Research Assistant Training: Statutory and Administrative Law Research

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The majority of “law” is here

1L curriculum focuses here
Legislative Research
Quick review

- Session laws: statutes enacted during a legislative session; compiled at end of each session
- Statutory codes: compilation and arrangement of those statutes by subject; constantly updated as new statutes add to or change prior law
- Federal and state
- Text, history, annotations, citators
Today’s legislative research topics

- Local/municipal codes
- 50-state surveys
- Tracking pending legislation
- Historical statutes
- Legislative history
Local/Municipal Codes
Local/municipal codes

• Created by local governing bodies, e.g. County Board of Supervisors, City Council
• Various names: codes, ordinances, bylaws, measures
• Have the force and effect of law; can’t conflict with state law
Sources of municipal codes

• No comprehensive source
• Lexis Advance includes some municipal codes (see e.g. California municipal codes [here](#), but nothing for San Diego)
• Westlaw Edge includes only the New York City code
• Municipal code publishers: [American Legal Publishing](#), [Code Publishing Co.](#), [General Code](#), [Municode](#), etc.

• Best approach: search the website of the municipality in question
San Diego Municipal Code

Available on City of San Diego’s [website](#)
San Diego County Ordinances

Available via American Legal Publishing website
50-State Surveys
50-state surveys

Manually collecting each state’s law on a topic is time-consuming and difficult (variations in terminology and code structure).

Look for an existing compilation—even if incomplete or out of date, can save time. May be found in various places:

- HeinOnline
- Westlaw and Lexis
- Secondary sources: law review articles, A.L.R. annotations, practice guides, etc.
- National Conference of State Legislatures
- Advocacy organizations often collect state statutes on topics of interest to them
50-state surveys: HeinOnline

**National Survey of State Laws**
Searchable and browsable database of 50-state surveys on more than 50 topics. Includes citations to and brief summaries of state laws.

**Subject Compilations of State Laws**
Searchable and browsable index of articles, books, current-awareness materials, websites, and more which include comparisons of state laws on more than 1,200 subjects. Includes direct links to materials which are also available on HeinOnline; may have to locate other materials elsewhere.
2015 (7th Ed.) + Interim Updates


Browse Laws by Category

BUSINESS AND CONSUMER LAWS
CRIMINAL LAWS
EDUCATION LAWS
EMPLOYMENT LAW
EMPLOYMENT LAWS
FAMILY LAWS
GENERAL CIVIL LAWS
REAL ESTATE LAWS
TAX LAWS

Browse Laws by Topic

1. ABORTION
2. ADOPTION
3. ADVERSE POSSESSION
4. ANIMAL WELFARE
5. ANNULMENT AND PROHIBITED MARRIAGE
6. ANTITRUST
7. ATTORNEYS
8. BULLYING
9. CAPITAL PUNISHMENT
10. CHILD ABUSE
11. CHILD CUSTODY
12. CHILD SUPPORT GUIDELINES
13. CIVIL RIGHTS
14. CIVIL SHOPLIFTING
15. CIVIL STATUTES OF LIMITATIONS
16. COMPULSORY EDUCATION
17. COMPUTER CRIMES
18. CONSUMER TAXES
19. CORPORAL PUNISHMENT IN PUBLIC SCHOOLS
20. CRIMINAL STATUTES OF LIMITATIONS
21. DECEPTIVE TRADE PRACTICES
22. DOMESTIC VIOLENCE
23. DRUNK DRIVING
24. FOOD LAWS
25. FREEDOM OF INFORMATION ACTS
26. GAMBLING

Databases » National Survey of State Laws » Quick Reference Guide
### Subject Compilations of State Laws (1960-2017)

#### Database

<table>
<thead>
<tr>
<th>Keywords</th>
<th>AND</th>
<th>Subject</th>
<th>AND</th>
<th>Article Title</th>
<th>Add field</th>
</tr>
</thead>
</table>

#### Other Related Works

- Browse the Subjects
- Browse Subject Compilations of State Laws (Print Ed.)

#### External Links

#### Sort by:

- Entry Number (Descending)

- Show only results for periodicals included in HeinOnline

#### Search
50-state surveys: Westlaw

From the main Westlaw page: Secondary Sources → 50 State Surveys (or via this direct link)

• Separate pages for surveys of regulations and statutes
• Organized topically (e.g. Criminal Laws, Environmental Laws, Health Care, etc.); also full-text searchable
Favorite Publications

Filter

Select multiple

Apply Favorites

Filter

Topic

Jurisdiction

Publication Type

Publication Type

Favorites

Secondary Sources (2)

Add to Favorites | Copy link

Click Scope icon for coverage information.

Filtered Publications

50 State Surveys

1 - 2

Select all items | No items selected

50 State Regulatory Surveys

50 State Statutory Surveys

20 per page
50 State Statutory Surveys

Browse Table of Contents below or search above.

- Bankruptcy
- Blue Sky Laws
- Business Organizations
- Civil Laws
- Criminal Laws
- Education
- Election Law
- Employment
- Environmental Laws
- Family Law
- Financial Services
- Government
- Health Care
- Insurance
- Intellectual Property
50-state surveys: Lexis

From the main Lexis Advance page: Secondary Materials → 50 State Surveys → 50 State Surveys: Statutes and Regs (or via this direct link)

• Single page includes surveys of regulations and statutes
• Organized topically (e.g. Criminal Law & Procedure, Environmental Law, Healthcare Law, etc.); also full-text searchable
50-state surveys: chart builders

- Westlaw, Lexis, Bloomberg Law and some specialty databases have tools that will collect provisions for you across states
- Not available for all topics
- Often allow exporting to an Excel spreadsheet
Health Privacy: Disclosure of Medical Information
<table>
<thead>
<tr>
<th>Topic</th>
<th>Arizona</th>
<th>California</th>
<th>Nevada</th>
<th>Oregon</th>
<th>Washington</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidentiality and Consent to Disclose</td>
<td>Healthcare providers may disclose medical and payment records and the information contained in them only upon written authorization signed by a patient or his or her healthcare decision maker, Ariz. Rev. Stat. § 12-2292, Ariz. Rev. Stat. § 12-2284(b)</td>
<td>Authorization requirements for providers are set out at Cal. Civ. Code § 56.11 to Cal. Civ. Code § 56.15 and for employers at Cal. Civ. Code § 56.21 to Cal. Civ. Code § 56.24. Key requirements are that the authorization:</td>
<td>Prepaid limited health service organizations may only disclose an enrollee's or applicant's diagnosis, treatment or health information with the express consent of the enrollee or applicant, provider or prepaid limited health service organization, as appropriate. They have the same statutory privileges as the provider who furnished them with the information, Nev. Rev Stat. § 695F.410</td>
<td>Health insurers, healthcare providers and state health plans may use or disclose an individual's personal information consistent with authorization provided by the individual or his personal representative, Or. Rev. Stat. § 746.507(1), Or. Rev. Stat. § 192.558(1)</td>
<td>A healthcare provider may not disclose healthcare information about a patient to any other person without the patient's written authorization, Wash. Rev. Code § 70.02.020(1)</td>
</tr>
<tr>
<td></td>
<td>Insurers must obtain authorization to disclose personal or privileged information on a form that is:</td>
<td>- written in plain language;</td>
<td>Preparations on file in a pharmacy are not public record and a pharmacist may not divulge their contents or provide a copy except to the patient, the practitioner who issued the prescription, a practitioner treating the patient and other specified persons and entities, Nev. Rev Stat. § 638.238(1)</td>
<td>Health care providers and facilities may disclose a patient's health care information when the patient is present for, or available prior to, the disclosure;</td>
<td>Health care providers and facilities may disclose a patient's health care information when the patient is present for, or available prior to, the disclosure if:</td>
</tr>
<tr>
<td></td>
<td>• written in plain language;</td>
<td>• dated;</td>
<td>• the patient consents to the disclosure,</td>
<td>• the patient is given the opportunity to object to the disclosure and does not or</td>
<td>• the patient consents to the disclosure,</td>
</tr>
<tr>
<td></td>
<td>• specifies the type of persons to whom information will be disclosed, the type of information to be disclosed and the purposes for disclosure;</td>
<td>• specifies how long the authorization is valid (no longer than 30 months); and</td>
<td>• the provider reasonably infers that the patient has waived objection to the disclosure, Wash. Rev. Code § 70.02.205(1)</td>
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<td></td>
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</tr>
<tr>
<td></td>
<td>• advises the person of his or her right to a copy of the form, Ariz. Rev. Stat. § 20-2106</td>
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<td>• the provider reasonably infers that the patient has waived objection to the disclosure, Wash. Rev. Code § 70.02.205(1)</td>
<td></td>
<td>• the provider reasonably infers that the patient has waived objection to the disclosure. Wash. Rev. Code § 70.02.205(1)</td>
</tr>
</tbody>
</table>
Bill Tracking
Tracking pending legislation

- Westlaw, Lexis bill tracking
- National Conference of State Legislatures
- Advocacy organizations’ legislative action centers
- GovTrack
- BillTrack50
Historical Statutes
Historical statutes

- Westlaw and Lexis have some prior versions of statutes; varies widely state to state, but none prior to early-1990s
  - Westlaw: Current statute → Tools & Resources → Historical
  - Lexis: Current statute → About This Document → Archived code versions
- HeinOnline: State Statutes Historical Archive
<table>
<thead>
<tr>
<th>Title</th>
<th>Edition/Place/Publication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declaration of the Warrantable Grounds and Proceedings of the First</td>
<td>1 v. Boston: Printed and sold</td>
</tr>
<tr>
<td>Associates of the Government of New-Plymouth</td>
<td>at Greenleaf's Printing Office,</td>
</tr>
<tr>
<td></td>
<td>1773</td>
</tr>
<tr>
<td>Private and Special Statutes of the Commonwealth of Massachusetts</td>
<td>21 v. Boston: Manning &amp; Loring;</td>
</tr>
<tr>
<td></td>
<td>Wright &amp; Potter, 1805-1902</td>
</tr>
<tr>
<td>Private and Special Statutes of the Commonwealth of Massachusetts</td>
<td>3 v. Boston: Printed for the</td>
</tr>
<tr>
<td>from the Year 1780 to the Close of the Session of the General Court,</td>
<td>State, by Manning &amp; Loring,</td>
</tr>
<tr>
<td>Begun and Held on the Last Wednesday in May, A.D. 1805</td>
<td>1805</td>
</tr>
<tr>
<td>Laws of the Commonwealth of Massachusetts from November 28, 1780</td>
<td>3 v. Boston: Printed by J.T.</td>
</tr>
<tr>
<td>to February 28, 1807, with the Constitutions of the United States</td>
<td>Buckingham for Thomas &amp;</td>
</tr>
<tr>
<td>of America; and of the Commonwealth, Prefixed</td>
<td>Andrews, 1807</td>
</tr>
<tr>
<td>Compendium and Digest of the Laws of Massachusetts</td>
<td>White, William Charles</td>
</tr>
<tr>
<td></td>
<td>4 v. Boston: Munroe, Francis,</td>
</tr>
<tr>
<td></td>
<td>and Parker, 1809-1811</td>
</tr>
<tr>
<td>Laws of the Commonwealth of Massachusetts from February 28, 1807</td>
<td>1 v. Boston: Thomas and</td>
</tr>
<tr>
<td>to February 28, 1814, including the Political Years 1807, 1809,</td>
<td>Andrews, 1814</td>
</tr>
<tr>
<td>1810, 1811, 1812, and 1813 (new ser.)</td>
<td></td>
</tr>
</tbody>
</table>
Researching Legislative History
Overview of federal legislative process

(image courtesy https://www.dailyinfographic.com/how-our-laws-are-made-infographic)

"Congress shall have Power...to make all Laws which shall be necessary and proper."

U.S. Constitution Article 1 Section 8
Federal legislative history materials

Some of the documents you may find when researching legislative history:

- Bill text (all the versions throughout the process)
- Committee Reports
- Committee Hearings
- Congressional Debates
- Committee Prints
- Presidential or Executive Agency Documents
- Public statements, including blogs or podcasts
Sources of federal legislative history

ProQuest Congressional and Legislative Insight
- Subscription databases (use LRC website for access)
- Offer deeper coverage than Westlaw and Lexis, including materials related to both recent and historical legislation

Westlaw and Lexis
- Both include some legislative history materials, though not as comprehensive as the ProQuest databases
- Both have dedicated legislative history pages (Westlaw, Lexis)

Congress.gov (free)
- Includes current and recent materials, including videos of hearings
New to ProQuest Congressional? Here are some useful starting places.

Legislative Histories

**Legislative Insight** provides compiled histories with full text PDFs and tools to facilitate research into the legislative histories of U.S. statutes.

Go to Legislative Insight ➔

Members of Congress

**Access Member profiles** to find information on Senators and Representatives, including sponsored bills, remarks, and floor votes.

Search for a Member of Congress ➔

Congress in Context

**Read our Congressional profiles** to gain an understanding of the historical context of each Congressional term, including an overview of party divisions and leadership, economic conditions, conflicts, major laws, Landmark Supreme Court cases and major events.

Browse Congress in Context ➔

Bills by Number

**Do you have a bill number** or another type of citation for a government document you would like to lookup?

Search by Number ➔

Research Reports

**Nonpartisan Congressional Research Service (CRS) reports** are great starting points for research on a wide variety of topics, past and present. Reports often provide pro and con positions, overviews, statistics and analysis.

Search for CRS Reports ➔

Social Media

Find out what Members and Federal agencies are posting on Twitter, Facebook, and YouTube.

Search Political News & Social Media ➔
115th Congress Histories:
441 Histories Loaded

PL 115-22, One of several laws enacted in the early days of the 115th Congress targeting specific Federal regulations promulgated by the previous (Obama) administration and opposed by the nascent Republican administration and Congressional majorities. PL115-22 nullifies the Federal Communications Commission (FCC) rule published at 81 FR 87274 (December 2, 2016) that applies the privacy requirements of the Communications Act of 1934, as amended, to high-speed internet and other telecommunications services.

Total Histories Available on Legislative Insight:
- 116th Congress: 6
- 115th Congress: 441
- 114th Congress: 324
- 113th Congress: 298
- 112th Congress: 283

FEATURED LAW:
PL 111-148, the Patient Protection and Affordable Care Act.

Enacted March 23, 2010, PL 111-148, the Patient Protection and Affordable Care Act was the most comprehensive Federal reform of the U.S. healthcare system since the creation of the Medicare program nearly 35 years before. Viewed as the signature domestic policy achievement of the Obama administration and colloquially referred to as “Obamacare,” after President Barack H. Obama, the act was passed following years of effort to address a variety of interrelated issues that were placing increasing strain on the nation’s health care system. The result is a complex law with provisions addressing (among other things) precipitously rising healthcare costs, medical coverage for individuals with preexisting medical conditions, and the disproportionate costs of insuring young, healthy individuals in comparison to older individuals with more health problems.

Passage of the Patient Protection and Affordable Care Act was the culmination of a dizzyingly complex history of Congressional action aimed at reforming healthcare in the United States. The legislative history for PL 111-148 brings this history together, allowing the researcher to track the development of these disparate initiatives over the years. Related bills, Congressional hearings, as well as numerous Congressional reports and debates recorded in the Congressional Record are all aggregated to track the process of enacting this complex legislation.

RESEARCH TIP:
Legislative History

Search all Legislative History above or navigate to specific content below.

Federal
Congressional Record
Legislative History - United States Code
U.S. Code Congressional & Administrative News
U.S. Congressional Testimony
U.S. GAO Federal Legislative Histories
U.S. Political Transcripts

State: Jurisdictions
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Illinois
Indiana
Iowa
Kentucky
Louisiana
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Nebraska
New Jersey
New York
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
Tennessee
Texas
Virginia
Washington
West Virginia
Wisconsin
State legislative histories

The legislative process varies widely among states; fewer materials are generated than at the federal level, and they typically are more difficult to locate. Materials related to recent legislation are often easier to find; consult a reference librarian for assistance.

Two starting points for California:

- USD’s [California Legislative History Research Guide](#)
- California State Legislature: [Bill Information](#)
WELCOME

Welcome to the website for California Legislative Information! This site has been updated to include legislative publications starting with the 2017 session and forward. A "Daily Updates" report feature has been added. The report displays, by house, measures for which there was activity the previous day such as new analyses, hearings, placement on the Daily File, amendments, History actions, or votes. Measures prior to 1999 can be still be found at http://leginfo.ca.gov which will remain as an archive for legislative information.

To access a complete listing of California Law Codes and Bill Search features, click the California Law or Bill Information Tabs on the Tabbed Panel above.

Quick Bill Search:

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Keywords(s)</th>
</tr>
</thead>
</table>

Quick Code Search:

<table>
<thead>
<tr>
<th>Code</th>
<th>Code Section</th>
<th>Keywords(s)</th>
</tr>
</thead>
</table>

Pursuant to Section 10248.5 of the Government Code, the information described in subdivision (a) of Section 10248 of the Government Code and made available on this Web site is within the public domain and the State of California retains no copyright or other proprietary interest in the information.

Privacy and Conditions of Use Policy
Researching Administrative Law
What is administrative law?

Branch of law governing the creation and operation of administrative agencies.

Agencies create law in two ways:

1. Regulations
2. Agency adjudications
Administrative Law

Legislative

Executive

Judicial

Regulations: quasi-legislative

Hearings/adjudications: quasi-judicial
How agencies are created

Legislature passes a law, giving the broad strokes and “enabling” a government agency to implement the law.

To implement the legislature’s intent, the agency typically will have to do two things:

1. Promulgate regulations that provide more detailed rules and establish oversight processes;
2. Enforce the law through those processes, including administrative hearings/adjudications.
Regulations
Promulgation of regulations

Strict rules about what the agency must do (simplified):

1. Agency drafts and publishes proposed regulations in the Federal Register (Fed. Reg.)
2. Opportunity for public comment
4. Codify the final regulations in the Code of Federal Regulations (C.F.R.)
About the Federal Register

Published by the Office of the Federal Register, National Archives and Records Administration (NARA), the Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. Read More

Browse the Federal Register

2019

January

February

March

April

2018

2017

2016
About the Code of Federal Regulations

The Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The 50 subject matter titles contain one or more individual volumes, which are updated once each calendar year, on a staggered basis. The annual update cycle is as follows: titles 1-16 are revised as of January 1; titles 17-27 are revised as of April 1; titles 28-41 are revised as of July 1; and titles 42-50 are revised as of October 1. Each title is divided into chapters, which usually bear the name of the issuing agency. Each chapter is further subdivided into parts that cover specific regulatory areas. Large parts may be subdivided into subparts. All parts are organized in sections, and most citations to the CFR refer to material at the section level. 

Click here to access the e-CFR (Electronic Code of Federal Regulations), the regularly updated online version of the CFR.
Guidance documents

- Some agencies put out informal documents that lay out current thinking on issues
- Avoids strict requirements for promulgating regulations
- Not legally binding, but can be a good indicator of an agency’s position
- May not be formally published—look on agency’s website
Agency Adjudications
Administrative adjudications

• Differs widely among agencies
• Informal/formal
• Bind only parties/precedential effect
• Whether and how they’re published

• Agency websites are often a good place to start
• Westlaw, Lexis, Bloomberg Law and other specialty databases have selected agency adjudications
• HeinOnline has historical agency materials
Formal adjudications

- Look a lot like court cases
- Agency hearing (similar to trial)
- Conducted by administrative law judge (ALJ) (similar to trial court judge)
- Can be appealed up to a higher authority within the agency
- Once administrative remedies are exhausted, often can file suit in court
Informal adjudications

• Advice letters
• Attorney General opinions
• Advisory guidance
NLRB Memoranda
- Operations-Management Memos
- General Counsel Memos
- Advice Memos
<table>
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<tr>
<th>Content types</th>
<th>Practice areas</th>
<th>Tools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admiralty &amp; Maritime</td>
<td>Criminal Law</td>
<td>Government Contracts</td>
</tr>
<tr>
<td>Antitrust*</td>
<td>Data Privacy*</td>
<td>Health Law*</td>
</tr>
<tr>
<td>Bankruptcy*</td>
<td>Employee Benefits &amp; Executive Compensation</td>
<td>Immigration*</td>
</tr>
<tr>
<td>Capital Markets*</td>
<td>Employment*</td>
<td>Insurance Law*</td>
</tr>
<tr>
<td>Commercial Law</td>
<td>Energy &amp; Environment*</td>
<td>Intellectual Property*</td>
</tr>
<tr>
<td>Construction Law</td>
<td>Estate Planning</td>
<td>Medical Litigation</td>
</tr>
<tr>
<td>Corporate Counsel*</td>
<td>Family Law</td>
<td>Mergers &amp; Acquisitions*</td>
</tr>
<tr>
<td>Corporate Governance*</td>
<td>Finance &amp; Banking*</td>
<td>Military Law</td>
</tr>
<tr>
<td>Corporations</td>
<td></td>
<td>Municipal Law</td>
</tr>
</tbody>
</table>

* Practitioner Insights

- Tax*
- Workers Compensation

Advanced
Federal Tax Update on Checkpoint

**Code Sec. 7422—Refund actions—jurisdiction—limitations periods on suits—failure to state claim for...**

District court issued memorandum explaining its rejection of pro se taxpayers' objections to, and adoption of, magistrate judge's recommendation to dismiss supplemental refund complaint taxpayers filed contesting their liabilities for Code Sec. 5000A “shared responsibility payment” for various pre-2019 years. Contrary to taxpayers' objections,...

**Housing cost allowances issued for those working abroad in high-cost areas in 2019 - Category : Federal Tax...**

IRS has provided adjustments to the limitation on housing expenses under the Code Sec. 911 housing cost exclusion for specific locations for 2019. The Notice further provides that some taxpayers may elect to apply the 2019 limitation for tax years beginning in...
Questions?

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LRC Reference
lrcrefer@sandiego.edu
(619) 260-4612
www.sandiego.edu/law/library