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Members of CoALL will attempt to answer as many questions as possible, either individually or as part of this department. The information provided in this space is for educational purposes only and is not intended as legal advice. No endorsement or recommendation is made of any product named in this department. Department contributors are CoALL members and include Martha Keister, Wanda McDavid, Mariann Storck, and Shannon Vicic. For more information about CoALL, see: <http://www.aallnet.org/chapter/coall>.

QUESTION:

Where can I find the *Colorado Code of Regulations* and the *Colorado Register*?

ANSWER:

Background

The Colorado Secretary of State has the responsibility for publishing the rules and regulations of the agencies and departments, according to CRS § 24-4-103. The Colorado "administrative procedure acts" generally are collected in CRS § 24. In addition to the laws concerning the publication of rules and regulations, this collection of acts also includes the laws covering licensing procedures (CRS § 24-4-104), laws covering hearings (CRS § 24-4-105), and judicial procedures involved in reviewing rules (CRS § 24-4-206).¹

The regulations are published in two distinct parts. The main set, known as the *Colorado Code of Regulations* ("CCR") (the state's equivalent to the *Federal Code of Regulations*), contains the current regulations of the departments. This set is supplemented by the *Colorado Register* ("CR") (the state's equivalent to the *Federal Register*), which provides information about proposed changes to the CCR. The CR, published monthly, includes notices of proposed rulemaking and regulations, notices of rulemaking hearings, and Attorney General Opinions, as well as rule changes. Since 1977, several companies have published the CCR and CR, generally in the same loose-leaf binder format. Updated regulations, which are sent with the monthly CR, are interfiled in the CCR.²

Occasionally, it is important to locate the history of a particular regulation. Historical editorial information about a regulation is contained in the colored title page for that regulation in a box entitled "Editor's Notes." According to the CCR, "Introductory Materials, Part A—How to Use the CCR" (found in the index volume), Editor's Notes collected after 1977 may have been provided by the Secretary of State, Office of Legislative Legal Services, "or other reliable sources." That information may include "statutory authority, dates of amendment, cross reference to Attorney General Opinions, annotation to the Colorado Court of Appeals and Colorado Supreme Court opinions, and other information, when appropriate." If information prior

to 1977 is needed, practitioners should consult both the Secretary of State's historical files and the issuing agency's files.³

In April 2002, the Colorado Secretary of State announced that the state would encourage each agency to publish and distribute its own regulations in electronic format. This change was made because the Daily Journal Corporation announced that it would no longer publish the print version of the CCR. Now the CCR has a new publisher: Weil Publishing. The Colorado Secretary of State and Weil Publishing have agreed to continue the print version of the CCR and the CR (see the notices on the Colorado Secretary of State website: "Rules Publication Updates": http://www.sos.state.co.us/pubs/info_center/main.htm). The CCR and CR can be purchased separately, as can the various individual sections. Weil is located in Augusta, Maine, and publishes administrative codes for sixteen states, as well as that of the District of Columbia. Contact Weil Publishing for the actual cost of subscription and purchase: <http://www.weilpublishing.com> or call (800) 877-9345.

Access to Current Regulations In Hard Copy

Although practitioners may have both current and superseded regulations in-house, several local libraries also have current subscriptions. It is wise to call ahead to verify hours and holdings.

Colorado Supreme Court Library:

B-112, State Judicial Bldg.
2 E. 14th Ave.
Denver, CO 80203
(303) 837-3720
Fax: (303) 837-4510
Website: <http://www.state.co.us/courts/sctlib>

University of Colorado Law Library:

CB 402 Fleming Law Bldg., Rm. 190
2405 Kittredge Loop Dr.
Boulder, CO 80302
(303) 492-7534
Fax: (303) 492-2707
Website: <http://www.colorado.edu/law/lawlib>

University of Denver Law Library:

Westminster Law Library
 University of Denver College of Law
 1900 Olive St.
 Denver, CO 80220
 (303) 871-6206
 Fax: (303) 871-6999
 Website: <http://www.law.du.edu/library>

Colorado State Archives:

1313 Sherman Street, Room 1B-20
 Denver, CO 80203
 (303) 866-2358
 Fax: (303) 866-2257
 Website: <http://www.archives.state.co.us>

Access to Superseded Regulations in Hard Copy

The *Colorado Supreme Court Library* holds all superseded CCR regulations going back to 1977, including replaced indices and filing instructions. Superseded regulations are arranged by CCR cite and by the date removed. Proposed regulations and Attorney General Opinions are kept for two to three years. The library also has a collection of Colorado agency regulations dating from 1967 to 1977 (when the CCR started and the year the CCR began being published). Copy machines are available. Inquire about the possibility of document delivery. More information is available, as noted above, as well as on the library's website.

The *University of Colorado Law Library* holds all superseded regulations going back to 1977, including replaced indices and filing instructions. Superseded regulations are arranged in chronological order as they are withdrawn. Proposed regulations are held from 1978 to the present. Attorney General Opinions go back to 1977. The library is open to the public. Assistance to find regulations is available. Hours may vary. Copy machines are available. Practitioners should call the phone number listed above for the availability of document delivery. Access the library's website, as noted above, for more general information.

Access to Rules and Regulations Online

The *Office of Legislative Legal Services*, in-house counsel for the Colorado General Assembly, has developed a website on which practitioners may find many of the Colorado rules and regulations adopted by executive agencies: http://www.state.co.us/gov_dir/leg_dir/olls/HTML/rules.htm. Essentially, this website is an information portal because it connects users directly to the websites of state administrative agencies that have posted their rules and regulations on the Internet. At the moment, this site does not provide access to the entire CCR; this is because not every regulatory agency in Colorado has posted its rules and regulations on the Web, despite a footnote in Colorado House Bill 98-1401 that requires "each principal department of the state" to "produce its rules and regulations in an electronic format that is suitable for public access through electronic means."

It is important to note that the rules and regulations provided through the site of the Office of Legislative Legal Services

may not be the versions currently in effect, particularly if an agency does not update its website regularly. Practitioners always should refer to the print editions of CCR and CR for the current, official versions of state rules and regulations.

To locate a specific rule or regulation through the website provided by the Office of Legislative Legal Services, it is necessary to have a general idea of the agency that issued the rule or regulation. The site does not allow users to search for rules or regulations by entering the citation information from the CCR.⁴

Use the CR to Track Changes In Regulations

Practitioners who want to learn about potential changes to Colorado's rules and regulations should monitor the monthly installments of the CR because they are the official source for information on updates and additions to the state's administrative code. However, some administrative agencies, such as the Colorado State Board of Education, provide information on their websites about upcoming hearings and proposed rule changes. Attorneys and others who are interested in monitoring only one agency may want to contact that agency directly to find out if it maintains public mailing lists for current awareness publications, such as newsletters or e-mail alerts.

Conclusion

Those who need to locate current rules and regulations, stay abreast of unfolding regulatory developments, or unearth the histories of specific rules and regulations will find it helpful to have a fundamental awareness of the general contents of the CCR and CR, the unique informational purposes each serves, and the local libraries where current and historical copies of these publications are available. Those with additional questions about Colorado's administrative code should consult the nearest law librarian or a representative of the state agency that promulgated the rule or regulation of interest to them.

NOTES

1. For an historical perspective on Colorado rulemaking, see Lorch, *Colorado's Government: Structure, Politics, Administration, and Policy*, 6th ed. (Boulder, CO: University Press of Colorado, 1997) at 213-16.

2. See Fontenot, "Colorado Practice Materials: A Selective Annotated Bibliography," 88 *Law Library J.* 427 (1996).

3. Introductory Materials of Code of Colorado Regulations at A1-A4 (2001).

4. For those who need to locate a regulation using the citation information or who need to search for rules or regulations containing a specific term or phrase, Colorado's administrative code also is available through Westlaw (<http://www.westlaw.com>), although the typical charges for Westlaw searching would apply. To retrieve a regulation using Westlaw's "Find a document by citation" function, enter the citation according to the following format: 1 CO ADR 201-2. (CO ADR is the Westlaw citation format for the CCR). To search Colorado's administrative code through Westlaw, enter CO-ADR into the "Search these databases" field and then enter a search term or combination of search terms (e.g., radiation /3 machine). According to a Westlaw customer service representative, Westlaw intends to make every effort to continue providing access to the CCR online, despite the *recent change* in publishers. ■