



Research Guide

LOCATING CALIFORNIA ADMINISTRATIVE REGULATIONS

Regulations adopted by state agencies and departments have the force of law. They are adopted to implement or clarify statutes, and in response to state legislation and court decisions.

Regulations are drafted by agencies, sometimes with public participation or advisory committee input. When an agency proposes to adopt, repeal, or amend a regulation, a public announcement inviting comments and setting the time and place for public comment is issued. A "Notice of Proposed Action" is published in the *California Regulatory Notice Register* (KFC 36 .C2), and interested parties are also notified. Agencies are required to provide at least a 45-day period for public hearings and written comments.

The final version of a regulation is reviewed by the Office of Administrative Law (OAL) to ensure procedural compliance. If approved, the regulation is filed with the Secretary of State and printed in the *California Code of Regulations* (formerly entitled the *California Administrative Code*). Normally, a regulation becomes effective 30 days after the OAL, files it with the Secretary of State. All requirements are enumerated in the California Administrative Procedures Act, found at Cal. Gov't Code §§ 11340-11361.

BARCLAY'S OFFICIAL CALIFORNIA CODE OF REGULATIONS (KFC 35 1990 .A22)

The *California Code of Regulations* (Cal.Code Regs. or C.C.R.), published by Barclay's Law Publishers (West Group), consists of 39 looseleaf volumes covering 28 numbered titles representing subject areas. For example, Title 3: Food and Agriculture; Title 4: Business Regulations; Title 5: Education, etc. Title 6 is reserved for Governor's regulations and currently has no regulations in it. Title 24 covers building standards codes and is separately published (see below). The CCR is regularly updated by interfiling new pages. The LRC has older regulations back to 1977 on microfiche in the Lower Level (KFC 35 .A2).

Title 24 (Building Standards Code) of the *California Code of Regulations* is published separately in 11 parts.

Part 1. California Building Standards Administrative Code (Reserve KFC 813 .A353 A2)

Part 2. Building Code (*incorporates references to the Uniform Building Code*) (Reserve KFC 813 .A355 A2)

Part 3. California Electrical Code (*incorporates references to the National Electrical Code*) (Reserve KFC 813 .A356 A2)

Part 4. California Mechanical Code (*incorporates references to the Uniform Mechanical Code*) (Reserve KFC 813 .A357 A2)

Part 5. California Plumbing Code (*incorporates references to the Uniform Plumbing Code*) (Reserve KFC 813 .A358 A2)

Part 6. California Energy Code (Reserve KFC 813 .A359 A2)

Part 7. California Elevator Safety Construction Code (Reserve KFC 813 .A36 A2)

Part 8. California Historical Building Code (Reserve KFC 813 .A36 A2)

Part 9. California Fire Code (*incorporates references to the Uniform Fire Code*) (Reserve KFC 813 .A363 A2)

Part 10. California Code for Building Conservation (*incorporates references to the Uniform Code for Building Conservation*) (Reserve KFC 813 .A36 A2)

Part 12. California Referenced Standards Code (*incorporates references to the Uniform Building Code, Uniform Mechanical Code and the Uniform Plumbing Code*) (Reserve KFC 813 .A36 A2)

FINDING CURRENT REGULATIONS IN THE CALIFORNIA CODE OF REGULATIONS

1. SEARCHING BY CALIFORNIA CODE OF REGULATIONS SECTION

If the citation to the regulation is known, find the appropriate title and locate the section.

EXAMPLE: The regulation cited as Cal. Code Regs. tit. 3, 1462.7 (1978) will be found in Title 3, § 1462.7.

2. SEARCHING BY SUBJECT

A. The Master Index volume of the Barclay's set provides access to topics covered in the C.C.R. Consult general headings (e.g., motor vehicles) to get an overview of a particular industry or activity. Cross references under the general heading lead to specific entries for detailed information (e.g., license plates). You can search by name of agency (e.g., Board of Prison Terms), legislative act (e.g., Environmental Quality Act of California), geographic entity (e.g., Napa Valley), and hazardous substance or waste name (e.g., Paraquat). The index volume also has a Table of Statutes to Regulations which allows you to find a corresponding regulation if you know the statute section.

The first volume of the Barclay's set contains a Master Table of Contents. Consult the appropriate subject area when you have a topic in mind.

B. *Comprehensive Index California Code of Regulations* (KFC 35 .A22). This commercially produced index covers the years 1988-99.

References are to title and section numbers in the *California Code of Regulations*. Unfortunately, this index is often not detailed enough to be useful when you are conducting a subject search.

EXAMPLE: To find regulations dealing with the inspection of pomegranates, look for the word POMEGRANATES in the subject index. One of the topics under the subject is "Inspection of" at 3-1464.8. The regulation appears at Title 3, § 1464.8.

C. The Office of Administrative Law website ccr.oal.ca.gov contains the text of the regulations that have been formally adopted by the state agencies, received and approved by the Office of Administrative Law, and filed with the Secretary of State. The website is updated weekly. Note: Title 24 is **not** included. Follow the on-screen instructions to search a topic.

D. *California Code of Regulations* is also available on LEXIS and WESTLAW for full-text searching.

Note: The use of LEXIS and WESTLAW is limited by USD's educational contract to currently enrolled USD law students, law faculty, and staff.

3. LINKING ADMINISTRATIVE CODE SECTIONS WITH STATUTORY CODE SECTIONS

The *Comprehensive Index* (2B above) provides two tables for cross-indexing:

A. Regulations to Statutes Table

If a regulation is promulgated under a statute, this table links the regulation to its statutory authority in *West's* or *Deering's California Annotated Codes*. For example, the Table shows that the administrative provision at Title 15, § 1032 of the Cal. Code Regs. was promulgated in furtherance of Penal Code §§ 6030 and 6031.1.

B. Statutes to Regulations Table

In this table, California statutory code provisions are listed with any corresponding administrative titles and sections. For example, under the following statutory reference to the Education Code § 39619.6, there is a reference to regulations at Title 2, § 1867.2 of the *California Code of Regulations*.

The Master Index volume of the Barclay's set also has a Table of Statutes to Regulations. (See 2A above)

4. TRACING ADMINISTRATIVE CODE HISTORY

The *Comprehensive Index* also has a History Table. It has a complete listing, organized by title and section of the *Code of Regulations*, of every action taken on a regulation. Look for the particular title of the *Code of Regulations*. Find the section number under that title, and the history will follow.

5. UPDATING ADMINISTRATIVE RESEARCH

Because the *Code of Regulations* is regularly updated by interfiling new pages, the latest available version of a regulation will often be found in the main looseleaf volumes.

The Office of Administrative Law (OAL) publishes the *California Regulatory Notice Register* (KFC 36 .C2) each week. The *Register* contains notices of proposed regulatory action for the preceding week. Each issue lists regulations filed with the California Secretary of State. Unfortunately, there is no index for the *Register*; to use it, one must scan each weekly issue. Older issues, dating back to 1945, are available on microfiche (KFC 36 .C2).

Shepardizing will further update research and supply citations to cases and law review articles which have cited particular regulations. Use the *Shepard's California Citations: Statutes* volumes (KFC 39 .S53). Refer to the "California Code of Regulations" section.

The online Code of Regulation ccr.oal.ca.gov/default.htm is updated weekly through a contract between OAL and West Group.

The appropriate state agency can also be contacted for more information about a regulation. Consult the *State Yellow Book* (Ref. JK 2403 .S77) for current names, addresses, and phone numbers of California administrative personnel.

A certified copy of a regulation filing may be obtained from the Secretary of State Archives: Phone (916) 653-7715.

CONTACT A REFERENCE LIBRARIAN FOR FURTHER ASSISTANCE