

IDENTIFYING CALIFORNIA LEGISLATIVE DOCUMENTS

Introduction:

The purpose of this document is to provide assistance in identifying the types of legislative documents available in California, and placing documents in the context of the process that produces them.

The types of documents that are available for understanding legislative history and, ultimately, interpreting legislative intent, in California vary in format from year to year and decade to decade in response to changes in conditions and changes in legislative rules. In this survey we will not attempt to provide examples of every possible type of document one could encounter. Rather we will attempt to provide examples of types of documents that are regularly encountered along with examples of some of the types of documents that will be encountered more infrequently.

We have tried to include at least one example of types of legislative documents that are inherently highly probative, and provide just a few samples of others that are less probative by their nature. Link to our website or contact us for documents providing more detailed discussion of the probative value of individual types of legislative documents.

To make this survey somewhat less tedious we have in many cases chosen for our examples documents from some of the more entertaining legislative proposals we have encountered over the years, so we urge you to take a moment to read the documents from time to time.

If you have a document that seems to you to be different than the examples we include call or email and we will help you identify the document.

About the author

Jan Raymond is a 1979 Graduate of the King Hall School of Law at UC Davis. This document was written drawing on years of practice experience and two decades of recognized expertise on Legislative Intent issues. Legislative intent clients have included the Administrative Office of the Courts/Judicial Council, California Courts of Appeal, the Department of Justice, other California State agencies, and firms and attorneys from throughout the country. He was Amicus Counsel in Van DeKamp v. Gumbiner, (1990) 221 Cal. App. 3rd, 1260, holding in part that fees paid to obtain a commercial legislative history report can be claimed as costs under CCP 1033.5. He has authored many works on legislative intent, including an article "Bad Faith Storm Rising" in the March/April 1999 issue of Insurance Litigation. He has qualified and testified as an expert witness on legislative intent issues and frequently presents MCLE courses on legislative intent issues.

Thanks to the Editor

Special thanks to Ray LeBov for taking the time to review the text for content and make valuable suggestions.

Ray LeBov served as counsel to various legislative committees, including 12 years as counsel to the Assembly Judiciary Committee. He was the Director of the Office of Governmental Affairs for the California Judicial Council from 1991-2004 and currently is the owner of Ray LeBov and Associates lobbying and consulting firm. Ray also conducts the Lobbying 101 and Lobbying 201 seminars for Capitol Seminars. For further information: please consult raylebov.com

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I. Publications

A. Official Publications documenting specific legislative proposals

The legislative publications documenting the history of individual legislative proposals that are commonly useful for legislative intent purposes include:

1. Published procedural histories - “Final History” is a generic term we use for the compilations of brief procedural histories of each legislative bill (proposal) in a particular legislative session. Published procedural histories are developed or updated on a periodic basis throughout a legislative session as a Weekly History and at the end of each session since the 1881 are published in bound form as the Final History for that particular session.

These published final histories are widely available in law libraries and are also available in pdf form from <http://clerk.assembly.ca.gov/>. For legislation since 1993 an online version of the history is available for each legislative bill at the legislative counsel website, www.leginfo.ca.gov/bilinfo.html

This procedural history is primarily valuable for determining what committee’s considered the proposal, but is also valuable for documenting the link between that bill and the enacted statute, identifying the author of a bill, and for developing inferences about the evolution of a bill from the pattern of development.

In the next three pages we include an example of a published Final History and an online Bill History.

VOLUME 2
CALIFORNIA LEGISLATURE
AT SACRAMENTO

1987-88 REGULAR SESSION
1987-88 FIRST EXTRAORDINARY SESSION

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT,
JOINT, AND HOUSE RESOLUTIONS

Assembly Convened December 1, 1986	
Recessed December 3, 1986	Reconvened January 5, 1987
Recessed April 9, 1987	Reconvened April 20, 1987
Recessed July 16, 1987	Reconvened August 17, 1987
Recessed September 11, 1987	Reconvened January 4, 1988
Recessed March 24, 1988	Reconvened April 4, 1988
Recessed June 30, 1988	Reconvened August 1, 1988
Adjourned September 1, 1988	
Adjourned Sine Die November 30, 1988	
Legislative Days.....	246

HON. WILLIE L. BROWN JR.
Speaker

HON. MIKE ROOS
Speaker pro Tempore

HON. PHILLIP ISENBERG
Assistant Speaker pro Tempore

HON. THOMAS HANNIGAN
Majority Floor Leader

HON. PAT NOLAN
Minority Floor Leader

Compiled Under the Direction of
R. BRIAN KIDNEY
Chief Clerk

GUNYOR ENGLE
History Clerk

A.B. No. 3007—Sher (Principal coauthor: Farr).

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

1988

- Feb. 4—Read first time. To print.
- Feb. 5—From printer. May be heard in committee March 6.
- Feb. 12—Referred to Com. on G.O.
- Mar. 7—From committee chairman, with author's amendments: Amend, and re-refer to Com. on G.O. Read second time and amended.
- Mar. 8—Re-referred to Com. on G.O. From committee: Do pass. (Ayes 11. Noes 4.) (March 8).
- Mar. 9—Read second time. To third reading.
- Mar. 17—Read third time, amended, and returned to third reading.
- Mar. 21—Read third time, passed, and to Senate. (Ayes 43. Noes 32. Page 6435.)
- Mar. 21—In Senate. Read first time. To Com. on RLS. for assignment.
- Mar. 24—Referred to Com. on RLS.
- May 5—From committee: Do pass. (Ayes 3. Noes 1.).
- May 9—Read second time. To third reading.
- May 27—Read third time, passage refused. (Ayes 18. Noes 13. Page 6194.) Motion to reconsider made by Senator Morgan. Reconsideration granted. (Ayes 37. Noes 0. Page 6194.)
- June 30—To inactive file - Senate Rule 29.
- Aug. 4—From inactive file. To second reading.
- Aug. 5—Read second time. To third reading.
- Aug. 11—Read third time, passed, and to Assembly. (Ayes 21. Noes 15. Page 7381.)
- Aug. 15—In Assembly. To enrollment.
- Aug. 17—Enrolled and to the Governor at 11 a.m.
- Aug. 29—Vetoed by Governor.
- Aug. 29—Consideration of Governor's veto pending.

A.B. No. 3008—Floyd.

An act to amend Section 203.5 of the Labor Code, relating to wages.

1988

- Feb. 4—Read first time. To print.
- Feb. 5—From printer. May be heard in committee March 6.
- Feb. 12—Referred to Com. on L. & E.
- April 6—In committee: Hearing postponed by committee.
- April 14—From committee: Do pass, and re-refer to Com. on W. & M. Re-referred. (Ayes 6. Noes 4.) (April 13).
- May 4—From committee: Do pass. (Ayes 13. Noes 10.) (May 3).
- May 5—Read second time. To third reading.
- May 31—Read third time, passage refused. (Ayes 39. Noes 31. Page 7865.)

COMPLETE BILL HISTORY

BILL NUMBER : A.B. No. 1007
AUTHOR : Pavley
TOPIC : Air quality: alternative fuels.

TYPE OF BILL :

Inactive
Non-Urgency
Non-Appropriations
Majority Vote Required
Non-State-Mandated Local Program
Fiscal
Non-Tax Levy

BILL HISTORY

2005

Sept. 29 Chaptered by Secretary of State - Chapter 371, Statutes of 2005.
Sept. 29 Approved by the Governor.
Sept. 14 Enrolled and to the Governor at 3:30 p.m.
Sept. 7 In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To enrollment. (Ayes 51. Noes 28. Page 3469.)
Sept. 6 Read third time, passed, and to Assembly. (Ayes 25. Noes 11. Page 2610.)
Sept. 2 Read third time, amended, and returned to third reading. (Corrected September 6.)
Aug. 30 Read second time, amended, and to third reading.
Aug. 29 From committee: Amend, and do pass as amended. (Ayes 8. Noes 5.)
Aug. 15 In committee: Placed on Appropriations suspense file.
July 5 Read second time, amended, and re-referred to Com. on APPR.
July 1 From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 5. Noes 2.)
June 16 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.
June 15 Referred to Com. on E.Q.
June 6 In Senate. Read first time. To Com. on RLS. for assignment.
June 2 Read third time, passage refused. (Ayes 35. Noes 33. Page 2063.) Motion to reconsider made by Assembly Member Pavley. Reconsideration granted. (Page 2131.) Read third time, passed, and to Senate. (Ayes 49. Noes 27. Page 2131.)
May 31 Read second time. To third reading.
May 27 From committee: Amend, and do pass as amended. (Ayes 13. Noes 5.) (May 25). Read second time and amended. Ordered returned to second reading.
May 4 In committee: Set, first hearing. Referred to APPR. suspense file.
Apr. 26 From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 4.) (April 25).
Apr. 18 In committee: Set, first hearing. Hearing canceled at the request of author.
Mar. 30 Referred to Com. on TRANS.
Feb. 25 From printer. May be heard in committee March 27.
Feb. 22 Read first time. To print.

2. Legislative Bills are the official published legislative proposals that are or were pending before the legislature. In the very early years of the State's existence they were handwritten, but printed bill copies are available for legislation beginning in about 1880.

There will often be numerous copies of a particular proposal. Each time a formal amendment is adopted modifying the bill it gets republished with the changes. On the first page, at the top of the page, will be the date of the most recent amendments. Within each published bill copy (other than in the very early days) language being deleted in that amended version is in strike out type and language being added is italicized.

Legislative bills are given numbers in the order in which they are introduced and the number is prefaced by the house of introduction, most commonly either Assembly Bill (AB) or Senate Bill (SB), but for some relatively less common types of proposal the preface may identify the nature of the proposal. Examples would be ACA (Assembly Constitutional Amendment), or Senate or Assembly Resolutions.

For legislation since 1993 an online version of the bill copies is available for each legislative bill at the legislative counsel website, <http://www.leginfo.legislature.ca.gov/> although for the 1993-94 legislative session only html versions are available, which are generally much less user friendly than the pdf copies of the actual published bills available from 1995 forward.

Bill copy example – Bill as introduced Page 9

Bill copy example – Bill as amended Page 10

Bill copy example – Bill as amended in Conference Committee (we include only an excerpt of the first few pages of this particular very large bill. Page 12

ASSEMBLY BILL

No. 3007

Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)

February 4, 1988

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as introduced, Sher. State Mollusk.

Existing law designates an official state flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official state mollusk.

This bill would designate the banana slug as the official state mollusk.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 425.8 is added to the
- 2 Government Code, to read:
- 3 425.8. The banana slug is the official State Mollusk.

AMENDED IN ASSEMBLY MARCH 7, 1988

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

ASSEMBLY BILL

No. 3007

Introduced by Assembly Member Sher
(Principal coauthor: Assembly Member Farr)

February 4, 1988

An act to add Section 425.8 to the Government Code, relating to the state mollusk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as amended, Sher. State Mollusk.

Existing law designates an official state flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official state mollusk.

This bill would designate the banana slug as the official state mollusk and would make specified legislative findings and declarations regarding that designation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 425.8 is added to the
2 Government Code, to read:
3 425.8. (a) *The Legislature finds and declares as*
4 *follows:*
5 (1) *The banana slug (Ariolimax) is an indigenous*
6 *species to California.*
7 (2) *Banana slugs are rich yellow in color, closely*
8 *resembling the California state color, gold.*
9 (3) *Banana slugs live among one of California's state*
10 *trees, the coastal redwood.*

1 (4) *Banana slugs are an important link in the redwood*
2 *forest ecosystem because they feed on leaves, stems,*
3 *bulbs, tubers, other plant parts, and other organic matter,*
4 *helping speed the natural decomposition of forest wastes.*

5 (5) *Banana slugs are important to humans in that they*
6 *consume poison oak.*

7 (6) *The existence of banana slugs is a measure of a*
8 *redwood forest's vitality, making the banana slug an*
9 *important indicator species.*

10 (7) *The banana slug has long served as an educational*
11 *species for all Californians, adults and children alike,*
12 *helping them toward a better understanding of their*
13 *environment.*

14 (b) *The banana slug (Ariolimax) is the official State*
15 *Mollusk.*

AMENDED IN CONFERENCE
ASSEMBLY AUGUST 17, 1982; SENATE AUGUST 17, 1982

AMENDED IN SENATE AUGUST 20, 1981

AMENDED IN SENATE AUGUST 10, 1981

AMENDED IN ASSEMBLY JUNE 4, 1981

AMENDED IN ASSEMBLY APRIL 23, 1981

CALIFORNIA LEGISLATURE—1981-82 REGULAR SESSION

ASSEMBLY BILL

No. 684

Introduced by Assemblyman Young

February 26, 1981

An act to amend Section 121 of, and to add Section 123.3 to, Sections 132a, 139.5, 3600, 3601, 3602, 4453, 4453.1, 4460, 4553, 4553.1, 4702, 5410, and 5803 of, and to add Sections 3202.5, 4558, and 5405.5 to, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Young. Workers' compensation.

(1) Existing law permits the chairman of the Workers' Compensation Appeals Board to authorize its secretary and any one assistant secretary to act as deputy appeals board members.

This bill would instead permit the chairman of the board to authorize its secretary and any 2 assistant secretaries to act as deputy appeals board members.

(2) Existing law requires that all oral testimony, objections, and rulings at hearings before the Workers' Compensation Appeals Board or a workers' compensation referee be taken down in shorthand by a competent phonographic reporter.

This bill would require that reporters employed by the

Administrative Director of the Division of Industrial Accidents shall render stenographic or clerical assistance as directed by the presiding workers' compensation referee of the office to which the reporter is assigned when that referee determines the reporter is not engaged in the performance of any other duty imposed by law.

(1) Existing law provides that the provisions of the workers' compensation law shall be liberally construed by the courts with the purpose of extending their benefits for the protection of persons injured in the course of their employment.

This bill would provide that nothing in this provision shall be construed as relieving a party from meeting the evidentiary burden of proof by a preponderance of the evidence, as defined.

(2) Existing law provides that the right to recover workers' compensation is the exclusive remedy for injury or death of an employee against the employer, with specified exceptions. The California courts have also permitted employees to bring an action at law against the employer in certain specified instances of dual capacity.

This bill would provide that the right to workers' compensation is the sole and exclusive remedy of the employee against the employer, and the fact that either party also occupied another or dual capacity shall not permit the employee to bring an action at law for damages against the employer. The bill would permit an employee to bring an action at law for damages against the employer in specified circumstances generally relating to willful physical assault by the employer, fraudulent concealment of the injury and its connection with the employment, injury caused by a defective product manufactured by the employer and provided to the employee by an independent third person, and injuries caused by the employer's knowing removal or failure to install specified safety devices.

(3) Existing law provides that the average weekly earnings, for purposes of workers' compensation temporary disability and permanent total disability, shall be not less than \$73.50, nor more than \$262.50.

This bill would instead provide that the average weekly

earnings for these purposes shall not be less than \$126, nor more than \$294, for injuries occurring in 1983, and not less than \$168, nor more than \$336, for injuries occurring on and after January 1, 1984.

(4) Existing law provides that the average weekly earnings, for purposes of workers' compensation permanent partial disability, shall be not less than \$45, nor more than \$105.

This bill would instead provide that the average weekly earnings for these purposes shall be not less than \$75, nor more than \$195, for injuries occurring in 1983, and not less than \$105, nor more than \$210, for injuries occurring on and after January 1, 1984.

(5) Existing law provides that the amount of workers' compensation shall be increased $\frac{1}{2}$ where the employee is injured by the serious and willful misconduct of the employer or specified representatives of the employer, but the increase shall not exceed \$10,000.

This bill would delete the limitation that this increase shall not exceed \$10,000.

(6) Existing law specifies findings the Workers' Compensation Appeals Board is required to make in order to support a holding of serious and willful misconduct by an employer based upon violation of a safety order.

This bill would revise the findings the appeals board is required to make in order to support such a holding.

(7) Existing law provides a workers' compensation death benefit of up to \$75,000, paid in the same manner and amount as temporary disability.

This bill would increase the maximum death benefit to \$85,000, if the injury resulting in death occurred in 1983, and \$95,000, if the injury resulting in death occurred on and after January 1, 1984.

(8) Existing law requires an employer to provide vocational rehabilitation benefits to qualified injured employees.

This bill would provide that the period within which an employee may request vocational rehabilitation benefits is one year from the date of the last finding of permanent disability by the appeals board, or one year from the date the

appeals board approved a compromise and release of other issues, and would provide that an injured employee may institute proceedings for the collection of workers' compensation within 5 years after the date of an injury upon the ground of the need for vocational rehabilitation benefits.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(10) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 121 of the Labor Code is~~
- 2 SECTION 1. Section 132a of the Labor Code is
- 3 amended to read:
- 4 132a. It is the declared policy of this state that there (
- 5 should not be discrimination against workers who are
- 6 injured in the course and scope of their employment.
- 7 (1) Any employer who discharges, or threatens to
- 8 discharge, or in any manner discriminates against any
- 9 employee because ~~the latter~~ he or she has filed or made
- 10 known his or her intention to file an application for
- 11 adjudication with the appeals board, or because the (

3. Assembly and Senate Journals are day-to-day summaries of the business that transpired in the legislature on each day. The published journals are available in law libraries and are also available in pdf form from <http://clerk.assembly.ca.gov/> (use the drop down menu to find your year).

Journals in some form are available from the earliest days of the California legislature, although from the legislative intent perspective they are of limited utility as the journals are primarily procedural, their entries are largely simply more detailed descriptions of the formal steps in the legislative process summarized much more succinctly in the bill histories.

However the appendices attached to the Journals can sometimes contain reports to the legislature by various State bodies with substantive value in interpreting legislative intent, particularly in the early part of the 20th century as to state agency involvement with legislation and the mid-twentieth century as to Legislative Interim Committee studies (which are discussed further at page 33 below).

Modernly, although rare, the occasional letters of intent published in the Journal are the most probative and direct statements of intent available on California legislation.

An example of a letter of intent published in the Assembly Journal can be found on the following two pages.

CALIFORNIA LEGISLATURE

2005-06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, September 8, 2005

ONE HUNDRED TWENTY-FIRST SESSION DAY

TWO HUNDRED SEVENTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

(Please Direct Any Inquiries and Report Any Omissions or Errors to
Sue Parker, Minute Clerk: Phone 319-2360)

(Corrected: 9-14-2005)

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 1208**

At 11:24 p.m., on motion of Assembly Member Yee, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1208 by the following vote:

AYES—41

Baca	De La Torre	Leno	Ruskin
Bass	Dymally	Levine	Saldaña
Berg	Evans	Matthews	Salinas
Bermúdez	Frommer	Montañez	Torrico
Calderon	Goldberg	Mullin	Vargas
Canciamilla	Hancock	Nation	Wolk
Chan	Jones	Nava	Yee
Chavez	Karnette	Oropeza	Mr. Speaker
Chu	Klehs	Parra	
Cohn	Koretz	Pavley	
Coto	Laird	Ridley-Thomas	

NOES—35

Aghazarian	Garcia	La Suer	Runner
Arambula	Harman	Maze	Spitzer
Benoit	Haynes	McCarthy	Strickland
Blakeslee	Horton, Jerome	Mountjoy	Tran
Bogh	Horton, Shirley	Nakanishi	Umberg
Cogdill	Houston	Negrete McLeod	Villines
Daucher	Huff	Niello	Walters
DeVore	Keene	Plescia	Wyland
Emmerson	La Malfa	Richman	

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Frommer was granted unanimous consent that the following statements of legislative intent be printed in the Journal:

Legislative Intent—Assembly Bill No. 1595

September 8, 2005

*Mr. E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Mr. Wilson: This letter to the Journal serves as a clarification to my bill, AB 1595. I want to clarify that the list of elected and appointed officials in subdivision (f) of Section 6254.21 of the Government Code as amended by AB 1595 is a partial list and not intended to in any way limit the ability of officials not explicitly specified in the bill—such as County Auditors—to benefit from its provisions.

Sincerely,

NOREEN EVANS, Assembly Member
Seventh District

4. “Chaptered Statutes” are enacted legislative proposals as officially published by the State Printer. When an Assembly or Senate Bill is signed by the Governor it is forwarded to the Secretary of State who publishes the bills in book form, in the order signed by the Governor, with each proposal treated as a new ‘chapter’ in the book. Hence Chapter 1210 of 1990 is the 1210th bill signed by the Governor in 1990.

The published Statute books are widely available in law libraries and also available in pdf form from <http://clerk.assembly.ca.gov/>. For legislation since 1993 an online version of the chapter is available in the collection of documents applicable to each bill at the legislative counsel website, <http://www.leginfo.legislature.ca.gov/bilinfo.html>

An example of a cover for a chaptered statute volume and one specific chapter within the volume can be found at the following three pages.

Volume 3

STATUTES OF CALIFORNIA
AND DIGESTS OF MEASURES

1988

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Primary Election, June 7, 1988
and General Election, November 8, 1988

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature

1987-88 Regular Session



Compiled by
BION M. GREGORY
Legislative Counsel

is a Purple Heart recipient may apply for special license plates for vehicles which are not used for transportation for hire, compensation, or profit, under this article. The special plates assigned to the vehicle shall run in a separate numerical series, shall have inscribed on the plate the Purple Heart insignia, and shall contain the words "Combat Wounded" and "Purple Heart" or at least the letters "PH" as part of the numerical series. The department shall reserve and issue the special plates to all applicants providing the proof required by subdivision (b).

(b) The applicant shall, by satisfactory proof, show that the applicant is a Purple Heart recipient.

(c) Special plates may be issued pursuant to subdivision (a) only for a vehicle owned or coowned by a Purple Heart recipient and may not be transferred to any other person, including the coowner of the vehicle. The special plates shall be surrendered to the department upon the decease of the Purple Heart recipient.

(d) In addition to the regular fees for an original or renewal registration, a fee sufficient to cover all costs of this program shall be paid.

(e) When an applicant for the Purple Heart license plate qualifies as a disabled veteran as defined in subdivision (a) of Section 22511.9, the applicant may also apply for a distinguishing placard described in subdivision (d) of Section 22511.9 to be used in conjunction with the Purple Heart license plate for the purpose of allowing special parking privileges pursuant to subdivision (b) of Section 22511.9.

(f) Sections 5106 and 5108 do not apply.

SEC. 2. This act shall become operative on July 1, 1989.

CHAPTER 1645

An act to add Section 421.5 to the Government Code, relating to state dances.

[Became law without Governor's signature. Filed with Secretary of State October 1, 1988.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares, as follows:

(a) West Coast Swing Dancing, also known as Swing, Whip, or Jitterbug, came into being in the early 1930's in response to new musical forms then sweeping the land. It was created at the grassroots level of our people. Devotees of this art come from every conceivable ethnic, religious, racial, and economic background. Age is no factor, nor is gender. Among the ranks of swing dancers, one can find judges, schoolteachers, lawyers, waitresses, salesmen, doctors, students, and so on.

West Coast Swing Dancing is an intricate dance, requiring a great

deal of coordination, good timing, and intelligent application. It is a healthy and joyful activity that belongs to all our people. They created it, they nurtured it, and they have kept it alive.

West Coast Swing is an American dance which is danced to American music. It originated in California and is danced in competition nationally and internationally.

(b) Square Dancing is the American folk dance which is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, and heritage dances.

The Square Dance has a long and proud history. It is an exciting art form that is truly an original of our country, and has been danced continuously in California since "Gold Rush Days."

As our state's population has grown, so has the square dance activity. California leads the nation with more than 200,000 residents square dancing weekly. It conforms to our ever changing lifestyles and appeals to people of all ages, races, and creeds. Class distinction is forgotten when people join together to enjoy the true fellowship of the Square Dance.

SEC. 2. Section 421.5 is added to the Government Code, to read:

421.5. (a) West Coast Swing Dance is the official state dance.

(b) The Square Dance is the official state folk dance.

CHAPTER 1646

An act to amend Section 8710 of, and to add Section 9280 to, the Elections Code, relating to elections.

[Became law without Governor's signature. Filed with
Secretary of State October 1, 1988.]

The people of the State of California do enact as follows:

SECTION 1. Section 9280 is added to the Elections Code, to read:

9280. (a) The state central committee may prohibit or limit the power of county central committees established pursuant to Chapter 4 (commencing with Section 9320) to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

(b) The superior court, in any case brought before it by the state central committee or by any registered voter, may issue a temporary or permanent restraining order or injunction to prohibit the endorsement, support, or opposition by a county central committee of any candidate for nomination by the Republican Party for partisan office in the direct primary election, if the endorsement, support, or opposition is in violation of the bylaws or rules of the state central committee. All cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

5. Legislative Counsel Digests – Legislative Counsel is the lawyer to the legislature. The Legislative Counsel's office is responsible for all the myriad technical matters involved with drafting legislation.

Since the early 1920's Legislative Counsel has provided at least a brief summary of the subject matter of each bill. From approximately 1923 through 1957 the Legislative Counsels Digest summarized each bill introduced in the legislature in the first couple months of each legislative Session in one printed volume. In 1959 the old single volume Legislative Counsel's Digest of bills as introduced was dropped in favor of a Legislative Counsels Digest printed with each version of each legislative bill, a practice which still continues, (see the bill copy example at page 9).

Beginning in the 1930's the Legislative Counsel's Summary Digest began summarizing every bill that was signed by the Governor in a separately printed volume. In the 1970's the Summary Digest separate volumes were incorporated into the Statute books for each year, and can also be found in pdf form at <http://clerk.assembly.ca.gov/>.

Legislative Counsels Digest example Page 24

Summary Digest example Page 26

LEGISLATIVE DIGEST

AND TABLE OF SECTIONS AFFECTED

JANUARY 8 TO JANUARY 27, 1945

BILLS AND CONSTITUTIONAL
AMENDMENTS INTRODUCED PRIOR
TO THE CONSTITUTIONAL RECESS



CALIFORNIA LEGISLATURE
FIFTY-SIXTH SESSION

Compiled by
FRED B. WOOD
Legislative Counsel

JOSEPH A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

A.B. 937—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, re credit unions.

Eliminates \$3,000 limitation on loans, substituting 10 per cent of unimpaired capital or \$200, whichever is greater.

Requires newly elected officers or committeemen to reduce loans to them to amount of their investment.

Provides procedure for dissolution or merger with another credit union.

A.B. 938—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, to reduce fee for filing application to operate as credit union from \$35 to \$5.

A.B. 939—JOHNSON AND OTHERS. (Fin. & Ins.) Amends Act 1887, re credit unions.

Substitutes definite schedule of fees to be paid Corporation Commissioner for examinations and supervision for provision requiring Commissioner to determine and assess pro rata amounts.

Eliminates provision imposing \$5 per day penalty upon credit union failing to make report of its condition to Corporation Commissioner.

A.B. 940—JOHNSON AND OTHERS. (Fin. & Ins.) Adds Sec. 22.5, Act 1887, re credit unions.

Permits credit union to indicate by advertising that it will accept savings and deposits.

A.B. 941—JOHNSON AND OTHERS. (Soc. W.) Adds Sec. 6500.3, W. & I. C., to provide that State institution for epileptics, for which appropriation made by Ch. 28, 55th (4th Ex.) Sess., shall be used for epileptics, physically handicapped, and mentally retarded persons.

A.B. 942—JOHNSON. (Jud.) Amends Sec. 788, Prob. C., re sale of real property in probate.

Gives probate court control of manner of notice prior to its vacation of confirmation and order of resale of real property; notice of resale and proceedings thereafter to be taken in manner provided for sale in first instance.

A.B. 943—JOHNSON. (Jud.) Amends Sec. 199, C. C., re custody of children.

Permits either natural parent, rather than husband or wife, to bring action for exclusive control of children of marriage without application for divorce.

A.B. 944—JOHNSON AND OTHERS. (Jud.) Amends Sec. 3051, C. C., re liens.

Extends lien rights, dependent upon possession, to persons owning or conducting dry cleaning establishment for work done by them on property of customers.

A.B. 945—JOHNSON AND OTHERS. (Jud.) Adds Sec. 3066, C. C., re liens of cleaners and dyers.

Provides for time and terms upon which wearing apparel or household goods left with cleaners or dyers may be sold.

A.B. 946—JOHNSON AND OTHERS. (Jud.) Amends Sec. 261b, C. C. P., re phonographic reporters to lower from 900,000 or over to 275,000 or over, population of counties which may have salaried court reporters.

A.B. 947—JOHNSON AND OTHERS. (Jud.) Amends Sec. 274, C. C. P., re phonographic reporters, to change rate of compensation.

A.B. 948—JOHNSON. (Jud.) Adds new title, C. C. P., amends other statutes, re abandoned property.

Provides certain property, including bank deposits, certified negotiable instruments, deposits with public utilities and other property held for benefit of another is deemed abandoned after term of years. Requires report of such property to State Controller, and publication or posting in county where located or held. Requires delivery of such unclaimed property to State Controller. Permits Attorney General to bring action for possession of such property. Permits claimants to recover property on proper showing. Provides for action to declare unclaimed property abandoned and escheated.

CALIFORNIA LEGISLATURE

1987-88 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed
Constitutional Amendments) Adopted in 1988

and

1979-1988 Statutory Record

VOLUME ONE



DARRYL R. WHITE
Secretary of the Senate

R. BRIAN KIDNEY
Chief Clerk of the Assembly

Compiled by
BION M. GREGORY
Legislative Counsel

Ch. 1642 (AB 4083) Leslie. Business development.

Existing provisions of the Small Business Development Corporation Law provide for the creation of small business development corporations, urban development corporations, and rural development corporations.

This bill would generally revise and recast the above provisions and would delete the reference to Urban and Rural Development Corporations, instead referring to these corporations generally as Small Business Development Corporations.

Existing provisions of the Small Business Development Corporation Law become inoperative on July 1, 1989, and are repealed January 1, 1990.

This bill would extend these dates to July 1, 1991, and January 1, 1992, respectively.

This bill would also make technical clarifying changes.

Ch. 1643 (SB 2148) Rogers. Vehicles: Pearl Harbor Survivor license plates.

(1) Existing law authorizes the Department of Motor Vehicles to issue special license plates, as specified.

This bill would authorize any person who is a certified Pearl Harbor survivor, as specified, to be issued distinctive Pearl Harbor Survivor license plates, commencing July 1, 1989. The bill would require that the department charge a \$35 fee to cover costs related to issuance of the plates or for issuance of substitute plates. The bill would also provide that the plates may be transferred to another vehicle for a \$20 fee, but may not be transferred to other persons, and is required to be surrendered to the department upon the decease of the person to whom the plates were issued.

(2) The bill would require the Controller to transfer \$90,000 from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund, and would appropriate that amount from the account to the department to implement the bill.

Ch. 1644 (AB 3639) Campbell. License plates: Purple Heart recipients.

Under existing law, Congressional Medal of Honor recipients and prisoners of war may apply for special license plates for their vehicles.

This bill would permit Purple Heart recipients to apply for special license plates inscribed with the Purple Heart insignia upon payment of additional fees, as specified.

The bill would become operative on July 1, 1989.

Ch. 1645 (SB 2460) Kopp. Official state dances.

Existing law designates an official state flower and an official state tree, among other things.

This bill would designate the West Coast Swing Dance as the official state dance.

This bill would designate the Square Dance as the official state folk dance.

Ch. 1646 (AB 4187) Nolan. Political parties: direct primary election endorsements: State Central Committee Convention.

Existing law provides that the state convention, state central committee, and the county central committee in each county are the official governing bodies of a political party qualified to participate in the direct primary election. Existing law prohibits these entities of a political party from endorsing, supporting, or opposing any candidate for nomination by that party for partisan office in the direct primary election.

This bill would specifically authorize the state central committee of the Republican Party to prohibit or limit the power of Republican county central committees to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

Existing law requires the Democratic State Central Committee to convene in Sacramento in the January after a general election, on a weekend which shall be no later than the last full weekend of the month.

This bill would instead require this committee to convene in Sacramento after a general election between the first full weekend in January and the first full weekend in March.

NOTE: Superior numbers appear as a separate section at the end of the digests.

B. Official publications developed by or at the request of the legislature about specific topics of legislation.

1. California Law Revision Commission (CLRC) – The CLRC is an adjunct to the legislature charged with investigating and making recommendations on topics of law that the legislature requests they study. The CLRC was established in 1957.

The CLRC should not to be confused with a series of prior commissions with similar names. In the period 1868 to 1874 a Code Revision Commission produced the first California Civil Code, Code of Civil Procedure, Penal Code and a Political Code later absorbed into the Government Code. In the period 1898 to 1907 a Code Revision Commission revised the then existing four codes. From 1930 through 1954 a California Code Commission produced the vast majority of the current California Codes, but the Code Commissions charge was specifically to codify existing law without substantive change. The CLRC as created in 1957 was charged with studying and recommending substantive changes to California law.

The CLRC recommendations are published and available at the www.CLRC.ca.gov and also widely available in law libraries, we include a cover page from one of their recommendation at page 29.

In addition to the formal recommendations the CLRC process for developing recommendations relies upon staff memoranda that are presented to the Commission for approval, and the minutes of the Commission meetings considering the memoranda. The Staff memoranda (sample at page 30) and minutes of the Commission (sample at page 32) are generally available at the CLRC website or, sporadically, from some Law Library or archival collections. Be aware if you seek to use memoranda as evidence of intent that the question of whether they can be legally viewed as legislative intent is not settled, despite the fact courts have viewed them as such. The issue seems to flow from the old notion that views documenting legislative intent as requiring direct legislative comment rather than recognizing the CLRC is an agent of the legislature.

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

TENTATIVE RECOMMENDATION

proposing

The Enforcement of Judgments Law

October 1980

CALIFORNIA LAW REVISION COMMISSION
4000 Middlefield Road, Room D-2
Palo Alto, California 94306

6/30/81

Fourth Supplement to Memorandum 81-24

Subject: Study D-300 - Enforcement of Judgments (AB 707) (Leasehold Interests Subject to Enforcement)

A question has been raised concerning the operation of Section 695.030(b)(1) of Assembly Bill 707 which provides that a leasehold subject to a provision precluding assignment or transfer is subject to enforcement of a money judgment. As this provision stands, it would seem to permit an execution sale of a leasehold interest regardless of the terms of the lease or the qualifications of the purchaser at the execution sale. The staff believes that this provision is inadequate. The Bankruptcy Code contains a very detailed provision governing the disposition of unexpired leases that is indicative of the problems involved. (See Exhibit 1.) It is also interesting to note that a bill is before the Legislature that would permit an assignee for the benefit of creditors to occupy leased business premises of a debtor for a period of up to 90 days upon payment of rent when due, notwithstanding a lease provision for termination upon assignment or insolvency. (Assembly Bill 1582, as amended May 18, 1981.)

The staff recommends that AB 707 be amended to provide that the lessee's interest may be applied to the satisfaction of a money judgment if the lease permits the lessee to sublet the property or assign the lease. If the right to sublet or assign is subject to reasonable standards and conditions, the execution purchaser or other assignee must agree to such standards or conditions. If the right to sublet or assign is subject to the consent of the lessor, the lessor's consent may not be unreasonably withheld. If any of the foregoing conditions are satisfied, a lease may be applied to the satisfaction of a money judgment notwithstanding a lease provision for a forfeiture upon involuntary assignment. If the lease does not permit the lessee to sublet or assign, the lessee's interest should be subject to enforcement if the lessor consents in writing. Amendments to accomplish the staff recommendation are attached hereto as Exhibit 2.

This scheme is consistent with Civil Code Section 1951.4 which under certain conditions permits a lessor to continue to collect rent after the lessee has breached the lease and abandoned the property.

Respectfully submitted,

Stan G. Ulrich
Staff Counsel

MINUTES OF MEETING
of
CALIFORNIA LAW REVISION COMMISSION

SEPTEMBER 13 AND 14, 1979

LOS ANGELES

A meeting of the California Law Revision Commission was held in Los Angeles on September 13 and 14, 1979.

Law Revision Commission

Present: Beatrice P. Lawson, Chairperson
Judith Meisels Ashmann, Sept. 14

Jean C. Love
Warren M. Stanton

Absent: Omer L. Rains, Senate Member
Alister McAlister, Assembly Member
Ernest M. Hiroshige

Bion M. Gregory, Ex Officio
George Y. Chinn

Staff Members Present

John H. DeMouilly
Nathaniel Sterling

Robert J. Murphy III
Stan G. Ulrich

Consultant Present

Stefan A. Riesenfeld, Creditors' Remedies

Other Persons Present September 13

Edward Mizrahi, L.A. County District Attorney, Los Angeles
Earl Osadchey, L.A. County District Attorney's Dept. Los Angeles
Rene Paquin, Orange County District Attorney, Santa Ana
Bruce Patterson, Orange County Deputy District Attorney, Santa Ana
Bill Trueblood, San Bernardino County, Supervising Deputy District Attorney, San Bernardino
Albert L. Wells, San Diego County District Attorney's Office, Santa Ana

ADMINISTRATIVE MATTERS

MINUTES OF MAY MEETING

The Minutes of the May 11, 1979, Meeting were approved as submitted by the staff.

ELECTION OF NEW CHAIRPERSON

Beatrice P. Lawson was unanimously elected Chairperson to fill the unexpired term of Howard R. Williams whose term on the Commission had expired. The term ends on December 31, 1979.

2. Interim Hearing Reports – Prior to 1965 the legislature was a part time body that met from January through May of each year, and had little budget for staff assistance. This left little time for detailed study of the policy ramifications of proposed legislation, so the legislature developed a process whereby proposals judged to need further study were referred to hearings in the interim between legislative sessions.

The interim hearings were typically held in the fall of the year in public forums in a major metropolitan area. The hearings were often transcribed, and the interim hearing committee often produced a subsequent report that suggested a legislative solution prior to the opening of the following years legislative session. These reports have in many cases survived in library collections, or as attachments to the legislative journals.

The interim hearing process continued to exist after 1965 but as legislative staff increased the process became less necessary as subjects could be studied in adequate detail during the regular legislative session.

Generally the text of the Interim Hearing Report will provide adequate explanation of the development of the report to provide the context necessary for legislative intent use.

The following page provides a sample of the cover page of an interim hearing report.

FOURTH PROGRESS REPORT TO THE LEGISLATURE

BY THE

SENATE INTERIM JUDICIARY COMMITTEE

(1955-1957)

(Senate Resolution No. 146)

MEMBERS OF THE COMMITTEE

JAMES E. CUNNINGHAM, SR., *Chairman*

DONALD L. GRUNSKY

EDWIN J. REGAN

SENATE STANDING COMMITTEE ON JUDICIARY (1957)

MEMBERS OF THE COMMITTEE

EDWIN J. REGAN, *Chairman*

STANLEY ARNOLD
JOHN WILLIAM BEARD
JAMES E. BUSCH
CARL L. CHRISTENSEN, JR.
JAMES A. COBEY
NATHAN F. COOMBS

EARL D. DESMOND
RICHARD J. DOLWIG
JESS R. DORSEY
FRED S. FARR
DONALD L. GRUNSKY
RICHARD RICHARDS

JOHN A. BOHN, *Counsel*

Published by the
**SENATE
OF THE STATE OF CALIFORNIA**

HAROLD J. POWERS
President of the Senate

HUGH M. BURNS
President pro Tempore

JOSEPH A. BEEK
Secretary

II. File Documents

A. Legislative File materials

As a preliminary note, there is considerable old case law addressing whether courts can take judicial notice of various types of legislation file materials that developed over the years. The enactment of Government Code Section 9080 in 1996 probably overruled many of the cases finding file documents not judicially noticeable.

We discuss two types of file materials important to legislative intent, legislative files and executive branch files.

Legislative files can include the files on a particular proposal maintained by the committees that considered the proposal, by the organizations within the legislature charged with preparing analyses for use by the legislature on the floor of the Senate or Assembly, and files developed by the author of a particular proposal. Rarely it can also include subject matter files created by a committee as part of a broad study of a particular subject matter.

Executive branch files are primarily the Governor's file on legislation that arrives on the Governor's desk for signature, although on rare occasions an executive branch agency with an interest in the subject matter of particular legislation will have a legislative file that can be accessed.

A wide variety of types of documents can be found in any file relating to legislation, from documents developed as a formal part of the legislative process to handwritten notes or press clippings a legislative consultant thought were pertinent to understanding the substance or political ramifications of a proposal. We address this variety of documents by grouping items in order of their presumptive probative value.

1. Documents prepared as a part of the formal legislative process:

a. Legislative Policy Committee Analyses - The legislative process requires all proposals, as a first step in consideration by that house of the legislature, achieve passage through a committee composed of a small number of legislators of that house charged with responsibility for policy within a particular subject matter. For example, any proposed legislation dealing with legal matters would ordinarily be assigned to the Committee on the Judiciary in both the Assembly and the Senate.

Policy committee analyses of individual legislative proposals generally do not exist prior to 1970, although rarely a committee might have prepared some sort of analytical document. Since the early 1970's each policy committee has routinely prepared analyses of each piece of legislation scheduled to be considered in the committee.

These policy committee analyses customarily begin by identifying the Committee, the Chair of the Committee, the bill being addressed, the date the bill is scheduled for hearing and the amended version of the bill in the title or introductory portion of the analysis. In the body of the analysis they customarily summarize the proposal, summarize existing law, summarize the changes being proposed to existing law, comment on the purpose of the proposal and the arguments for and against the proposal and often conclude with a list of the persons or entities supporting or opposing the bill.

An example of a policy committee analysis can be found as the next three pages.

PROPERTY OF
ASSEMBLY REPUBLICAN CAUCUS
LIBRARY

Date of Hearing: March 8, 1988

AB 3007

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION
Richard E. Floyd, Chairman

AB 3007 (Sher) - As Proposed to Be Amended: March 8, 1988

SUBJECT

Should a slug be designated as State Mollusk?

DIGEST

Existing law designates a number of things as having exclusive official state status. These include: "Eureka" - State Motto; "The Golden State" - State Nickname; golden poppy (*Eschscholtzia*) - State Flower; California redwood (*Sequoia sempervirens*, *Sequoia gigantea*) - State Tree; California desert tortoise (*Gopherus agassizi*) - State Reptile; California valley quail (*Lophortyx californica*) - State Bird; gold and blue - State Colors; saber toothed cat (*Smilodon californicus*) - State Fossil; native gold - State Mineral; serpentine - State Rock; benitoite - State Gemstone; California gray whale (*Eschrichtius robustus*) as State Marine Mammal; California dog faced butterfly (*Zerene eurydice*) - State Insect; and the California grizzly bear (*Ursus californicus*) - State Animal.

This bill designates the banana slug as the official State Mollusk.

FISCAL EFFECT

None.

COMMENTS

1) Genesis

Naming the banana slug as State Mollusk was recommended to the author by a troop of Campfire Girls from his district. This particular slug, Ariolimax columbianus, is noteworthy because of its large size and brilliant yellow coloring. Found in damp coastal forest areas, the banana slug is indigenous to the Pacific Northwest. The banana slug is also the official school mascot of the University of California at Santa Cruz.

2) Mollusks

One of the largest groups of invertebrate animals, the phylum mollusk includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk

- continued -

classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalones.

3) Appropriateness

While there is usually a certain amount of discretionary license present in the designation of official state status, the general rule for such choices appears to have been centered on accepted custom and the particular uniqueness of the named object to the environs of the state. In the case of mollusks, there are a large number of different species indigenous to locales in the state, including the pismo clam (Tivela stultorum), the black abalone (Haliotis cracherodii), red abalone (Haliotis refesens), the turban shell (Tegula montereyi), the two spotted octopus (Octopus bimaculatus), common squid (Loligo opalescens), and a mussel (Mytilus californianus).

4) Which Slug Is The Right Slug?

The species Ariolimax columbianus was first identified by A. A. Gould in 1851 near the mouth of the Columbia River in Oregon. This particular banana slug has been found from Alaska to as far south as the Salinas Valley, and hence, cannot be considered indigenous to California. A subspecies, Ariolimax columbianus stramineus, however, is indigenous to central California and has been reported from Monterey to Ventura. Unfortunately, the only way a true California banana slug can be identified separately from other species is by dissecting the slug and mounting its ctenidia (respiratory organs) for examination.

Date of Hearing: March 8, 1988

AB 3007

SUPPORT

Campfire Girls of America

OPPOSITION

None registered

b. Legislative Fiscal Committee analyses – Once the applicable policy committee has passed a legislative bill that has ramifications on the State Budget it must pass a fiscal committee. Because the fiscal committee's charge is only to consider the budgetary ramifications, not the wider policy implications, and because very detailed fiscal analyses are often available from the Department of Finance and Legislative Analyst (discussed below) fiscal committee analyses are typically very brief and not ordinarily particularly useful for legislative intent purposes. However fiscal analysis may be the only analyses available from a legislative committee for older legislation.

Fiscal Committee analyses are to be distinguished from two other budget related agencies that provide fiscal analyses on legislation. The Governor's Department of Finance provides more detailed fiscal analysis of legislation for the executive branch and Department of Finance analyses are commonly found in legislative files. The legislature also has a fiscal agency that serves the Assembly and Senate, the Legislative Analyst. From the 1940's up until very recently Legislative Analyst analyses were prepared on all legislation with fiscal ramifications on the States budget.

Historically the Assembly Fiscal Committee was Ways and Means up to 1995. Since 1995 it has been the Committee on Appropriations.

Historically the Senate Fiscal Committee was Finance, it was renamed Appropriations in 1985.

Because all fiscal analyses are generally labeled with the name of the committee, or as Department of Finance or Legislative Analyst analyses, they are easily identified as a fiscal analyses, so we do not include examples of any fiscal analyses.

c. Floor Analyses – Since about 1970 the legislature has prepared analyses of all bills that make it to the floor of the Assembly or Senate for vote. Floor analyses generally do not exist on legislation considered prior to 1970. The analyses are available at each legislators desk on the floor on the date the bill comes up for vote. The analyses can have various titles.

A “Third Reading” analysis is prepared for the use of the legislators when a bill is up for final approval the first time it is considered in either the Senate or Assembly.

A “Concurrence” analysis is prepared when a bill has returned to the house of origin (where it was previously approved) with amendments by the other house.

When the house of origin does not concur in the amendments of the second house, a Conference Committee is appointed to negotiate a compromise between the two houses. The analysis of the product of the Conference Committee will be titled a “Conference Committee” analysis.

We separately address in the following pages:

- i. Assembly Floor analyses
- ii. Senate Floor Analyses

i. Assembly Floor Analyses – From the early 1970's into the mid 1980's floor analyses in the Assembly were prepared by the Assembly Office of Research as a non-partisan analysis. In the 1980's budgetary issues killed the Assembly Office of Research so the floor analysis function was handed off to the staff of the policy committee that had subject matter jurisdiction.

Confusingly, about the time the floor analysis responsibility was given to committee analyst's Assembly floor analyses addressing a Senate Bill began labeling the analyses "Senate Third Reading" suggesting to those outside the Assembly this is a document prepared for Senate deliberations, which it is not.

We include in the following three pages an example of an Assembly Office of Research floor analysis from 1982 and a Third Reading analysis of a Senate Bill from 1988 to illustrate the fact these Assembly analyses are often labeled "Senate Third Reading" when they address a Senate Bill.

ASSEMBLY THIRD READING

SB 1108 (Speraw) As Amended: April 1, 1982SENATE VOTE: 23-0

ASSEMBLY ACTIONS:

COMMITTEE H. & C. D. VOTE 7-0 COMMITTEE _____ VOTE _____

Ayes:

Ayes:

Nays:

Nays:

DIGESTThis bill:

- 1) Specifies that the Subdivision Map Act shall not apply to the conversion of a community apartment project to a condominium, if construction was complete and it was occupied on or before January 1, 1981.
- 2) Provides that a community apartment project shall not be converted to a condominium unless the required number of owners in the project, as specified in the bylaws or other organizational documents, have voted in favor of the conversion. If the bylaws or other organizational documents do not expressly specify the number of votes required to approve such a conversion, a majority vote of the owners in the project shall be required.

FISCAL EFFECT

According to Assembly Housing and Community Development Committee staff, the bill would have no fiscal impact on the state.

SENATE THIRD READING

SB 2460 (Kopp) - As Amended: August 22, 1988

SENATE VOTE: 21-9

ASSEMBLY ACTIONS:

COMMITTEE G. O. VOTE 10-4 COMMITTEE _____ VOTE _____Ayes: Cortese, Harris, Johnson,
Klehs, Polanco, Statham,
Tanner, M. Waters, N. Waters,
Floyd

Ayes:

Nays: Baker, Costa, Frizzelle,
Hill

Nays:

DIGESTExisting law designates the following official state items:

Gemstone: benitoite; Fish: California Golden Trout; Colors: blue and gold;
Insect: California dog-face butterfly; Nickname: The Golden State; Tree:
 California Redwood; Song: I Love you California; Bird: California Valley
 quail; Motto: "Eureka"; Flower: golden poppy; Mineral: native gold; Flag:
 the Bear Flag; Rock: serpentine; Fossil: saber-toothed cat; Animal:
 California Grizzly Bear; Reptile: desert tortoise; Marine mammal: California
 gray whale.

Currently there is no designation of an official state dance.

This bill designates the West Coast Swing Dance as California's official state
 dance and designates the square dance as California's official state folk
 dance.

FISCAL EFFECT

None

- continued -

COMMENTS

1) Background

The term "Swing" was used by jazz musicians to describe a particular character of music that was introduced by Louis Armstrong in 1924 when he joined the Fletcher Henderson Band. On August 21, 1935 at the Palomar Ballroom in Los Angeles, Benny Goodman's band played arrangements by Fletcher Henderson. This is considered to be the beginning of the "swing era." In the 30's, the "in dance" was the Shag or Balboa, then in 1936 the Jitterbug and Lindy Hop were created. In 1946 a smooth style of swing dancing came into fashion, commonly called West Coast Swing because it started in California.

- 2) Square dancing is the most popular form of American folk dance which is called, cued, or prompted to the dancers and includes squares, rounds, clogging, contra, line, and heritage dances. It is an exciting art form that is truly an original American dance and it has been danced continuously in California since Gold Rush Days.

Georgia King
445-3451
8/23/88:ago

SB 2460
Page 2

ii. Senate Floor Analyses: From the early 1970's through 1984 the Senate floor analyses were prepared by partisan caucus organizations, so there was usually a Senate Democratic Caucus and a Senate Republican Caucus analyses. The early Senate Republican Caucus analysis is normally the most difficult to identify, because it does not say who prepared the analysis.

Beginning in 1985 the Senate scrapped the partisan caucus analyses in favor of a non-partisan analysis prepared by a legislative office, the Office of Senate Floor Analyses.

The following 11 pages consist of two examples of a Senate Democratic Caucus analysis (first four pages), two examples of a Senate Republican Caucus (next four pages) including one early analysis without any identification of the source of the analysis, and an analysis from the Office of Senate Floor Analyses.

SENATE DEMOCRATIC CAUCUS

SENATOR OMER L. RAINS, *Chairman*

Bill No. AB 3222 (As Amended: Original)

Author: Deddeh (D)

Subject: Restraint of Trade: Standing to Sue

Policy Committee: Judiciary

Ayes (6) Beverly, Roberti, Sieroty, Wilson, Zenovich, Song

Noes (1) Dennis Carpenter

Assembly Floor Vote: 70 AYES; 0 NOES.

Summary of Legislation:

Under the Cartwright Act (California's version of the federal Sherman Act) a person injured in his business or property by antitrust violations may sue and recover treble damages, reasonable attorney's fees, and costs. AB 1162 (Chapter 543, Stats. 1977) authorized the Attorney General, as parens patriae, to bring civil suits on behalf of injured natural persons in the state for damages resulting from such antitrust violations.

This bill specified that an injured person has standing to sue in an antitrust action whether or not such person dealt directly or indirectly with a defendant.

Fiscal Effect:

None

Proponents:

California Trial Lawyers Association

County of Los Angeles District Attorney's Office

Attorney General's Office

San Diego District Attorney

San Diego City Attorney

Opponents:

Arguments in Support:

Proponents state that this bill will prevent a federal case interpretation of the Sherman Act precluding an indirect purchaser's standing to sue in antitrust actions from being applied to actions under the Cartwright Act.

Arguments in Opposition:

SENATE DEMOCRATIC CAUCUS SENATOR PAUL B. CARPENTER Chairman	Bill No.: SB 1108 Amended: 5-17-82 Author: Sperar (R) Vote Required: Majority Assembly Floor Vote: 61 - 1
--	--

SUBJECT: Zoning appeals: Subdivision Map Act: community apartment projects
and stock cooperatives

POLICY COMMITTEE: Local Government

AYES: (6) Ayala, Craven, Robbins, Vuich, Doolittle, Marks

NOES: (0)

SUMMARY OF LEGISLATION:

As this bill left the Senate:

The existing Subdivision Map Act defines "subdivision" as including, among other things, a community apartment project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located on such land.

This bill would specify that the Subdivision Map Act shall not apply to the conversion of a community apartment project, the construction of which was complete and which was occupied on or before January 1, 1981, to a condominium.

According to the Author's office, the amendments introduced in Committee will be removed and the technical difficulties with this bill will be resolved in the Assembly.

The Assembly amendments: provide that not only community apartment projects but stock cooperatives also shall not be converted to a condominium unless the required number of owners in the project, as specified in the bylaws or other organizational documents, have voted in favor of the conversion.

The Assembly amendments further provide: That if the bylaws or other organizational documents do not expressly specify the number of votes required to approve such a conversion, a majority vote of the owners in the project shall be required.

Finally, the Assembly amendments provide that the existing 180-day statute of limitations on actions challenging local zoning decisions relating to applications for conditional uses or other permits shall apply except as otherwise provided by ordinance and expressly makes this limitation applicable to chartered cities.

CONTINUED

SUMMARY OF LEGISLATION, Continued:

The Conference Committee amendments:

- 1) Delete the provisions of the bill as passed by the Senate (#1 above) and the Assembly amendments (#2 above).
- 2) Specify that the Subdivision Map Act shall not apply to the conversion of a community apartment project, if certain requirements are met or the conversion of a stock cooperative if certain requirements are met.
- 3) Make minor technical changes.

FISCAL EFFECT: No state cost.

PROPOSERS: (Verified by author 1-25-82)

Department of Housing and Community Development
California Association of Realtors

OPPOSERS:

ARGUMENTS IN SUPPORT:

Proponents state this bill is necessary to allow a housing unit to change from a rental unit to a form of ownership without any review by a local agency under the Map Act.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alquist, Ayala, Beverly, Boatwright, Carpenter, Dills, Ellis, Foran, Marz Garcia, Holmdahl, Keene, Maddy, Marks, Mills, Nielsen, O'Keefe, Presley, Russell, Schmitz, Speraw, Stiern, Vuich, and Watson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

1-26-82

p. 1219

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (24)—Senators Beverly, Boatwright, Campbell, Craven, Davis, Dills, Foran, Alex Garcia, Marz Garcia, Greene, Johnson, Keene, Maddy, Marks, Mello, Montoya, Nielsen, Petris, Presley, Robbins, Schmitz, Sieroty, Speraw, and Vuich.

8-6-82

p. 12481

CONTINUED

Roll call

The roll was called and the Conference report was adopted by the following vote:

AYES (36)—Senators Alquist, Ayala, Beatty, Boatwright, Campbell, Carpenter, Craven, Davis, Dills, Doolittle, Ellis, Foran, Garamendi, Alex Garcia, Marz Garcia, Greene, Holmquist, Johnson, Keene, Maddy, Marks, Mills, Moroye, Nielsen, O'Keefe, Petris, Presley, Rains, Robbins, Roberti, Seymour, Sieroty, Speraw, Stern, Vucich, and Watson.

NOES (0)—None.

8-31-82

11391

POSITIONS

DATE TYPED: 6/15/78

SOURCE: San Diego Attorneys

BILL NUMBER: AB 3222

SUPPORT: San Diego District Attorney
San Diego City District Attorney

AUTHOR: Deddeh

AMENDED COPY: Original

Committee Votes:

Senate Floor Vote:

COMMITTEE: JUDICIARY		
BILL NO.:	AB 3222	
DATE OF HEARING:	6-19-78	
SENATORS:	AYE	NO
Beverly		
D. Carpenter		
Robbing		
Roberti		
Sieroty		
Wilson		
Zenovich		
Zaukajian (V.C.)		
Song (Chairman)		
TOTAL:	61	

Assembly Floor Vote: 70-0, P. 14682 (5/22/78)

DIGEST

Specifies that an injured person may bring an action for restraint of trade against a defendant regardless of whether the injured person dealt directly or indirectly with the defendant. Declares that such authorization is declarative of existing law.

FISCAL EFFECT: Appropriation, no. Fiscal Comm., no. Local, no.

COMMENTS:

Under the Cartwright Act (California's version of the federal Sherman Act) a person injured in his business or property by antitrust violations may sue and recover treble damages, reasonable attorney's fees, and costs. AB 1162 (Chap. 543, Stats. 1977) authorized the Attorney General, as parens patriae, to bring civil suits on behalf of injured natural persons in the state for damages resulting from such antitrust violations.

The Illinois Brick case

In Illinois Brick Co. v. Illinois (1977) 97 S. Ct. 2071, the U.S. Supreme Court held that an indirect purchaser (consumer) does not have standing to sue under federal antitrust law.

According to the Court, if the pass-on theory may not be used defensively by an antitrust violator (i.e., that the resulting illegal overcharge for consumer items was merely passed on through the distribution chain), then that theory may not be used offensively by an

-more-

DIGEST

BILL NUMBER: AB 3222

indirect purchaser against an alleged violator to gain standing to sue. In addition, the Court stated that the legislative purpose in creating a group of "private attorneys general" to enforce the antitrust laws is "better served by holding direct purchasers to be injured to the full extent of the overcharge paid by them than by attempting to apportion the overcharge among all that may have absorbed a part of it."

The U.S. Department of Justice has proposed legislation to clarify this issue at the federal level and restore consumer standing to sue.

Proponents state that the decision in Illinois Brick has caused confusion in California, since decisions interpreting the Sherman Act are considered "persuasive" in interpreting the provisions of the Cartwright Act. It would clarify matters if this bill were passed to guarantee the continuation of the consumer's remedy for antitrust violations.

Attorney General action

AB 1162 (Chap. 543, Stats. 1977) gave the Attorney General the power, as parens patriae, to bring civil suits under the Cartwright Act and recover monetary damages to injured natural persons, costs of suit, and reasonable attorney's fees. However, a necessary premise to such suits is that the class of persons who are to be represented by the Attorney General have standing to sue.

If indirect purchasers, or ultimate consumers, were held not to have standing to sue, as was found in Illinois Brick, the Attorney General's parens patriae status in antitrust cases would be jeopardized.

The purpose of the bill is to prevent a federal case interpretation of the Sherman Act precluding an indirect purchaser's standing to sue in antitrust actions from being applied to actions under the Cartwright Act.

FILE COPY

AMENDED COPY: Orig.
MAJORITY VOTE

Assembly Floor Vote:

53

condominium) without going through the conversion process under the Map Act. They argue that they already are regulated under the Map Act and therefore it should not be necessary to submit to conversion regulations for purposes of changing a grant deed. At the local level these may include parking regulations, noise and energy conservation standards, etc. The purpose for changing the grant deed form is to make the property attractive for loan purposes.

1/26/82:jc

THIRD READING

SENATE RULES COMMITTEE

Office of
Senate Floor Analyses
1100 J Street, Suite 120
445-6614

Bill No. AB 3007
Author: Sher (D)
Amended: 3/17/88
Vote Required: Majority

Committee Votes:

COMMITTEE: RULES		
BILL NO.:	AB 3007	
DATE OF HEARING:	5-4-88	
SENATORS:	AYE	NO
Ellis		✓
Mello	✓	
Petris		
Craven (VC)	✓	
Roberti (Ch)	✓	
TOTAL:	3	1

Senate Floor Vote: page 7381, 8/11/88

Assembly Bill 3007—An act to add Section 425.8 to the Government Code, relating to the state mollusk.

Bill read third time and presented by Senator Morgan.
The roll was called

Roll Call

The names of the absentees were called and AB 3007 was passed by the following vote:

AYES (21)—Senators Bergeson, Campbell, Craven, Davis, Deddeh, Dills, Bill Greene, Keene, Maddy, Marks, McCorquodale, Mello, Montoya, Morgan, Nielsen, Presley, Robbins, Roberti, Rosenthal, Torres, and Watson.

NOES (15)—Senators Alquist, Ayala, Beverly, Boatwright, Ellis, Garamendi, Cecil Green, Leroy Greene, Hart, Lockyer, Rogers, Royce, Russell, Seymour, and Vuich.

Bill ordered transmitted to the Assembly.

Assembly Floor Vote: 43-32, P. 6435, 3/21/88

SUBJECT: Official State Mollusk: Banana Slug

SOURCE: Dynamite Blue Bird Club of Campfire Boys and Girls of
Redwood City

DIGEST: This bill would designate the banana slug (Ariolimax) as California's official State Mollusk.

ANALYSIS: The following are California's official state items:

Gemstone: Benitoite, Fish: California Golden Trout, Colors: Blue and Gold Ribbons, Insect: California Dog-Face Butterfly, Nickname: The Golden State, Tree: California Redwood, Song: I Love You California, Bird: California Valley Quail, Motto: Eureka, Flower: Golden Poppy, Mineral: Gold, Flag: Bear Flag, Rock: Serpentine, Fossil: Saber-toothed Cat, Animal: Grizzly Bear, Reptile: Desert Tortoise, Marine mammal: California Gray Whale.

(Recently, the Senate approved, by a vote of 21-9, SB 2460 (Kopp) which, if enacted, would designate the West Coast Swing Dance as California's official State Dance.)

Currently there is no designation of an official State Mollusk.

One of the largest groups of invertebrate animals, the mollusk, includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, limpets, shells, mussels, scallops, chitons, marine and land snails, and slugs are all subclasses of the mollusk classification. Land slugs, such as the banana slug, are gastropods, a class of mollusk which includes all other snails, limpets, shells, and abalone.

CONTINUED

In the case of mollusks, there are a large number of different species indigenous to locales in the state, including the pismo clam, the black abalone, red abalone, the turban shell, the two spotted octopus, common squid, and a mussel (Mytilus californianus).

The banana slug species Ariolimax columbianus was first identified by in 1851 near the mouth of the Columbia River in Oregon. This particular banana slug has been found from Alaska to as far south as the Salinas Valley, and hence, cannot be considered indigenous to California. Subspecies, Ariolimax columbianus stramineus, Ariolimax californicus, Ariolimax californicus brachyphallus, and Ariolimax californicus dolichophallus however, are indigenous to central California and have been reported from Monterey to Ventura.

Among banana slugs' favorite foods are mushrooms, poison oak, ferns, and a variety of bulbs, leaves, tubers, twigs, and other organic matter found on the forest floor. Their strap-like tongue (radula) contains hundreds of tiny teeth, with which they grind their food. All this masticating helps speed the decomposition of a forest's wastes, and banana slugs' droppings make an excellent fertilizer for conifers.

The banana slug gets its name from its long body and its bright golden-yellow color. While most species in California have a gold tinge to them, others are spotted or even white. Scientists are not sure how long banana slugs live, but they are known to roam the woods for five years or longer.

The banana slug is the official school mascot of the University California, Santa Cruz.

AB 3007 makes various findings including:

- The banana slug is an indigenous species to California.
- The banana slug's color resembles the California state color, gold.
- Banana slugs live among California's redwoods and substantially contribute to the forest ecosystem.

This bill designates genus Ariolimax, banana slug, as the official State Mollusk without reference to a particular species or subspecies.

SUPPORT: (Verified 5-3-88)

Dynamite Blue Bird Club of Campfire Boys and Girls of Redwood
City (Sponsor)
Redwood City School District
County of Santa Cruz
Kiwanis Club of Redwood City

OPPOSITION: (Verified 5-3-88)

Conchological Club of Southern California

ARGUMENTS IN SUPPORT: According to the author, banana slugs are important to coniferous forests because the slugs can serve as indicators of the health of the forest. To live comfortably, slugs need the moist "micro-climate"

6769

CONTINUED

created at the forest floor by the massive redwoods and other trees. Natural disasters, such as fires, or human intervention, through tree cutting and other activities, can dry the forest floor. When this happens, banana slugs are likely to suffer, and their reduced numbers may indicate important changes in the forest ecosystem.

Banana slugs exemplify the endless diversity of animal and plant life in California. As forest dwellers, they are accessible to all. For years environmental educators have used banana slugs to teach basic lessons of ecology.

ARGUMENTS IN OPPOSITION: According to the Conchological Club of Southern California, the self proclaimed oldest shell club in America, "although some slugs can be beneficial to the environment, just the name "slug" carries certain bad connotations of behavior and attitude. "The red abalone, is by far the most logical and proper choice. It is the world's largest abalone and is most desirable commercially for its size and light meat color. It is also representative of both southern and northern California as it is found along the entire length of our coastline. The name "abalone" conjures up an image of a seashell with an appealing mother-of-pearl luster, as well as an image of a beautiful, surf-swept rocky coastline for which California is famous."

FISCAL EFFECT: Fiscal Committee: no

ASSEMBLY FLOOR VOTE:

Assembly Bill No. 3007 passed by the following vote:

AYES—48			
Allen	Cortese	Hausen	Polanco
Areias	Duplissac	Hill	Roos
Bader	Eastin	Hughes	Roybal-Allard
Bates	Eaves	Izenberg	Sher
Bradley	Farr	Johnston	Speier
Bronzan	Filante	Jones	Tanner
Calderon	Floyd	Killea	Tucker
Campbell	Frazee	Klehs	Waters, Maxine
Chacon	Friedman	Margolin	Waters, Norman
Condit	Hansen	Moore	Mr. Speaker
Connelly	Harvey	Peace	
NOES—32			
Baker	Frizzelle	Lancaster	O'Connell
Brown, Dennis	Graham	Leonard	Quackenbush
Chandler	Hannigan	Leslie	Seastrand
Clute	Harris	Lewis	Statham
Costa	Johnson	Longshore	Stirling
Elder	Katz	McClintock	Wright
Felando	Kelley	Montjoy	Wyman
Ferguson	La Follette	Nolan	Zelmer

Bill ordered transmitted to the Senate.

RR:jk 5/5/88 Senate Floor Analyses

00770

2. Analyses by the Executive Branch – Executive branch agencies often analyze or take positions on proposed legislation that affect their delegated administrative responsibility.

Analyses prepared by Executive Branch agencies with Constitutional status, such as the Secretary of State, the Attorney General or the Public Utilities Commission typically use a letter format. An example from the Secretary of State follows this page.

Analyses that are prepared by all Executive Branch agencies under the direct control of the Governor generally follow the specific format exemplified by the Department of Forestry and Fire Protection analysis at pages 61 and 62. In some older bill analyses in this format careful scrutiny of the boxes at the top of the page is necessary to determine exactly which agency is the source.



Bill Jones
Secretary of State

1500 11th Street, 6th Floor
Sacramento, CA 95814

Legislative & Constituent Services
(916) 653-6774

April 17, 1996

BILL ANALYSIS

BILL NUMBER: SB 1507 (As Amended April 8, 1996)
AUTHOR: Petris
SUBJECT: Legislature: Public records:retention
POSITION: Neutral

EXISTING LAW:

Existing law provides that the public may inspect legislative records, as defined.

Existing law requires every agency of the state to maintain a file with specified documents related to the adoption, amendment, or repeal of a regulation, and requires that the rulemaking file be available to the public.

THIS BILL:

This bill would require each committee of each house of the Legislature, as specified, and each joint committee to preserve all legislative records, as defined, relating to legislation assigned to the committee that are in its custody or to lodge the records with the State Archives. Legislative records lodged with the State Archives pursuant to this bill would be open to inspection by the public.

This bill would specify when the rulemaking file would be available to the public and would require the agency to retain the file until it is sent to the State Archives for permanent retention. The bill would require agencies to transmit rulemaking files to the State Archives within 3 years following the filing of a regulation with the Secretary of State, but require rulemaking files related to regulations filed prior to January 1, 1997, to be sent to the State Archives by January 1, 2000, or a later date designated by the custodian of the State Archives.

ANALYSIS:

The bill, as it relates to transmitting the rulemaking files to the State Archives will add an undetermined volume of records to be cataloged and permanently retained at the Archives. Information provided by the Office of Administrative Law indicates an average of 45 boxes of rulemaking files are generated annually. However, it will be more difficult for Archives staff to determine, without an in-depth survey, the number and volume of rulemaking files currently retained by the agencies. It is expected to be substantial. In addition to the storage concern, the State Archives will be required to provide public access to this material, which may require additional resources for retrieval and copying.

The State Archives recommends the bill sunset after ten years if the Secretary of State certifies the continued buildup of volume is a storage problem. The certification shall be made by letter to the Governor and to the Legislature.

FISCAL ANALYSIS:

The workload created by the annual projected rate of 45 boxes of rulemaking files to be transmitted to the State Archives can be absorbed by using existing resources; however, the acquisition of all the rulemaking files currently retained by the agencies will substantially add to the processing backlog and has the potential of creating additional workload for the Reference program. We cannot determine at this time how much the Reference program will be impacted concerning public access to this material because we have no experience with rulemaking files and the number of requests they generate. Once the three-year time period is up and the files are transmitted to the State Archives, as specified in the bill, the public's interest may diminish to a point where there is little effect on the Reference program.

COMMENTS:

For further information regarding this analysis, please contact the Secretary of State's Legislative Director, Vickie Glaser at (916) 653-6774.

BILL ANALYSIS

.10 Rules

RESOURCES AGENCY

DEPARTMENT Forestry and Fire Protection (CDF)	AUTHOR Senator Monteith Assemblyman House	BILL NUMBER SB 389
SPONSORED BY Students at Martin Luther King, Jr. Middle School in Madera and the Professional Soil Scientists Association of California	RELATED BILLS None	AMENDED DATE As Introduced 2/14/97
SUBJECT State Soil		

A. SUMMARY

This bill would designate the San Joaquin soil series as the official State Soil

B. SPECIFIC FINDINGS

- History and Sponsorship:** This bill was introduced by Senator Monteith on February 14, 1997, and is sponsored by students at the Martin Luther King Middle School in Madera and the Professional Soil Scientists Association of California.
- Existing Law:** Government Code Sections 425 through 425.8 provides special recognition for unique natural features of California. This includes designation of an official state animal, mineral, rock, gemstone, marine mammal, fossil, and prehistoric artifact.
- Changes in Law Provided by This Bill:** This bill would add Section 425.9 to the Government Code to designate the San Joaquin Soil Series as the official State Soil.

For Information Contact: Carol Williams Bryant, Chief, Office of Legislation, 653-5333

Date: March 20, 1997

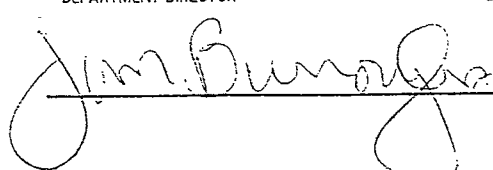
Prepared by: John Munn

DEPARTMENTS THAT MAY BE AFFECTED

Forestry and Fire Protection, Conservation, Food and Agriculture

STATE MANDATE []

GOVERNOR'S APPOINTMENT []

DEPARTMENT DIRECTOR POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input type="checkbox"/> N <input type="checkbox"/> NP <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> DEFER _____	AGENCY SECRETARY POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input checked="" type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> DEFER _____	GOVERNOR'S OFFICE USE Position Approved Position Disapproved Position Noted By: _____ Date: _____
DEPARTMENT DIRECTOR 	DATE: 4/13/97 AGENCY SECRETARY Original Signed By Julie A. MacDonald	DATE: APR 22 1997

4. **Discussion:** Soil is among California's most valuable resources. It supports the number one agricultural industry in the world and supplies food and fiber for millions of people in California and throughout the world. Soil is a complex resource, with many variations in conditions that affect its use and management. But it is also taken for granted by the great majority of Californians. Designating a State Soil will provide a focal point around which education efforts can be developed to increase awareness about the complexity of California's soils and the importance of conserving this non-renewable resource that supports our livelihood and our environment. Based on a review of the more than 1800 different soil series identified in California, the Professional Soil Scientists Association of California has recommended the San Joaquin soil series as the best example of the range of soil properties and uses occurring statewide. It is widely distributed, supports a large number of crops and other land uses, displays a wide variety of soil characteristics that can serve to illustrate soil processes, use, and management, and has a series distribution and name that is unique to California.

C. FISCAL EFFECT

None.

D. ECONOMIC IMPACT

No direct impact. Educational programs focused on the State Soil will indirectly promote the long-term viability of industries relying on conservation of soil resources.

E. RECOMMENDATION : Neutral if Amended

1. **Reasons for Position:** Amendments needed to correct errors and improper use of terms.
2. **Proponents:** Professional Soil Scientists Association of California, students and teachers at Martin Luther King, Jr. Middle School in Madera, California.
3. **Opponents:** None known

3. Other common file materials

a. Assembly Republican Caucus has prepared separate bill analyses for use by Assembly Republicans almost continuously since the early 1970's. These analyses are sometimes prepared for policy or fiscal committee hearings, sometimes for floor proceedings, and frequently show up in Governor's files. They have always been clearly identified as a Republican analysis. We provide a series of examples in the next four pages.

ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE
REPUBLICAN ANALYSIS

AB 3007 (Sher) -- STATE MOLLUSK: BANANA SLUG
Version: 3/17/88 Vice-chairperson: Frank Hill
Recommendation: Oppose Vote: Majority

Summary: Designates the banana slug as the official state mollusk. Fiscal effect: None.

Supported by "Dynamite" Blue Birds of Redwood City (sponsor).
Opposed by None on file. Governor's position: Unknown.

Comments: Why on earth do we need an official state mollusk? And the banana slug? Do we want to perpetuate our whacky image?

If we are going to have an official state mollusk, let's study the issue and choose a mollusk that enhances California's economic climate, such as the abalone.

Although some consider the banana slug useful because it eats poison oak and provides slime that helps in decomposition of the redwood forests, the slugs are truly repulsive. The banana slug also is the official mascot of U.C. Santa Cruz, bastion of liberal experimentation.

Assembly Republican Committee Vote
Governmental Organization -- 3/8/88

(11-4) Ayes: Frizzelle, Hill, Johnson, Mojonnier,
Mountjoy

Noes: Baker, Grisham, Statham

Assembly Republican Floor Vote -- 3/21/88

(43-32) Ayes: Allen, Bader, Bradley, Duplissee, Filante,
Frazee, Hansen, Harvey, Hill, Jones

Noes: All other Republicans present & voting

Senate Republican Committee Vote

Rules -- 5/4/88

(3-1) Ayes: Craven

Noes: Ellis

Senate Republican Floor Vote -- 5/27/88

FAILED PASSAGE -- Reconsideration Granted

Consultant: Susan Ricci

ASSEMBLY GOVERNMENTAL ORGANIZATION COMMITTEE
REPUBLICAN ANALYSIS

SB 2460 (Kopp) -- OFFICIAL STATE DANCE

Version: Original Vice-Chairman: Frank Hill
Recommendation: Oppose/abstain
Vote: Majority

Summary: Designates the West Coast Swing Dance as the official state dance. Fiscal effect: None.

Supported by U.S. Swing Dance Council (sponsor), Arthur Murray Dance Studios, CA Chamber of Commerce, Northern CA Black Chamber of Commerce, U.S. Open Swing Dance Championships, Rotary Club of San Francisco, Oakland Association of Insurance Agents, Coca-Cola USA, Alameda County Bar Assoc., International Molders & Allied Workers, Town of Colma, American Federation of Musicians. Opposed by Sacramento Square Dance Assoc. Governor's position: Unknown.

Comments: While this is infinitely less ridiculous than designating the banana slug as the official state mollusk, it is certainly no more needed. And even if we need an official state dance, there doesn't appear to be a consensus that this is the appropriate dance.

The author notes that exercise has become an integral component of life. True. He also maintains that focusing on exercise such as dance will reduce the abuse of alcohol and drugs, thereby saving tax dollars. Doubtful.

The West Coast Swing is billed as the only dance native to California that is still commonly performed. It is a wholesome family activity that all can enjoy. A 1984 effort to designate square dancing as the official state dance (SB 2146, Doolittle) died on the Senate floor.

Senate Republican Floor Vote -- 4/28/88

(21-9) Ayes: Craven, Davis, Nielsen, Royce
Noes: Beverly, Doolittle, Morgan, Rogers,
Russell, Seymour

Assembly Republican Committee Vote

Governmental Organization -- 5/24/88

(10-4) Ayes: Johnson, Statham
Noes: Baker, Frizzelle, Hill
N.V.: Grisham, Mojonier
Absent: Mountjoy

Consultant: Susan Ricci

ASSEMBLY CONSUMER PROTECTION, GOVERNMENTAL
EFFICIENCY AND ECONOMIC DEVELOPMENT COMMITTEE
REPUBLICAN ANALYSIS

SB 1507 (Petriss) -- LEGISLATURE: PUBLIC RECORDS: RETENTION.

Version: 5/20/96

Chair: Morrissey

Analyzed: 6/19/96

Vote: Majority

Recommendation: None

Tax/Fee: No

SUMMARY: Requires each committee of each house of the Legislature, and each joint committee to maintain legislative records, relating to legislation assigned to the committee in official committee files. Committees would be required to preserve those records that are in its custody or to store them with the State Archives. Committee files would be open to public inspection. Specifies that rulemaking files would be available to the public and would require the agency to retain the file until it is sent to the State Archives for permanent retention. Prohibits an agency from removing or altering, destroying, or otherwise disposing of any item contained in a rulemaking file. Requires agencies to transmit rulemaking files to the Archives within 3 years following the filing of the regulation with the Secretary of State. Requires rulemaking files related to regulations filed prior to 1/1/97 to be sent to the Archives by 1/1/2000, or such a date specified by the Archives.

FISCAL EFFECT: Unknown.

POTENTIAL EFFECTS: Codifies practices which should already be in place. Ensures that a record of legislative and regulatory decision making is maintained.

SUPPORT: Cal-Tax.

OPPOSITION: None on file.

GOVERNOR'S POSITION: Unknown

COMMENTS:

- o Existing law established the Legislative Open Records Act of 1975, providing for public access to legislative committees and floor analyses bill files but does not specifically mandate the preservation of such files. The Act declares that "access to information concerning the conduct of the people's business by the Legislature is a fundamental and necessary right of every citizen of the state.
- o The Administrative Procedures Act provides that when departments submit proposed regulations to the Office of Administrative Law for review, they must be accompanied by specific information used by the entity in developing the proposed rule. However, that data is also not specifically required to be permanently preserved.
- o The sponsors of the bill state that over the years the courts have come to increasingly rely upon legislative and rulemaking history. Documents such as analyses reports, correspondence, background materials, hearing transcripts, press releases, have become important to the interpretation of California statutes and regulations. This is especially important in the absence of any pertinent case law on the subject.
- o As drafted this measure permits the public access to records which are required in the frantic day to day operation of the houses. This measure should be amended to specify that the

public has access to documents only when they have been shipped to the archives. Committee offices do not have the space for the public to use them as reading rooms.

Senate Republican Floor vote -- 5/28/96

(27-7) Ayes: Beverly, Craven, Johannessen, Johnson, Lewis, Maddy, Wright

Noes: Hurtt, Kelley, Leslie, Monteith, Mountjoy, Rogers

Abs./N.V.: Haynes, Leonard, Russell

Assembly Republican Committee vote

CP, GE & ED -- 6/25/96

(>) Ayes: >

Noes: >

Abs.: >

N.V.: >

Consultant: Peter Renevitz

b. Bill Analysis Worksheets – The following document is representative of a category of documents that have similar titles, but are generally identifiable if you review the title and nature of the document. These documents are forms sent out by committee staff to each author who has a bill scheduled for consideration in that committee. The author of the bill is requested to return the worksheet with an explanation of the proposal. In the response the author will often include attachments from third parties, or other documents that explain the source and purpose of the bill. The following two pages provide an example of a bill analysis worksheet with attachment.

SENATE COMMITTEE ON JUDICIARY

BACKGROUND INFORMATION

AB 2852

✓
1/1

1. **Source**

- (a) What group, organization, governmental agency, or other person, if any, requested the introduction of the bill? Please list the requestor's telephone number or, if unavailable, his address.

Pacific Telephone Company - Paul Henry, 325-7329

- (b) Which groups, organizations, or governmental agencies have contacted you in support of, or in opposition to, your bill?

General Telephone Company

- (c) If a similar bill has been introduced at a previous session of the Legislature, what was its number and the year of its introduction?

N/A

2. **Purpose**

What problem or deficiency under existing law does the bill seek to remedy?

See attached

If you have any further background information or material relating to the bill, please enclose a copy of it or state where the information or material is available.

Prior to introduction of the bill, a draft of the proposed legislation was given to Brent Barnhart, ACLU, and Tom Dunipace of Senator Pains' staff. ACLU suggested a minor revision and Mr. Dunipace concurred.

PLEASE COMPLETE THIS FORM AND RETURN IT TO THE SENATE COMMITTEE ON JUDICIARY, ROOM 2187 AS SOON AS POSSIBLE. THE COMMITTEE STAFF CANNOT SET THE BILL FOR A HEARING UNTIL THIS FORM HAS BEEN RETURNED.

**CRIMINAL SANCTIONS FOR
FRAUD BY WIRE**

Background

Telephone utilities are faced with a growing problem of skip tracers, "phone phreaks", and computer buffs accessing confidential and/or proprietary information by impersonating telephone company employees. These groups are becoming increasingly more sophisticated through a well organized exchange of detailed telephone system information. Not only are they able to access confidential customer records, they boast of being able to control or destroy entire telephone systems. They represent a serious threat to the integrity of all telecommunications systems, and also to national security which is heavily dependent on those systems. This threat is in addition to that posed to consumers whose confidential records are not secure.

Discussion

There is no prohibition against these types of fraudulent acts in the California Penal Code. The Federal law (Sec. 1343 of 18USC) does provide sanctions of up to \$1,000 or five years imprisonment for such acts if they are interstate in nature. However, attempts to convince the U.S. Attorney, Criminal Division, to prosecute even thoroughly investigated and well documented offenses have been fruitless. The U.S. Attorney's office has shown a clear preference to have state authorities handle such matters.

State authorities are unable to act in the absence of enabling legislation. Such legislation is urgently needed to effectively control unauthorized access to telecommunication system information and consumer records. A bill patterned on the federal law would have a broad base of support which is anticipated to include, for example, utilities, data transmitters, television broadcasters, the state attorney general, and other law enforcement agencies.

This Bill would add Section 538(f) to the Penal Code. Section 538(f) is similar to the Federal law (18USC1343), and provides California authorities with prosecutorial teeth to discourage abuse of telecommunication networks.

c. Correspondence opposing or supporting legislation – This form of correspondence is commonly found in many legislative files. The letters in opposition are often particularly useful in explaining the purpose for changes in a bill. These can be in many forms; the content is more instructive as to the category than the form. See examples in the following four pages.

UNIVERSITY OF CALIFORNIA STUDENT LOBBY

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SANTA BARBARA • SANTA CRUZ

926 J Street, Suite 616
Sacramento, California 95814

(916) 442-3827
ATSS: 8-494-3296
8-494-3299

March 23, 1984

*over
bill*

The Honorable John Doolittle
State Senate
State Capitol
Sacramento CA 95814

Dear Senator Doolittle:

After careful consideration and debate of SB 2146, which, if passed, "would specify that the square dance is the official State dance," the University of California Student Body Presidents' Council, acting on behalf of the 141,000 students of the University of California, have decided to actively oppose its passage.

While we respect the rights of the reported 250,000 people in California who practice and enjoy this specific type of american folk dancing, we do not feel that their pastime should be imposed upon the other 23 million residents of the state. We base our objections upon the fact that the square dance does not represent the ethnic and cultural diversity of our population. Nor does it in any way represent the historical background and development of the state.

As you know, the square dance is a representative art form of the white settlers who migrated here and under the banner of "manifest destiny" imposed their cultural values upon the Native Americans and Mexicans already living here. And, unlike the golden poppy, the California Redwoods, the grizzly bear, and the desert tortoise which are recognized as having special significance to the state, the square dance is not indigenous to California.

Thank you for your time and consideration on this important matter. If we can be of any assistance to you or your office in drafting legislation in this area that acknowledges the richness of California's unique cultural and ethnic diversity, please feel free to call upon us.

Sincerely,

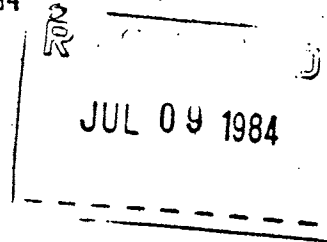
Ron Balestrieri
Director

db

cc: Willie Brown, Speaker of the Assembly
David Roberti, President pro Tempore

30 June 1984

Senator Diane Watson, D-LA
California State Senate
State Capitol
Sacramento, California 95814



Dear Ms. Watson,

I read with amused interest your criticism of the proposed state adoption of square dancing as the official state dance. You opposed it, claiming that the dance is originally European, that your ancestors {black} were not from Europe and that you are but a part of California's mix of groups, many of whom are not European and none of whom would be culturally represented by square dancing.

How silly, shallow and culturally ignorant. The question of one's ancestry is nothing more than a question of bloodline, - a mere technicality, if you will. The question of culture, in contrast, is a question of historic heritage as contributory to present environment. You speak a European tongue {English}, serve in a legislative forum European in institutional origin {Roman Senate to the Magna Carta to the English Parliament to the US Constitution}, and live in the leading industrial nation of the Christian {a European creed} West. Simply stated, European civilization exists on both sides of the Atlantic and you, good woman, are a product of it.

You speak no African tongue, practice no African religion, and are fully clothed in the course of your business day. You wear no ring-like adornments on your very Western neck, and place none in your nose. You no doubt paint your face only with the most tastefully chosen products from Revlon as sold at the Broadway. Your ancestors may have come from Africa, but that is all you share with them; -- a mere technicality, if you will.

And yes, I know, this letter probably qualifies me as a racist in your non-European repository of definitions. Tsk, tsk. In my very European repository of definitions, such a response would be an argument ad hominem.

All my best,


Christopher J. Bakes, ESQ

Copy to {i} the equally silly, shallow and culturally ignorant
Senator Art Torres {European surname}, D-LA
{ii} Senator John Doolittle, R-Citrus Heights



NORTHERN CALIFORNIA ASSOCIATION OF LAW LIBRARIES

1800 Market Street
Box 109
San Francisco, CA 94102

April 16, 1996

Senator Ralph Dills
Chairman
Senate Committee on Governmental Organization
State Capitol
Sacramento, CA 95814

Dear Senator Dills:

The Northern California Association of Law Libraries (NOCALL) is the primary sponsor of Senate Bill 1507 (Petrus) which will be heard in your committee next Tuesday, April 23, 1996.

Existing law provides that the public shall have access to legislative and rulemaking files as specified (the Legislative Open Records Act, Government Code Section 9070 et seq, and Government Code Section 113473.3(c) of the Administrative Procedures Act). However, since the law does not specifically require the preservation of such historical records (although preservation is logically implied), it is not unusual for critical legislative and rulemaking files to be lost, destroyed or stored in an inaccessible manner. NOCALL is a professional librarian association of over 400 members and includes law librarians from private law firms, colleges and universities, and county law libraries. Our members' experiences in this area of research on behalf of businesses and other private citizens has prompted us to sponsor SB 1507 as belated "clean-up" legislation to existing law.

The primary purpose of SB 1507 is to strengthen public access to Assembly and Senate committee and floor legislative records and to agency rulemaking files by prohibiting the destruction of such files and by centrally maintaining agency rulemaking files with the State Archives.

Senator Ralph Dills

April 16, 1996

Page 2

Legislator's personal bill files would not be affected by this legislation. We are not aware of any opposition to the bill. The State Archives and the Office of Administrative Law have provided excellent consultation assistance in the drafting of the bill's terms. The enclosed "Backgrounder" on the April 8th amended bill version of SB 1507 provides an in-depth digest of information for your additional review.

We respectfully request your positive consideration of this measure.

Sincerely,

A handwritten signature in cursive script, reading "Donna L. Purvis".

Donna L. Purvis
NOCALL President

DLP/dlp
Enclosures

cc: Members, Committee on Governmental Organizations
Senator Nicholas C. Petris

d. Statements about legislation – Statements from legislative files can take many forms. They are typically statements by the author of the bill or a person or organization from outside the legislature who has requested the introduction of the bill. In the following five pages we provide an example of a press release from the author, a written copy of a statement prepared for the author to make on the Assembly floor, a prepared handout about the legislation sent to other legislators and a letter to the author. Similar statements are all commonly dispersed in legislative files. Such statements can be used as evidence of how the legislation was represented to the legislature, but tread lightly around asserting they are direct statements of intent, in particular with the statements used for oral presentations, as it is difficult to sure the statement was presented as drafted.

**SUGGESTED PRESS RELEASE
STATE MOLLUSK RESOLUTION**

NEW CANDIDATE FOR STATE MOLLUSK

Assemblyman Trice Harvey (Rep., Bakersfield) announced today that he will introduce legislation to declare the abalone to be the Official State Mollusk of California. This proposal was in response to an effort to declare the banana slug to be the State Mollusk.

"It never occurred to me that we needed an Official State Mollusk," said Harvey, "but if we are going to have one it should be the right mollusk."

"Abalone makes a much better meal than does banana slug," Harvey noted. "And abalone shells make much better ashtrays than banana slug shells." When pressed Assemblyman Harvey admitted that banana slugs do not have shells.

"Banana slugs are slimy yellow worm-like creatures which live in the mountains eating innocent plants and leaves," Harvey explained. "Abalones are noble sea creatures which populate the coast providing food for people and animals."

Mollusks are animals, such as snails, that have no bones and travel on a single "foot muscle". Shellfish, such as clams and muscles, are also classified as mollusks.

ASSEMBLY FLOOR STATEMENT

S B 2460

AUGUST 1988

MR. SPEAKER AND MEMBERS:

SB 2460 WOULD DESIGNATE WEST COAST SWING DANCE AS THE OFFICIAL STATE DANCE.

WEST COAST SWING DANCING HAS BEEN A PART OF CALIFORNIA'S CULTURE SINCE WORLD WAR II. IT ENHANCED THE LIVES OF OUR SOLDIERS NO MATTER WHERE THEY WERE AND IT KEPT TEENAGERS OFF THE STREET AND OUT OF TROUBLE.

IN THE 1930'S, HOLLYWOOD AND THE SWING BANDS POPULARIZED THE JITTERBUG OR SWING. IN THE MID-40'S, DANCERS CREATED A SMOOTH-STYLE OF SWING DANCING EXECUTED IN A SLOTTED FORM, IT IS CALLED WEST COAST SWING BECAUSE IT STARTED IN CALIFORNIA.

WEST COAST SWING IS THE ONLY DANCE NATIVE TO CALIFORNIA WHICH HAS SURVIVED. IT IS A HEALTHY AND JOYFUL ACTIVITY THAT BELONGS TO ALL OUR PEOPLE. DEVOTEES OF THIS ART COME FROM EVERY CONCEIVABLE BACKGROUND, AMONG THE RANKS OF SWING DANCERS, ONE CAN FIND JUDGES, SCHOOL TEACHERS, WAITRESSES, SALESMEN, STUDENTS, DOCTORS---AND, YES, EVEN LEGISLATORS.

SWING MUSIC AND SWING DANCING BOOSTED THE MORALE OF THIS COUNTRY THROUGH A DEPRESSION AND WORLD WAR. OUR STATE IS PLAGUED WITH PROBLEMS OF ALCOHOL AND DRUG ABUSE; AND EXERCISE HAS BECOME AN IMPORTANT PART OF OUR HEALTH AND WAY OF LIFE, ESPECIALLY HERE IN CALIFORNIA. FOCUSING PUBLIC ATTENTION ON THIS TYPE OF WHOLESOME ACTIVITY MAY HELP REDUCE THE ABUSE OF ALCOHOL AND DRUGS, THEREBY SAVING TAX DOLLARS.

I URGE YOUR "AYE" VOTE.

NOTE: SQUARE DANCE IS THE OFFICIAL STATE DANCE OF EIGHT STATES AND ORIGINATES IN ENGLAND. THIS ALONE SUGGESTS THAT WEST COAST SWING IS A BETTER CANDIDATE FOR CALIFORNIA'S OFFICIAL STATE DANCE. THE ATTACHED LETTERS FROM ARTHUR MURRAY INTERNATIONAL, BRIGHAM YOUNG UNIVERSITY, THE GOLDEN STATE DANCE TEACHERS ASSOCIATION, AND OTHERS INCLUDE ADDITIONAL INFORMATION AND ARGUMENTS WITH RESPECT TO THE ISSUE OF WEST COAST SWING VERSUS SQUARE DANCE.

**SUGGESTED REQUEST FOR COAUTHORS
STATE MOLLUSK RESOLUTION**

Dear Fellow Assembly Members:

I was amazed to learn, recently, that California has no Official State Mollusk. Not that I really thought we needed one; I was just surprised we didn't have one.

After all, we have an Official State Nickname, an Official State Reptile, an Official State Rock, an Official State Mineral, an Official State Gemstone, an Official State Fish, an Official State Insect, and an Official State Fossil. How did mollusks escape this honor?

An effort is afoot to change this situation. And, while I have all the respect in the world for those who serve as advocates for the banana slug, I must respectfully disagree with the proposal to name the banana slug as the Official State Mollusk.

I cannot stand idly by and watch the wrong mollusk being designated the Official State Mollusk. Although the banana slug is certainly qualified, as a mollusk, for this honor, the abalone is a far superior candidate.

This is why I am seeking your coauthorship of the attached Concurrent Resolution to designate the abalone as the Official State Mollusk. The abalone has the dignity, the pride, and the disposition for this honor. Abalone tastes good too.

This promises to be a difficult battle. Our opponents are well organized and devoted to their cause. But I am ready to slug it out with them and I hope that you will join me.

I look forward to hearing from you.

Sincerely yours,

March 3, 1988

Mr. Stephen Magagnini
The Sacramento Bee
P.O. Box 15779
Sacramento, CA 95852

Dear Stephen:

It was a pleasure chatting with you at the Kings-Pistons game last week. Unfortunately, the performance of the Kings did not improve during the second half.

I think your Sunday Magazine readers would be interested in legislation I have introduced pertaining to West Coast Swing Dancing. Senate Bill 2460 would designate West Coast Swing as the Official State Dance.

Swing dancing is a healthy and joyful pastime which attracts a broad spectrum of Californians--even members of the Legislature. Focusing public attention on this wholesome activity can help reduce drug and alcohol abuse.

I have enclosed a copy of the bill and a compendium of information. Be of good cheer.

Sincerely yours,

QUENTIN L. KOPP

QLK:11
Enclosure

e. Background documents collected by staff – The staff persons responsible for preparing analyses or responding to questions about proposed legislation often collect materials that they find helpful in understanding the proposal in bill files relating to the particular proposal. Background documents could include many types of documents, such as copies of published cases, law review articles, media articles, studies, transcripts of various types of meetings or proceedings – the range of possible types of documents are as broad as the range of possible subjects of legislation. We include some (amusing) examples in the following five pages.

State Senate getting into step on California swing dance

By Kathy Zimmerman
The Tribune 4/29/88

SACRAMENTO — Swing is in, salsa's out and square dancing isn't even in the running.

That's the opinion of the California Senate, which approved legislation yesterday designating the West Coast swing dance the official state dance.

They voted for it 21-9.

Senate Bill 2460, which still needs approval of the California Assembly, would declare:

■ Dance clubs throughout the state are dedicated to the proposition that swing dancing is "the greatest of all social activities."

■ West Coast swing dancing has been a popular subculture activity for 50 years, yet remains relatively unknown to society.

■ Swing dancing is an intricate dance and a healthy and joyful activity, requiring "a great deal of coordination, good timing and intelligent applica-

The bill to establish the West Coast swing dance as the official state dance still needs Assembly approval.

tion."

"West Coast swing dancing is the only dance native to the state of California which has survived," said the bill's enthusiastic author, Sen. Quentin Kopp, I-San Francisco.

"Swing dancing boosted the morale of the country when it needed it," said Kopp. He declined repeated calls from his Senate colleagues for a demonstration of such dancing.

Supporters of his bill say that promoting the dance will help reduce the alcohol and drug

problems among youth.

"Among the ranks who enjoy swing dancing are judges, school teachers, salesmen and even senators," Kopp said.

The United States Swing Dance Council defines swing as an "all-American rhythm dance, consisting basically of six-beat and eight-beat patterns that cover either a circular or slot area on the dance floor."

Swing incorporates "under-arm turns, side passes, pushes and whips," according to the council.

At least one senator was suspicious of what those moves entail. Sen. Don Rogers, R-Bakersfield, said he wanted them demonstrated.

"How do we know they have anything to do with dance?" Rogers joked.

Opponents of Kopp's bill argued that other dances would be more appropriate as the state dance.

SB 2460

Sandoz Bee
8/28/88

Good question — The legislative sashaying over a bill to designate an official state dance is generating some of the more candid comments coming from lawmakers these days. For example, there was the question from Assemblyman Ross Johnson, R-La Habra, when the bill came up on the Assembly floor last week. "Do you think it might be appropriate to include an official legislative dance?" Johnson asked his colleagues. "The side step?"

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COMMITTEE OFFICE
 ROOM 3016 - STATE CAPITOL
 TELEPHONE: 445-2995

GRACE YEE
 COMMITTEE SECRETARY

California Legislature

Joint Committee on Rules

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LOUIS J. PAPAN
 CHAIRMAN

ROSE ANN VUICH
 VICE CHAIR

May 4, 1984

Honorable John T. Doolittle
 Republican Whip
 California State Senate
 State Capitol Building
 Sacramento, California 95814

RECEIVED

MAY 10 1984

Dear John:

This is in response to your letter of May 2, 1984, requesting authorization for the CALIFORNIA SQUARE DANCE COUNCIL to perform on the West Steps of the State Capitol Building on Tuesday, May 8, 1984 from 11:30 a.m. until 12:30 p.m.

Please be advised, your request has been approved by the Joint Rules Committee. It is my understanding you have contacted the State Police Office, located in the Room 1149 of the Capitol building (445-2895), with regard to a permit.

Your letter is being forwarded to Mr. Denny Artz of the Rules Committee staff for processing your request for the table and electrical equipment.

Sincerely,



LOUIS J. PAPAN, Chairman
 Joint Rules Committee

LJP:bar

cc: Denny Artz
 Lt. Steve Weston
 Julie Williams
 Rose Nagao
 Everett Jones

ASSEMBLY JOINT RESOLUTION No. 29

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Assemblyman BORNHEIMER

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

A JOINT RESOLUTION designating the Square Dance as the American
Folk Dance of the State of New Jersey.

1 WHEREAS, Love of State and professions is enhanced by traditions
2 that have become a part of our way of life and the customs of
3 the American people; and,

4 WHEREAS, We have distinctive and meaningful symbols of our
5 ideals in our State's flag and in many cultural endeavors, but no
6 official designation of a State Folk Dance; and,

7 WHEREAS, The Square Dance, which was first associated with the
8 American people and recorded in history since 1651, has con-
9 sistently been the one dance traditionally recognized by the
10 American people as a dignified and enjoyable expression of
11 American folk dancing; and,

12 WHEREAS, Official recognition of the Square Dance will enhance
13 the cultural stature of New Jersey both nationally and inter-
14 nationally; and,

15 WHEREAS, National and international prestige is the best interest
16 of all Americans; now, therefore,

1 BE IT RESOLVED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. That the dance known as the Square Dance is designated the
2 American Folk Dance of the State of New Jersey.

1 2. That this joint resolution shall take effect immediately.

STATEMENT

The purpose of this joint resolution is expressed in its title.

Note - SJ Res. #19 approved Jan. 19, 1983

HJR 50 DESIGNATING THE SQUARE DANCE AS THE AMERICAN
FOLK DANCE OF THE STATE OF ALABAMA.

WHEREAS, love of state and professions is enhanced by traditions that have become a part of our way of life and the customs of the American people; and


WHEREAS, we have distinctive and meaningful symbols of our ideals in our state's flag and in many cultural endeavors, but no official designation of a State Folk Dance; and

WHEREAS, the Square Dance, which was first associated with the American people and recorded in history since 1651, has consistently been the one dance recognized by the American people as a dignified and enjoyable expression of American folk dancing; and

WHEREAS, official recognition of the Square Dance will enhance the cultural stature of Alabama both nationally and internationally; and

WHEREAS, national and international prestige is in the best interest of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the dance known as the Square Dance is designated the American Folk Dance of the State of Alabama.


Speaker of the House of Representatives


President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within House Joint Resolution originated in and was adopted by the House February 17, 1981.

John W. Pemberton
Clerk

Senate

FEB 17 1981


Adopted

B. Executive Branch File Materials

1. Governors Enrolled Bill File - Within the executive branch the Governor has a formal process for developing information on legislation that arrives on his desk for signature. The Governor's office will receive an "Enrolled Bill Report" from every agency with a possible interest in the legislation and the office will collect correspondence from other interested parties regarding the legislation before the Governor makes a decision on signing or vetoing the bill. We discuss two primary categories of documents from the Governor's Enrolled Bill file that commonly appear in the files and are useful for legislative intent purposes.

a. Enrolled Bill Reports – Enrolled bill reports are recommendations to the Governor concerning the legislation from agencies under the Governor's jurisdiction. The current formal report evolved over many years. In the 1940's and 1950's agencies reported in letter format. But for the last 50 years or so the Enrolled Bill Reports have evolved to a very specific format (including the words "Enrolled Bill Report" at the top). The two pages following this page are an example of an Enrolled Bill Report.

ENROLLED BILL REPORT

AGENCY	RESOURCES	BILL NUMBER AB 3007
DEPARTMENT, BOARD OR COMMISSION Department of Fish and Game		AUTHOR Sher

I. SUBJECT:

Designate the banana slug as the official State mollusk.

II. SPONSOR:

Bay Area environmentalists and the Camp Fire Kids Club of Redwood City.

III. SUMMARY:

Existing law designates an official State flower, tree, reptile, bird, insect, animal, and marine mammal, but does not designate an official State mollusk.

IV. ANALYSIS:

A. Specific Findings: Bay Area environmentalists and the Redwood City Camp Fire Kids Club have recommended that the banana slug be designated by the Legislature as the official State mollusk. The slug is common in old growth redwood forests, but disappears when such areas are logged by the clear-cut method. It requires considerable moisture and is considered a good indicator species of the health of old growth forests.

B. Fiscal Impact: None.

V. ARGUMENTS PRO & CON:

A. Arguments in Support of the Bill: The banana slug requires considerable moisture and is considered a good indicator species of the health of old growth forests. Many such forests are being logged which is impacting associated flora and fauna. Publicity for the banana slug helps focus attention on the plight of old growth forests. Environmental groups support the passage of AB 3007.

B. Arguments in Opposition to the Bill: The Abalone Ad Hoc Committee, representing commercial fishing, recreational fishing, mariculture, and scientific interests concerned with the abalone resource, previously endorsed, at its February 21, 1987 meeting, designating the red abalone (another mollusk) as the State shellfish. The Committee noted that the red abalone is found from border to border in

Contact: Vern Goehring
445-9889 (day)
687-7704 (night)

RECOMMENDATION:

~~SIGN~~ VETO

DEPARTMENT HEAD <i>[Signature]</i>	DATE 89 8/14/89	AGENCY HEAD <i>[Signature]</i>	DATE
---------------------------------------	--------------------	-----------------------------------	------

California and almost nowhere else; grows to the largest size of any abalone in the world; has a beautiful shell that has been used in trade and jewelry for thousands of years; and is the subject of important recreational and commercial fisheries in the State.

VI. LEGISLATIVE ACTION:

Senate Floor vote: Unavailable. 8-11-88 Ayes-21 - Noes 15

Assembly Floor vote: 3-1-88 P 43-32

VII. RECOMMENDATION:

The Department recommends SIGN because:

1. The designation of the banana slug as the State mollusk will help focus attention on the need to safeguard old growth forest habitat in California.
2. Other mollusks, the red abalone in particular, have special attributes that warrant such designation. However, the habitat problem facing the flora and fauna of old growth forests is of greater significance.

b. Correspondence - This category is primarily correspondence to the Governor, but can also include correspondence from the Governor, usually to the legislature, most commonly in the form of a veto of legislation. Almost every Governor's enrolled bill file will contain a letter from the author of the legislation requesting the Governor's signature, but many other interested parties may submit letters to the Governor urging signature or veto.

We include a sample author letter to the Governor and a veto letter in the following three pages.

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Ann E. Boone

STATE CAPITOL
P.O. BOX 942843
SACRAMENTO, CA 94249-0001
TELEPHONE: (916) 445-9367

California Legislature

Assembly Natural Resources Committee

BYRON D. SHER
CHAIRMAN

August 22, 1988

Honorable George Deukmejian
Governor
State Capitol
Sacramento, California 95814

Dear Governor Deukmejian:

Assembly Bill 3007 is before you for your signature. This measure names the Banana Slug as California's Official State Mollusk.

The sponsors of this bill are the members of the Dynamite Blue Bird Club of Campfire Boys and Girls from Redwood City. Through an environmental education program, the Blue Birds came to know and respect Banana Slugs as unique members of California's environment. AB 3007 reflects the Blue Birds' efforts to recognize the special character of this animal.

Naming the Banana Slug the official State Mollusk is most appropriate. California is the only state where all five species and sub-species of Banana Slugs are found. Only one species also exists outside of the state, and its range extends to Alaska. This bill names the genus Ariolimax as the State Mollusk, without respect to a particular species or sub-species. The Banana Slug is found in coastal forests from Ventura County to the Oregon border.

Banana slugs are easy to look down on, but when you learn a little about them, you see that they are important to the well-being of the forests. Some species of Banana Slugs are colored bright yellow-gold, reminiscent of our state color. Banana Slugs grow largest, up to 12 inches, among one of our state trees, the Coast Redwoods. They have a symbiotic relationship with the Redwoods. Banana Slugs rely on the cool, moist environment at the forest floor created by mature Redwoods and, in turn, Banana Slugs consume all growth around Redwood seedlings. Further, Banana Slugs produce nitrogen, essential to Redwood growth, in a form which is readily absorbed by the trees.

Banana Slugs consume nearly any organic matter on the forest floor, including poison oak, which human beings can well do without. Banana Slugs do not leave their forest environment to attack commercial croplands.

Banana Slugs exemplify the endless diversity of animal and plant life in California. As forest dwellers, they are accessible to all.

For years, environmental educators have used Banana Slugs to teach basic lessons of ecology. AB 3007 has served to educate young people from my district and elsewhere in the state about the legislative process. An educational packet to help children learn about ecology and the legislative process was sent to 70 educators and others, from Sacramento to Los Angeles. For these reasons, I believe the bill is already a success.

I can tell from the enclosed press photograph that you are not totally unfamiliar with the virtues of the Banana Slug. They have warmed my heart as well.

Your signature will both complete the education of the Redwood City Dynamite Blue Birds, and confer recognition on an important member of our ecological community.

I respectfully request that you sign into law AB 3007, designating the Banana Slug as California's official State Mollusk.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Sher". The signature is fluid and cursive, with the first name "Byron" and last name "Sher" clearly distinguishable.

BYRON D. SHER
Assemblyman, 21st District

BDS:jmh
Enclosure



GEORGE DEUKMEJIAN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

August 29, 1988

To the Members of the California Assembly:

I am returning Assembly Bill No. 3007 without my signature.

This bill would designate the banana slug (*Ariolimax*) as California's official state mollusk.

The mollusk is one of the largest groups of invertebrate animals and includes more than 100,000 different species worldwide. Octopi, squid, clams, oysters, abalone, mussels, scallops, snails and slugs are all subclasses of the mollusk classification. There are a large number of different mollusk species indigenous to locales in the state, including the pismo clam, the black abalone, the red abalone, the turban shell, the two spotted octopus, common squid and a mussel (*mytilus californianus*).

The banana slug species *ariolimax* was first identified near the mouth of the Columbia River in Oregon and has been found from Alaska to as far south as the Salinas Valley.

It appears, that to the extent possible, official state items are indigenous to California. Thus, the state fish is the California Golden Trout, the insect is the California Dog-Face Butterfly, the bird is the California Valley Quail and so forth. If there is a need to designate a state mollusk, it would be more appropriate to select one that is indigenous to California and perhaps one that is more representative of the international reputation that California enjoys.

Cordially,

George Deukmejian

Thank you for viewing this overview of the types of legislative documents available for documenting legislative intent in California.

If you have questions or comments please feel free to call or email.