

## Statutes and Law Regarding Rules and Regulations

C.R.S. 24-4-103, Rule-Procedure: (1) When any agency is required or permitted by law to make rules, in order to establish procedures and to accord interested persons an opportunity to participate therein, the provisions of this section shall be applicable.

Note this statute has all the information necessary to lay the foundation to get the rules and regulations into evidence.

C.R.S. 26-1-107, State board of human services-rules, and C.R.S. 26-1-108, Powers and Duties of the executive director- rules. These statutes give the Board of Human Services and Executive Director the ability to draft rules and regulations.

C.R.S. 26-1-118, Duties of county departments, county directors, and district attorneys, states (1) The county departments or other state designated agencies, where applicable, shall serve as agents of the state department and shall be charged with the administration of public assistance and welfare and related activities in respective counties in accordance with the rules and regulations of the state department.

C.R.S. 26-1-119, County Staff, The County Director, with the approval of the county board, shall appoint such staff as may be necessary as determined by the state department rules to administer public assistance and welfare and child welfare activities within his or her county.

Partridge v. State, 895 P.2d 1183 (Colo. App. 1995). Legislative delegation of rule-making and regulatory authority to an administrative agency must provide both sufficient standards for rational and consistent rule-making and adequate procedural safeguards for effective judicial review of administrative action.

People ex rel. E.D., 221 P.3d 65 (Colo. App. 2009). This case talks about C.R.S. 26-1-118(1) and the duties of the Department of Human Services as defined by the Colorado Code of Regulations.

Ettelman v. State Board of Accountancy, 849 P.2d 795 (Colo. App. 1992). The general assembly need not adopt a specific formula to guide agency rule making if the agency can find general guidance, through the legislative intent, in the purpose and overall scheme of an act.

Ettelman v. State Board of Accountancy, 849 P.2d 795 (Colo. App. 1992). A regulation may not modify or contravene an existing statute, and any regulation that is inconsistent with or contrary to statute is void.

People v. Moore, 668 P.2d 968 (Colo. App. 1983). When a rule may be introduced into evidence. A party to a judicial proceeding has the right to require an adverse party seeking to introduce an administrative rule into evidence to establish compliance with C.R.S. 24-4-103.

Westfall v. Town of Hugo, 851 P.2d 299 (Colo. App. 1993). Rules published in the code of Colorado regulations are a fit subject for judicial notice.