



ENGROSSMENT*

Welcome Law Librarians!

LEGISLATIVE INTENT SERVICE, INC. will be present in San Diego at the March 16th and 17th Southern California Association of Law Librarians' Institute. Then, we will be at the Northern California Association of Law Librarians' Spring Institute on April 27th and 28th in San Francisco. We look forward to meeting our long-time friends and clients, making new friends, and answering your questions on legislative research.

We will have CD samples of SB 602 of 2003, *California's Identity Theft Prevention and Assistance Act*, completely researched by us and free to anyone who would like one as a sample of our service or to learn how to protect their identity. *So, come visit our table!* We will also have on hand our binders showing federal and regulations research so that you can see what we can do for you and your clients!

Giving Back to our Local Community

The staff at LEGISLATIVE INTENT SERVICE, INC. recently helped raise over \$40,000 for our local Sacramento public television station, KVIE, by manning the KVIE telephones at the station on March 2nd – it was a lot of hours of fun for us! We were happy to sponsor the fund-drive that evening and we are grateful for the funds raised.

Committee Files: Legislative Intent and Openness Revisited

Are you looking for further support for the idea that the letter of the author or legislative sponsor, or a memorandum documenting the history of an amendment or other file document is relevant legislative history for judicial notice? Look no further than Government Code § 9080, a part of the Legislative Open Records Act of 1996. Under this section, the legislative records relating to bills, resolutions, or proposed constitutional amendments

before the State Legislature provide evidence of legislative intent that may be important in the subsequent interpretation of laws enacted by the Legislature. Under § 9080, the Senate and Assembly committees are charged with preserving legislative records and making them available to the public.

In your efforts to have a Court find materials from files relevant to the Legislature's intent, citing to § 9080 and CCP § 1859 [*"In the construction of a statute the intention of the Legislature . . . is to be pursued, if possible . . ."*] should provide necessary authority. Combined with cases from our Points and Authorities, which are FREE at www.legintent.com, you should prevail!

The kinds of materials contained in an official committee file pursuant to § 9080 are committee staff analyses, written testimony, background materials submitted to the committee, press releases, written commentary, communications, bill versions, and relevant interim hearing materials, studies, case materials, and articles.

When finding § 9080 materials are problematic, give us a call. At LEGISLATIVE INTENT SERVICE, INC., we keep track of where various holders of files, not directly available from Capitol offices or the California State Archives, have deposited their records. After 32 years, our knowledge of where these files may be unparalleled. Let us know if you are on the hunt for a particular file – we'll see if we can locate it for you or at least advise you of what we know about its likely existence.

Some legislators restrict public access to their files or the committee files they control. With diligence, we can at times gain access to certain files by special request, or see the restriction lifted! Term limits and retirement are making these files now available. If our research for you in the past did not include file materials, call us to inquire if any further file materials are now available.

In 2006, the Sacramento Bee noted that on-line materials available to accompany legislation or administrative actions have been disappearing off the net and are lost to future researchers. Public agencies benefit from intense citizen scrutiny over spending, policy and enactment of laws. Another recent Northern California newspaper investigation by journalists from 31 news organizations determined that local police public records failed the paper's "access audit" and that the police routinely restricted or needlessly delayed access to records.

These are only a few examples of why the 9+ million documents in our collection have become an invaluable research resource to our clients all over the United States and the rest of the world. Our on-going digitizing efforts are making those lost online documents that we may have accessed, permanently available again!

Appellate Courts Take Judicial Notice

We have been asked by clients regarding the rules of whether it is mandatory or discretionary for appellate courts to take judicial notice of legislative history materials introduced and of legislative history materials not introduced at the trial court level. As provided by Evid. C. §459(a), appellate courts must take judicial notice of any matter properly noticed by the trial court, and any matter that the trial court was required to judicially notice under the Code. However, also under §459(a), appellate courts *may* take judicial notice of any matter subject to discretionary judicial notice by the trial court under §452.

Under §459(b), appellate courts have the same authority as the trial courts to consult any source of pertinent information, whether or not furnished by a party, in determining the propriety of taking judicial notice or the tenor of judicial notice. Pursuant to §§455(a) and 459(c), the appellate court must give the parties a reasonable opportunity to present relevant information on the propriety and tenor of judicial notice.

To find out more, log onto www.legintent.com and click on our "Points and Authorities" button on the left side. From there, select "Authority and Procedure for Judicial Consideration." You can print out the entire document or any page you wish.

Archive Shopping Benefits

Our **online** archives is drawing increased interest from all over the United States and we are happy to report that every day we are uploading more of our past legislative history research.

Remember that when you order online, you receive our research of a particular legislative bill at the discounted price of \$300.00. If you would like to also order any competitor or predecessor bills, background materials, our declaration, or our legislative report and analysis on the enactment, give us a call. Or, order through our usual **customized** research by calling us at our toll-free number.

FREE MCLE!

LEGISLATIVE INTENT SERVICE, INC. provides an approved one-hour MCLE lecture on the use of legislative intent analysis, which can cover one of the following three topics: 1) legislative intent, research and history; 2) legislative review of the most recent changes to laws; and 3) procedural considerations, such as the requirements of judicial notice, authentication, and submission of legislative history materials. We bring our MCLE talks to any group of 10 or more legal professionals anywhere in California **without** charge! To schedule your free, one-hour MCLE, contact us at 800.666.1917 or at tstallard@legintent.com or msanders@legintent.com.

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