



Uncovering Legislative History in Colorado

When the outcome of a court case or another legal matter hinges on a specific section of the Colorado Revised Statutes ("CRS"), attorneys and other interested parties often want to research the history of that section to determine how it came into existence and how it has evolved over time. Such information may be helpful to attorneys in persuading a judge (or an opposing party in a settlement) of the merit of their position or in assessing the merits of their own case, which may impact on how the case is handled.

In the field of legal research, practitioners may perform a "legislative history" by locating documents that provide some insight into a legislative body's intent or purpose in enacting (or declining to enact) specific laws. However, the term "legislative history" also refers to the actual physical collection of documents that is created through this process. Generally, researchers create a legislative history by compiling the documents produced as a bill makes its way through the two houses of a legislative body; for example, the U.S. Congress or a state's legislature. Such documents include committee reports, transcripts of floor debates, and House or Senate bills that preceded the final version of the bill.¹

At the federal level, legal researchers can use a variety of tools, both print and electronic, to locate legislative history documents. However, in Colorado there is no print or electronic source that provides access to legislative history of documents such as committee reports or debate transcripts. Therefore, conducting a legislative history in Colorado requires a little extra effort on the part of researchers.

Beginning a Legislative History Search

Practitioners should begin any legislative history search with a check of the Colorado statute itself. The next step is to look at the *Session Laws of Colorado* and then search for new articles

on the subject of the legislation. Each of these research areas is described in more detail below. An example is used for searching CRS § 1-7.5-104 of the Mail Ballot Election Act to give readers an idea of how to go about such a search.

Using Annotations

Using CRS § 1-7.5-104 of the Mail Ballot Election Act, start by looking at the section itself. The annotations at the end of each section list other materials, such as cases, law review articles, and legal encyclopedia entries that refer to the section and may provide useful information about how the section has been interpreted by the courts.

Researchers also should consult both published sets of the statutes (Bradford's *Colorado Revised Statutes* and *West's Colorado Revised Statutes Annotated*) because each set may include annotations not provided by the other.² Legislative history researchers need to check for any annotations at the beginning of the act in which the section appears. Using the example noted above, at the beginning of Article 7.5, there is an annotation to an article in *The Colorado Lawyer*, entitled "Voting Under Colorado's Mail Ballot Election Act,"³ which may be a useful resource for general information about this act.

Consulting the Session Laws

In both sets of the statutes, the history of each section (including information about when it was enacted and how many times it has been amended) is provided directly after the section itself, before the annotation. For example, the history of CRS § 1-7.5-104 is listed in the following formats:

Bradford's *Colorado Revised Statutes*:

Source: L. 92: Entire article R&RE, p.753, § 10, effective January 1, 1993.

L. 93: (2) amended, p.1422, § 82, effective July 1.

L. 94: (1) amended, p.1166, § 39, effective July 1.

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