


III. ADMINISTRATIVE LAW

A. Administrative Regulations and Decisions

Laws often require administrative agencies in the executive branch of government at both the state and federal level to issue detailed regulations on how the laws are to be carried out and enforced. These regulations are often referred to as delegated legislation. The regulations promulgated by the agencies and the decisions made by the agencies have the force and effect of law. Regulations of federal agencies are first published chronologically in the *Federal Register* and later codified in the *Code of Federal Regulations*. The *Federal Register* also contains other useful information concerning the operation of federal agencies.

Adopted versions of Wisconsin state regulations are compiled in the looseleaf *Wisconsin Administrative Code*. Updated pages for the *Wisconsin Administrative Code* and proposed emergency rules are published in the *Wisconsin Administrative Register*.

Finding administrative decisions can be a complex process. There is no one publication where all agency decisions are located, nor is there any standardized system of publication. Agency decisions are sometimes printed in topical looseleaf services and in sets published by the agencies themselves or by the U.S. Government Printing Office. Many decisions can also be found  online.

Sources - Federal Administrative Law

Code of Federal Regulations (C.F.R.). Government Printing Office.

The *CFR* codifies the general and permanent rules published in the *Federal Register*. It is arranged by subject under fifty titles similar to those of the *United States Code*. The information under each title is revised once a year, on a rotating schedule. Changes in the *CFR* may be traced through the use of “Lists of Sections Affected” (LSA), monthly pamphlets that give references by titles and section numbers to changes published in the *Federal Register*. The monthly LSA is updated by consulting the list of *CFR Parts Affected* at the beginning of each succeeding daily edition of the *Federal Register*.

Federal Register (F.R.). Government Printing Office.

Published each weekday, the *Federal Register* prints the text of the U.S. administrative agency regulations and rules, proposed rules, orders and notices, and

Presidential proclamations having general applicability. The *Federal Register* has a monthly index that cumulates annually and provides access by subject and agency name.

Electronic Access

Federal Administrative Decisions and Other Actions

The University of Virginia school of law has compiled a set of links to administrative decisions outside the scope of the *Federal Register* and the *CFR*. The URL for this site is rather unwieldy. You can access this site via UW-Law Library web site. Go to

<http://library.law.wisc.edu/electresources/internet/federallaw.htm#Administrative>, and then click on “Other Federal Administrative Decisions.”

GPO Access Code of Federal Regulations

<http://www.gpoaccess.gov/cfr/index.html>

Search the CFR dating back to 1997 by keyword or citation, or browse by title.

GPO Access Federal Register

<http://www.gpoaccess.gov/fr/index.html>

Search the full text from 1994-present by keyword, date, and section.

LexisNexis Congressional

This is a licensed resource that is available for use at no cost at Marquette University Law Library and the University of Wisconsin Law Library. The database contains the full text of federal regulations from the *Federal Register* (1980 - present) and the *Code of Federal Regulations* (current). Search by keyword, date and agency. For more information on this database, see section II.C., supra.

Loislaw

<http://www.loislaw.com>

Search the current *CFR* and the *Federal Register* dating back to 1999 by section number/heading, section history, or keyword. This is a licensed resource, available at no cost to users at Wisconsin State Law Library workstations.

Sources - Wisconsin Administrative Regulations

Wisconsin Administrative Code. Wisconsin Document Sales, Dept. of Administration.

The *Wisconsin Administrative Code* is a multi-volume looseleaf compilation of State of Wisconsin administrative agency regulations. There is a composite table of contents in the first volume and an index in the last volume. The set is arranged alphabetically by the name of the state agency issuing the regulations.

Wisconsin Administrative Register. Wisconsin Document Sales, Dept. of Administration.

The *Wisconsin Administrative Register* is sent semi-monthly to subscribers to the *Wisconsin Administrative Code*. The end-of-month issue of the *Register* consists of: pages to be filed, filing instructions, notices of proposed rules, notices of hearings to be held on proposed rules, and summaries of proposed and emergency rules.

Replaced pages of the Wisconsin Administrative Code can be located at the Wisconsin State Law Library, UW-Madison Law Library and the Revisor of Statutes Bureau.

Electronic Access

Loislaw

<http://www.loislaw.com>

Search the *Wisconsin Administrative Code* by heading, section history, or keyword. This is a licensed resource, available at no cost to users at Wisconsin State Law Library workstations.

Lois Professional Library, Wisconsin Series.

Search the full text of the *Wisconsin Administrative Code* by heading, section history, or keyword, or browse by table of contents. This CD ROM database is available to users at no cost at the University of Wisconsin Law Library, and the Marquette University

Revisor of Statutes Bureau, Wisconsin Administrative Code and Register

<http://www.legis.state.wi.us/rsb/code>

Browse the table of contents and index, or search by keyword or citation the full text of the current *Wisconsin Administrative Code*. The *Register* is also available from

1996 to the present and is searchable by keyword.

B. Attorney General Opinions

Attorney general opinions have a significant value on both the federal and state levels. They are often written in response to inquiries from government officials to interpret case law, to provide explanations of statutes, and to give legal counsel. Although not legally binding, these opinions have persuasive authority.

At the federal level, the official series for these documents is called *Official Opinions of the Attorney General of the United States*.

In Wisconsin, A.G. opinions are bound in *Opinions of the Attorney General of the State of Wisconsin*. Since 1975, only those opinions with wide interest have been included in the bound annual volumes. Wisconsin A.G. opinions are cited and digested in *West's Wisconsin Statutes Annotated*.

Official Opinions of the Attorneys General of the United States. Government Printing Office.

Each volume in this series may cover a span of several years, and publication is many years behind. Slip opinions provide somewhat more up-to-date coverage. Each volume includes an index-digest to its contents.

Opinions of the Attorney General of the State of Wisconsin. Wisconsin Dept. of Justice, Office of the Attorney General.

These annual bound volumes include tables and indexes. Only published opinions, defined as those with wide application or interest, are included. The bound volumes are preceded by slip opinions.

Unpublished Opinions of the Attorney General of Wisconsin. Wisconsin Dept. of Justice, Office of the Attorney General.

These bound volumes contain unpublished opinions, defined as those with limited application or interest, from 1974-1986. However, coverage is not complete. After 1986, unpublished opinions are issued only as slip opinions. Requests for copies of opinions may be made to the Wisconsin Dept. of Justice via email at wisag@doj.state.wi.us. Requests should include the opinion number, or, that lacking, the date.

The *Opinions of the Attorney General of the State of Wisconsin* are available electronically at:

Lois Professional Library, Wisconsin Series

Search the full text of the *Wisconsin Attorney General Opinions* from volume 60 (1971) to date by keyword, or browse by OAG number. This CD ROM database is available to users at no cost at the University of Wisconsin Law Library, the Wisconsin State Law Library, and the Marquette University Campus.

Revisor of Statutes Bureau, Opinions of the Attorney General

<http://www.legis.state.wi.us/rsb>

Click on “Opinions of the Attorney General.” Search the full text by keyword or browse by citation. Covers volumes 71 (1982) to 81 (1994) and slip opinions from 1995 to date.