

Conducting Colorado Legislative History Research

by Andrea L. Hamilton

There are many reasons an attorney or other legal professional may want to research the legislative history of a particular law. For example, when a law is vague, confusing, or difficult to understand, its legislative history may provide insight into the circumstances under which the law was drafted and enacted.¹ Also, new developments that were not anticipated at the time the law was enacted—computers or the Internet, for instance—may not be reflected in the text of the statute. In these circumstances, one is conducting legislative history research in hopes of clarification. Additionally, legislative history research may be conducted to find support for a point of view, or to determine how a bill came into existence and how it changed over time. In these instances, the legislative history research is being conducted to look for intent.

Primary Sources

Legislative history information is available through a variety of print and online resources. A good place to begin your research is with the statute itself.

The Statute

The Colorado statutes have been codified by two publishers.² The official version is *Colorado Revised Statutes*,³ published by LexisNexis.[®] An alternative version is *West's Colorado Revised Statutes Annotated*.⁴ Each publisher provides a brief history summary—or source note—at the end of each statute. The LexisNexis version is called the “Source Note.”⁵ West provides this information in text beginning with “Added by”⁶ and in the “Historical and Statutory Notes.”⁷

The first reference in the source note will be to the Session Laws (LexisNexis: “L.”; West: “Laws”) that created the statute. The *Colorado Session Laws*⁸ are comprised of the “bills and concurrent resolutions passed at that session together with those resolutions and memorials designated for printing by the House of Representatives and the Senate.”⁹ The West source note may provide the year and the Colorado House or Senate bill number.

The LexisNexis source notes and some of the West source notes reference the Session Laws by year, chapter, and section numbers, rather than by bill number. To find the bill number, use the *Red Book*,¹⁰ which is published at the end of each legislative session and includes tables summarizing the edits made to the statutes during the course of the year. The *Red Book* provides access to the House or Senate bill number by statute number; the chapter and section numbers provided refer to the print version of the *Colorado Session Laws*. Bill text appearing in all caps indicates new language; a strikethrough indicates text has been removed. This allows for comparison of the text of the bill to the statute as it currently reads, and provides guidance as to how the statute once read. This may give clues as to the intent of the statute.

After a statute is codified, it may be amended, perhaps numerous times; each edit will be reflected in the source note. The West source note provides a brief synopsis of each amendment in the “Historical and Statutory Notes” section. Additional information on Colorado bill amendments can be found in the *Digest of Bills*, which summarizes “the major provisions of each bill passed during the preceding session.”¹¹ This information may be helpful in determining which bills are pertinent to the researcher’s search and whether further research is warranted.



About the Author

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Colorado General Assembly Website

A bill is a “proposed law to amend or repeal an existing law or create a new law.”¹² One way to research how a bill changed from the time it was introduced to the time it was codified in the *Colorado Session Laws* is to visit the Colorado General Assembly website. By accessing the House¹³ and Senate¹⁴ bills through this website, the researcher can gain access to:

- all versions of the bill
- the history of the bill as it progresses through the Colorado Congress and its conference committees
- analysis provided by the Joint Budget Committee
- fiscal notes
- committee reports
- committee votes
- third reading votes.

Much of this information can be helpful when trying to discover the intent of a bill. For example, viewing all versions of a bill and seeing how it has changed over time can shed light on why it originally was introduced. Reviewing the fiscal notes reveals the monetary impact of a proposed bill, including those state departments that would be most affected, as well as any new positions that would need to be created as a result of the legislation.

Committee reports are another potential source of valuable information. After a bill has been introduced, it is sent to a Legislative Committee, also referred to as a Committee of Reference. Legislative Committees¹⁵ are workshops within the General Assembly. They meet in sessions to analyze and discuss bills and to hold hearings, often involving testimony from experts in a particular field. Committees may recommend a bill for passage, refer it to another committee, postpone passage of the bill indefinitely, or table the bill for another session. All of this information is recorded in the committee reports. As is the case with the *Colorado Session Laws*, committee report text appearing in all caps indicates new language; a strikethrough indicates text has been removed.

House and Senate Journals

Further details on the legislative actions affecting a bill may be found in the journals of the House¹⁶ and Senate.¹⁷ The journals are the official records of the proceedings of the legislature. The House and Senate each issue their own daily record during the legislative session. These daily records reflect highlights of what has happened in the legislature, including the titles of bills introduced, committee actions, hearings, and voting records on bills after they have been debated on the floor; this is not a verbatim record. The print House and Senate journals can be accessed by year and bill number. The online journals can be accessed by date. To determine the date needed, refer to the committee reports provided with the online versions of the House and Senate bills, as discussed above. As is the case with the *Colorado Session Laws* and the committee reports, journal text appearing in all caps indicates new language; a strikethrough indicates text has been removed.

Committee Hearings

A more complete record of the discussion and hearings that take place during committee proceedings may be of particular use when trying to gain insight as to the intent of a bill. The hearings, which are open to the public, may feature statements from a bill’s sponsor

explaining or clarifying a bill’s purpose. Often, these testifying experts are quite knowledgeable.

This information is available only in audio format;¹⁸ no print record is generated. Unfortunately, the sound quality of these tapes may be poor and the content may not be useful. The audios are best accessed by bill number, committee proceeding date, approximate time, and room, if available. This information can be gleaned from the House and Senate journals. If the audio recordings of the proceedings are not helpful, consider contacting a committee member directly.¹⁹ Contact information of current legislators is available in the “Pink Book.”²⁰ Finally, the Governor may issue a press release after the signing of a particular piece of legislation.²¹

Secondary Sources

Because the primary sources for Colorado legislative history are so limited, thorough researchers also will check secondary sources. There are several secondary sources that can be useful in this context. If the Colorado law is a “Uniform” act, there will be a model act to reference.²² Most uniform laws have official comments that can be helpful guides to interpretation. There may be differences between the model act and the version adopted in Colorado, and comparing the two may provide insight into intent. *West’s Colorado Revised Statutes Annotated* source notes provide citations to the *Colorado Practice Series*.²³ A topical article may be found in *The Colorado Lawyer*,²⁴ or legislation of particular importance may be featured in a newspaper article.²⁵ Finally, there may be a Legislative Council Research Publication²⁶ on point. Dating back to 1954, these nonpartisan research publications “comprise Colorado’s most authoritative written legislative history.”²⁷

Conclusion

Colorado legislative history can be difficult and time-consuming to research. However, it is possible to uncover useful information by checking this wealth of available resources.

Notes

1. More information on the Colorado legislative process is available on the Colorado Legislative Council website, www.state.co.us/gov_dir/leg_dir/lcsstaff; see, e.g., “How a Bill Becomes Colorado Law,” available at www.state.co.us/gov_dir/leg_dir/olls/PDF/Bill%20becomes%20law%20chart.pdf, and “The Legislative Process,” available at www.state.co.us/gov_dir/leg_dir/lcsstaff/StaffInfo/process.htm.

2. For publication information on historical versions of Colorado-specific titles, see Hamilton, ed., “A Guide to Colorado Legal Research Sources—Part 1,” 35 *The Colorado Lawyer* 79 (Feb. 2006).

3. *Colorado Revised Statutes* (LexisNexis,® 2003–present); Lexis.com (1992–present), available at www.lexis.com; Colorado General Assembly, “Welcome to Legal Resources,” available at www.michie.com/colorado/lpext.dll?f=templates&cfm=main-h.htm&cp.

4. *West’s Colorado Revised Statutes Annotated* (West Pub. Co., 1989–present); Westlaw.com (1989–present), available at www.westlaw.com.

5. See “Source Note Information” at the beginning of any volume of the printed version of the *Colorado Revised Statutes* for guidance on reading the Source Notes.

6. Referred to as “Credit(s)” on Westlaw.com.

7. See “Abbreviations” at the beginning of any volume of the printed version of *West’s Colorado Revised Statutes Annotated* for guidance on reading the Historical and Statutory Notes.

8. *Colorado Session Laws* (LexisNexis, 2003); *West's Colorado Legislative Service* (West Pub. Co., 1990–present); Office of Legislative Legal Services, “Session Laws of Colorado,” available at www.state.co.us/gov_dir/leg_dir/olls/session_laws_of_colorado.htm (1993–present).

9. “Session Laws of Colorado,” *supra* note 8.

10. *Id.*; *Colorado Revised Statutes*, *supra* note 3.

11. *Digest of Bills Enacted at the . . . General Assembly* (1900s–present); Office of Legislative Services, “Digest of Bills” (1933–present), available at www.state.co.us/gov_dir/leg_dir/olls/digest_of_bills.htm.

12. Colorado Legislative Council, “Glossary,” available at www.state.co.us/gov_dir/leg_dir/lcsstaff/StaffInfo/definitions.htm.

13. *House Bills* (The Assembly, 1900s–present); Colorado General Assembly, “Prior Session Information,” available at www.leg.state.co.us/clics/clics2008a/cslFrontPages.nsf/PrevSessionInfo?OpenForm (1997–2007); Colorado General Assembly, “House Bills by #” (present), available at www.leg.state.co.us/Clics/CLICS2008A/csl.nsf/BillFoldersHouse?openFrameset.

14. *Senate Bills* (The Assembly, 1900s–present); “Prior Session Information,” *supra* note 13; Colorado General Assembly, “Senate Bills by #” (present), available at www.leg.state.co.us/Clics/CLICS2008A/csl.nsf/BillFoldersSenate?openFrameset.

15. Colorado Legislative Council, “Colorado Legislative Committees,” available at www.state.co.us/gov_dir/leg_dir/lcsstaff/committee.htm.

16. *Journal of the House of Representatives of the . . . Regular Session of the . . . of the General Assembly of the State of Colorado* (1953–present); “Prior Session Information,” *supra* note 13; Colorado General Assembly, “House Journals for 2008” (present), available at www.leg.state.co.us/Clics/CLICS2008A/csl.nsf/Journals?openFrameset&Frame=Bottom&Src=/Clics/CLICS2008A/csljournals.nsf/jouNav?Openform&House.

17. *Journal of the Senate of the . . . General Assembly . . . Regular Session of the State of Colorado*, *supra* note 16; “Prior Session Information,” *supra* note 13; Colorado General Assembly, “Senate Journals for 2008” (present), available at www.leg.state.co.us/Clics/CLICS2008A/csl.nsf/Journals?openFrameset&Frame=Bottom&Src=/Clics/CLICS2008A/csljournals.nsf/jouNavSen?Openform&Senate (present).

18. For live audio broadcasts of committee hearings, see Colorado General Assembly, “Live Legislative Audio,” available at www.leg.state.co.us/clics/clics2008a/cslFrontPages.nsf/Audio?OpenForm; and Colorado State Archives, “Legislative Records” (1973–present), available at www.colorado.gov/dpa/doit/archives/legis.html.

For 2002 through the current session, users also may contact the Colorado Joint Legislative Library (State Capitol Building, 200 E. Colfax Ave., Rm. 048, Denver, CO 80203-1784; Molly Otto, Manager of Library Services, (303) 866-4011; Gay Roesch, Assistant Librarian, (303) 866-4799). Users must provide their own CD, but there is no charge for this service. If users are unable to come to the library, they may send a CD, along with requested audio details.

19. “Colorado Legislative Committees,” *supra* note 15.

20. Colorado General Assembly, “All Legislators,” available at www.leg.state.co.us/Clics/CLICS2008A/csl.nsf/Directory?openFrameset.

21. For Governor Bill Ritter’s press releases, see Colorado: The Official State Web Portal, “Press Releases,” available at www.colorado.gov/cs/Satellite?c=Page&cid=1186476454793&pagename=GovRitter%2FGOVRLLayout.

22. *Uniform Laws Annotated* (West Group, 1968–present).

23. *West's Colorado Practice Series* (West Pub. Co., 2001–present).

24. *The Colorado Lawyer* (Colorado Bar Association, 1971–present), available at www.cobar.org/tcl, or through Casemaker (visit www.cobar.org, then click on the Casemaker logo).

25. Both Westlaw.com and Lexis.com provide access to Colorado news resources. Many libraries provide access to NewsBank’s *America’s Newspapers* (www.newsbank.com/libraries/product.cfm?product=25). For historic statutes, see “Colorado’s Historic Newspaper Collection” (1859–1923), available at www.coloradohistoricnewspapers.org, or contact the Denver Public Library’s Western History and Genealogy Department (<http://history.denverlibrary.org>).

26. Colorado Legislative Council, “Legislative Council Research Publications,” available at www.state.co.us/gov_dir/leg_dir/lcsstaff/StaffInfo/research.htm. For searchable access to all Colorado Legislative Council Research Publications, see University of Denver Sturm College of Law, Westminster Law Library, “Access for All: Providing a Window to the Legislative Process for Colorado’s Citizens,” available at www.law.du.edu/index.php/library/library-services/digital-collections/colorado-legislative-process.

27. University of Denver Sturm College of Law, Westminster Law Library, “About CLC Research Publications,” available at www.law.du.edu/index.php/library/digital-collections/colorado-legislative-process/about-clc-research-pubs. ■