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The Complexities of Doing California Legislative History Research

The California courts take judicial notice of legislative history records that are generated during the course of a bill's enactment to clarify ambiguous terms (most common usage) and to reinforce a statute's "plain meaning" (growing trend). The competent practitioner knows how to identify legislative history records that are reflective of the Legislature's intent and how to avoid relying upon misleading records that are outdated or otherwise irrelevant. However, the starting point is obtaining a thorough legislative history research report to analyze with your issue in mind. Relevant notes in that regard are:

1. Online sources are incomplete.

- *Free sources are limited.* For example, the Legislature's database of bill versions, analyses and veto messages are only available from 1993 on and do not include all the records that the courts take judicial notice of (e.g., governor enrolled reports, partisan caucus analyses, etc.). See our [Resources webpage](#) for an article entitled "Online Research Tips" detailing online sources.
- *Subscription services.* In general, such sources primarily assemble records from the Legislature's free database. But similar pre-1993 materials are also available from both Westlaw and Lexis.

2. Offline sources are superior.

- They duplicate and exceed online sources.
- They include unpublished records that the courts routinely take judicial notice of (e.g., correspondence, agency analyses, partisan caucus analyses, governor records) – and that are not available online.

3. Offline, unpublished sources are not easy to obtain.

- *Location.* Unpublished records are primarily located in Sacramento (e.g., State Archives, the Legislative offices, the State Library system, etc.).
- *Time.* Do-it-yourselfers can count on waiting days and weeks to obtain records by source.
- *Due diligence.* Research methodologies vary depending upon such factors as the year of the enactment and internal research leads. In other words, applying due diligence is not easy.

4. It's safest to hire a commercial service.

- *Expertise.* Unless you have the time and know-how to deal long distance with the various research sites, it's best to hire a commercial research service such as LRI which specializes in this area – especially if you need thorough and authenticated research on a short time line.

For additional information regarding legislative intent research, as well as complimentary resources and research links, please visit our website at www.lrihistory.com

- *Budget options.* It's usually less expensive in the end to hire an expert in the field, rather than trying to do it yourself. However, if you are feeling up to the challenge and have the time to do the research remotely, read our "Research and Practice Guide" for information on how compile your own legislative history and intent report. It's also on our [Resources webpage](#).