; *Amberger-Warren v. City of Piedmont* (2006, 1st Dist.) 143 Cal.App.4th
57 1074, 1082; *American Liberty Bail Bonds, Inc. v. Garamendi* (2006, 2nd Dist.) 141 Cal.App.4th 1044,
58 1055-56; *Miller v. Collectors Universe, Inc.* (2007, 4th Dist.) 65 Cal.Rptr.3d 351, 361; *Northwest*
59 *Energetic Services, LLC v. California Franchise Tax Board* (2008 1st Dist.) 159 Cal.App.4th 841,855-
60 856; *Nguyen v. Nguyen* (2008, 4th Dist.) 158 Cal.App.4th 1636, 1656, fn.19, 1659-60; *People v. Kelly*
61 (2008, 2nd Dist.) 77 Cal.Rptr.3d 400; *Schmidlin v. City of Palo Alto* (2008, 6th Dist.) 157
62 Cal.App.4th 728, 756; *People v. Price* (2007, 2nd Dist.) 155 Cal.App.4th 987, 994-5; *People v. James*
63 (2009, 3rd Dist.) 174 Cal.App.4th 662; *Benson v. Workers' Compensation Appeals Board* (2009, 1st
64 Dist.) 170 Cal.App.4th 1535; *ZC Real Estate Tax Solutions Limited v. Gordon B. Ford, as County*
65 *Treasurer, etc., et al.* (2010, 5th Dist.) 191 Cal.App.4th 378; *Estate of Bartsch* (2011, 1st Dist.,
66 Div. 1) 193 Cal.App.4th 885, 897; *California School Boards Assn. v. Brown* (2011, 2nd Dist., Div. 3)

1 192 Cal.App.4th 1507, 1523; *Joyce v. Ford Motor Co.* (2011, 3rd Dist.) 198 Cal.App.4th 1478, 1492-93;
2 *Pulli v. Pony Internat, LLC* (2012, 4th Dist., Div. 1) 206 Cal.App.4th 1507, 1519; *Benson v. Marin*
3 *County Assessment Appeals Board* (2013, 1st Dist., Div. 1) 219 Cal.App.4th 1445, 1457; *Alejo v.*
4 *Torlakson* (2013, 1st Dist., Div. 2) 212 Cal.App.4th 768, 792; *City of S. San Francisco v. Board of*
5 *Equalization* (2014, 1st Dist., Div. 2) 232 Cal.App.4th 707, 715; *People v. Spriggs* (2014, 5th Dist.)
6 224 Cal.App.4th 150, 157; *People v. McGowan* (2015, 2nd Dist., Div. 5) 242 Cal.App.4th 377, 384, as
7 modified Dec. 8, 2015; *City of Cerritos v. State of California* (2015, 3rd Dist.) 239 Cal.App.4th
8 1020, 1029; *People v. Cady* (2016, 4th Dist., Div. 1) 7 Cal.App.5th 134, 141; *People v. Morera-Munoz*
9 (2016, 1st Dist., Div. 1) 5 Cal.App.5th 838, 847; *McGee v. Balfour Beatty Constr., LLC* (2016, 2nd
10 Dist., Div. 8) 247 Cal.App.4th 235; *In re Donovan L.* (2016, 4th Dist., Div. 1) 244 Cal.App.4th 1075,
11 1089; *County of Santa Clara v. Escobar* (2016, 6th Dist.) 244 Cal.App.4th 555; *Lippman v. City of*
12 *Oakland* (2017, 1st Dist., Div. 4) 19 Cal.App.5th 750, rehearing denied (Feb. 16, 2018), review denied
13 Apr. 11, 2018; *Pacific Gas & Electric Co. v. Hart High-Voltage Apparatus Repair & Testing Co.* (2017,
14 5th Dist.) 18 Cal.App.5th 415, review denied Mar. 28, 2018; *Walker v. Appellate Div. of Superior*
15 *Court* (2017, 2nd Dist., Div. 5) 14 Cal.App.5th 651, 657; *California Taxpayers Action Network v. Taber*
16 *Constr., Inc.* (2017, 1st Dist., Div. 2) 12 Cal.App.5th 115, 132 (Ct. App. 2017)

8 **D. Post-Enactment History.**

9 **1. Statements and Actions by Subsequent Legislatures:**

10 As defendants note, following the November 2014 election, one
11 of Proposition 47's drafters, a law professor at Stanford School of
12 Law, stated that three strike inmates who had been previously denied
13 relief under the resentencing provisions of the Three Strikes Reform
14 Act "could return to court and cite Proposition 47's new definition
15 of an 'unreasonable risk of danger.'" (St. John & Gerber, *Prop. 47*
16 *jolts landscape of California justice system*, L.A. Times (Nov. 5,
17 2014) online at <<http://www.latimes.com/local/politics/la-me-ff-pol-proposition47-20141106-story.html>> [as of July 3, 2017].) But "[t]he
18 opinion of drafters or legislators who sponsor an initiative is not
19 relevant since such opinion does not represent the intent of the
20 electorate and we cannot say with assurance that the voters were
21 aware of the drafters' intent.'" (*Robert L.*, *supra*, 30 Cal.4th at p.
22 904, 135 Cal.Rptr.2d 30, 69 P.3d 951) This caution applies with even
23 greater force here where a single drafter expressed an intent and
24 interpretation only after the passage of the measure. *People v.*
25 *Valencia* (2017) 3 Cal.5th 347, 354

19 Even if short sales were unknown in 1933 (or in 1989 when the
20 Legislature enacted the version of section 580b that controls this
21 case), that does not mean section 580b cannot apply to a lender whose
22 secured interest is exhausted in a short sale. "Fidelity to
23 legislative intent does not 'make it impossible to apply a legal text
24 to [transactions] that did not exist when the text was created....
25 Drafters of every era know ... that the rules they create will one
26 day apply to all sorts of circumstances they could not possibly
27 envision.'" (*Apple*, *supra*, 56 Cal.4th at p. 137, 151 Cal.Rptr.3d
28 841, 292 P.3d 883, quoting Scalia & Garner, *Reading Law: The*
Interpretation of Legal Texts (2012) pp. 85-86.) *Coker v. JPMorgan*
Chase Bank, N.A. (2016) 62 Cal.4th 667

25 The Legislature's subsequent amendment of section 1016--
26 deleting the limitation with respect to felony cases--supports this
27 understanding of the legislative intent. [Citation.] "Although an
28 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.] Furthermore, 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

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

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

26 Although a legislative expression of the intent of an earlier
27 act is not binding upon the courts in their construction of the prior
28 act, that expression may properly be considered together with other
factors in arriving at the true legislative intent existing when the
prior act was passed. *Eu v. Chacon* (1976) 16 Cal.3d 465, 470

1 Notably, the Legislature has amended section 782 since the
2 addition of subdivision (a)(1)(D) of section 781, but did not add any
3 limitations on the freedom from future adverse consequences for a
4 person whose petition is dismissed under that section. (See *Haro*,
5 *supra*, 221 Cal.App.4th at p. 723, 164 Cal.Rptr.3d 516; see also *Greg*
6 *F.*, *supra*, 55 Cal.4th at p. 406, 146 Cal.Rptr.3d 272, 283 P.3d 1160
7 [Legislature's failure "to change the law in a particular respect
8 when the subject is generally before it and changes in other respects
9 are made is indicative of an intent to leave the law as it stands in
10 the aspects not amended'"].) *In re David T.* (2017, 1st Dist., Div. 2)
11 13 Cal.App.5th 866, 875

12 The purpose of statutory interpretation is to effectuate the
13 intent of the Legislature. (*People v. Ledesma* (1997) 16 Cal.4th 90,
14 95[65 Cal.Rptr.2d 610, 939 P.2d 1310]) The Legislature is presumed to
15 be aware of judicial interpretations of a statute. (*Id.* at pp. 100-
16 101, 65 Cal.Rptr.2d 610, 939 P.2d 1310) If the Legislature amends or
17 reenacts the statute without changing the interpretation placed on
18 that statute by the courts, "the Legislature is presumed to have
19 been aware of, and acquiesced in, the courts' construction of that
20 statute. [Citations.]" (*Id.* at pp. 100-101) *People v. Brown* (2016,
21 4th Dist., Div. 2) 247 Cal.App.4th 1430, 1436

22 But an uncodified statement of legislative intent explicitly
23 sets forth the purposes of Assembly Bill 1X 26...

24 A statement that a statute is declarative of existing law may
25 bear on the Legislature's intent. (See, e.g., *Western Security Bank*
26 *v. Superior Court* (1997) 15 Cal.4th 232, 243-245, 62 Cal.Rptr.2d 243,
27 933 P.2d 507 (*Western Security Bank*)) But it is not within the
28 Legislature's bailiwick to interpret laws previously passed. (See
McClung, *supra*, 34 Cal.4th at pp. 472-473, 20 Cal.Rptr.3d 428, 99
P.3d 1015) At best such a declaration "is but a factor for a court to
consider and 'is neither binding nor conclusive in construing the
statute.'" (*Id.* at p. 473, 20 Cal.Rptr.3d 428, 99 P.3d 1015; see
California Employment Stabilization Comm. v. Payne (1947) 31 Cal.2d
210, 214, 187 P.2d 702; *Del Costello v. State of California* (1982)
135 Cal.App.3d 887, 893, fn.8, 185 Cal.Rptr. 582) As we have
explained previously:

"The recognition of subsequent assertions of legislative intent
is derived from cases where the meaning of the earlier enactment is
'unclear.' [Citation.] It cannot rest upon the notion that the
(subsequent) Legislature has authority to interpret the earlier
statute for that is a judicial task. [Citation.]

"The doctrine's legitimate ground is that, as to unsettled
questions concerning rules of decision and absent a good reason to
the contrary, the Legislature's subsequent resolution should receive
deference. [Citation.] It presupposes a case in which the question of
meaning is closely balanced, the views of reasonable persons might
well diverge, and no private rights have clearly accrued under the
earlier statute." (*Sacramento*, *supra*, 22 Cal.App.4th at p. 798, 27
Cal.Rptr.2d 545) *City of Emeryville v. Cohen* (2015, 3rd Dist.) 233
Cal.App.4th 293, 303

"[I]f the courts have not yet finally and conclusively
interpreted a statute and are in the process of doing so, a
declaration of a later Legislature as to what an earlier Legislature
intended is entitled to consideration. [Citation.]" (*McClung v.*

1 Employment Development Department (2004) 34 Cal.4th 467, 473, 20
2 Cal.Rptr.3d 428, 99 P.3d 1015 (McClung)) *Sheridan v. Touchstone*
3 *Television Prods., LLC* (2015, 2nd Dist., Div. 4) 241 Cal.App.4th 508,
4 513

5 A "postenactment legislative statement, though not binding, is
6 a 'secondarily authoritative expression of expert opinion'" on
7 legislative intent. (*People v. Preller* (1997) 54 Cal.App.4th 93, 98,
8 62 Cal.Rptr.2d 507; *Eu v. Chacon* (1976) 16 Cal.3d 465, 470, 128
9 Cal.Rptr. 1, 546 P.2d 289) "'While "subsequent legislation
10 interpreting [a] statute ... [cannot] change the meaning [of the
11 earlier enactment,] it [does] suppl[y] an indication of the
12 legislative intent which may be considered together with other
13 factors in arriving at the true intent existing at the time the
14 legislation was enacted." [Citation.]" (*People ex rel. Lockyer v.*
15 *R.J. Reynolds Tobacco Co.* (2005) 37 Cal.4th 707, 724, 36 Cal.Rptr.3d
16 814, 124 P.3d 408) *Donorovich-Odonnell v. Harris* (2015, 4th Dist.,
17 Div. 1) 241 Cal.App.4th 1118, 1130

18 While subsequent legislation often has no bearing on the
19 interpretation of an earlier statute, where the Legislature employs
20 identical language in the later statute, and the legislative history
21 of the later statute expressly references the earlier statute, the
22 purpose and intent of the later statute has some relevance to the
23 purpose and intent of the earlier statute. (See *Barrett v. Rosenthal*
24 (2006) 40 Cal.4th 33, 54 & fn.17, 51 Cal.Rptr.3d 55, 146 P.3d 510;
25 *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 195,
26 25 Cal.Rptr.3d 298, 106 P.3d 958; *Eu v. Chacon* (1976) 16 Cal.3d 465,
27 470, 128 Cal.Rptr. 1, 546 P.2d 289; *Ailanto Properties, Inc. v. City*
28 *of Half Moon Bay* (2006) 142 Cal.App.4th 572, 589-590, fn.13, 48
Cal.Rptr.3d 340)

While letters from individual proponents of legislation "are
generally not considered in construing a statute, as the court's task
is to ascertain the intent of the Legislature as a whole in adopting
a piece of legislation," (*Quintano v. Mercury Casualty Co.* (1995) 11
Cal.4th 1049, 1062, 48 Cal.Rptr.2d 1, 906 P.2d 1057), they
nonetheless may aid in understanding the legislative process by
alluding "to arguments and discussions which actually took place
during" the process. (See *Courtesy Ambulance Service v. Superior*
Court (1992) 8 Cal.App.4th 1504, 1512, fn.6, 11 Cal.Rptr.2d 161)

Opinion letters solicited by bill authors can, in appropriate
cases, provide contextual understanding of the legislative process
and, in such cases, may be subject to judicial notice. (See *Martinez*
v. Regents of University of California (2010) 50 Cal.4th 1277, 1289,
117 Cal.Rptr.3d 359, 241 P.3d 855 ["'though not binding'" they can,
in appropriate circumstances, be "'entitled to great weight when
courts attempt to discern legislative intent'"]; *Walnut Valley*
Unified School Dist. v. Superior Court (2011) 192 Cal.App.4th 234,
248, fn.9, 121 Cal.Rptr.3d 383 ["The opinion of the Legislative
Counsel, although not binding on the court, is entitled to
consideration."].)

We decline to take judicial notice of this proposed, but never
enacted, legislation. (See *Delaney v. Baker* (1999) 20 Cal.4th 23, 30,
fn.3, 82 Cal.Rptr.2d 610, 971 P.2d 986 [declining to take judicial
notice of legislative history of proposed statutory amendments that
were not enacted; such history was "irrelevant"]; *Chino MHC, LP v.*
City of Chino (2012) 210 Cal.App.4th 1049, 1068, 148 Cal.Rptr.3d 753

1 [declining to take judicial notice of proposed legislation;
2 ``Legislature's failure to enact a proposed amendment to an existing
3 statutory scheme offers only limited guidance, if any, concerning the
4 Legislature's original intent. [Citations.]'"], quoting *Martin v.*
Szeto (2004) 32 Cal.4th 445, 451, 9 Cal.Rptr.3d 687, 84 P.3d 374.)
Borikas v. Alameda Unified School District (2013, 1st Dist., Div. 1)
214 Cal.App.4th 135, 159

5 Our conclusion finds additional support from the Legislature's
6 amendments to the statute. Generally, "when ... the Legislature
7 undertakes to amend a statute which has been the subject of judicial
8 construction [,] ... and ... substantial changes are made in the
9 statutory language[,] it is usually inferred that the lawmakers
10 intended to alter the law in those particulars affected by such
11 changes." (*Palos Verdes Faculty Assn. v. Palos Verdes Peninsula*
Unified Sch. Dist. (1978) 21 Cal.3d 650, 659, 147 Cal.Rptr. 359, 580
P.2d 1155) As the Legislature eliminated subdivision (g), which the
courts had interpreted to limit the number of One Strike sentences
properly imposed on multiple offenses against a single victim on a
single occasion, we infer that the Legislature intended to abrogate
this restriction. *People v. Rodriguez* (2012, 2nd Dist., Div. 4) 207
Cal.App.4th 204, 213-14

12 The record before us thus demonstrates the wisdom of deferring
13 to the CHP's expertise. When a statutory provision is ambiguous and
14 there is no clear case or other persuasive authority on the subject,
15 the statute's contemporaneous construction by the administrative
16 agency charged with enforcing it is entitled to great weight, unless
17 it is clearly erroneous or unauthorized. (*McGraw v. Department of*
Motor Vehicles (1985) 165 Cal.App.3d 490, 493, 211 Cal.Rptr. 620;
accord, *Woosley v. State of California* (1992) 3 Cal.4th 758, 776, 13
Cal.Rptr.2d 30, 838 P.2d 758) *Allende v. Department of California*
Highway Patrol (2011, 1st Dist., Div. 3) 201 Cal.App.4th 1006, 1018

18 Ordinarily, the legislative history of bills that fail to pass
19 in the Legislature are entitled to little weight because of the
20 conflicting intentions of the proponents of the legislation and those
21 who voted against it. [Citation.] Here, however, Assembly Bill No.
22 551 *did* pass both houses of the Legislature, and therefore the
23 Legislature's intent in passing the legislation can be gleaned from
24 its history. *An Independent Home Support Service, Inc. v. Superior*
Court (San Diego) (2006, 4th Dist.) 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.")

24 We may properly rely on the legislative history of subsequent
25 enactments to clarify the Legislature's intent regarding an earlier
26 enacted statute. "Although a legislative expression of the intent of
27 an earlier act is not binding upon the courts in their construction
28 of the prior act, that expression may properly be considered together
with other factors in arriving at the true legislative intent
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.) 142 Cal.App.4th 572, 590

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

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

20 More importantly, the Legislature passed an amendment to
21 section The Governor vetoed this amendment "The
22 Legislature's adoption of subsequent, amending legislation that is
23 ultimately vetoed may be considered as evidence of the Legislature's
24 understanding of the unamended, existing statute." *California
Emergency Physicians Medical Group v. PacificCare of California*
25 (2003, 4th Dist.) 111 Cal.App.4th 1127, 1132; see also *Ochs v.
PacifiCare of California* (2004, 2nd Dist.) 115 Cal.App.4th 782, 791

26 ... while the interpretation of existing laws is a
27 quintessentially judicial function, courts may and must give due
28 consideration to the Legislature's stated views on "the prior import
of its statutes...." "[A] subsequent expression of the Legislature as
to the intent of the prior statute, although not binding on the
court, may properly be used in determining the effect of a prior
act'" In adopting the 2000 amendment the Legislature confirmed
that the statute To this extent, at least, we believe that
amendment both declared, and accurately characterized the effect of,
existing law. *Emeryville Redevelopment Agency v. Harcros Pigments,
Inc.* (2002, 1st Dist.) 101 Cal.App.4th 1083, 1099-1100

29 The Legislature declared that its intent in enacting these
30 provisions was to confirm existing law.... Although we are not bound
31 by a legislative declaration that a statute merely confirms or
32 clarifies existing law [Citations] we may certainly weigh the
33 legislative declaration in evaluating the operation of the prior
34 statutory scheme. [Citations.] When a court must interpret a
35 statutory scheme, a subsequent legislative enactment intended to
36 clarify that scheme may be considered by the court in construing the
37 operation of the preamendment statutory scheme. *1111 Prospect
Partners, L.P. v. Superior Court* (1995, 4th Dist.) 38 Cal.App.4th
38 570, 578, fn.7 (Review Granted)

[A]lthough construction of a statute is a judicial function,
where a statute is unclear, a subsequent expression of the

1 Legislature bearing upon the intent of the prior statute may be
2 properly considered in determining the effect and meaning of the
prior statute. *Tyler v. California* (1982) 134 Cal.App.3d 973, 977

3 [T]he Legislature has no authority to interpret a statute. That
4 is a judicial task. The Legislature may define the meaning of
5 statutory language by a present legislative enactment which, subject
6 to constitutional restraints, it may deem retroactive. But it has no
7 legislative authority simply to say what it did mean. Courts do take
cognizance of such declarations where they are consistent with the
original intent. "[A] subsequent expression of the Legislature as to
the intent of the prior statute, although not binding on the court,
may properly be used in determining the effect of a prior act." *Del*
Costello v. State of California (1982) 135 Cal.App.3d 887, 893

8 *West Pico Furniture v. Pacific Finance* (1970) 2 Cal.3d 594, 610; *People v. Tanner* (1979) 24 Cal.3d
9 514; *Russ Building Partnership v. City and County of San Francisco* (1988) 44 Cal.3d 839, 852; *People*
10 *v. Cruz* (1996, 1st Dist.) 13 Cal.4th 764, 781; *Mercy Hospital and Medical Center v. Farmers Insurance*
Group of Companies (1997) 15 Cal.4th 213, 222, fn.4; *Wells v. Onezone Learning Foundation* (2006) 39
11 Cal.4th 1164, 1209; *Steinhart v. County Of Los Angeles* (2010) 47 Cal.4th 1298, 1311; *People v. Ahmed*
12 (2011) 53 Cal.4th 156, 165; *In re Greg F.* (2012) 55 Cal.4th 393

11 *Friends of Lake Arrowhead v. Board of Supervisors* (1974) 38 Cal.App.3d 497, 506; *Seibert v. Sears*
Roebuck (1975) 45 Cal.App.3d 11, 19; *County of Sacramento v. State of California* (1982) 134
12 Cal.App.3d 428, 433-34; *People v. Martinez* (1987) 188 Cal.App.3d 1254; *Salem v. Superior Court* (1989)
13 211 Cal.App.3d 595, 601; *People v. Preller* (1997, 3rd Dist.) 54 Cal.App.4th 93, 98; *In re Parker*
14 (1998, 4th Dist.) 60 Cal.App.4th 1453, 1467, fn.14; *Edgar v. Workers' Compensation Appeals Board*
15 (1998, 4th Dist.) 65 Cal.App.4th 1, 17; *In re S.C.* (2009, 1st Dist.) 179 Cal.App.4th 1436; *Wunderlich*
v. County of Santa Cruz (2009, 6th Dist.) 178 Cal.App.4th 680; *Sabi v. Sterling* (2010, 2nd Dist.,
16 Div. 8) 183 Cal.App.4th 916, 928; *California Corr. Peace Officers' Assn. v. State of California*
17 (2010, 1st Dist., Div. 4) 181 Cal.App.4th 1454, 1462; *Alameda County Management Employees Assn. v.*
Superior Court (2011, 1st Dist., Div. 5) 195 Cal.App.4th 325, 330; *In re Rolando S.* (2011, 5th Dist.)
18 197 Cal.App.4th 936, 944, as modified on denial of rehearing Aug. 10, 2011; *Ashai Kasei Pharma Corp.*
19 *v. CoTherix, Inc.* (2012, 1st Dist., Div. 5) 204 Cal.App.4th 1, 9; *Latinos Unidos de Napa v. City of*
Napa (2013, 1st Dist., Div. 1) 221 Cal.App.4th 192, 202; *Dromy v. Lukovsky* (2013, 2nd Dist., Div. 3)
20 219 Cal.App.4th 278, 284; *People v. Spriggs* (2014, 5th Dist.) 224 Cal.App.4th 150, 157; *In re Edward*
C. (2014, 1st Dist., Div. 5) 223 Cal.App.4th 813, 822; *De Vries v. Regents of Univ. of California*
21 (2016, 2nd Dist., Div. 7) 6 Cal.App.5th 574, 597; *Lubin v. The Wackenhut Corp.* (2016, 2nd Dist., Div.
22 4) 5 Cal.App.5th 926; *San Jose Unified Sch. Dist. v. Santa Clara County Office of Educ.* (2017, 6th
23 Dist.) 7 Cal.App.5th 967, 978

2. Administrative Agency's Construction of Statute:

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

24 We observe the Legislature first enacted an immediate wage
25 payment provision similar to section 201 in 1911. At that time the
Bureau of Labor Statistics (BLS) was the agency that recommended and
26 enforced such wage-related legislation... Legislation charged the
BLS Commissioner with the duties to "collect ... and present, in
27 biennial reports to the Legislature, statistical details, relating to
all departments of labor in the State," including statistics and all
28 other information relating to labor that the commissioner deemed
essential to further the legislative objective... We therefore
consult these biennial reports for whatever light they may shed

1 regarding the purpose of the wage payment legislation.... [although
2 not necessarily controlling, the contemporaneous administrative
3 construction of a statute by those charged with its enforcement and
4 interpretation is entitled to great weight].) *Smith v. Superior Court*
5 (2006) 39 Cal.4th 77, 87

6 In the introductory paragraph to its Statement as to the Basis
7 for wage order 16, the IWC recognized the broad sweep of the 1999
8 Restoration Act, noting, "The Legislature intended the provisions of
9 AB 60 [the 1999 Restoration Act] to apply to all workers." (IWC,
10 Statement as to the Basis for Wage Order No. 16 Regarding Certain On-
11 Site Occupations in the Construction, Drilling, Mining, and Logging
12 Industries (Jan.2001) p. 1.) *Lazarin v. Superior Court* (2010, 2nd
13 Dist., Div. 7) 188 Cal.App.4th 1560, 1575, fn.9

14 Our reading of the statutory scheme parallels the
15 interpretation given it upon enactment by the Controller as evidence
16 by the Memorandum to Interested parties from the Division of Local
17 Government Fiscal Affairs, Controller of the State of California....
18 Generally courts give great weight and respect to the administrative
19 agency's interpretation of a statute governing its powers and
20 responsibilities. [Citation.] *County of Santa Barbara v. Connell*
21 (1999, 4th Dist.) 72 Cal.App.4th 175, 185

22 *Pineda v. Bank of America, N.A.* (2010) 50 Cal.4th 1389; *Martinez v. Combs* (2010) 49 Cal.4th 35; *In re*
23 *Greg F.* (2012) 55 Cal.4th 393; *In re W.B.* (2012) 55 Cal.4th 30, 55, as modified on denial of
24 rehearing Sept. 26, 2012

25 -----
26 See also: *City of Brentwood v. Central Valley Regional Water Quality Control Bd.* (2004, 1st Dist.)
27 123 Cal.App.4th 714, 730; *City of Los Angeles v. Glendora Redevelopment Project* (2010, 6th Dist.) 185
28 Cal.App.4th 817; *Halogowski v. Superior Court* (2011, 2nd Dist., Div. 3) 200 Cal.App.4th 983, 988;
29 *City of Scotts Valley v. County of Santa Cruz* (2011, 1st Dist., Div. 1) 201 Cal.App.4th 1, 34, 44, as
30 modified on denial of rehearing Nov. 23, 2011; *Vranish v. Exxon Mobil Corp.* (2014, 2nd Dist., Div. 2)
31 223 Cal.App.4th 103, 111; *In re N.C.* (2016, 1st Dist., Div. 2) 4 Cal.App.5th 1235, 1250; *In re A.F.*
32 (2017, 4th Dist., Div. 1) 18 Cal.App.5th 833, 844; *Julian v. Mission Cmty. Hosp.* (2017, 2nd Dist.,
33 Div. 7) 11 Cal.App.5th 360, 397, as modified on denial of rehearing May 23, 2017

3. Legislative Committee Documents:

34 After the Supreme Court decided *General Motors*, the Assembly
35 Interim Committee on Finance and Insurance published its report on
36 former section 2982 in 1961. (Assem. Interim Com. on Finance and
37 Insurance, Final Rep., 15 Assem. Interim Com. Reps. (1961) No. 24, 1
38 Appen. to Assem. J. (1961 Reg. Sess.) (the Report).) ...

39 ... Section 2983 is similar to former section 2982, subdivision
40 (e). ... (Stats. 1961, ch. 1626, p. 3537, § 4, eff. Jan. 1, 1962,
41 italics added.)

42 ... The first paragraph of section 2983.1 is similar to former
43 section 2982, subdivision (f), ... (Compare, Stats. 1949, ch. 1594,
44 pp. 2843-2844, with Stats. 1961, ch. 1626, p. 3538, § 4, eff. Jan. 1,
45 1962.) ... *Nelson v. Pearson Ford Co.* (2010, 4th Dist., Div. 1) 186
46 Cal.App.4th 983, 1009-1010

47 Further support for this interpretation is found in the 1989
48 Legislative Summary by the Assembly Committee on Education pertaining
49 to Assembly Bill No. 181 (1989-1990 Reg. Sess.).... We give this
50 summary, prepared shortly after the bill was signed by the Governor,
51 due deference, yet recognize that it is only a post hoc expression of
52 the opinion of the Assembly Committee on Education as to what the

1 Legislature meant when it adopted former Government Code section
2 Nonetheless, we find the summary to be persuasive, inasmuch as it is
3 consistent with the Department of Finance ... Enrolled Bill Report.
4 *Warmington Old Town Associates v. Tustin Unified School District*
5 (2002, 4th Dist.) 101 Cal.App.4th 840, 853; similar document, see
6 *People v. Arroyas* (2002, 2nd Dist.) 96 Cal.App.4th 1439, 1445

7 ... the City and the Association cite and liberally quote from
8 a letter dated June 19, 2000 from ... a consultant to the California
9 State Senate Select Committee on Mobile and Manufactured Homes. That
10 letter is not part of the Legislative Intent Service materials in our
11 record. It was submitted as an exhibit to the Association's
12 memorandum of points and authorities....

13 ... letter purports to discuss the legislative intent of the
14 1995 amendment....

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

22 *Conservatorship of John L.* (2010) 48 Cal.4th 131, 148

23 -----
24 *Vitug v. Alameda Point Storage, Inc.* (2010, 1st Dist., Div. 5) 187 Cal.App.4th 407, 415-416, fn.6;
25 *Harbour Vista, LLC v. HSBC Mortgage Services, Inc.* (2011, 4th Dist., Div. 3) 201 Cal.App.4th 1496,
26 1505

27 **4. Author Letter from Legislative Journal:**

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

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 H. Lee
Van boven, California Law Review, Nov. 22, 1968.) 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 as a whole)
believed the originally enacted version. *Kearney v. Salomon Smith*
Barney, Inc. (2006) 39 Cal.4th 95, 120, fn.13

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

1 of more than one reasonable interpretation do 'we look to a variety
2 of extrinsic aids, including the ostensible objects to be achieved,
3 the evils to be remedied, the legislative history, public policy,
4 contemporaneous administrative construction, and the [entire] scheme
5 of which the [regulation] is a part. [Citations.]' [Citation.] ...
6 Furthermore, we must select a construction that comports most closely
7 with the apparent intent ..., with a view to promoting rather than
8 defeating the general purpose of the [regulation], and avoid an
9 interpretation that would lead to absurd consequences. [Citation.]"
10 (*Singh, supra*, 140 Cal.App.4th at pp. 392-393, 44 Cal.Rptr.3d 348.)
11 *Cash v. Winn* (2012, 4th Dist., Div. 1) 205 Cal.App.4th 1285, 1297

12 Consistently, in a post-passage letter sent to the Governor,
13 the author of the bill stated the bill codified the "actions of the
14 IWC" establishing a pay remedy and "has been amended to conform to
15 the IWC levels." (Assemblymember Steinberg, letter to Governor Davis
16 re AB 2509 (1999-2000 Reg. Sess.), Sep. 8, 2000, p. 2; see *In re*
17 *Marriage of Bouquet* (1976) 16 Cal.3d 583, 590, 128 Cal.Rptr. 427, 546
18 P.2d 1371 [a legislator's statement may be considered when it
19 reiterates legislative discussion and events leading to adoption to
20 proposed amendments, rather than merely expressing a personal
21 opinion].)

22 Based upon the above history, there can be no doubt that "the
23 Legislature was fully aware of the IWC's wage orders in enacting
24 section 226.7." (*Murphy, supra*, 40 Cal.4th at p. 1110, 56 Cal.Rptr.3d
25 880, 155 P.3d 284) Indeed, it would be appropriate to conclude that
26 the Legislature completely rewrote section 226.7's original wording
27 in order to match the premium payment provisions adopted by the IWC.

28 In enacting the Ordinance, the City specifically noted its
intent in the opening paragraph: ... (§ 53.15.2, par. 1.) *Concerned*
Dog Owners of California v. City of Los Angeles (2011, 2nd Dist.,
Div. 1) 194 Cal.App.4th 1219, 1234

The construction of an ordinance is a pure question of law for
the court, and the rules applying to construction of statutes apply
equally to ordinances. [Citations.]" (*H.N. & Frances C. Berger*
Foundation v. City of Escondido (2005) 127 Cal.App.4th 1, 12, 25
Cal.Rptr.3d 19) In interpreting the ordinance, "we seek to
"ascertain the Legislature's intent so as to effectuate the purpose
of the law." [Citation.]" (*Elsner v. Uveges* (2004) 34 Cal.4th 915,
927, 22 Cal.Rptr.3d 530, 102 P.3d 915) "In seeking to "ascertain the
Legislature's intent so as to effectuate the purpose of the law"
[citation], we start with the statutory language. [Citation.] "If
the language ... is clear and unambiguous there is no need for
construction, nor is it necessary to resort to indicia of the intent
of the Legislature...." [Citation.]" (*Catholic Mutual Relief Society*
v. Superior Court (2007) 42 Cal.4th 358, 369, 64 Cal.Rptr.3d 434, 165
P.3d 154.) "To the extent a statutory text is susceptible of more
than one reasonable interpretation, we will consider "a variety of
extrinsic aids, including the ostensible objects to be achieved, the
evils to be remedied, the legislative history, public policy,
contemporaneous administrative construction, and the statutory scheme
of which the statute is a part.'" [Citations.]' [Citation.]" (*Id.* at
p. 371, 64 Cal.Rptr.3d 434, 165 P.3d 154) *Chacon v. Litke* (2010, 1st
Dist., Div. 2) 181 Cal.App.4th 1234, 1247

1 The wage statements thus provided the employees with the
2 essential information for verifying that they were being properly
3 paid for all hours worked. (See DLSE Opn. Letter No. 2006.07.06 (July
4 6, 2006), at p. 2 ["The purpose of the wage statement requirement is
5 to ... *Morgan v. United Retail, Inc.* (2010, 2nd Dist., Div. 7) 186
6 Cal.App.4th 1136, 1149

7 (Holding that the ordinance rather than the codification is the
8 relevant law) *In re A.G.* (2010, 4th Dist., Div. 1) 186 Cal.App.4th
9 1454, 1460

10 An administrative agency's interpretation of its own
11 regulations is generally given great weight by courts, and a
12 reviewing court must "defer to an agency's interpretation of a
13 regulation involving its area of expertise, "unless the
14 interpretation flies in the face of the clear language and purpose of
15 the interpretive provision." [Citation.]' [Citation.]" (*County of
16 Sacramento, supra*, 153 Cal.App.4th at p. 1587, 64 Cal.Rptr.3d 302)
17 The relevant inquiry is whether the interpretation offered by the
18 agency is reasonable in light of the language and purpose of the
19 regulation. (*Exxon Mobil Corp. v. Office of Environmental Health
20 Hazard Assessment* (2009) 169 Cal.App.4th 1264, 1280, 87 Cal.Rptr.3d
21 580 (*Exxon Mobil*)) *Margarito v. State Athletic Comm.* (2010, 2nd Dist.,
22 Div. 2) 189 Cal.App.4th 159, 168

23 Here too, the broad language of the ordinance bound the City to
24 hire and maintain a staff of neighborhood beat officers of the
25 requisite size, but did not impose any requirement that the positions
26 must be filled with newly hired officers trained with Measure Y
27 revenue. (See *Monette-Shaw, supra*, 139 Cal.App.4th 1210, 1223, 43
28 Cal.Rptr.3d 659; *Associated Students, supra*, 92 Cal.App.3d 672, 677-
678, 155 Cal.Rptr. 250) Nothing in the ballot proposition or
associated materials submitted to the voters manifests an intent to
negate or constrain the Department's discretion to follow existing
administrative procedures in the expenditure of Measure Y funds to
add a mandatory number of new neighborhood beat officers to the
police force. The allocation of revenue by the City to hire and train
new officers, who were then added to the force as other officers were
assigned to neighborhood beat positions, was consistent with the
voters' intent. (See *Hermosa Beach, supra*, 142 Cal.App.4th 1178,
1191, 48 Cal.Rptr.3d 705) *Sacks v. City of Oakland* (2010, 1st Dist.,
Div. 1) 190 Cal.App.4th 1070, 1087-1088

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

37 This conclusion we reach is supported by the rules of statutory
38 construction. We are obligated to give a rule of court "a reasonable
and commonsense interpretation consistent with its apparent purpose,
practical rather than technical in nature, which upon application
will result in wise policy rather than mischief or absurdity."

1 [Citation.] The legislative history of rule 981.1 indicates it was
2 adopted by the Judicial Council to "make the practice of law simpler
3 and less expensive for litigants and their attorneys." (See Civil and
4 Small Claims Advisory Com., mem. to the Judicial Council of
5 California (Apr. 20, 1999...) *Volkswagen of America, Inc. v. Superior
6 Court (Adams)* (2001, 1st Dist.) 94 Cal.App.4th 695, 705-706 (also
7 cited to Judicial Council Minutes, and a report of the same Advisory
8 Committee)

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

16 More recently:

17 Resolution 58,859 is a "legislative enactment[] issued by or
18 under the authority of ... [a] public entity in the United States,"
19 of which notice may be taken under Evidence Code section 452,
20 subdivision (b). [Citation.] The operative complaint also alleges the
21 existence and some of the terms of the resolution. We also take
22 notice, as legislative history reflecting on the purposes of the
23 enactment, of the city manager's memorandum to the mayor and city
24 council recommending the resolution's adoption. [Citations.] *Evans v.
25 City of Berkeley* (2006) 38 Cal.4th 1, 7, fn.2

26 ... there is no dispute the basis for the city council's action
27 was, as the council minutes stated, BSA's "discriminatory policies
28 against gays and atheists," which as the record shows and plaintiffs'
attorney conceded in this court made it impossible for the Sea Scouts
to give a complete and unambiguous guaranty against future
discrimination. In light of that undisputed legislative object
Evans v. City of Berkeley (2006) 38 Cal.4th 1, 21

"DLSE opinion letters, while not controlling, constitute "the
type of experience and considered judgment that may properly inform
our judgment." (*Augustus, supra*, 2 Cal.5th at p. 267, 211 Cal.Rptr.3d
634, 385 P.3d 823; see *Brinker, supra*, 53 Cal.4th at p. 1029, fn.11,
139 Cal.Rptr.3d 315, 273 P.3d 513; Rodriguez, at p. 1034, 201
Cal.Rptr.3d 337)

See's Candy Shops, Inc. v. Superior Court (2012) 210
Cal.App.4th 889, 902, 148 Cal.Rptr.3d 690 [although "[s]tatements in
the DLSE Manual are not binding on the courts because the rules were
not adopted under the Administrative Procedure Act," they "may be
considered for their persuasive value"]; accord, *Augustus, supra*, 2
Cal.5th at p. 262, 211 Cal.Rptr.3d 634, 385 P.3d 823; *Brinker, supra*,

1 53 Cal.4th at p. 1029, fn.11, 139 Cal.Rptr.3d 315, 273 P.3d 513)
2 *Vaquero v. Stoneledge Furniture LLC* (2017, 2nd Dist., Div. 7) 9
3 Cal.App.5th 98, 107, as modified Mar. 20, 2017

4 The clear terms of the ordinance indicate strict compliance
5 with the immunity provisions was required. (See *People v. Smith*
6 (2017) 8 Cal.App.5th 977, 983, 214 Cal.Rptr.3d 521 [in discerning the
7 intent of a law we first look to the words of the statute because
8 they are ""generally the most reliable indicator of legislative
9 intent""]; see also *Lyles v. Sangadeo-Patel* (2014) 225 Cal.App.4th
10 759, 764, 171 Cal.Rptr.3d 34 [rules of interpretation of statutes
11 apply to interpretation of ordinances.] *People v. CHR Herbal*
12 *Remedies* (2017) 12 Cal.App.5th Supp. 26, 31

13 Generally, "[w]hen a wage order's validity and application are
14 conceded and the question is only one of interpretation, the usual
15 rules of statutory interpretation apply." (*Brinker, supra*, 53 Cal.4th
16 at p. 1027, 139 Cal.Rptr.3d 315, 273 P.3d 513) The task of
17 interpretation is to determine the legislative intent, looking first
18 to the words of the wage order, construed in light of their ordinary
19 meaning and statutory context. (*Gonzalez v. Downtown L.A. Motors,*
20 *L.P.* (2013) 215 Cal.App.4th 36, 43, 155 Cal.Rptr.3d 18) "Judicial
21 construction that renders any part of the wage order meaningless or
22 inoperative should be avoided. [Citation.]" (*Id.* at p. 44, 155
23 Cal.Rptr.3d 18) When necessary to establish the wage order's meaning,
24 "a court may consider "a variety of extrinsic aids..." (*Ibid.*,
25 quoting *Aleman v. AirTouch Cellular* (2012) 209 Cal.App.4th 556, 568-
26 569, 146 Cal.Rptr.3d 849) In this regard, "[t]he DLSE's opinion
27 letters, ""while not controlling upon the courts by reason of their
28 authority, do constitute a body of experience and informed judgment
to which courts and litigants may properly resort for guidance.""
... *Rodriguez v. E.M.E., Inc.* (2016, 2nd Dist., Div. 4) 246
Cal.App.4th 1027, 1045

The rules governing statutory construction are well settled. We
begin with the fundamental premise that the objective of statutory
interpretation is to ascertain and effectuate legislative intent."
(*Burden v. Snowden* (1992) 2 Cal.4th 556, 562, 7 Cal.Rptr.2nd 531, 828
P.2nd 672) The construction of a county ordinance is subject to the
same standard. (*Department of Health Servs. v. Civil Service Comm.*
(1993) 17 Cal.App.4th 487, 494, 21 Cal.Rptr.2nd 428) ... Only if the
language is unclear will we look to extrinsic aids to determine the
drafter's intent. (*Halbert's Lumber, Inc. v. Lucky Stores, Inc.*,
supra, 6 Cal.App.4th at p. 1239, 8 Cal.Rptr.2nd 298)

We grant appellant City's request to take judicial notice of
sections of the LAMC. (*Trinity Park, L.P. v. City of Sunnyvale* (2011)
193 Cal.App.4th 1014, 1027, 124 Cal.Rptr.3d 26 [We may take judicial
notice of local ordinances and other official resolutions, reports,
and acts of a city.]) *Tower Lane Properties v. City of Los Angeles*
(2014, 2nd Dist., Div. 1) 224 Cal.App.4th 262, 272, fn.6

When that intent "cannot be discerned directly from the
language of the regulation, we may look to a variety of extrinsic
aids, including the purpose of the regulation, the legislative
history, public policy, and the regulatory scheme of which the
regulation is a part. [Citation.]" (*Ibid.*) *Hoitt v. Department of*
Rehabilitation (2012, 1st Dist., Div. 3) 207 Cal.App.4th 513, 523

1 *Shipbuilding Co. v. Superior Court (Godinez)* (2006, 4th Dist.) 135
2 Cal.App.4th 1072, 1077 [Review Granted]

3 We also grant BBB's request to take judicial notice of a
4 statement published by the Department of Industrial Relations
5 Division of Labor Standards Enforcement (DLSE) regarding its intent
6 to promulgate regulations clarifying that In that statement, the
7 DLSE indicates its own staff has wavered over the years in their
8 interpretation of section 226.7, thus recognizing the ambiguity
9 inherent in the statutory language. (California Department of
10 Industrial Relations, Div. of Labor Standards Enforcement, Initial
11 Statement of Reasons) *Mills v. Superior Court (Bed, Bath &
Beyond, Inc.)* (2006, 2nd Dist.) 135 Cal.App.4th 1547, 1552, fn.4
[Review Granted]

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

18 See also: *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th 1094, 1109; *Martinez v. Combs* (2010)
19 49 Cal.4th 35; *Stockton Citizens for Sensible Planning v. City of Stockton* (2010) 48 Cal.4th 481,
20 503; *Lexin v. Superior Court* (2010) 47 Cal.4th 1050, 1080, as modified Apr. 22, 2010; *California*
21 *Grocers Assn. v. City of Los Angeles* (2011) 52 Cal.4th 177, 194; *Brinker Rest. Corp. v. Superior*
22 *Court* (2012) 53 Cal.4th 1004, 1037; *In re Lucas* (2012) 53 Cal.4th 839, 850; *Los Angeles Unified*
23 *School District v. Garcia* (2013) 58 Cal.4th 175, 183; *People v. Vangelder* (2013) 58 Cal.4th 1, 29; *In*
24 *re Alonzo J.* (2014) 58 Cal.4th 924, 937; *Center for Biological Diversity v. Department of Fish &*
25 *Wildlife*, (2015) 62 Cal.4th 204, 221, as modified on denial of rehearing Feb. 17, 2016

26 *Lazarin v. Superior Court* (2010, 2nd Dist., Div. 7) 188 Cal.App.4th 1560, 1575, fn.9; *Purifoy v.*
27 *Howell* (2010, 1st Dist., Div. 3) 183 Cal.App.4th 166, 177; *In re M.B.* (2010, 4th Dist., Div. 2) 182
28 Cal.App.4th 1496, 1503; *California Chamber of Commerce v. Brown* (2011, 1st Dist., Div. 1) 196
29 Cal.App.4th 233, 251; *Sino Century Dev. Ltd. v. Farley* (2012, 2nd Dist., Div. 3) 211 Cal.App.4th 688,
30 696; *People v. Mejia* (2012, 2nd Dist. Div. 8) 211 Cal.App.4th 586, 617; *City of San Diego v. Haas*
31 (2012, 4th Dist., Div. 1) 207 Cal.App.4th 472, 493; *Bernard v. City of Oakland* (2012, 1st Dist., Div.
32 1) 202 Cal.App.4th 1553, 1562; *Guerrero v. Superior Court* (2013, 1st Dist., Div. 2) 213 Cal.App.4th
33 912, 956, as modified on denial of rehearing Mar. 11, 2013; *City of San Diego v. Shapiro* (2014, 4th
34 Dist., Div. 1) 228 Cal.App.4th 756, 773 ; *Butts v. Board of Trustees of California State Univ.* (2014,
35 2nd Dist., Div. 8) 225 Cal.App.4th 825, 839; *Vranish v. Exxon Mobil Corp.* (2014, 2nd Dist., Div. 2)
36 223 Cal.App.4th 103, 111; *League of California Cities v. Superior Court* (2015, 4th Dist., Div. 1) 241
37 Cal.App.4th 976, 987; *Linda Vista Vill. San Diego Homeowners Assn., Inc. v. Tecolote Investors, LLC*
38 (2015, 4th Dist., Div. 1) 234 Cal.App.4th 166, 186; *Audio Visual Services Grp., Inc. v. Superior*
39 *Court* (2015, 2nd Dist., Div. 3) 233 Cal.App.4th 481, 493); *D'Egidio v. City of Santa Clarita* (2016,
40 2nd Dist., Div. 4) 4 Cal.App.5th 515, 520; *Mendez v. Rancho Valencia Resort Partners, LLC* (2016, 4th
41 Dist., Div. 1) 3 Cal.App.5th 248; *Morales v. 22nd Dist. Agric. Assn.* (2016, 4th Dist., Div. 1) 1
42 Cal.App.5th 504, as modified on denial of rehearing Aug. 5, 2016; *People ex rel. Feuer v. Progressive*
43 *Horizon, Inc.* (2016, 2nd Dist., Div. 8) 248 Cal.App.4th 533, 539; *California Fair Plan Assn. v.*
44 *Garnes* (2017, 1st Dist., Div. 2) 11 Cal.App.5th 1276, 1295 (Ct. App. 2017), as modified on denial of
45 rehearing June 14, 2017; *Geraghty v. Shalizi* (2017, 1st Dist., Div. 1) 8 Cal.App.5th 593, 600

26 -oOo-