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RESEARCHING LEGISLATIVE HISTORY

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Legislative histories are not already written. They must be compiled by the researcher from many different sources and materials. Reconstructing the legislative history on a piece of legislation may require several hours of research and preparation. While the Office of Legislative Legal Services is unable to provide this service for the public, the information below may be helpful in researching legislative history. This information is a helpful starting point but is not exhaustive nor does it constitute legal advice.

Steps for Researching Legislative History.

1. Identify the statutory section you wish to research.
2. Determine the bill number that enacted the statutory language and the session at which it was enacted.
3. Trace the procedural history of the bill during its passage.
4. Listen to audio recordings of legislative discussion.
5. Compare all versions of the bill.
6. Review the bill drafting and research records.
7. Consult other helpful documents and resources.

Step 1. Identify the statutory section you wish to research.

Finding a Colorado statutory section by subject: At the General Assembly web page, <http://www.leg.state.co.us>, scroll down to the "CO Revised Statutes" link to access the statutes. At the LexisNexis screen, click on the box to the left of "Colorado Revised Statutes" and click again to display the titles. If you do not know the statutory section that you are interested in researching, insert your subject at the search bar. If you know the statutory section that you are interested in researching, insert the section number at the search bar. The list of results for either method of searching will include the citations to the statutes that contain references to your term or section. Once you decide on the statute that you want to research, your next steps are to:

- ✓ Review the source note to find the year of the Session Laws containing the act that enacted or amended this statute.

Example:

Source: R.S. p. 168, § 11. G.L. § 438. L. 1881: p. 100, § 1. G.S. § 530. L. 01: p. 144, § 1. R.S. 08: § 1196. C.L. § 8672. CSA: C. 45, § 15. CRS 53: § 35-3-6. L. 63: p. 262, § 1. C.R.S. 1963: § 35-3-6. L. 75: Entire section R&RE, p. 190, § 2, effective April 24. L. 80: (3) added, p. 424, § 2, effective March 25; (2) amended, p. 411, § 18, effective January 1, 1981. L. 84: (3) amended and (4) added, p. 818, § 1, effective March 26. L. 88: (2) amended, p. 1113, § 2, effective April 9; (3) amended, p. 298, § 4, effective January 1, 1989. L. 2002:

(1), (2), and (4) amended and (5) added, p. 135, § 1, effective August 7.

Source note information. A source note shows the legislative history of a Colorado Revised Statute (C.R.S.) section and is located immediately after the text of the section. The source note for each section indicates the year the section was added, each year it was amended, and the page of the Session Laws and the section of the bill where the amendment can be found. The source note includes the number of the section of law as it existed in prior codifications, when applicable. Starting in 2009, reference to the actual bill number adding, amending, or repealing a provision in statute has been included in the source note. Table "A" at the end of this summary shows a chronological list of publications of Colorado Statutes and the correct citation for each publication.

The legislative history is arranged by year of passage; if the section was amended by two or more acts in the same year, the order of the information for that year is determined by the effective dates of the acts. The effective date in the source note indicates the date the act or portion of the act took effect even if the text of the amendment indicates a different date. If the year is not included with the month and day, the provision is effective the year of passage. Table "B" at the end of this summary provides further explanation of the information found in a source note.

To determine which act added or amended the language in question, it may be necessary to look at several acts in the session laws. If the statutory section has been amended several times, begin by looking at the latest amendment. Work backward through each amendment listed in the source note. Stop when you locate the Act in which the language appeared.

- ✓ Look for cross references following the statutory section that indicate that a nonstatutory legislative declaration was included in the act.

Example:

Cross references: For the legislative declaration contained in the 2002 act amending this section, see section 1 of chapter 318, Session Laws of Colorado 2002.

A legislative declaration is a declaration by the General Assembly regarding the Act in which the statutory language was included. This declaration may provide information regarding the reasons why the General Assembly decided to address the issue and what it hoped to accomplish through the Act. A nonstatutory legislative declaration is not contained in the C.R.S., and you must review the applicable year of the Session Laws to find the declaration. (For more information concerning legislative declarations and legislative intent statements, see VII of Chapter 2 of the Legislative Drafting Manual found on the General Assembly web page under Service Agencies, Legislative Legal Services, Drafting Manual.)

- ✓ Review the annotations for legislative intent interpreted in one of the cases.
- ✓ Watch for any statutory legislative declaration for the same year as the section enacted or amended at the beginning of the article or part involved even though you may be

interested in only one section within that article or part.

Step 2. Determine the bill number that enacted the statutory language and the session at which it was enacted.

Finding the Bill Number from the Session Laws: As noted above, the statute's source note contains the year the statute was amended and the page number of that year's Session Laws in which the enacting legislation can be found. Beginning with legislation enacted in the 2009 legislative session, reference to the actual bill number adding, amending, or repealing a provision in statute is included in the source note. If you are conducting your research online, you can use the bill number reference within the source note to link directly to the bill itself. The Session Laws contain the full text of the enrolled (final) version of all bills passed during a legislative session of the General Assembly. The bills are called Acts and are numbered by chapters. Chapter 1 of each year's set of Session Laws is the first bill on which the Governor has acted, chapter 2 is the second bill on which the Governor has acted, etc.; except that supplemental appropriation bills and the general appropriation bill (long bill) appear at the end of the Session Laws. The first page of each chapter in the Session Laws identifies the bill number as well as the legislators who sponsored that bill.

Step 3. Trace the procedural history of the bill during its passage.

The next step is to review the history of the bill on the General Assembly web page under the Prior Session Information link: The information in the Summarized History or Status Sheet includes the specific dates action was taken on a bill. Information contained in the House and Senate journals from 1998 and later can be accessed on the General Assembly web page under Prior Session Information using the corresponding month and day and searching the bill number. You may use the journals available at the Colorado State Archives or the Joint Legislative Library at the Capitol to access information contained in the journals from the 1997 and earlier legislative sessions.

Example:

Summarized History for Bill Number HB04-1003

(The date the bill passed to the committee of the whole reflects the date the bill passed out of committee.)

01/07/2004 Introduced In House - Assigned to Judiciary + Appropriations

01/15/2004 House Committee on Judiciary Refer Amended to Appropriations

03/26/2004 House Committee on Appropriations Pass Amended to House Committee of the Whole

04/13/2004 House Second Reading Laid Over

04/14/2004 House Second Reading Special Order - Laid Over Daily

04/15/2004 House Second Reading Special Order - Passed with Amendments

04/16/2004 House Third Reading Passed

04/19/2004 Introduced In Senate - Assigned to Judiciary + Appropriations

04/21/2004 Senate Committee on Judiciary Refer Amended to Appropriations

04/23/2004 Senate Committee on Appropriations Pass Amended to Senate Committee of the Whole
04/27/2004 Senate Second Reading Passed with Amendments
04/28/2004 Senate Third Reading Passed with Amendments
04/29/2004 House Considered Senate Amendments - Result was to Not Concur - Request Conference Committee
05/03/2004 First Conference Committee Result was to Adopt Rerevised w/ Amendments
05/03/2004 Senate Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass
05/04/2004 House Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass
05/17/2004 Signed by the President of the Senate
05/17/2004 Signed by the Speaker of the House
05/17/2004 Sent to the Governor
05/25/2004 Governor Action - Signed
***(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.)**

Review:

- ✓ Committee assignments.
- ✓ Whether any 2nd and 3rd reading amendments were offered and whether any passed.
- ✓ Whether a conference committee report was prepared for the bill.
- ✓ The House and Senate journals. The journals record the activities of each chamber of the general assembly on a daily basis during the legislative session. The bound volumes of the journals contain an index which is a helpful guide to tracking the legislative action on a bill. The index also provide references to page numbers in the journals on which those actions are recorded. The earliest journals recorded the activities in detail, sometimes including speeches or discussion; more recent journals more briefly note the actions taken. Actions include referrals to committees, votes, and transmittal between chambers. The Colorado State Archives, the Joint Legislative Library at the Capitol, the House of Representatives, the Senate, and most law libraries also keep copies of the journals.

Step 4. Listen to audio recordings of legislative discussion.

In 1973, the General Assembly began making audio recordings of public hearings held by legislative committees and the floor debates in the House and the Senate chambers. Audio recordings are often the best source of information on legislative intent. The Colorado State Archives maintains audio recordings from 1973 to the present. The State Archives, in adherence to statutory requirements to protect and preserve historical materials for future generations, limits access to legislative tapes recorded prior to 2002. If you need to examine recordings made prior to 2002, please contact Archives to discuss any special procedures that apply. In addition, be aware that Archives charges fees for access to the legislative recordings, as well as for the retrieval of other historical records. For a current schedule of fees, please contact Archives.

The Joint Legislative Library at the Capitol maintains audio recordings beginning with the 2002 legislative session. Members of the public are welcome to visit the Library to listen

to the recordings.

In order to listen to or request copies of these recordings, you will need the following information from the bill history:

- Names of the House and/or Senate committees to which the bill was referred;
- Dates the bill was considered by committee in public hearings; and
- Dates of the bill's second and third readings in the House and/or the Senate.

Legislative summaries are most useful as a companion to the legislative tapes. A legislative summary is a brief summary prepared by Legislative Council staff of business conducted at a committee of reference meeting. The legislative summaries include information on date, time, place, committee members and others in attendance, bills considered, general nature of discussion, and roll call votes. Archives responds to mail and phone requests for legislative information but suggests that you conduct any extensive legislative research at its facility whenever possible because of the voluminous nature of the material.

The Colorado State Archives
1313 Sherman Street, Room 1B-20
Denver, CO 80203
(303) 866-2358 or (303) 866-2390
Call toll-free in Colorado only at 1-800-305-3442.
Please direct all fax requests to the Colorado State Archives at (303) 866-2257.
Website Address is <http://www.colorado.gov/dpa/doit/archives/>

Step 5. Compare all versions of the bill.

Compare all the versions of the bill (introduced, engrossed, reengrossed, revised, rerevised, final act) to determine:

- ✓ Whether or not the language in question appeared in the introduced version of the bill.
- ✓ Whether the language was offered as a committee or floor amendment.
- ✓ Whether the language was offered in a conference committee report. The "final act" version is the only version that incorporates the conference committee report into the act.
- ✓ Compare the bill summary to the entry contained in the bill digest. Prior to 2010, the bill summary was never amended and appeared in all the versions of the bill. This can provide insight as to the original intent of the bill. The bill digest entry is a summary of the bill as the bill has been amended. Beginning in the 2010 legislative session, depending on the nature and volume of any amendments adopted in the first chamber, the bill summary of a bill may have been updated when the bill moved from the first chamber into the second chamber (i.e., a House bill was sent to the Senate and vice-versa). These updated summaries can be found on the General Assembly's website (www.leg.state.co.us).

NOTE: To obtain copies of all versions of a bill enacted in 2003 or earlier, contact the State Archives or go to the Joint Legislative Library at the Capitol. For legislation enacted in the 2004 and subsequent legislative sessions, the various versions of bills enacted during a given session are available online through the General Assembly web page under "Prior Session Information, All Bill Versions".

Step 6. Review the bill drafting and research records.

The Office of Legislative Legal Services provides bill drafting services. Although drafting records are confidential, they may contain useful information about the source or the purpose of the bill. Access to the original bill files is limited, and arrangements to view these files must be made in advance by contacting the Office of Legislative Legal Services. The Colorado State Archives is the legal custodian of the legislative bill files not in the possession of the Office of Legislative Legal Services.

If you determine that the language in question appeared in the introduced version of the bill as opposed to being offered as an amendment:

- ✓ Check to see which legislator sponsored the bill.
- ✓ Contact the Office of Legislative Legal Services to inquire whether or not the legislative sponsor:
 - Waived his or her privilege to maintain the confidentiality of drafting records;
 - Requires anyone seeking access to such records to obtain the legislative sponsor's permission prior to releasing the records; or
 - Has not given permission to release any drafting records and does not want to be contacted for permission.

To contact a current or former legislator for questions or permission to view the legislator's original bill file, check with the Office of Legislative Legal Services.

Step 7. Consult other helpful documents and resources.

Check other sources.

- ✓ On occasion, the General Assembly will create special task forces, committees, or commissions to study potential legislation and issue reports of their findings. State agencies may also have filed reports.
- ✓ Standing committees are those which meet during the legislative session, and interim committees are those which meet during the rest of the year to study potential legislation in depth and make recommendations to the General Assembly. There may be a report from the committee. Review any reports that summarize the activities and recommendations of the interim committees.

Contact the Colorado State Archives or the Joint Legislative Library at the Capitol for copies of these reports.
- ✓ Though an unofficial source, newspapers provide a contemporary view of the legislative process.
- ✓ Contacting lobbying organizations, former legislators, or persons who testified before committees may be useful.
- ✓ Contact the National Conference of State Legislatures or go to the NCSL web page at <http://www.ncsl.org>. This is helpful in determining how states may treat similar subject matter.
- ✓ Contact the National Conference of Commissioners on Uniform State Laws or go to the NCCUSL web page at <http://www.nccusl.org> for legislative activity for uniform

acts.

TABLE A
Chronological Listing Of Publications Of Colorado Statutes And The Correct Citation For Each Publication

Revised Statutes of Colorado	(1868)	R.S. p. ____, § ____.
General Laws of Colorado	(1877)	G.L. § ____.
General Statutes of Colorado	(1883)	G.S. § ____.
Revised Statutes of Colorado	(1908)	R.S. 08: § ____.
Compiled Laws of Colorado	(1921)	C.L. § ____.
Colorado Statutes Annotated	(1935)	CSA: C. ____, § ____.
Colorado Revised Statutes 1953	(1953)	CRS 53: § ____.
Colorado Revised Statutes 1963	(1963)	C.R.S. 1963: § ____.

*There are hardbound supplements to the C.R.S. 1963 from 1965 up to and including 1971.

Colorado Revised Statutes	(1973)	C.R.S.
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*Prior to 1997, look for paperback supplements to the 1973 publication and Replacement Volumes to the Colorado Revised Statutes.

Prior to 1921, enacted laws were not compiled into a comparative table, thereby making it more difficult to track the legislative history. Determining the subject matter in the statutory index is the only choice for tracking the history of a statute since a statute did not retain its original number. The General Statutes of 1883 arranged laws into numbered chapters, alphabetically entitled, collated, and arranged by sections. This became the foundation and model for compiling the statutes until the codification of C.R.S. 1973.

References in some source notes throughout the Colorado Revised Statutes to "Code 08", "Code 21", and "Code 35" are to the Revised Statutes of Colorado of 1908, the Compiled Laws of Colorado of 1921, and the Colorado Statutes Annotated of 1935, respectively. Each of these volumes set forth the general statutes of the state of Colorado, including the Code of Civil Procedure and, in 1935, the Colorado Supreme Court Rules. On January 6, 1941, the Colorado Supreme Court adopted the new Rules of Civil Procedure, which became effective on April 6, 1941, resulting in the publication of a replacement volume. Thereafter, the publication of the Colorado Court Rules, although a continuing part of the Colorado Revised Statutes, contained a combination of the Federal Rules and the Colorado Code of Civil Procedure and, in addition, included some provisions that were entirely distinct from both the Federal Rules and the Colorado Code of Civil Procedure, as adopted or amended by the Supreme Court of Colorado.

Comparative Tables:

R.S. 08 to C.L. 1921 - located in the front of the C.L. 1921

C.L. 1921 to CSA 1935 - located in the Index to CSA 1935
CSA 1935 to CRS 1953 - located in the front of the Index to CRS 1953
CRS 1953 to C.R.S. 1963 - located in the front of the Index to C.R.S. 1963
C.R.S. 1963 to current C.R.S. - located in the back of the Index to C.R.S.

For amendments made after 1973, information on each specific provision of the section that has been changed by a bill, the specific change to the provision (i.e. added, amended, repealed, repealed and reenacted, or recreated and reenacted), and the effective date of the bill are shown.

TABLE B
Explanation Of Information Found In A Source Note

"L." is the abbreviation for "Session Laws" and will be followed by a number indicating the year when the C.R.S. section was changed by an act generally either creating new law, amending existing law, or repealing existing law; except that, in the constitution, "L." also means constitutional measures referred by the General Assembly and voted on by the people of Colorado at a general or odd-year election.

"Ex. Sess." is the abbreviation for "Extraordinary Session". If this symbol follows the year, the amended provision can be found in the Session Laws for an extraordinary session for that year and not in the Session Laws for the regular session of the General Assembly for that year.

"p." is the abbreviation for "page" and will be followed by a number indicating the page of the Session Laws where the amendment to the C.R.S. section can be found.

"§" is the symbol for "section" and will be followed by a number indicating the section of the act where the amendment to the C.R.S. section can be found.

"IP" is the abbreviation for the "introductory portion" to a section, subsection, paragraph, or subparagraph.

"Added" means the provision was newly enacted by the act.

"Added with relocations" means the provision in existing law was relocated from one title, article, part, or section to another title, article, part, or section with amendments by the act.

"Amended" means the provision in existing law was amended by the act.

"Amended with relocations" means the provision in existing law was amended to reorganize an entire title, article, part, or section by the act.

"Repealed" means the provision was deleted from the existing law by the act through the use of a repeal provision.

"R&RE" is the abbreviation for "Repealed and Reenacted" and means the provision in existing law was repealed and reenacted by the act.

"RC&RE" is the abbreviation for "Recreated and Reenacted" and means a previously repealed provision has been recreated by the act.

"Added by revision" means a provision providing for the repeal of a statutory provision on a specified date has been added by the Revisor of Statutes as a C.R.S. provision. Adding the provision is necessary because a separate section of the act provided for the repeal of the provision with a future effective date.

"Initiated" means a provision that was amended by means of an initiated petition approved by a vote of the people of Colorado at a general or odd-year election.

"Referred" means a provision that was amended by a measure referred by the General Assembly and voted on by the people of Colorado at a general or odd-year election; except that, in the constitution, a referred measure is indicated by "L." and also means constitutional measures referred by the General Assembly and voted on by the people of Colorado at a general or odd-year election.