



LEGISLATIVE INTENT SERVICE

712 Main Street, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com

Researching California Regulatory History

by Dorothy H. Thomson, Esq.

1. How to start?

Trace historical development of the language by accessing the code at the OAL website (www.oal.gov which takes one to <http://government.westlaw.com/linkedslice/default.asp?SP=CCR-1000>.) Search by the title and section; see history note appended at end of the language, citing filing dates of additions/amendments and the administrative register the action was published in. This will reveal one of four results, three of which lead one to understand there is a need to manually trace the genesis and amendment history of the section:

- a) history as added and amended with citations to administrative registers; examine the register or secretary of state filing for the addition to determine if its “new” or a revision or restatement of earlier language]; or
- b) no history; or
- c) history that starts with an add and repeal of prior regulations; or
- d) history that starts with an amendment;

Under “a” above, you can move to researching the regulation as added or amended, once you have validated its genuinely new with the addition noted. If the result is “b”, “c” or “d”, one needs to trace the historical development of the language of the section by manually accessing the registers noted; or seeking information from superceded presentations of the administrative code, or code of regulations. Access of the complete collection of California Administrative registers (1945 to current) is available, primarily on microfilm, at the California State Law Library, Sacramento, California. It helps to be aware of what versions of administrative or regulatory language exist at different points in time:

- Pre-1945, rules and orders found under individual agency records in California State Library;
- 1945 to 1988 California Administrative Register;
- 1989 to present California Code of Regulations.

Once we determine the year(s) of action to be researched, we access rulemaking file, or none surviving, any published commentary on the actions to adopt or amend a rule/regulation/order by the responsible state agency.

2. What documentation is available?

Documenting language:

- Text of Orders/Rules, pre-1945 published by state agency
- California Administrative Registers, 1945 to 1988 (1990)
- California Regulatory Code Supplement (Digest of New Regulations) 1990-present
- Rules & Regulations (filings by agency with California Office of Administrative Law with California Secretary of State), 1945 to present.

Documenting Public Notice:

Why? Many times contains history information

- California Administrative Notice Register (Z Register), 1974-1988
- California Regulatory Notice Register (Z Register) 1988-present

Document History:

Rulemaking File from pertinent state agency/board/commission (Required 1980 forward, Govt 11347.3). More recent rulemaking files can be indexed with notices, statements of reason (initial, interim and final can be present), correspondence received and agency response to the correspondence, drafts of text and so forth. Older files are more simple, a collection of documentation generated and received by the responsible agency. Hearings are required and tapes or transcripts may be available.

No surviving Rulemaking file? We examine the public records of the agency/board/commission surviving for any history revealed of the actions taken to adopt or amend a regulation. We also consider the language and enactment history of the statutory authority for a regulation to determine if it is an immediate implementation of the statute.

3. Where does one find the regulatory record?

- California State Archives
- California State Library, Witkin State Law Library and Government Publications Section
- California State Agencies, Boards and Commissions

#63691