

Study N-301

October 2, 1997

First Supplement to Memorandum 97-68**Administrative Rulemaking: Interpretive Guidelines**

We have received a letter from Laura A. Cadra, representing the Southern California Association of Law Libraries (attached). Ms. Cadra urges the Commission to require publication of advisory interpretations in the California Regulatory Notice Register. Publication in the Notice Register facilitates research by consolidating all advisory interpretations in a single location that is permanently archived.

This was the procedure originally recommended by the staff. However, in response to a comment from the Office of Administrative Law (OAL), suggesting that the Notice Register was an inappropriately short-lived forum, the staff proposed instead that *notice* of the adoption of an advisory interpretation be printed in the Notice Register, with clear instructions on how to obtain a copy of the full text of the advisory interpretation from the adopting agency. See Memorandum 97-68, pp. 6-7.

OAL's concern that the Notice Register is an inadequate forum can be addressed by requiring publication in the Notice Register and by the agency in their own publication and on the Internet. This would preserve the benefits of publication in each of these locations, with a slight increase in adoption costs.

Respectfully submitted,

Brian Hebert
Staff Counsel

Law Revision Commission
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Nathaniel Sterling, Executive Secretary
California Law Revision Commission
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Dear Mr. Sterling:

The Southern California Association of Law Libraries supports the continued inclusion of administrative agency Interpretative Guidelines in the Notice Register of the California Code of Regulations. It is important that this information continue to be available in one easily accessible location and that the information be maintained permanently to facilitate historical research. The current practice of including the Interpretative Guidelines in the Notice Register accomplishes both of these objectives. The paper and microfiche versions are archival copies of the Notice Register as well as the Code of Regulations itself.

Access to the Code of Regulations and the supporting documentation including the Interpretative Guidelines are critical components of insuring continued access to California legal information. Dispersing the Interpretative Guidelines to multiple locations depending upon where each agency decided to publish them would hinder access to information. Online publication is typically for a finite, relatively brief period. Therefore, no lasting, historical record is created if this is the only method of publication.

Continuing the present practice of including the Interpretative Guidelines in the California Notice Register would be tremendous service to many, many California citizens who use the California Code of Regulations. The Southern California Association of Law Libraries urges members of the California Law Revision Commission not to add another layer of confusion to administrative research by scattering the locations where California administrative agencies publish Interpretative Guidelines. Please continue to publish each California administrative agency's Interpretative Guidelines in the Notice Register.

Sincerely,

Laura A. Cadra
Laura A. Cadra, President
Southern California Association of Law Libraries