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PUBLICATION OF STATE ADMINISTRATIVE REGULATIONS— REFORM IN SLOW MOTION

MORRIS L. COHEN*

ADMINISTRATIVE regulations in many states are virtually unavailable for want of a consolidated and regularly supplemented publication. Every state's statutes are available in both code and session law forms, but very few states offer similar service for their regulations. Although most states now require the filing of such regulations with a central officer (usually the Secretary of State) only twelve states also require their publication in a manner adequate for public notice. Six states have no provision of any kind for such publication; four states reasonable statutory provision, but have not appropriated the funds necessary to effectuate them. In the rest of the states, economy and indifference have imposed varying degrees of difficulty on the citizen who would know the law as promulgated by executive and administrative agencies. The great majority of states provide access by one of the following unsatisfactory means: infrequent publication of the regulations of individual agencies issued on request or copying and selling of specifically identified regulations by the Secretary of State to interested parties. Both of these methods presuppose that the person knows of the existence and identity of an applicable regulation. This is an unlikely assumption since there is usually only one central depository for the whole state and often no index to these regulations. The inadequacy of centralized filing as a form of public notice has been described by Kenneth C. Davis as follows:

The old-time system still in effect in more than half of the states is that of filing regulations in a central state office, usually that of the secretary of state. This means that a lawyer or a party may have to look to the state capital in order to know the effective law. Even when he goes or sends to the state capital, he may find that clerks are unable or unwilling to dig out the material he seeks, for the regulations often remain unclassified or poorly classified, the indexes are often inadequate or nonexistent and piles of uncodified material may be either still effective or long superseded.

The only reason that the system of uncodified accumulations has been at all tolerable is that the official system has been so widely supplemented by informal distribution of regulations by the agencies to parties affected. Those lawyers or parties who are constantly in touch with a particular agency are normally well enough informed; the inconvenience is to those who are only sporadically affected. That the main reliance is on informal arrangements for distributing regulations is shown by the apparent fact that the accumulations in central state offices are so rarely consulted.¹

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1. Administrative Law Treatise § 6.11 at 400-01 (1958).

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This study will present a survey of actual state practices in publication of administrative regulations. It is based primarily on questionnaires received from officials of every state, verified and supplemented by independent research. There have been several earlier surveys of this type and the tables at the end of this article will update the most recent of these, which was made by the Council of State Governments in 1961.² The results of this study indicate that the reform movement which began so hopefully in the late nineteen thirties has been making little progress recently. Hopefully, by focusing attention on this continuing bibliographic and legal morass, more states may be encouraged to improve their programs for publication.

BACKGROUND

It has always been implicit in our legal system that laws must be published in some form if they are to be obeyed and enforced. Prompt publicity for new laws and the continued availability of existing laws are fundamental to our notion of fairness and propriety. Our sense of injustice is aroused by the prospect of secret laws or laws whose inaccessibility removes them from the possibility of public attention. Blackstone stated this premise as part of English law:

. . . a bare resolution, confined in the breast of the legislator, without manifesting itself by some external sign, can never be properly a law. It is requisite that this resolution be notified to the people who are to obey it. But the manner in which this notification is to be made, is matter of great indifference. . . . Yet, whatever way is made use of, it is incumbent on the promulgators to do it in the most public and perspicuous manner; not like Caligula, who (according to Dio Cassius) wrote his laws in a very small character, and hung them upon high pillars, the more effectually to ensnare the people.³

Although it is no longer assumed that all the law can or need be known by any individual, it is agreed that every law must be easily available for examination by those who are interested. The very language of most legal literature resounds with this notion: our statutes are *published*; our decisions *reported*; our treaties *proclaimed*; and our regulations *promulgated*. Only in the last instance have we failed to provide an adequate means of public notice in the states.

Since the publication of the *Revised Statutes of the United States* in 1875, our standard of adequate statutory publication has included both a subject compilation of public, general laws in force, and a chronological or session law form. The necessity of some simplified means of access, by subject, to the mass of chronologically published session laws gave rise to statutory compilations

2. Administrative Rule-Making Procedure in the States 8-9, 13-15 (Council of State Governments, RM-354, 1961).

3. 1 Blackstone, Commentaries 46 (1765); see also 5 Bentham, Works 547 (1843-1848): "We hear of tyrants, and those cruel ones: but, whatever we may have felt, we have never heard of any tyrant in such sort cruel, as to punish men for disobedience to laws or orders which he had kept them from the knowledge of."

and consolidations arranged by broad legal titles.⁴ To meet the needs of lawyers and other legal researchers, law publishers devised means of retrieval and updating far more sophisticated than those of most other specialized literatures. Since 1926 the *United States Code* has provided an official subject compilation of federal statutes with regular supplementation and revision. The unofficial editions of the Code and their supplementary services, published by the West Publishing Company⁵ and Bobbs-Merrill,⁶ bring to their subscribers federal public laws within a few weeks of enactment. Similar subject compilations of current statutes also exist for the laws of every state. These vary in quality and authority and, although few of them are as useful as their federal equivalents, they all provide supplementation incorporating the product of every legislative session. Compilation, subject arrangement and regular supplementation have thus become essential elements in the publication of both state and federal statutes.

Administrative law and its sources have existed here since the establishment of the executive departments in the earliest days of our history. As a result of the industrial revolution, administrative agencies expanded in size and function, but it was not until this century that the proliferation of administrative regulations and rulings, multiplied during two world wars and an economic depression, became a formidable bibliographic problem. The increase in business of the traditional executive units and the creation of many new regulatory agencies to meet the needs of an increasingly complex society and economy brought about new functions and forms of government. By delegation of powers from the legislatures, these agencies, both on the federal and state levels, quickly became major lawmakers in their own right.⁷ They functioned legislatively by the promulgation of rules and regulations and judicially by deciding controversies and cases arising under their statutes and regulations. A by-product of these functions was a huge new literature of legal significance. Despite its growth, the useful publication of this material was neglected through inertia, lack of funds and the press of more important concerns.

The agencies were (and often still are) considered an inferior branch of government, since their powers were *derived* from the other branches. Despite their undoubted legal impact, decisions of administrative agencies have been characterized as *quasi-judicial* and their regulations as *delegated* or *subordinate* legislation. Perhaps that condescension permitted tolerance of conditions which had long since been corrected for statutes and court reports, the traditional primary sources of law. Although this new area of law regulated many of the details of daily life and economic activity and even created new crimes which car-

4. Price & Bitner, *Effective Legal Research* 26-27 (student ed. rev. 1962).

5. *United States Code Annotated*, 1927 to date, and *U.S. Code Congressional and Administrative News*, 1939 to date.

6. *Federal Code Annotated*, 1937 to date, and its *Current Service*.

7. This development is described in detail in Davis, *supra* note 1, Chs. 1 and 2.

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ried severe sanctions,⁸ their texts were not centrally filed or compiled and they were not published or otherwise made available.

In 1934, Erwin Griswold described the situation in an article which was to arouse considerable public support for remedial legislation by the Congress:

An attempt to compile a complete collection of these administrative rules would be an almost insuperable task for the private lawyer. It seems likely that there is no law library in this country, public or private, which has them all. Even if a complete collection were once achieved, there would be no practicable way of keeping it up to date, and the task of finding with requisite accuracy the applicable material on a question in hand would still often be a virtual impossibility. The officers of the government itself frequently do not know the applicable regulations.⁹

The normal processes of government were impaired by the weight of these unorganized and unknown regulatory edicts. Not even Caligula could have devised a more dramatic example of "government in ignorance of law" than that which developed in the hectic days of the early New Deal.

FEDERAL REFORM

Fortunately, remedial legislation *was* enacted on the federal level in 1935 which brought some order to the documentary chaos. This reform followed closely upon two separate litigations which were brought pursuant to administrative orders under the regulatory statutes. Both of these cases¹⁰ went up to the United States Supreme Court without either the government or the private party realizing that these regulations were no longer in effect. A failure of legal bibliography became a national scandal. Public indignation over these cases and the concern generated by Dean Griswold's article provided the impetus for the passage of the Federal Register Act of 1935.¹¹

The Act established a central repository for the filing of all federal proclamations, orders, regulations, notices and other documents of general legal applicability. It created a new daily gazette, the *Federal Register*, in which publication of those documents was required. The Act further provided that regulations of general applicability were not binding (except on those who had actual knowledge thereof), unless and until they were published in the Register.¹² The Register began publication on March 14, 1936 and still continues its original functions. In 1937 the Act was amended¹³ to provide for the codification of

8. Schwenk, *The Administrative Crime, its Creation and Punishment by Administrative Agencies*, 42 Mich. L. Rev. 51 (1943).

9. Griswold, *Government in Ignorance of Law—A Plea for Better Publication of Executive Legislation*, 48 Harv. L. Rev. 198, 204 (1934).

10. *United States v. Smith*, 293 U.S. 633 (1934) (memorandum decision); see N.Y. Times, Oct. 2, 1934, p. 6, for a description of dismissal of appeal on government's motion; and *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935), known as the *Hot Oil Case*.

11. 49 Stat. 500 (1935), 44 U.S.C. §§ 301-314 (1958).

12. Section 7, 49 Stat. 502 (1935).

13. 50 Stat. 304 (1937), (1958).

these regulations into the *Code of Federal Regulations*, a subject compilation of regulations in force, which is similar in form and purpose to the *United States Code*. The C.F.R. was first published in 1938, went into a second edition in 1949 and has been kept current by a system of perpetual revision and annual pocket parts. Since the daily issues of the Federal Register include numerous changes to the various titles and sections of the C.F.R., the Register has become in effect a daily supplement to the Code. Although this system of filing, compilation and dual publication (chronologically in the Register and by subject in the Code) has evident shortcomings,¹⁴ it has given federal administrative regulations an order and arrangement and has afforded their users relatively convenient access to the current text of effective regulations.¹⁵

EARLY STATE PUBLICATIONS

During the same period, most states underwent an administrative expansion similar to that which occurred in the federal government. The state agencies began growing in function and multiplying in number in the second half of the last century. This process has accelerated tremendously during the last thirty years, with an increased outpouring of new rules, orders and decisions. The power to promulgate necessary rules and regulations was commonly delegated to the state agencies by their formative legislation and, not surprisingly, the power was widely and vigorously exercised. Unfortunately, the publication of administrative regulations was never rationalized in the states as it was on the federal level. Neither by its terms, nor its philosophy, did the Federal Register Act of 1935 reach the states. Public concern over inaccessible regulations which had engendered reform in Washington in 1935 was offset locally by greater economic worries, official apathy and the lack of state funds.

Gradually, however, some of the states took steps to cope with the problem. But in 1937 when the Code of Federal Regulations was instituted to codify the growing mass of rules in the Federal Register, no state had yet provided for even a central chronological publication of its regulations. Although many state agencies issued their regulations on a limited scale from time to time, there were no comprehensive state compilations of all regulations in force, which the citizen

14. For criticism of the present Federal Register System, see Newman, *Government and Ignorance—A Progress Report on Publications of Federal Regulations*, 63 Harv. L. Rev. 929 (1950); Futor, *Modernizing Federal Regulations Publication*, 21 Fed. B.J. 219 (1961); and Layne, *Problems in Keeping Track of Agency Rules*, 12 Ad. L. Bull. 83 (1959). The system is defended in Eberhart, *Improvements of the Federal Register System*, 12 Ad. L. Bull. 98 (1959) and *A Modern Approach to Making Federal Regulations Available*, 22 Fed. B.J. 32 (1962).

15. Official publication of English administrative regulations underwent reform much earlier than in this country, with the collection and publication in 1893 of their compiled statutory rules and orders (pursuant to the Rules Publication Act, 1893, 56 & 57 Vict. c. 66). The latest edition of this compilation was published in 1948 under the title, *Statutory Rules and Orders and Statutory Instruments Revised* (London, H.M.S.O. 1948-1952). Since 1948, annual volumes have been published as the *Statutory Instruments*, along with an index volume and citator. There is also a privately published encyclopedia, *Halsbury's Statutory Instruments* (London, Butterworth, 1951-54), which arranges by subject a major selection of important regulations.

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could consult to determine whether and in what way he might be affected. Then in 1937 there began a series of state enactments toward reform.¹⁶ In that year, South Carolina became the first state to undertake systematic publication by the relatively simple expedient of including new administrative regulations in its annual session laws.¹⁷ In 1942 they were also published in the *Code of Laws of South Carolina* by having the regulations in force printed after each relevant statutory section, thereby achieving an inexpensive subject arrangement. Since 1952, South Carolina has issued a separate volume in its statutory code which compiles in one place all administrative regulations currently in force.¹⁸ It is kept up to date by annual pocket parts and by the continued inclusion of new and amended regulations in the annual volumes of session laws. Although *annual* supplementation is hardly adequate for such frequently revised material, this simple approach is still far better than what many wealthier states offer today.

Wisconsin was the second state to provide a compilation of its regulations with the publication of the *Wisconsin Administrative Orders* (known as the "Red Book") in 1940¹⁹ and biennially thereafter. Oregon provided in 1939 for the publication of summaries of its regulations, but this law was repealed in 1941.²⁰ In the next four years, five more states enacted statutes for the publication of their regulations in compilations of varying degrees of quality: California's statute was passed in 1941,²¹ but the first titles of the *California Administrative Code* did not appear until 1945; Kentucky authorized its *Administrative Code* in 1942;²² Michigan's law was passed in 1943²³ and its *Administrative Code* published in January 1945; New York²⁴ and Virginia²⁵ followed in 1944. The inherent shortcomings of the original New York State *Official Compilation of Codes, Rules and Regulations* rapidly became evident and after considerable study,²⁶ its new compilation began publication in 1960 in loose-leaf form with monthly supplementation. It will be completed in 30 volumes and if properly maintained will be a model publication, which unfortunately is sold at a prohibitive price. It is interesting to note that these pioneering states (with the exception of Virginia) developed compilations which are still among the best available.

16. These have been described in Moreland, *State Administrative Rules*, The Book of the States, 1948-49, pp. 171-75. An interesting study of the reform efforts of six representative states (N. Dakota, Wisconsin, California, Missouri, Michigan and Oklahoma) is contained in Heady, *Administrative Procedure Legislation in the States 12-25, 29-40* (1952).

17. S.C. Acts and Joint Resolutions 1937, No. 132 at 174-76.

18. See 7 Code of Laws of S.C. (1952) and 17 S.C. Code Ann. (1962), "Rules & Regulations."

19. Pursuant to Laws of Wisconsin 1939, Ch. 428, at 688-90.

20. Oregon Laws 1939, Ch. 474, at 927-28, repealed by Laws 1941, Ch. 125 § 5. Years later a rational compilation was established (Ore. Rev. Stat. § 183.360, Supp. 1953).

21. Cal. Stats. 1941, Ch. 628 at 2087-88.

22. Kentucky Acts 1942, Ch. 178 at 757-61.

23. Mich. Public Acts 1943, No. 88 at 119-21.

24. Laws of N.Y. 1944, Ch. 618 at 1284-87.

25. Va. Acts of Assembly 1944, Ch. 217 & 218 at 310-11.

26. See Atlas & Easterman, Report to the Legislature on Methods of Expediting the Publication of Administrative Rules and Regulations of State Departments and Agencies (N.Y., Dec. 1957).

This initial spurt of publishing activity was summarized in a 1946 survey²⁷ which revealed that nineteen states required centralized *filing* of regulations with some state officer. Fifteen states required their regulations to be published in some form, but of these, only nine called for a unified compilation with supplementation. One of those nine, Pennsylvania, was to repeal its provision just two years after enactment,²⁸ never to re-establish compiled publication.

In 1950 the Council of State Governments published a similar survey²⁹ which indicated that there had actually been a slight retrogression during the next four years. By then only eighteen states required central filing of regulations and only twelve states required publication in some form. That study indicated that more than half of the states had no requirement for filing their regulations centrally and that three-quarters of them lacked any requirement for publication of their regulations. That there was dissatisfaction with this situation is apparent from a survey conducted in 1952 by the Committee on State Administrative Law of the American Bar Association's Administrative Law Section. It revealed agreement among administrative lawyers as to the desirability of both filing and publication of state regulations.³⁰

THE MODEL STATE ADMINISTRATIVE PROCEDURE ACT

In 1939, the National Conference of Commissioners on Uniform State Laws began discussions concerning an administrative procedure act for the states. The initial impetus came from a committee of the American Bar Association which submitted a draft proposal for a uniform law. While the Commissioners worked on this law, two important studies of administrative procedure were issued, one in the federal government and one in New York. Both confirmed the desirability of such legislative reform, influenced the developing proposal, and incidentally noted the inadequacy of present forms of administrative publication.³¹ After years of study and redrafting, the Commissioners finally decided on a model act, which during its long consideration was widely circulated among the states. As a result of this circulation, it was adopted by Wisconsin in 1943 with some changes,³² even before it was officially approved. In 1946 the Model State Administrative Procedure Act was finally approved by both the American Bar Association and the National Conference of Commissioners on Uniform State Laws.³³

27. *States Requiring Filing and/or Publishing of Administrative Rules*, 39 *Law. Lib. J.* 238 (1946).

28. Pa. Laws 1945, No. 442, §§ 21, 22, amended 1947 No. 541 and Pa. Laws 1945, No. 443, repealed 1947 No. 509. The sad story of this abortive reform is told in Byse, *Administrative Procedure Reform in Pennsylvania*, 97 *U. Pa. L. Rev.* 22 (1948).

29. Moreland, *State Administrative Rules, The Book of the States, 1950-51* at 161-62.

30. *State Administrative Law*, 4 *Ad. L. Bull.* 133 (1952).

31. Attorney General's Committee on Administrative Procedure 25 (1941); 1 Benjamin, *Administrative Adjudication in New York*, 314-25 (1942).

32. Laws of Wisconsin 1943, Ch. 375 at 670ff. That enactment required only the filing and compiling of administrative regulations; their publication had been enacted previously in 1939 (note 19 *supra*).

33. A short history of the Act is contained in the Prefatory Note of the Commissioners, 9c *Uniform Laws Ann.* 174-76 (1957).

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This development ran somewhat parallel to the movement for procedural reform in the federal government which also reached fruition in 1946 with the passage of the Federal Administrative Procedure Act.³⁴ Although the main thrust of the reforms sought by these statutes was on other aspects of administrative procedure, the Model Act undoubtedly influenced the movement for improved publication of state regulations.

Sections 3 and 4 of the Model State Administrative Procedure Act of 1946 required filing and publication of rules in these terms:

Section 3. (Filing and Taking Effect of Rules.)

(1) Each agency shall file forthwith in the office of the [Secretary of State] a certified copy of each rule adopted by it, including all rules now in effect. The [Secretary of State] shall keep a permanent register of such rules open to public inspection.

(2) Each rule hereafter adopted shall become effective upon filing, unless a later date is required by statute or specified in the rule.

Section 4. (Publication of Rules.)

(1) The [Secretary of State] shall, as soon as practicable after the effective date of this act, compile, index, and publish all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised as often as necessary [and at least once every two years].

(2) The [Secretary of State] shall publish a [monthly] bulletin in which he shall set forth the text of all rules filed during the preceding [month], excluding rules in effect upon the adoption of this act.

(3) The [Secretary] may in his discretion omit from the bulletin or the compilation rules the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if such rules are made available in printed or processed form on application to the adopting agency, and if the bulletin or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

(4) Bulletins and compilations shall be made available upon request to [officials of this state] free of charge, and to other persons at a price fixed by the [Secretary of State] to cover publication and mailing costs.

Although no state has adopted the Act in the exact form in which it was promulgated, seven states are considered to have adopted it with some variation, according to the National Conference of Commissioners in 1964.³⁵ In addition, some seventeen other states have enacted administrative procedure acts which do not follow the model act closely, but have probably been influenced by it in some respect.³⁶

34. 60 Stat. 237, 5 U.S.C. §§ 1001-11 (1958). Section 3 of F.A.P.A. strengthened and expanded the filing requirements of the Federal Register, but did not substantially affect the publication practices of the Code of Federal Regulations.

35. 9c Uniform Laws Ann., 1964 Cumulative Annual Pocket Part, p. 110, which lists the following adoptions: Wisconsin (1943), Missouri (1945), Michigan (1952), Maryland and Oregon (1957), Washington (1959) and Hawaii (1961).

36. Gellhorn & Byse, *Administrative Law Cases and Comments* 1231-33 (4th ed. 1960).

The publication provision in *Section 4* is a good one, although its general language has given rise to a variety of forms of publication in those states which have adopted the act. These range from adequate compilations with good supplementation in Wisconsin, Michigan, Oregon and Washington, to publication by individual agencies only in Missouri, Maryland and Hawaii. Publication by the separate agencies, without a compiled form as well, does not meet the requirements of *Section 4*, but states adopting a model act are not bound, of course, to adopt or effectuate all of its provisions. If the terms of *Section 4* were widely adhered to in all states, there would be little problem in finding current state regulations.

It should be noted that a number of the adopting states have broadly interpreted the exclusion provided in *Section 4 (3)* and have exempted one or more agencies from the requirement entirely. There does not seem to be any consistency among the states in regard to these exclusions. A final shortcoming was the absence of a provision (as in *Section 7* of the Federal Register Act³⁷) stating that, unless a rule is filed and published as required, it shall not be binding on parties who do not have *actual* knowledge of it. Many states, however, require filing before a regulation can be effective (sometimes with a waiting period provided for notice) and a few follow the federal statute, by requiring publication before it is binding.

Those states which have enacted administrative procedure acts other than the model act seem to follow the pattern of the adopting states in regard to publication of their regulations. Only six states³⁸ in this group have compiled publications (including California which has one of the finest services in the country), while ten³⁹ publish them only through the separate issuing agencies and one (Minnesota) has a promising compilation in preparation.

In 1961, a revised version of the Model State Administrative Procedure Act was adopted by the Commissioners in response to later developments in the field of administrative law and procedure.⁴⁰ Although no changes were made in the publication requirement, notice provisions were somewhat strengthened. The 1961 model act was adopted by Rhode Island in 1962 and Oklahoma in 1963,⁴¹ but neither of them has followed it in regard to the compiled publication of regulations. Rhode Island included those relevant sections, but has not yet implemented them. Oklahoma omitted those sections from its enactment. The model acts have played a significant role in the legislative reform of administrative procedure generally.⁴² With respect to improvement in publication, how-

37. *Supra* note 12.

38. Alaska, Arizona, California, Indiana, Iowa and Washington.

39. Colorado, Illinois, Massachusetts, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, Tennessee and Virginia.

40. For background information on the 1961 Model Act, see 9c Uniform Laws Ann., 1964 Cumulative Annual Pocket Part, pp. 113-16.

41. R.I. Public Laws 1962, Ch. 112 (effective Jan. 1, 1964); Okla. Session Laws 1963, Ch. 371.

42. For studies of state administrative procedure laws which discuss the effect of the Model Act, see Harris, *Administrative Practice and Procedure: Comparative State Legis-*

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ever, the promise contained in its language has not been realized in practice. As many states had adopted adequate procedures before the model act was offered, as have done so since its adoption. Many of those states which were influenced by it have never accepted its publication requirements.

CASE LAW

There have been remarkably few judicial decisions dealing with the filing and publication of administrative regulations, but from time to time courts have expressed their concern over the promulgation of administrative regulations without publication.⁴³ Where statutory requirements of filing or publication have been enacted, the courts have tended to uphold them by refusing to take judicial notice of unfiled rules⁴⁴ or refusing to enforce unfiled or unpublished rules.⁴⁵ A recent statutory provision voiding regulations not published by the State Librarian has been interpreted to require filing and publication of all *past* general rules and regulations which are still in force, as well as *future* revisions.⁴⁶

Some litigation has also developed over whether or not particular administrative orders were of the kind required to be filed and published. Decisions have been rendered in different states exempting the following: a regulation relating to the internal management of the agency,⁴⁷ a general policy which did not constitute a hard and fast rule,⁴⁸ a regulation which fixed rates within the meaning of a statutory exclusion.⁴⁹ A New Mexico Court upheld the validity of a highway rule, which was not filed as required by law, because the defendant admitted that he knew the substance of the rule.⁵⁰ That decision applied an exception, incorporated in the Federal Register Act⁵¹ and in some state statutes, for cases in which it could be proved that the party against whom the unfiled or unpublished regulation was to be applied had actual knowledge thereof.

A leading New York case is *People v. Cull*,⁵² in which the Court of Appeals affirmed the dismissal of an information based upon an unfiled order of the State Traffic Commission limiting highway speeds. The New York Constitution

lation, 6 Okla. L. Rev. 29 (1953) and Texas Civil Judicial Council, Administrative Procedure Laws in the United States, A Comparative Study (Austin, 1957).

43. *E.g.*, *Goodlove v. Logan*, 217 Iowa 98, 107, 251 N.W. 39, 43 (1933).

44. *People v. Calabro*, 7 Misc. 2d 732, 170 N.Y.S.2d 876 (Recorder's Ct. Albany 1957).

45. *Whitman v. Wisconsin Dep't of Taxation*, 240 Wisc. 564, 4 N.W.2d 180 (1942); *Lake v. Mercer*, 216 S.C. 391, 58 S.E.2d 336 (1950); *Todd v. State*, 205 Ga. 363, 53 S.E.2d 906 (1949); *Mogis v. Lyman-Richey Sand & Gravel Corp.*, 90 F. Supp. 251 (D. Neb. 1950), *aff'd*, 189 F.2d 130 (8th Cir. 1951), *rehearing denied*, 190 F.2d 202 (8th Cir. 1951), *cert. denied*, 342 U.S. 877 (1951); *Mondovi Co-op. Equity Ass'n v. State*, 258 Wis. 505, 46 N.W.2d 825 (1951); *State ex rel. Bd. of Education of North Canton*, 174 Ohio St. 55, 186 N.E.2d 862 (1962).

46. *State ex rel. Villines v. Freeman*, 370 P.2d 307, 312 (Okla. Sup. Ct. 1962).

47. *Towers v. Schull*, 3 Ill. App. 2d 358, 366, 122 N.E.2d 62, 65 (1954).

48. *Family Finance Corp. v. Gough*, 10 N.J. Super. 13, 23, 76 A.2d 82, 87 (1950).

49. *State Compensation Insurance Fund v. McConnell*, 46 Cal. 2d 330, 294 P.2d 440 (1956).

50. *Maestas v. Christmas*, 63 N.M. 447, 451, 321 P.2d 631, 634 (1958).

51. Section 7, *supra* note 12.

52. 10 N.Y.2d 123, 218 N.Y.S.2d 38 (1961).

(Article IV, section 9) required that administrative rules and *regulations* be filed with the Department of State and the Court construed that provision to include administrative *orders* as well. Judge Fuld's opinion in that case gave the rationale behind such requirements:

Because of the "ever-increasing body of administrative law," with constantly new and changing regulations, it was equally important that a "common" and "definite place" be provided where the exact content of such rules and regulations, including any changes, might be found. In other words, a "central" place was needed "where . . . anyone may examine in that one place what the law or rule is that has been enacted affecting his particular interest."⁵³

RECENT DEVELOPMENTS

The progress or lack of same during the 1950's can be gauged by the Council of State Governments' 1961 study of rule-making procedures in the states.⁵⁴ That survey of forty states found that twenty-nine states then required central filing of regulations, but only seventeen of those maintained a current index of the filed rules. In nineteen states, the central officer with whom the rules were filed was also required to make copies for interested persons who might request them, while in fourteen states, the agencies were required to issue copies on request. On the other hand, only thirteen states required publication of their *compiled* regulations and only twenty-nine states offered a regular publication of any kind.

There was apparent improvement in the availability of specific regulations, if the requesting party knew exactly what he was looking for. That is, in thirty-three states, an interested party could request from either a central official or from the issuing agency a copy of a specifically identified rule. But if one did not know whether an applicable rule existed, his problem would be formidable; in at least twenty-seven states there was no published *compilation* of regulations and in eleven states there were not even publications by individual agencies. In those states, it would be virtually impossible to determine the existence or applicability of administrative regulations.

In order to bring the 1961 survey up to date and to collect additional data about existing state compilations of regulations, a questionnaire was prepared and sent to the Secretary of State of each state. The questionnaire was brief and sought information about filing and publishing practices; statutory authorization therefor; the nature, status and supplementation of the state's compiled publication, if any; and from whom and at what price the publication was available. The response was surprisingly good: forty-four states responded to the initial mailing and the remaining six states answered after one reminder. Only a few states required a follow-up inquiry for clarification of their response. Statutory references were verified for every state and wherever possible biblio-

53. *Id.* at 128, 218 N.Y.S.2d at 41.

54. *Supra* note 2.

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graphic confirmations were also sought.⁵⁵ Thus, the present survey seems to be the most complete yet made. Its results have been summarized in the tables which follow. The responses indicate that forty-two states now require general filing of their administrative regulations in at least one central state office (as against 29 states in 1961). Seven states (Idaho, Louisiana, Mississippi, Montana, Nevada, New Hampshire and Utah) have no requirement at all and Delaware requires only a few of its agencies to file their regulations with the Secretary of State.

Publication in some form is required in twenty-eight states, but eight of these specify only publication by the individual agencies. Of the twenty states requiring compiled publication, four⁵⁶ have never appropriated the necessary funds and hence have never issued a compilation. In addition, Georgia and Minnesota have not yet published their compilations, but indicate that they are in the process of preparing them.

Of the fourteen states now actually publishing compiled regulations,⁵⁷ the following supplementation is offered: Alaska and Kentucky add new regulations as they are issued; California biweekly; Florida, New York, Oregon, Washington and Wisconsin monthly; Michigan quarterly; Connecticut and Iowa every six months; Indiana and South Carolina only annually. Although most authorities agree that a daily publication, like the Federal Register, would be economically unjustifiable and practically unnecessary for state regulations, it seems equally clear that annual or even semiannual supplementation is not adequate to reflect the frequent changes in these materials.⁵⁸ The Model State Administrative Procedure Act is vague in its requirement that "Compilations shall be supplemented or revised as often as necessary [and at least once every two years]."⁵⁹ Taken literally, that provision would require supplementation whenever a regulation was promulgated or amended, but none of the adopting states have so construed it. Section 4, subsection 2 required the Secretary of State or other officer to "publish a [monthly] bulletin in which he shall set forth the text of all rules filed during the preceding [month] . . ." That provision indicates a mere appropriate standard for frequency of supplementation. Updating the published compilation *monthly* as five states now do, would provide a reasonably current text without prohibitive costs.

Some twenty-seven states publish their regulations separately by individual agencies. In states so doing, not all agencies publish their regulations and even the published regulations are not adequately updated. To illustrate this, a

55. In the Library of Congress *National Union Catalog*, in the holdings of several outstanding law libraries, and in the Law Library Journal's *Checklist of Current State, Federal and Canadian Publications*, 57 Law Lib. J. 284-96 (1964). There are obviously very few, if any, law libraries in this country which have every one of the thirteen state compilations which have been issued. Hopefully, one result of this study will be to induce many more law libraries to collect these publications.

56. Maine, Missouri, New Jersey and Wyoming.

57. There were thirteen in 1960; see note 2 *supra*.

58. Benjamin, *supra* note 31, at 324-25; Heady, *supra* note 16, at 33.

59. 1946 Model Act, § 4(1); 1961 Model Act, § 5(a).

letter request was sent to every executive department and administrative agency in Pennsylvania (a state which discontinued its compiled publication in 1947 after one issue). Published regulations were not received from one quarter of the agencies and most of those received were more than a year old. Even allowing for those agencies who had not in fact promulgated regulations (and only two so responded), this is a striking example of the inadequacy of such publication in a relatively wealthy and populous state.

It is to be hoped that the thirty-six states who do not now issue their regulations in a compiled form will do so in the near future and that the six states with inadequate supplementation will improve their service. Only then can we deny the indictment which has been made, that "there is possibly no more trackless morass in the whole range of American legal bibliography than the administrative materials of the states."⁶⁰

On the table, which stood on the platform as before, several books were lying. "May I glance at the books?" asked K., not out of any particular curiosity, but merely that his visit here might not be quite pointless. "No," said the woman, shutting the door again, "that isn't allowed. The books belong to the Examining Magistrate." "I see," said K., nodding, "these books are probably law books, and it is an essential part of the justice dispensed here that you should be condemned not only in innocence but also in ignorance." "That must be it," said the woman, who had not quite understood him.

—KAFKA, *The Trial*⁶¹

60. Abel, *The Double Standard in Administrative Procedure Legislation: Model Act and Federal Act*, 33 Iowa L. Rev. 228, 244 (1948).

61. P. 62 (1937).

STATE	CENTRAL FILING WITH:	CITATION TO FILING STATUTE:	PUBLICATION:	IN WHAT FORM:	SUPPLEMENTATION FREQUENCY:	PUBLICATION STATUTE:	CITATION TO COMPILED RULES:	SOURCE AND COST
Alabama	Sec'y. of State	Individual agency stat.	Separately by agencies	Pamphlets	Irregular	None	—	From agencies: generally no charge
Alaska	Sec'y. of State	Alaska Stat. § 44.62.040 (1962)	Compiled by Sec'y. of State	Looseleaf 4 vol.	As issued	Alaska Stat. § 44.62.130 (1962)	Alaska Admin. Code, 1961	From Sec'y. of State: \$10 per set; \$3 annual upkeep
Arizona ^a	Sec'y. of State	Ariz. Revised Stat. § 41-1004 (1956)	Compiled by Sec'y. of State	Compiled pamphlets	Irregular	Ariz. Rev. Stat. § 41-1006 (1956)	Admin. Procedure Act 1952 (1954)	Current regulations photocopied and available from Sec'y. of State or agencies: 20 cents per copy
Arkansas	Governor, Sec'y. of State and Recorder of each county	Ark. Stat. Ann. § 5-501 (1956)	No requirement	—	—	None	—	Copies of regulations furnished by depts on request
California ^b	Sec'y. of State	Calif. Gov. Code § 11380	Compiled by Publ' by Div. of Administrative Procedure	Looseleaf binders & Register	Biweekly	Calif. Gov. Code § 11409	Calif. Admin. Code (1945) & Calif. Admin. Register	From California State Documents Section: \$195 per set, plus \$25 advance payment for supplementation
Colorado	Sec'y. of State, Atty. Gen. & Archives	Atty. Gen.; Colo. Rev. Stat. Ann. § 3-16-2(11) (Supp. 1960)	Separately by agencies	Pamphlets	Irregular	None	—	From agencies: usually free, but actual cost charged by some agencies
Connecticut	Sec'y. of State	Conn. Gen. Stat. Ann. § 4-45 (Supp. 1964)	Compiled by Office of Legislative Research	Looseleaf 2 vol.	Rev. every 10 yrs.; Suppl. every 6 mos.; Regs. appended, as issued, in Conn. Law Journal weekly.	Conn. Gen. Stat. Ann. § 4-45 (Supp. 1964)	Register of Conn. State Agencies (1962)	From Sec'y. of State: \$18.05 (or \$17.45 out of State)
Delaware	Only some required to file with Sec'y. of State	Few individual agency stat., e.g. Del. Code Ann. Title 16 § 125 (1953)	Separately by some agencies	Slugs	Irregular	None	—	From some agencies
Florida	Sec'y. of State	Fla. Stat. Ann. Ch. 120.041 (Supp. 1964)	Compiled by Sec'y. of State	Looseleaf 1 vol.	Monthly	Fla. Stat. Ann. Ch. 120.051 (Supp. 1964)	Florida Administrative Code (1962)	From Sec'y. of State \$50, plus \$15 annual suppl.
Georgia	Sec'y. of State	Act 838 (1964)	Compiled by Sec'y. of State	In preparation	Monthly	Act 838 (1964)	Not set yet	From Sec'y. of State: price not fixed yet
Hawaii	Lieut. Governor	Hawaii Rev. Laws § 6c-4 (Supp. 1961)	Separately by agencies	Pamphlets	"As necessary;" revised at least every 10 yrs.	Hawaii Rev. Laws § 6c-5 (Supp. 1961)	—	From agencies: at cost, at option of agencies

^a See footnotes to tables p. 427.

STATE	CENTRAL FILING WITH:	CITATION TO FILING STATUTE:	PUBLICATION:	IN WHAT FORM:	SUPPLEMENTATION FREQUENCY:	PUBLICATION STATUTE:	CITATION TO COMPILED RULES:	SOURCE AND COST
Idaho	None	None	No require ment	—	—	None	—	From some agencies
Illinois ^o	Sec'y. of State	Ill. Ann. Stat. Ch. 127, § 265 (Smith-Hurd 1963)	Separately by agencies	Singly & pamphlets	Irregular	None	—	From some agencies; From Sec'y of State: 35 cents per page, plus \$1 certification fee
Indiana	Sec'y. of State	Ind. Ann. Stat. § 60-1505 (1961)	Compiled by Sec'y. of State	2 vol., plus bound suppl.	Annually	Ind. Ann. Stat. 60-1507 (1961)	Ind. Administrative Rules and Regs. of State of Ind. (1947)	From Sec'y. of State: only supplements, at \$2 per copy; Single regulations available from some agencies
Iowa ^d	Sec'y. of State & Clerk of Supr. Ct. & Dist. Ct.	Iowa Code Ann. § 17A.8 (Supp. 1964)	Compiled by Code Editor	Bound volume	New vol. every 4 yrs; pocket parts every 6 mos.	Iowa Code Ann. § 17.21 (Supp. 1964)	Iowa Departmental rates (1962)	From Sec'y. of State: \$4.50 outside state
Kansas ^o	Revisor of Statutes	Kan. Gen. Stat. Ann. § 77-406 (1949)	Separately by agencies	Singly	Looseleaf	None	—	From agencies: generally no charge
Kentucky ^f	Legislative Research Comm.	Ky. Rev. Stat. § 13-085 (1962)	Compiled by Legis. Res. Comm.	Bound vol. & 3 looseleaf vols.	As issued	Ky. Rev. Stat. § 13-096 (1962)	Administrative Code (1951) & Admin. Reg. Service	From Legislative Research Commission: 4 vol. at \$35
Louisiana	None	None	Separately by some agencies	Singly and pamphlets	—	None	—	From some agencies: generally no charge
Maine	Sec'y. of State	Me. Rev. Stat. Ann. Title 5, § 2352 (1964)	Separately by some agencies	Singly and pamphlets	—	Me. Rev. Stat. Ann. Title 5 § 2353 (1964) (not followed yet)	—	From some agencies: generally no charge
Maryland ^d	Sec'y. of State, Clerk of Ct. of Appeals & Dept. of Legis. Rel.	Md. Ann. Code Art. 41, § 246 (1957)	Separately by agencies	Looseleaf pamphlets	Statute requires annual revision; practice apparatus needed ¹	Md. Ann. Code Art. 41, § 247 (1957)	None	From agencies: at reasonable cost, not to exceed cost of publication
Massachusetts ^a	Sec'y. of State	Mass. Gen. Laws Ch. 30 § 37 and Ch. 30A § 5 (Supp. 1964)	Separately by agencies	Varied	Varied	Mass. Gen. Laws Ch. 30A § 6 (Supp. 1964)	—	From agencies: cost at option of agency but not to exceed actual cost
Michigan	Sec'y. of State	Mich. Comp. Laws § 24-72 (1948)	Compiled by Sec'y. of State	Bound vol. & suppl.	Quarterly suppl., cumulated annually; new edition every 10 yrs.	Mich. Comp. Laws § 24.76 (1948)	Mich. Administrative Code, 1954	From Sec'y. of State: \$12
Minnesota	Sec'y. of State & Comm'r of Administration	Minn. Stat. Ann. § 15-0412 (Supp. 1964)	Being compiled by Doc. Section, Dept. of Administration	Looseleaf in prep.	Not set yet	Minn. Stat. § 15-0412 (Supp. 1964)	Not yet set	From Documents Section, Dept. of Admin.: price not fixed yet

See footnotes to tables P. 427.

STATE	CENTRAL FILING WITH:	CITATION TO FILING STATUTE:	PUBLICATION:	IN WHAT FORM:	SUPPLEMEN-TATION FREQUENCY:	PUBLICATION STATUTE:	CITATION TO COMPILED RULES:	SOURCE AND COST
Miss.	None	—	No requirement	—	—	—	—	From some agencies
Missouri ¹	Sec'y. of State	Mo. Rev. Stat., § 556.030 (1959)	Separately by some agencies	Pamphlet	Irregular	Mo. Rev. Stat. § 556.030 (1959) (not followed as to publication)	—	From some agencies: at cost
Montana/ Nebraska	None Clerk of Legislature & Sec'y. of State	— Neb. Rev. Stat. § 84.902; 84.904; and 84.905 (1958)	No requirement Separately by some agencies	Varied	Irregular	None Neb. Rev. Stat. § 84.903 (1958)	—	Not known From some agencies: cost at option of agency; from Sec'y. of State at 60 cents per page
Nevada	None	None	Separately by agencies	Varied (State Manual includes some)	Irregular	None	—	From some agencies
New Hampshire	None	None	Separately by agencies	Pamphlet	—	None	—	From some agencies
New Jersey	Sec'y. of State	N.J. Const. Art. 5, Sec. 4, Par. 5 (1947)	Separately by some agencies	Pamphlet	Irregular	N.J. Const. Art. 5, § 4, Par. 6 (1947) (not followed yet)	—	From some agencies; or from Sec'y. of State at \$1 per page
New Mexico	Supr. Ct. Law Library	N.M. Stat. Ann. § 4-10-13 (Supp. 1963)	Separately by some agencies	Not known	Irregular	None	—	From some agencies; Supreme Court Law Library maintains Index, purs. to N.M. Stat. Ann. § 4-10-16 (Supp. 1963)
New York ²	Sec'y. of State	N.Y. Executive Law § 102	Compiled by Dept. of State	Looseleaf — 24 vol. so far; 30 Vol. expected	Monthly	N.Y. Executive Law § 102	Official Compilation of Codes, Rules & Regul.	From Lenz & Riecker, Inc., 75 Varick St., N.Y.C.; \$25 per vol., plus supplementa-tion charge
North Carolina	Sec'y. of State & Clerk of State Super. Courts	N.C. Gen. Stat. § 143-195 (1964)	Separately by some agencies	Not known	Irregular	None	—	From some agencies
N. Dakota	Clerk of each County & Dist. Court and N.D. Bar Ass'n	N.D. Cent. Code 28-32-03 (1960)	Separately by some agencies	Not known	Irregular	None	—	From some agencies
Ohio ¹	Sec'y. of State	Ohio Rev. Code § 119.04 (Page 1953)	Separately by agencies	Singly and pamphlets	Irregular	Ohio Rev. Code § 119.05 (Page 1953)	—	From some agencies: usually no charge
Oklahoma ³	Sec'y. of State & State Library.	Okla. Stat. Ann. Title 75, § 304 (1964)	Separately by agencies	Varied	As issued	None	—	From some agencies
Oregon ⁴	Sec'y. of State	Ore. Rev. Stat. § 183.020 & 183.350 (Supp. 1963)	Compiled by Sec'y. of State	Looseleaf	As issued (monthly)	Ore. Rev. Stat. § 183.360 (Supp. 1963)	Oregon Administrative Rules	From Sec'y. of State: \$27.95 for compilation; 30 cents to \$2.50 for single chapters

See footnotes to tables p. 427.

STATE	CENTRAL FILING WITH:	CITATION TO FILING STATUTE:	PUBLICATION:	IN WHAT FORM:	SUPPLEMEN- TATION FREQUENCY:	PUBLICATION STATUTE:	CITATION TO COMPILED RULES:	SOURCE AND COST
Penna. ^o	Dept. of State & Legislative Ref. Bureau	Pa. Stat. Title 71, § 1710.21 (Supp. 1964)	Separately by some agencies	Pamphlets	Irregular	None (repealed 1947)	—	From some agencies: no charge
Rhode Is.	Sec'y. of State	R.I. Gen. Laws Annot. § 42-35-4 (1956)	Separately by agencies	Singly and pamphlets	Irregular	R.I. Gen. Laws Annot. § 42-35-5 (1956)	—	Apparently Sec'y. of State: at cost
South Carolina	Sec'y. of State and Code Com- missioner	S.C. Code Ann. § 1-11 (1962)	By Code Comm. in Session Law & Code	Pocket parts to Code & in Session Laws	Annual	S.C. Code Ann. § 1-16 & 1-17 (1962)	17 So. Carolina Code Ann. (1962) "Rules & Regul."	From R. L. Bryan Co. 1440 Main St. Columbia S.C. or from Mrs. Emily Roberts, State Librarian: \$8 for buckram edition, \$6 for paperback
South Dakota	Sec'y. of State	S.D. Code § 65.0106 (1939)	Separately by agencies	Varies	—	None	—	From agencies or from Sec'y. of State
Tennessee	Sec'y. of State	Tenn. Code Ann. § 4-501 (1955)	Separately by agencies	Varies	—	Tenn. Code Ann. § 4-502 (1955)	—	From agencies: usually no charge
Texas	Sec'y. of State	Tex. Rev. Civil Stat. Ann. Art. 6252-13 § 3 (1962)	Separately by agencies	Not known	—	None	—	From agencies
Utah	None	None	Separately by agencies	Not known	—	None	—	From some agencies
Vermont	Sec'y. of State	Vt. Stat. Ann. Title 3 § 702.3 (Supp. 1963)	No requirement	—	—	None	—	From some agencies
Virginia	Div. of Statu- tory Research & Drafting	Va. Code Ann. § 9-617 (1950)	Separately by agencies	Pamphlet & looseleaf suppl.	1 supplement as needed, then republication	Va. Code Ann. § 9-6.7b,d (1950)	—	From agencies: free
Washington	Code Revisor	Wash. Rev. Code Ann. § 34.04.050 (1964)	Compiled by Code Revisor	Looseleaf in prepara- tion, prob- ably 3 vols.	As issued, by monthly bulletin & revision of compilation	Wash. Rev. Code § 34.04.050 (1962)	Washington Admin. Code	From Code Revisor: \$9.50 per vol.; vol. 1-3 available to date. Supplementation \$3 per vol.
W. Virginia	Sec'y. of State	W. Va. Code Ann. § 2836(67) [1] (1964)	No requirement	—	—	None	—	From agencies
Wisconsin	Revisor of Statutes & Sec'y. of State	Wis. Stat. Ann. § 227.023 (1957)	Compiled by Revisor of Statutes	Looseleaf 6 vol.	Monthly	Wis. Stat. Ann. § 227.025 (1957)	Wisconsin Admin. Code & Admin. Rep.	From Dep't of Administration: \$70, plus \$20 per yr. for suppl.
Wyoming	Sec'y. of State	Wyo. Stat. Ann. § 9-379.1 (Supp. 1963)	Apparently none	—	—	Wyo. Stat. Ann. § 9-379.2 (Supp. 1963)	—	From Sec'y. of State: Xerox copies at 15 cents per page; from some agencies followed

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NOTES TO TABLES

- ^a Davis, *An Administrative Procedure Act for Arizona*, 2 Ariz. L. Rev. 17, 25-26 (1960).
- ^b Kleps, *The California Administrative Procedure Act (1947)*, 22 J. State Bar Calif. 391, 391-93 (1947); California Division of Administrative Procedure, FIRST BIENNIAL REPORT (1947).
- ^c Illinois Legislative Council, STATE ADMINISTRATIVE RULE "REGISTERS" (Mem. on Proposal 578, Feb. 13, 1964).
- ^d Note, *The Adoption and Promulgation of Administrative Regulations in Iowa*, 37 Iowa L. Rev. 424, 428-29 (1952).
- ^e Kansas. Revisor of Statutes, FILING OF RULES AND REGULATIONS (n.d.); Kansas. Legislative Council Research Department, FILING AND PUBLICATION OF ADMINISTRATIVE REGULATIONS (Publication No. 120, Nov. 1943).
- ^f Kentucky. Legislative Research Commission, ADMINISTRATIVE PROCEDURES LAW IN KENTUCKY 5-6 (Research Report No. 12, 1962).
- ^g Sybert, *Maryland Administrative Procedure—The Law and the Lawyer*, 61 Md. S.B.A. 175, 186-88 (1956).
- ^h Curran & Sacks, *The Massachusetts Administrative Procedure Act*, 37 Boston Univ. L. Rev. 70, 83-84 (1957).
- ⁱ Symposium, *Administrative Agencies in Missouri*, 19 U. Kan. City L. Rev. 227, 290-92 (1951).
- ^j Note, *Filing and Publication of Administrative Rules and Regulations in Montana*, 19 Montana L. Rev. 43-49 (1957).
- ^k Atlas & Esterman, REPORT TO THE NEW YORK LEGISLATURE ON METHODS OF EXPEDITING THE PUBLICATION OF ADMINISTRATIVE RULES & REGULATIONS BY STATE DEPTS. & AGENCIES (1957).
- ^l Anderson, *A Comparative Analysis of the Federal and Ohio Administrative Procedure Acts*, 24 U. Cinc. L. Rev. 365, 367-69 (1955).
- ^m Merrill, *Oklahoma's New Administrative Procedure Act*, 17 Okla. L. Rev. 1, 19-21 (1964).
- ⁿ Hazard, *Oregon Administrative Procedure Act: Status and Prospects*, 39 Oregon L. Rev. 97 (1960).
- ^o Forman, *Administrative Law in Pennsylvania*, 55 Dickinson L. Rev. 129, 133-36 (1950); Note, *Publishing Practices of Pennsylvania Administrative Agencies*, 36 Temple L.Q. 551-60 (1963).
- ^p Boone, *An Examination of the Tennessee Law of Administrative Procedure*, 1 Vand. L. Rev. 339, 352-53 (1948).
- ^q Trautman & Peck, *Administrative Law, The Administrative Procedures Act*, 34 Wash. L. Rev. 281, 284-85 (1959).
- ^r Wisconsin Legislative Council. 1955 REPORT, Vol. II, Part II, ADMINISTRATIVE RULE MAKING 64-70, 148-76 (Dec. 1954).