

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0625.01 Bob Lackner

SENATE BILL 11-181

SENATE SPONSORSHIP

Lambert, Morse

HOUSE SPONSORSHIP

Kerr J.,

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE POSITION OF LEGISLATIVE**
102 **STATISTICIAN TO SUPPORT LEGISLATIVE ANALYSIS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the state auditor (auditor) to provide a brief description of the statistical methodology planned for each performance audit conducted or caused to be conducted by the auditor.

For each performance audit conducted or caused to be conducted by the auditor, the bill requires the person employed by the general

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

assembly as a legislative statistician to, as appropriate:

- ! State whether the statistical methodology identified for use in connection with a particular audit was appropriate for the purposes for which it was applied;
- ! Verify whether reasonable efforts were undertaken to apply the appropriate statistical methodology for the particular audit as identified in the audit plan;
- ! Provide an explanation, if known to the statistician, of any deviations from the appropriate statistical methodology as identified in the audit plan; and
- ! Certify that the audit was conducted according to the statistical methodology for the particular audit as identified in the audit plan.

When the legislative statistician supports a performance audit, he or she shall be subject to all other requirements binding upon any member of the staff of the office of the state auditor governing the preparation or release of the findings of such audits, including any requirements pertaining to the confidentiality of such audits.

Subject to the conditions specified in the bill, for the 2011-12 state fiscal year, the bill transfers the equivalent of one full-time employee from the office of the state auditor to the staff of the legislative council for the purpose of employing a legislative statistician with professional expertise in statistical analysis. Thereafter, the legislative statistician shall be employed on the staff of the legislative council. The bill requires the legislative statistician to offer his or her training and expertise for the benefit of all of the legislative service agencies for the state fiscal year during which the position is fully funded and for subsequent state fiscal years.

The bill specifies that its requirements shall only be implemented if the executive committee elects, in its sole discretion, to make moneys available to fund the position of legislative statistician.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 2-3-103, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW SUBSECTION to read:

4 **2-3-103. Duties of state auditor.** (1.5) (a) THE STATE AUDITOR
5 SHALL PROVIDE A BRIEF DESCRIPTION OF THE STATISTICAL METHODOLOGY
6 PLANNED FOR EACH PERFORMANCE AUDIT CONDUCTED OR CAUSED TO BE
7 CONDUCTED BY THE STATE AUDITOR.

1 (b) FOREACH PERFORMANCE AUDIT CONDUCTED OR CAUSED TO BE
2 CONDUCTED BY THE STATE AUDITOR, THE LEGISLATIVE STATISTICIAN
3 EMPLOYED PURSUANT TO SECTION 2-3-304 (8) (a) SHALL, AS
4 APPROPRIATE:

5 (I) STATE WHETHER THE STATISTICAL METHODOLOGY IDENTIFIED
6 FOR USE IN CONNECTION WITH A PARTICULAR AUDIT WAS APPROPRIATE
7 FOR THE PURPOSES FOR WHICH IT WAS APPLIED;

8 (II) VERIFY WHETHER REASONABLE EFFORTS WERE UNDERTAKEN
9 TO APPLY THE APPROPRIATE STATISTICAL METHODOLOGY FOR THE
10 PARTICULAR AUDIT AS IDENTIFIED IN THE AUDIT PLAN;

11 (III) PROVIDE AN EXPLANATION, IF KNOWN TO THE STATISTICIAN,
12 OF ANY DEVIATIONS FROM THE APPROPRIATE STATISTICAL METHODOLOGY
13 AS IDENTIFIED IN THE AUDIT PLAN; AND

14 (IV) CERTIFY THAT THE AUDIT WAS CONDUCTED ACCORDING TO
15 THE STATISTICAL METHODOLOGY FOR THE PARTICULAR AUDIT AS
16 IDENTIFIED IN THE AUDIT PLAN.

17 (c) WHEN THE LEGISLATIVE STATISTICIAN EMPLOYED PURSUANT
18 TO SECTION 2-3-304 (8) (a) SUPPORTS A PERFORMANCE AUDIT IN
19 ACCORDANCE WITH THIS SUBSECTION (1.5), HE OR SHE SHALL BE SUBJECT
20 TO ALL OTHER REQUIREMENTS BINDING UPON ANY MEMBER OF THE STAFF
21 OF THE OFFICE OF THE STATE AUDITOR GOVERNING THE PREPARATION OR
22 RELEASE OF THE FINDINGS OF SUCH AUDITS, INCLUDING ANY
23 REQUIREMENTS PERTAINING TO THE CONFIDENTIALITY OF SUCH AUDITS.

24 (d) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
25 REQUIREMENTS OF THIS SUBSECTION (1.5) SHALL ONLY BE IMPLEMENTED
26 IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL REFERENCED
27 IN SECTION 2-3-301 (1) ELECTS, IN ITS SOLE DISCRETION, TO MAKE MONEYS

1 AVAILABLE TO FUND THE POSITION OF LEGISLATIVE STATISTICIAN IN
2 ACCORDANCE WITH SECTIONS 2-3-104 (2) AND 2-3-304 (8) (a).

3 **SECTION 2.** 2-3-104, Colorado Revised Statutes, is amended to
4 read:

5 **2-3-104. Salary and staff of state auditor.** (1) The state auditor
6 shall be paid a salary to be determined by the executive committee, as
7 provided in section 2-3-303 (3). The state auditor, with the approval of
8 the committee, may appoint such additional professional, technical,
9 clerical, or other employees or contract for such services necessary to
10 perform the functions assigned to the state auditor. No more than three
11 members of the staff of the state auditor shall be exempt from the state
12 personnel system.

13 (2) SUBJECT TO THE PROVISIONS OF SECTION 2-3-103 (1.5) (d), FOR
14 THE 2011-12 STATE FISCAL YEAR, THE EQUIVALENT OF ONE FULL-TIME
15 EMPLOYEE SHALL BE TRANSFERRED FROM THE OFFICE OF THE STATE
16 AUDITOR TO THE STAFF OF THE LEGISLATIVE COUNCIL FOR THE PURPOSE OF
17 EMPLOYING A LEGISLATIVE STATISTICIAN WITH PROFESSIONAL EXPERTISE
18 IN STATISTICAL ANALYSIS IN ACCORDANCE WITH THE PROVISIONS OF
19 SECTION 2-3-304 (8) (a).

20 **SECTION 3.** 2-3-304, Colorado Revised Statutes, is amended BY
21 THE ADDITION OF A NEW SUBSECTION to read:

22 **2-3-304. Director of research - assistants.** (8) (a) SUBJECT TO
23 THE PROVISIONS OF SECTION 2-3-103 (1.5) (d), FOR THE 2011-12 STATE
24 FISCAL YEAR, THE EQUIVALENT OF ONE FULL-TIME EMPLOYEE SHALL BE
25 TRANSFERRED FROM THE OFFICE OF THE STATE AUDITOR TO THE STAFF OF
26 THE LEGISLATIVE COUNCIL FOR THE PURPOSE OF EMPLOYING A
27 LEGISLATIVE STATISTICIAN WITH PROFESSIONAL EXPERTISE IN STATISTICAL

1 ANALYSIS. THEREAFTER, THE LEGISLATIVE STATISTICIAN SHALL BE
2 EMPLOYED ON THE STAFF OF THE LEGISLATIVE COUNCIL. THE PERSON
3 EMPLOYED AS LEGISLATIVE STATISTICIAN SHALL OFFER HIS OR HER
4 TRAINING AND EXPERTISE FOR THE BENEFIT OF ALL OF THE LEGISLATIVE
5 SERVICE AGENCIES FOR THE STATE FISCAL YEAR DURING WHICH THE
6 POSITION IS FULLY FUNDED AND FOR SUBSEQUENT STATE FISCAL YEARS.

7 (b) WHEN THE LEGISLATIVE STATISTICIAN EMPLOYED PURSUANT
8 TO PARAGRAPH (a) OF THIS SUBSECTION (8) SUPPORTS A PERFORMANCE
9 AUDIT IN ACCORDANCE WITH SECTION 2-3-103 (1.5), HE OR SHE SHALL BE
10 SUBJECT TO ALL OTHER REQUIREMENTS BINDING UPON ANY MEMBER OF
11 THE STAFF OF THE OFFICE OF THE STATE AUDITOR GOVERNING THE
12 PREPARATION OR RELEASE OF THE FINDINGS OF SUCH AUDITS, INCLUDING
13 ANY REQUIREMENTS PERTAINING TO THE CONFIDENTIALITY OF SUCH
14 AUDITS.

15 **SECTION 4. Act subject to petition - effective date.** This act
16 shall take effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part shall not take effect
22 unless approved by the people at the general election to be held in
23 November 2012 and shall take effect on the date of the official
24 declaration of the vote thereon by the governor.