

Researching Colorado Resolutions and Memorials

BY CHRIS HUDSON

Most researchers are well aware of the legislative process to create, amend, and repeal laws. Bills that are passed by both chambers and approved by the governor become acts that are codified and compiled into the Colorado Revised Statutes. Bills that are not passed, or are vetoed and not overridden, die with the legislative session. Researching the legislative history of a bill or act can be rewarding. It can provide a window into the legislators' intent where the law is ambiguous, and it is an effective tool for uncovering the political and cultural atmospheres surrounding historically significant legislation. A number of authorities have addressed the legislative history research process.¹

Researchers may not be aware that, in addition to bills, the legislature uses a number of other measures to accomplish specific tasks. This article briefly examines concurrent resolutions, joint and simple resolutions, and joint and simple memorials. Understanding the purpose of these legislative actions and how to research them is important, especially when conducting historical legal research.

Concurrent Resolutions

Colorado legislators use concurrent resolutions for three purposes: to propose amendments to the state constitution,² to call for a constitutional convention,³ and to ratify amendments to the U.S. Constitution.⁴ The classification of the different types of resolutions and memorials is found in Colorado House Rule 26 and Colorado Senate Rule 30. The two rules are very similar in function; however, they provide for slightly different procedures.

Concurrent resolutions to amend the state constitution are by far the most common. The General Assembly passes them regularly to refer proposed constitutional amendments to the voters (called referendums on the ballot). Because they can affect the state constitution, this type of concurrent resolution is of particular interest to practitioners and legal scholars. The two other types of concurrent resolution are very uncommon. To date, no constitutional conventions have been called (although at least three attempts have been made).⁵ And the General Assembly passed the last concurrent resolution to ratify an amendment to the U.S. Constitution in 1984, ratifying the 27th Amendment.⁶

The House and Senate rules treat concurrent resolutions like bills in all respects, except for the requirement of a two-thirds vote.⁷ Consequently, researching a concurrent resolution is much like researching the legislative history of a bill.⁸ Unlike bills, however, concurrent resolutions are not presented to the governor for approval.⁹ Concurrent resolutions to ratify amendments to the U.S. Constitution become effective upon passage by the General Assembly.¹⁰ And, pursuant to Article XIX of the Colorado Constitution, referred constitutional amendments and calls for a constitutional convention must be presented to the voters for approval or rejection at the next general election.¹¹

This adds one additional step to the usual legislative history research process—researching the election and its results. In 1954, the Legislative Council of the Colorado General Assembly began distributing information booklets to registered voters.¹² Commonly called the “Blue Book,” the booklets contain an impartial analysis of each measure appearing on the ballot,

including referendums. Electronic copies are available online from the Colorado Secretary of State's Election Results Archives (1954–present)¹³ and the University of Denver Westminster Law Library (1954–2012).¹⁴ Print copies are available for public review at the Colorado Joint Legislative Library,¹⁵ Colorado Supreme Court Library,¹⁶ University of Colorado William A. Wise Law Library,¹⁷ and some public libraries.

Election results for the years 1902 forward are also included in the Colorado Secretary of State's election results archive.¹⁸ Most of the documents are PDF scans of original print materials (Abstract of Votes and Blue Books), and more recent election results are also available in Microsoft Excel spreadsheet format. Print copies of the Abstract of Votes are available at the Joint Legislative Library (1892–current).

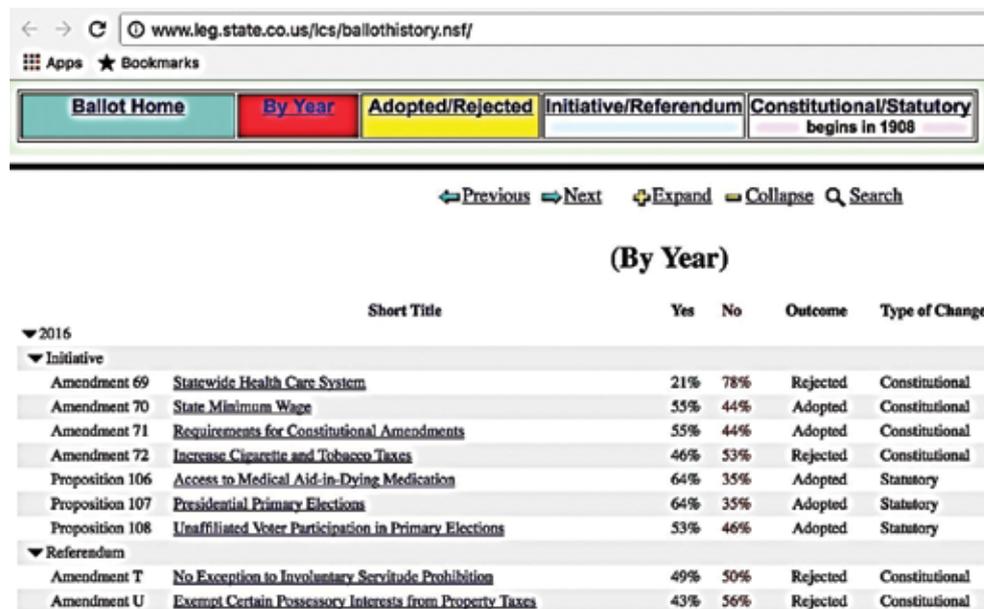
Finally, information on referred and initiated measures is available in the General Assembly's Online Database of Statewide Ballot Measures Dating Back to 1880.¹⁹ This useful database includes links to the text of all referred and initiated ballot measures from 1880 forward. It also includes information on the type of change, whether it was adopted or rejected, and the percentage of Yes and No votes. (See Fig. 1.)

Joint and Simple Resolutions

Joint resolutions may pertain to the transaction of the business of both houses, the establishment of committees composed of members of both houses, and the expression of the will of both houses on any matter that is not the subject of a tribute.²⁰ Most joint resolutions “do not have the effect of law, and the General Assembly cannot do by resolution that which can only be done by law.”²¹ However, joint resolutions that are required by the constitution or statute to go to the governor for approval do have the force and effect of law.²² For example, CRS § 37-95-107.6(4)(b) requires additions or modifications to the water pollution control project eligibility list to be approved by a joint resolution that is presented to the governor.²³

Aptly described by the authors of the *Colorado Legislative Drafting Manual*, joint resolutions “are like ‘letters to Santa’—they are hoped for sentiments that often do not come true.”²⁴ Joint resolutions require the concurrence of

Figure 1: Online Database of Statewide Ballot Measures Dating Back to 1880, www.leg.state.co.us/lcs/ballothistory.nsf.



both houses, and they are frequently used to communicate the General Assembly’s will to state and federal agencies and departments, elected state and federal officials, and branches of government other than the U.S. Congress.²⁵

Simple resolutions can pertain to all of the same issues as joint resolutions, but they can only relate to the house where they are introduced.²⁶ Simple resolutions do not require the concurrence of both houses, and they are often used to amend House and Senate rules, transmit the will of the House or Senate to government agencies or officials, and submit interrogatories to the Colorado Supreme Court.²⁷

Joint and Simple Memorials

The General Assembly uses memorials to express its will to the U.S. Congress and to express sentiment for the death of current or former members of the General Assembly and other officials.²⁸ House joint and simple memorials may only be used to express sentiment for the death of former or current General Assembly members.²⁹ Senate memorials may be used to express sentiment on the death of former General Assembly members, state officials, Colorado Supreme Court justices, elected officials of other states or the United States, and foreign dignitaries.³⁰

Under the present rules, only Senate joint memorials may be used to memorialize the U.S. Congress. Joint or simple resolutions must be used to memorialize any federal agency other than Congress or to express opinions to Congress that are introduced in the House.³¹ Historical researchers should note, however, that memorials to Congress were allowed from both chambers under earlier rules.³² Joint memorials to Congress are an especially rich and untapped vein of historical information. They express the substantive will of state legislatures, and at least two researchers have used them to “identify state policy attention to federal agendas” over an extended period of time.³³

Research Tips

The same general research process is followed for all types of resolutions and memorials. In most respects, the process is the same as researching the legislative history of a bill. Researchers can search the session laws for measures that passed and were selected for publication. They can use the House and Senate journals to find measures that failed or were not selected for printing. And, for the years 1973 forward, they can obtain copies of audio recordings from the Colorado State Archives³⁴ (1973–2012) and the Joint Legislative

Library (2002–12), and stream audio online from the General Assembly’s Watch & Listen webpage (2012–present).³⁵ For the historical researcher, however, joint memorials to the U.S. Congress have the benefit of being included in the Congressional Record.³⁶ Researchers interested in historical issues or trends can explore memorials from all 50 states by searching in this rich historical resource.

At the end of each session, the clerk of the House and the secretary of the Senate select the resolutions and memorials that are to be published in the Colorado session laws.³⁷ The session laws are available in searchable electronic format for all 50 states from paid databases such as HeinOnline.³⁸ Searching in the electronic versions of the session laws is an effective strategy to identify trends related to specific or general issues, locate resolutions or memorials related to a specific issue or person, and examine specific spans of time (e.g., war years).³⁹

The Colorado session laws are available in searchable electronic format for free from the University of Colorado William A. Wise Law Library (1861–1992)⁴⁰ and as browseable PDF scans from the Colorado Office of Legislative Legal Services (1993–present).⁴¹ Both of these offerings provide a valuable public service. One particularly useful feature included in the Advanced Search function of the University of Colorado’s database is the ability to limit by year and/or document type. However, it should be noted that at the time of writing, resolutions and memorials were not included on the Legislative Legal Services’ page.

The session laws do not include resolutions and memorials that the legislature does not pass and those that are not selected for printing. Although they did not become effective, researching measures that did not pass can uncover historically significant information. Likewise, measures that pass but were not selected for publication are also good sources of information.⁴²

The Colorado House and Senate journals are the official record of the proceedings of the General Assembly. They record all legislative activity in chronological order. Tables found at the back of the print journals provide the complete history of every bill, resolution, and memorial considered during the session.

Figure 2: 2016 House Journal index showing the progress of House Joint Resolution 16-1019.

RESOLUTION NUMBER SUBJECT TITLE SPONSOR COMMITTEE ASSIGNMENT	Introduced	Laid Over One Day Under the Rules	Rules Suspended Immediate Action	Adopted by House	Adopted by Senate	Signed by Speaker	OTHER ACTION	
							Amended PI Postponed Indefinitely RR Referred RC Reconsideration LO Laid Over	
HJR16-1019 by Representative(s) Fields; also Senator(s) Tate— Concerning the designation of May 2, 2016, as “Children’s Health Day” in Colorado.	883	883		1037*	1153*	1415	909 - Consideration LO until 4-19-16. 914 - Calendars for consideration on 4-26-16. 1195 - House did not concur in Senate amendments and requested Conference Committee. House members: Fields, Chair, McCann and Wist. 1295 - Senate acceded to request for Conference Committee. Senate members: Tate, Chair, Cadman and Todd. 1355 - House receded from its position, discharged Conference Committee, concurred in Senate amendments and readopted resolution, as amended.	

Figure 3: History summary for 2016 Senate Concurrent Resolution 16-002, Colorado General Assembly Prior Session Information, www.leg.state.co.us/clics/cslFrontPages.nsf/PrevSessionInfo?OpenForm.

Colorado General Assembly

HOME | BILL FOLDERS | CALENDARS | COMMITTEES | STATUS SHEETS | VOTES | JOURNALS | REFERENCE
All Bills | Senate Bills | House Bills | By Sponsor | By Committee | Search

All Bills By Bill # GO->

Bill #	Title and Sponsors	All Bill Versions	History	Fiscal Note	JBC Staff Analysis	Committee Reports	Committee Votes	3rd Reading Votes
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Summarized History for Bill Number SCR16-002
(The date the bill passed to the committee of the whole reflects the date the bill passed out of committee.)

- 04/07/2016 Introduced In Senate - Assigned to Finance
- 04/21/2016 Senate Committee on Finance Refer Unamended to Appropriations
- 04/27/2016 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
- 04/28/2016 Senate Second Reading Special Order - Passed - No Amendments
- 04/29/2016 Senate Third Reading Passed - No Amendments
- 05/04/2016 Introduced In House - Assigned to Finance
- 05/06/2016 House Committee on Finance Refer Unamended to Appropriations
- 05/09/2016 House Committee on Appropriations Refer Unamended to House Committee of the Whole
- 05/09/2016 House Second Reading Special Order - Passed - No Amendments
- 05/10/2016 House Third Reading Passed - No Amendments
- 05/18/2016 Signed by the President of the Senate

This information is prepared as an informational service only and should not be relied upon as an official record of action taken by the Colorado General Assembly.

The numbers in the tables reference the page numbers in the journal where the action is recorded. (See Fig. 2.)

Electronic versions of the House and Senate journals are available on the “Prior Sessions” page of the General Assembly’s website for the years 1998 forward.⁴³ However, downloadable “Cumulative Searchable” journals are only available beginning in 2009. In earlier years, access is to PDF scans of individual calendar days that are not conveniently searchable, and the history tables are not included. Conducting research in the House and Senate journals

is currently much more convenient in the print volumes. Print copies of the journals are available for public use at the Joint Legislative Library, Colorado Supreme Court Library, Wise Law Library, and Colorado State Archives.

While not ideal for conducting historical research in the journals, it should be noted that the General Assembly’s Prior Sessions page is perhaps the single most important source of online Colorado legislative information for the years it covers (1997–present). The page includes access to committee summaries, status sheets, legislative directories, bill folders, and other

related information depending on the year. The bill folders, in particular, should not be overlooked; they contain a wealth of information on all of the bills, resolutions, and memorials introduced in a session, including links to the different versions of the bill or measure, fiscal notes, committee reports, votes, and a summarized history. (See Fig. 3.)

Conclusion

Colorado’s history is discoverable in many veins. Resolutions and memorials are grounds that are rich with potential. They can be used to research the history of referred amendments to the state constitution, as well as proposed amendments that were voted down and those that did not pass out of the General Assembly. They can be used to track the will of the legislature broadly on issues such as pollution, and to research specific topics such as the designation of a memorial highway. They are a source of interesting biographical information on former legislators and officials, and they can be used to examine legal and cultural trends between states and over time. Researchers desiring assistance are encouraged to contact the information professionals at any of the institutions mentioned above.



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NOTES

1. Lewis and Dawkins, "Researching Legislative History," 44 *Colorado Lawyer* 33 (Mar. 2015); Hamilton, "Conducting Colorado Legislative History Research," 37 *Colorado Lawyer* 113 (Aug. 2008); "Uncovering Legislative History in Colorado," 32 *Colorado Lawyer* 47 (Feb. 2003); Dong, "Uncovering Colorado Legislative Law-Making and Legislative Intent," 25 *Colorado Libraries* 39 (1999).
2. Colo. Const. art. XIX, § 2. Constitutional amendments may be proposed by either house and require a two-thirds vote in both houses before they are submitted to voters for approval or rejection in the next general election.
3. Colo. Const. art. XIX, § 1. A call for a constitutional convention requires a two-thirds vote in both houses to place the recommendation on the ballot at the next general election for voter approval.
4. Colorado House Rule 26(a)(1); Colorado Senate Rule 30(a)(1)(B). Colorado House and Senate Rules are available on the General Assembly's website, <https://leg.colorado.gov/house-senate-rules>.
5. See Oesterle and Collins, *The Colorado Constitution* 396 n.1634 (2002) ("In 1915 the general assembly voted to call a convention. . . . The governor vetoed the resolution, but the supreme court held the measure not subject to veto. *People v. Ramer*, [160 P. 1032 (Colo. 1916)]. Two later resolutions passed without interference by the governor. The voters rejected all calls; the only vote that was close was 1930.") (internal citations omitted).
6. HCR 84-1008, 54th Gen. Assem., 1984 Colo. Sess. Laws 1151.
7. Colorado House Rule 26(b); Colorado Senate Rule 30(a)(2).
8. See *supra* note 1. To comply with the open meetings requirement of the Colorado Sunshine Act of 1972, the General Assembly audio records legislative action during each session. See CRS §§ 24-6-401 et seq. Listening to the audio recordings of legislative testimony and floor debate is an important step in researching the legislative history of bills, acts, resolutions, and memorials introduced after 1973. Concurrent resolutions to amend the constitution often include testimony, amendments, and floor debate. Recordings are available from the Colorado State Archives (1973-2012), Colorado Joint Legislative Library (2002-12), and the General Assembly Watch & Listen page (streaming 2012 forward).
9. See *People ex. Rel. Stewart v. Ramer*, 160 P. 1032 (Colo. 1916) ("That which the General Assembly is authorized to do by article XIX, relative to initiating proceedings to amend or change the fundamental law, is its business solely, with which the executive has nothing whatever to do.").
10. See *Prior v. Nolan*, 188 P. 729 (Colo. 1920) (the General Assembly has the sole power to ratify amendments to the U.S. Constitution).
11. Colo. Const. art. XIX.
12. Colorado General Assembly, "Ballot Analysis Process: Process for Writing the Ballot Information Booklet," <http://leg.colorado.gov/content/ballot-analysis-process>.
13. Colorado Secretary of State, "Election Results Archives," www.sos.state.co.us/pubs/elections/Results/Archives.html.
14. University of Denver, Westminster Law Library, "Colorado Legislative Council Publications," www.law.du.edu/forms/library/clcsearch.cfm. In addition to the Blue Book, the Legislative Council also produces nonpartisan research publications on important legislation. The University of Denver's database includes all Legislative Council research publications for the years 1954 through 2012.
15. The Colorado Joint Legislative Library is located in Room 48 of the Colorado State Capitol (200 E. Colfax Ave., Denver, CO 80203; (303) 866-4011).
16. The Colorado Supreme Court Library is located on the first floor of the Ralph L. Carr Colorado Judicial Center (2 E. 14th Ave., Denver, CO 80203; (720) 625-5100).
17. The William A. Wise Law Library is located in the Wolf Law Building (2450 Kittredge Loop Rd., Boulder, CO 80309; (303) 492-3522).
18. "Election Results Archives," *supra* note 13.
19. Colorado General Assembly, Online Database of Statewide Ballot Measures Dating Back to 1880, www.leg.state.co.us/lcs/ballothistory.nsf.
20. Colorado Senate Rule 30(b); Colorado House Rule 26(a)(2).
21. Office of Legislative Legal Services, *Colorado Legislative Drafting Manual 10-4* (2017) (ebook), <https://leg.colorado.gov/sites/default/files/drafting-manual-20170412.pdf>. The Colorado Legislative Drafting Manual is intended primarily for legislative drafters in the Office of Legislative Legal Services. However, it is an essential resource for anyone interested in Colorado legislative processes and procedures.
22. *Id.*
23. CRS § 37-95-107.6(4)(b).
24. *Colorado Legislative Drafting Manual*, *supra* note 21 at 10-4.
25. For example, in 2016 the General Assembly passed Senate Joint Resolution 16-020 to inform the U.S. State Department, Bureau of Land Management and U.S. Fish and Wildlife Service of issues with noxious weeds spreading from national wildlife refuges in Colorado onto private land and to request that the federal government provide funding for their control. SJR 16-020, 70th Gen. Assem., 2016 Colo. Sess. 2228.
26. House Rule 26(a)(3); Senate Rule 30(c).
27. For example, the House passed resolution 1016 during the 1981 session to request the Colorado Supreme Court's opinion on the constitutionality of Senate Bill No. 38, A Bill for an Act Concerning Obscenity. HR 81-1016, 53rd Gen. Assem., 1981 Colo. Sess. Laws 2126.
28. *Colorado Legislative Drafting Manual*, *supra* note 21 at 10-5.
29. House Rule 26(a)(4).
30. Senate Rule 30(d).
31. *Colorado Legislative Drafting Manual*, *supra* note 21 at 10-5.
32. See "Rules and Orders of the House," reprinted in Corbett, *The Legislative Manual of the State of Colorado* 261-68 (1877).
33. Leckrone and Gollob, "Telegrams to Washington: Using Memorials to Congress as a Measure of State Attention to Federal Policy Agenda," 42 *State and Local Government Review* 235 (2010) (analyzing 4,119 memorials submitted to the United States Senate between 1986 and 2006).
34. The Colorado State Archives is located in room 120 of the Centennial Building (1313 Sherman St., Denver, CO 80203; (303) 866-2358).
35. Colorado legislative session audio recordings for the years 2011 forward can be streamed from the General Assembly's Watch & Listen page, <http://leg.colorado.gov/watch-listen>.
36. The Congressional Record is the official record of the debates and proceedings of the U.S. Congress. It is available online for free from Congress.gov (1995-present), www.congress.gov/congressional-record/about, and Govinfo (1961-70), www.govinfo.gov/features/crecb-1961-1970-now-available. It is also available from a number of paid databases: LexisNexis (1985-present), Westlaw (1985-present), and ProQuest (1873-present).
37. CRS § 24-70-223(1).
38. HeinOnline's Session Laws Library includes "exact replications of the official bound session laws of all 50 states, Puerto Rico, and the Virgin Islands" (1717-present). HeinOnline, "Session Laws Library," <http://heinonline.org/HeinDocs/DigitalSessionLaws.pdf>.
39. HeinOnline's Session Laws library is an excellent tool for simultaneously searching the session laws of multiple states. A keyword search for the word "japan!" limited to the years 1939 to 1945 yields 87 results from 32 states including 1939 Colorado House Memorial No. 1 (memorializing Congress to terminate the selling of munitions and war materials to Japan). HM 39-01, 32nd Gen. Assem., 1939 Colo. Sess. Laws 682.
40. The Wise Law Library's Colorado Session Laws database is a digital replica of the print session laws. University of Colorado, William A. Wise Law Library, "Colorado Session Laws," <https://lawlibrary.colorado.edu/colorado-session-laws>.
41. Colorado General Assembly, Office of Legislative Legal Services, "Session Laws Archive," <https://leg.colorado.gov/agencies/office-legislative-legal-services/session-laws-archive>.
42. For example, in 2016 the following Senate joint resolutions were adopted but were not selected for printing: SJR 16-001, SJR 16-004, SJR 16-007 to 010, SJR 16-012 to 019, SJR 16-021 to 031, and SJR 16-033.
43. Colorado General Assembly, "Prior Session Information," www.leg.state.co.us/clics/cslFrontPages.nsf/PrevSessionInfo?OpenForm.