

Administrative Process

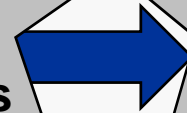
**Enabling
Legislation**



**Agency Created
or
Given Duties**



**Promulgates
Rules
&
Regulations**



**ALJ Decisions
&
Judicial
Review**

Administrative Procedures Acts

- Outline the rulemaking process
 - **Federal**
 - Title 5
 - Chapter 5, [5 U.S.C. 500 et. seq.](#) (Administrative Procedures)
 - Chapter 7, [5 U.S.C. 701 et. seq.](#) (Judicial Review)
 - **States**
 - [ABA Administrative Procedure Database](#)
 - <http://www.law.fsu.edu/library/admin/>
 - **South Carolina**
 - S.C. Code Ann. § 1-23-10 et. seq.
 - <http://www.scstatehouse.net/code/t01c023.htm>

Federal Rulemaking Process

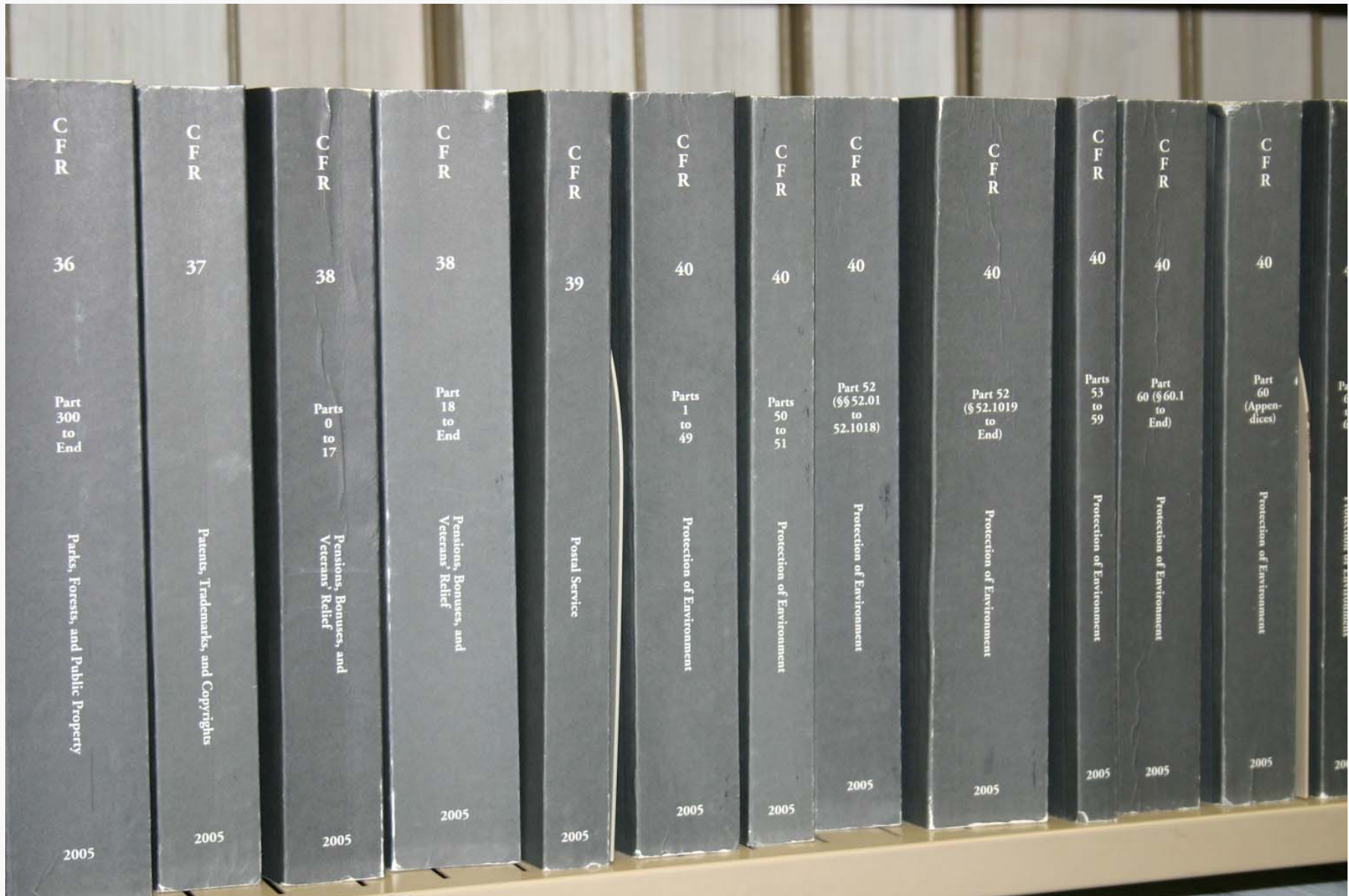
- Requires Notice in the **Federal Register**:
 - Plan to promulgate regulations
 - Proposed rules and regulations
 - Opportunity to comment
 - Final rules and regulations before they take effect
 - **Published daily**

<http://www.archives.gov/federal-register/>

| | | |
|------------------|--------------------------|-----------------|
| Federal Register | Monday, July 18, 2005 | Vol. 70 No. 133 |
| Federal Register | Friday, July 15, 2005 | Vol. 70 No. 134 |
| Federal Register | Thursday, July 14, 2005 | Vol. 70 No. 133 |
| Federal Register | Wednesday, July 13, 2005 | Vol. 70 No. 132 |
| Federal Register | Tuesday, July 12, 2005 | Vol. 70 No. 131 |
| Federal Register | Monday, July 11, 2005 | Vol. 70 No. 130 |
| Federal Register | Friday, July 8, 2005 | Vol. 70 No. 129 |
| Federal Register | Thursday, July 7, 2005 | Vol. 70 No. 128 |
| Federal Register | Wednesday, July 6, 2005 | Vol. 70 No. 127 |
| Federal Register | Tuesday, July 5, 2005 | Vol. 70 No. 126 |
| Federal Register | Friday, July 1, 2005 | Vol. 70 No. 125 |
| Federal Register | Thursday, June 30, 2005 | Vol. 70 No. 124 |
| Federal Register | Wednesday, June 29, 2005 | Vol. 70 No. 124 |
| Federal Register | Tuesday, June 28, 2005 | Vol. 70 No. 123 |
| Federal Register | Monday, June 27, 2005 | Vol. 70 No. 122 |
| Federal Register | Friday, June 24, 2005 | Vol. 70 No. 121 |
| Federal Register | Thursday, June 23, 2005 | Vol. 70 No. 120 |
| Federal Register | Wednesday, June 22, 2005 | Vol. 70 No. 119 |
| Federal Register | Tuesday, June 21, 2005 | Vol. 70 No. 118 |
| Federal Register | Monday, June 20, 2005 | Vol. 70 No. 117 |
| Federal Register | Friday, June 17, 2005 | Vol. 70 No. 116 |
| Federal Register | Thursday, June 16, 2005 | Vol. 70 No. 115 |
| Federal Register | Wednesday, June 15, 2005 | Vol. 70 No. 114 |
| Federal Register | Tuesday, June 14, 2005 | Vol. 70 No. 113 |
| Federal Register | Monday, June 13, 2005 | Vol. 70 No. 112 |
| Federal Register | Friday, June 10, 2005 | Vol. 70 No. 111 |
| Federal Register | Thursday, June 9, 2005 | Vol. 70 No. 110 |
| Federal Register | Wednesday, June 8, 2005 | Vol. 70 No. 109 |
| Federal Register | Tuesday, June 7, 2005 | Vol. 70 No. 108 |
| Federal Register | Monday, June 6, 2005 | Vol. 70 No. 107 |
| Federal Register | Friday, June 3, 2005 | Vol. 70 No. 106 |
| Federal Register | Thursday, June 2, 2005 | Vol. 70 No. 105 |
| Federal Register | Wednesday, June 1, 2005 | Vol. 70 No. 104 |
| Federal Register | Tuesday, June 1, 2005 | Vol. 70 No. 104 |
| Federal Register | Friday, May 27, 2005 | Vol. 70 No. 102 |

Code of Federal Regulations

- Final Rules & Regulations
 - Codified in the CFR
 - 50 CFR Titles
 - May or may not correspond to the 50 Titles of the United States Code



**Federal
Enabling
Legislation**



**Notice
in
Federal Register**



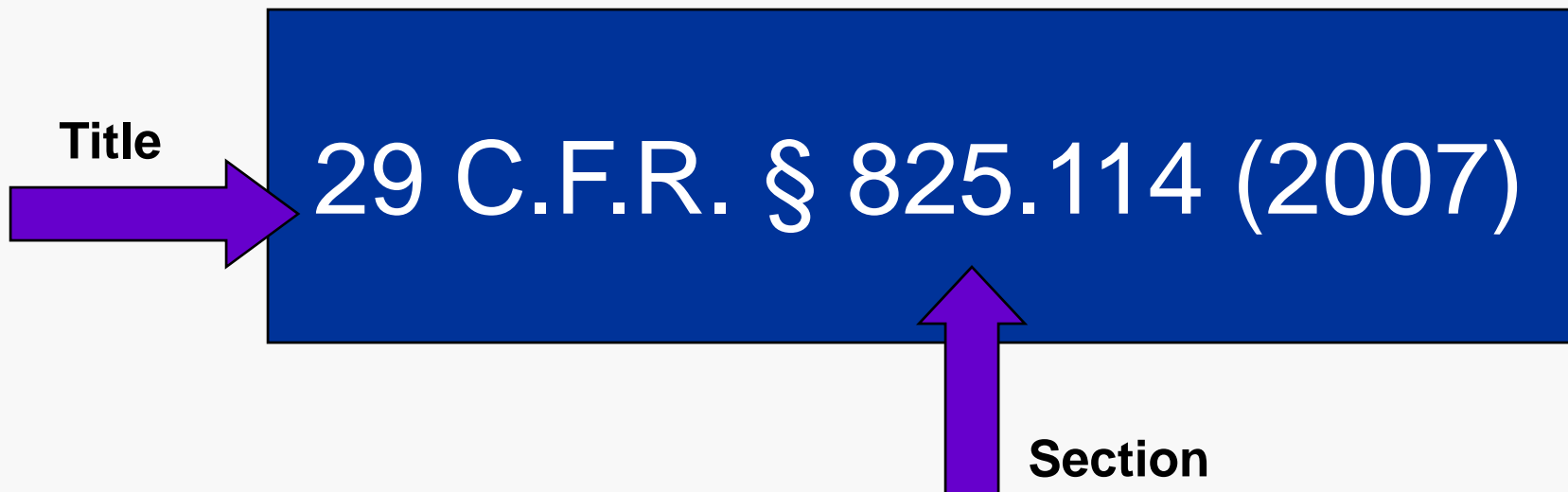
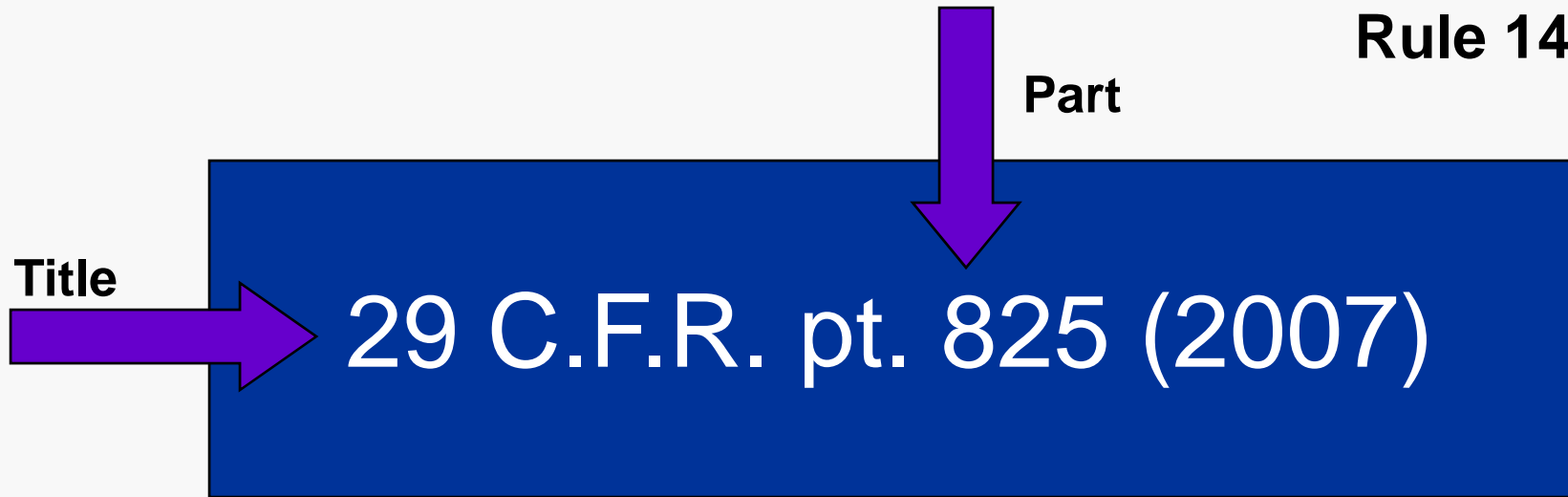
**Codified in
Code of Federal Regulations
(CFR)**

Family and Medical Leave Act of 1993

- Codified in [29 U.S.C. § 2601 et. seq.](#)
- [29 U.S.C. § 2654](#) (Secretary of Labor shall subscribe such regulations as necessary...)
- Codified in [29 C.F.R. Part 825](#)

Subdivided by Chapters, Parts, and Sections

Bluebook
Rule 14





Searching for Regulations

Annotated versions of U.S.C.

- **United States Code Annotated**
 - Print
 - "Library References"> "Administrative Law"
 - Westlaw
 - *Statutes Plus* Administrative Code Link
- **United States Code Service**
 - Print
 - "Code of Federal Regulations"
 - LexisNexis
 - Practitioner's Toolbox: Code of Federal Regulations

Parallel Tables of Authorities

- *CFR Index and Finding Aids* volume of CFR
 - USC--CFR
- *USCS's Index and Finding Aids to Code of Federal Regulations*
 - CFR--USCS & USCS--CFR
- **Cornell's Legal Information Institute**
 - Includes parallel authorities from GPO Access ([29 U.S.C. 2654](#))
 - GPO Access
 - http://www.access.gpo.gov/nara/cfr/parallel/parallel_table.html

Subject Indexes to CFR

- *CFR Index and Finding Aids*
 - *Next to CFR*
- *USCS's Index and Finding Aids to Code of Federal Regulations*
 - *With USCS*
- *West's Code of Federal Regulations General Index*
 - *Near CFR*
- *All on 1st Floor*

FR & CFR: Print

- Federal Register
 - 1st floor
 - Paper-Current (last few years)
 - Microform-v.1-1936—v. 71(June 2006)
 - Drawers 310-319.
- Code of Federal Regulations
 - 1st Floor-current
 - 4th floor-superseded

Updating CFR in Print

Revised Annually

- Revised once a year on a quarterly basis:
 - Titles 1-16: Jan 1
 - Titles 17-27: Apr 1
 - Titles 28-41: July 1
 - Titles 42-50: Oct 1
- In the Interim
 - New or amended regulations
 - Published in the FR

List of Sections Affected (LSA)

- Lists CFR sections affected
 - monthly
 - by agency
 - cumulative
- Check most recent month
 - Since revision date
- Organized by Title & Part
 - No listing=no changes
 - Listing refers to FR page #

Updating Beyond LSA

- Federal Register
 - *Table of CFR Parts Affected* (not sections)
 - In back of each volume
 - Cumulative for the current month

Citators

- CFR is not annotated
- Shepard's
 - Print & LexisNexis
- KeyCite
 - Westlaw
 - Also, the *New Regulations Plus*
- Both provide administrative decisions, cases, & secondary authorities that cite the regulation

Have Regulation: Need Authority & Source

29 C.F.R. Part 825

- Statutory Authority for regulations
 - [29 U.S.C. § 2654](#)
 - Beginning of CFR Part
 - Throughout Sections
- Source in FR
 - When the final regulation first appearance in the FR
 - [60 FR 2237, Jan. 6 1995](#)
 - Beginning of CFR Part
 - Throughout sections

Regulations Online

Federal Agency Websites

- LSU Libraries Federal Agencies Directory:
<http://www.lib.lsu.edu/gov/fedgov.html>
 - U.S. DOL: FMLA:
<http://www.dol.gov/esa/whd/fmla/>

GPO Access

- Online version
 - *Federal Register* ([1994 forward](#))
 - *Code of Federal Regulations* ([1996 forward](#))
 - *Keyword search*
 - *Search by Citation*
 - *Browse*
 - *List of Sections Affected* ([LSA](#))
 - *E-CFR (unofficial)*
 - <http://www.gpoaccess.gov/ecfr/index.html>

HeinOnline

www.heinonline.org

- **Federal Register Library**
 - Federal Register-v.1 (1936)-v.73(2008)
 - Compilations of Sections Affected (1949-2000)
 - We have in Print
- **CFR: 1938- 2007**

LexisNexis Congressional

- Regulations
 - Federal Register
 - Keyword
 - restrict by agency name and action and date (previous 2 years)
 - Get a Document
 - Restrict by year (1980---)
 - Code of Federal Regulations
 - Keyword
 - restrict by agency name and year (1981---)
 - Get a Document
 - Restrict by agency name and year (1981---)

Westlaw & LexisNexis

- By Citation: Find or Get a Document
 - Westlaw's *New Regulations Plus*
- Keyword Searches
 - Federal Register databases
 - Code of Federal Regulations databases
 - Tabs & Topical Pages
- Keycite & Shepard's



SOUTH CAROLINA



SC Education Lottery Act

- SC Education Lottery Act
 - [2001 Act No. 59](#)
 - Codified in S.C. Code Ann. [§ 59-159-10 et seq.](#)
 - Created SC Lottery Commission
 - Gave it power to promulgate regulations
 - [S.C. Code Ann. § 59-150-60](#)
- SC State Register
 - Print-monthly-1st floor (behind Shepard's)
 - South Carolina Legislature Online
 - Archives ([ends June 2003](#))

SC Regulations

- SC Code Annotated Regulations
 - Print
 - Binders at end of SC Code
 - Updated by Pocketpart
 - Online: www.scstatehouse.net
 - Lottery Regulations
 - S.C. Code Ann. [Regs. 44-10 et seq.](#)

SC Agency Websites

- SC.Gov
 - Agency [Listings](#)
- SC [LLR](#)
 - SC Labor, Licensing and Regulations
 - Links to SC Statutes & Regulations
 - Pertaining to [labor programs](#) and professional and occupational [licensing](#)

Administrative Agency Decisions

- Looseleaf Services
- Hein Online
- Agency & Other Websites
- Citators
- Westlaw & LexisNexis

Looseleaf Services

- **Print & Online versions**
- Kept very current
- Mini-libraries that include:
 - Statutes
 - Regulations
 - Administrative agency decisions
 - Court decisions
 - News
 - Publishers include BNA, CCH, LRP, ELI, etc.
- **Westlaw & LexisNexis-select databases**

HeinOnline

- U.S. Federal Agency Library
 - Includes Administrative Decisions, Tax Court Reports, FCC Record, etc.

Westlaw & LexisNexis

- Westlaw & LexisNexis
 - Administrative Decisions Databases
 - Tabs
 - Topics Pages

Agency & Other Websites

- **Federal Agencies Directory (LSU)**
 - <http://www.lib.lsu.edu/gov/fedgov.html>
- **USA.gov**
 - Federal, state, local & tribal
 - Cross-agency portals by topic
 - <http://www.usa.gov/>
- **Cornell's *Law about***
 - <http://www.law.cornell.edu/>
- **Administrative Decisions & Other Actions by Agencies (UVA)**
 - By agency & by subject
 - http://www.lib.virginia.edu/govdocs/fed_decisions_agency.html



SOUTH CAROLINA

- SC Administrative Law Court
 - <http://www.scalc.net/>
 - Westlaw>SC Tab
 - LexisNexis>SC Tab



Presidential Documents

Presidential Documents

- Executive Orders & Proclamations
- Statements regarding bill signings & vetoes
 - *Federal Register*
 - *CFR: Title 3*
 - *Weekly Compilation of Presidential Documents*
 - *Public Papers of the President*

GPO Access

- *Federal Register*
- *CFR: Title 3*
 - <http://www.gpoaccess.gov/executive.html>
- *Weekly Compilation of Presidential Documents*
 - <http://www.gpoaccess.gov/wcomp/index.html>
- *Public Papers of the President*
 - <http://www.gpoaccess.gov/pubpapers/index.html>

HeinOnline

- U.S. Presidential Library
 - www.heinonline.org
 - Weekly Compilation of Presidential Documents
 - Public Papers of the Presidents of the United States
 - Including FDR's papers

Westlaw & LexisNexis

- Weekly Compilation of Presidential Documents
 - Westlaw (Weekly Compilation & USCCAN)
 - LexisNexis: Federal Legal-U.S. Executive Materials
- Public Papers of the President
 - LexisNexis: Federal Legal-U.S. Executive Materials

Websites

- The Whitehouse:
www.whitehouse.gov
 - Major speeches, State of the Union, executive orders, proclamations, radio addresses
 - ABA Task Force on Signing Statements-
Report:
<http://www.abanet.org/op/signingstatements/>



SOUTH CAROLINA

- The Governor of SC
 - The State Register: www.scstatehouse.net
 - Executive orders & proclamations
 - Website: www.scgovernor.com
 - Executive orders, proclamations, speeches
- The National Governors Association:
www.nga.org