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QUICK TIPS:
Reconstructing What A California Regulation
Looked Like In The Past
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At some point you might need to reconstruct what a California regulation looked like in the past. A typical research task might look something like this: *"HELP!* I need to know what a certain California regulation looked like in all its iterations from March 1979 through October 1983." It is my hope that this list of quick tips will help you hang on to your sanity. The core problem is that the official annotations should reliably list all of the Administrative Registers associated with your regulation, including any information regarding prior law numberings, recodification tables, etc. (All the reasonable stuff you would expect.) Unfortunately, they do not. (I have written a research guide which covers the deficiencies in this area in addition to providing numerous helpful aids. See our "California Regulatory Research Guide" and also our famous "Magic Drawer" on our website for help in reconstructing missing annotations.) The tips provided here offer a quick bridge over the quagmire.

I.   1980 TO THE PRESENT

A. Research Tools
  1. The "official" Westlaw annotations at the end of each section.
  2. January 1 annual UMI microfiche snapshots of the California regulations. (University Microfilms International.)
  3. To track amendments between Januaries: (a) The UMI annotations following your code section, (b) the cited Administrative Registers (at depository libraries), (c) LRI's complementary, online "Magic Drawer."

B. The Official Citations
Go ahead and see what the official annotations say. They often start with an amendment note which leaves you scratching your head over what came before the amendment. As described on LRI's online Regulatory Intent guide, these gaps can sometimes be filled in with the covering annotations at the beginning of your article, chapter or subchapter (look at the end of the first section in the series). These tips assume that those annotations are either hopelessly confusing, or you've come to some conclusions using them but want to confirm your findings. That's why we recommend using the UMI annual snapshots for this time period.

C. How to Use The UMI Annual Snapshots
  1. Easy. Find your code section of interest for your year(s) of interest. It's generally best to start with the oldest year first. *Caution:* Be sure to apply the "Fill-In-The- Gaps" guidance per Part I. C. below to track amendments between Januaries.

2. <u>Not easy.</u> If you can't find your code section of interest in a particular year, it will be because it didn't exist in that year, *or* your subject was covered under a different code section number. (*Groan.*) After noting that your code section number is either not there (or is off topic), look for your subject area under a different code section number doing standard code research. (Mainly, be topically sensitive when your review the body of law it should fall under.)
   i. If after jumping through this hoop, you still can't find your subject covered, cross that year off your list and go through the same process for the remaining years in your research period.
   ii. If you find your topic covered under a different section number, follow "Easy" instructions above.

D. How to "Fill-In-The-Gaps" between Januaries.
Since the annual snapshots only show the law in effect on Jan. 1, you need to fill in the gaps when there is more than one amendment in that year. Of course, the final amendment is incorporated in the next January 1 snapshot. But additional amended versions can only be captured in the Administrative Registers. To get the right citations:
1. <u>Use the official annotations</u>: You can test you luck and just rely on the official annotations following the code section in the next January 1 version. Get all the Administrative Registers cited between Januaries and cross your fingers.
2. <u>Reasonable paranoia</u>. If you are extra thorough, you will also use LRI's complimentary, online "Magic Drawer" and look for Administrative Register citations for anything between Jan 1 and Dec 31st in your year of interest (see Part II B. below).

II. Before 1980. Sorry. It's complicated. Again, you can start with the official historical annotations from Westlaw. But you will seriously want to consider confirming your findings using this two step process:

A. See LRI's online "California Regulatory Research Guide" entitled *Reconstructing Regulatory History and Intent, Valuable Guideposts for Wading Through the Morass That is California Regulatory Research*.

Highlights:
1. <u>UMI history note table</u>. Page vi (re: index item 4) notes that UMI has a history note table dating back to 1975. This is a compilation of all the history notes for each code section. Additional information:
   o It only covers 1975-1995.
   o It brings all defects along with it, but it includes the hard-to-find *covering historical notes.*
     ▪ From 1980-1987 the annotators were either overworked or lazy and did not provide complete historical notes for each code section. Instead, whenever they could get away with it, they would provide *covering notes* at the beginning of the body of law in question.
     ▪ This practice was discontinued in 1988. From that point forward the history notes supposedly include complete cites for each code section.
2. See attached annotated table of contents (or access online).

B. Use The UMI Historical Notes Table In Conjunction With LRI's "Magic Drawer"

A Collection of Index Cards, with Hand-Written Annotations, Which Provide all Register Citations by Title, 1945-1990 (copied by Legislative Research & Intent LLC from the Office of Administrative Law in Sacramento, California).
   o Use for the 1945-1979 time period.
   o Pre 1945: While regulations were officially published in the Administrative Registers in 1945, many existed before that date in separate department publications.
   o See attached table of contents and sample cards (or access online).

[SIDEBAR: For help on obtaining access to an agency's rulemaking file, see LRI's "California Regulatory Research Guide." It gives insights on how to use the Public Records Act. It describes the difference between

administrative registers and notice or Z registers. "Z" (notice) registers commence April 1, 1974. Z's sometimes provide background and intent information. Recommendation: Wait for the final rulemaking file research which often includes the Z's. Or, if none, research 2 years before the promulgation of interest.]