

RULES OF THE LEGISLATIVE AUDIT COMMITTEE

(Adopted July 1, 1965; Amended August 15, 1975;
Amended February 11, 1976; Amended April 28, 1977;
Amended January 25, 1985; Reformatted January 1990;
Amended July 15, 1993; Amended February 17, 1998;
Amended September 22, 2003; Amended August 18, 2009;
Amended March 27, 2012; Amended July 17, 2012;
Amended December 9, 2013; Amended July 14, 2014;
Amended January 12, 2016; Amended February 2, 2021)

RULE I. MEETINGS

Pursuant to section 2-3-101 (2), C.R.S., the Committee shall meet not less frequently than once in each quarter of the calendar year. Meetings shall be set by the Chair with the approval of at least five (5) Committee members. Additional special meetings may be held as determined by at least five (5) Committee members. The Chair may change dates and times of meetings, as necessary. It is the basic policy of the Committee to conduct two-day meetings when the Legislature is not in session.

The State Auditor shall provide full and timely notice to members of the Committee and the public of all scheduled meetings at the earliest possible time, but no less than twenty-four hours prior to the holding of the meeting. Such notices shall specify the time and the place of the meeting, and shall include specific agenda information when possible.

RULE II. ELECTION OF OFFICERS - DUTIES

The Committee shall elect from its membership a Chair and Vice-Chair. The Chair and Vice-Chair shall be members of opposite parties, and the Vice-Chair's post shall alternate chambers every two years.

Election of officers shall be held the second Tuesday of January each year, or as soon thereafter as possible. The Vice-Chair shall succeed to the Chair and a new Vice-Chair shall be elected.

The Chair, who shall be a voting member of the Committee, shall preside at all meetings of the Committee and perform such other duties as the Committee shall prescribe.

In the absence of the Chair or in case of his or her inability to act, the Vice-Chair shall preside and perform the required duties.

If the Chair resigns or permanently leaves the Committee, the Vice-Chair shall immediately succeed to the Chair. The Committee shall elect, at the next regularly scheduled meeting, a new Vice-Chair from its membership using the party and chamber

rotation as prescribed in rule for the next January election. The new Chair and Vice-Chair will continue in their respective positions until the next January following one year of service.

If the Vice-Chair resigns or permanently leaves the Committee, the Committee shall elect, at the next regularly scheduled meeting, a new Vice-Chair from its membership from the same party and chamber as the previous Vice-Chair to finish the term and succeed to the Chair the next January.

RULE III. OPEN PUBLIC MEETINGS

The Committee shall meet in open session in all cases except when discussing matters authorized to be discussed in executive session pursuant to section 24-6-402, C.R.S. No action shall be taken by the Committee except in open session; except that a review, approval, and amendment of the minutes of an executive session shall occur during the executive session.

RULE IV. CONFIDENTIAL REPORTS - DISCLOSURE PRIOR TO RELEASE

Pursuant to section 2-3-103.7, C.R.S., a member of the Committee shall not disclose, discuss, or otherwise communicate to any person the contents of a confidential report prepared by the State Auditor's office prior to the release of that report.

RULE V. RULES OF ORDER

All proceedings of the Committee shall be conducted in accordance with these rules and "Robert's Rules of Order", provided that when the two shall be inconsistent, the rules of the Committee shall prevail.

RULE VI. QUORUM

Five (5) members shall constitute a quorum. Except to recess to the next day or to a later time on the same day, or except as otherwise provided by law or by these rules, no action shall be taken by the Committee except by the affirmative vote of a majority of the members present.

RULE VII. ROLL CALL

Upon the request of any member of the Committee, a roll call vote shall be had on any question before the Committee and the result of the roll call shall be duly recorded in the minutes of the meeting.

RULE VIII. COMMITTEE ACTION

Except as otherwise provided by statute or by these rules, all actions of the Committee

shall be expressed in the form of a motion duly adopted upon the affirmative vote of a majority of the members present.

RULE IX. HEARINGS - EXERCISE OF POWER TO TAKE TESTIMONY

The Committee may conduct hearings at which witnesses may be subpoenaed and required to testify under oath pursuant to section 2-3-107, C.R.S. The Chair of the Committee shall have authority to administer the oath to witnesses. Witnesses subpoenaed to appear before the Committee shall receive the same fees and expenses as witnesses in civil cases.

Evidence taken may be either oral or written. The Committee may require statements, typewritten and legible, presenting factual information concerning the subject of inquiry, to be filed in advance of hearings.

The Committee may require the attendance of witnesses at such hearings and the production of records and documents by subpoena duces tecum, or otherwise, such subpoena duces tecum shall be issued under the hand of the Chair of the Committee only after authorization by majority vote of the Committee.

In the course of examination of a witness, questions shall be limited only to the requirement of relevancy and materiality to the subject of inquiry.

The Chair of the Committee may designate the State Auditor, the Attorney General, or professional counsel, to question any witness, but it shall be in order for any member of the Committee to further question the witness.

The Committee shall have authority to apply to appropriate courts of records for the enforcement of these powers.

RULE X. LEGISLATIVE RECOMMENDATIONS

Pursuant to Joint Rules of the Senate and House of Representatives, Rule 24 (b) (1) (D), the Committee may recommend Committee bills during the legislative session. The Committee may, by the affirmative vote of a majority of the members present, request the Office of Legislative Legal Services to draft a Committee bill. The Committee shall approve the introduction of a Committee bill by an affirmative vote of a majority of the members of the Committee. Bills recommended by the Committee for introduction shall be subject to the bill deadlines specified in Joint Rule 23 and shall not count toward the sponsoring member's five-bill limitation specified in Joint Rule 24 (b) (1) (A).

RULE XI. WHISTLEBLOWER COMPLAINTS

Pursuant to section 2-3-101 (3) (e), C.R.S., when the Committee is notified by the state personnel board that there has been an unlawful retaliation against an employee related to that employee's disclosure of information concerning a waste of public funds or mismanagement of a state agency, the Committee may direct the State Auditor to conduct a preliminary investigation to determine the need for a fiscal audit, performance audit, or management study. Upon receipt of the preliminary report of the State Auditor, the Committee may direct an immediate special audit or management study of the matter or may provide that such study shall be done in accordance with the scheduled audit of the agency cited in such report.

RULE XII. SPECIAL REPORTS

The Committee, by the affirmative vote of a majority of the members present, may require an agency to submit periodic progress reports to the Committee to ensure corrective action is being taken to implement audit recommendations.

RULE XIII. SPECIAL REQUESTS FOR INFORMATION

A Committee member may request the State Auditor to provide information useful for determining if a full audit is warranted if such request does not involve an undue amount of time - normally, not to exceed forty (40) hours.

RULE XIV. SPECIAL AUDITS

Pursuant to section 2-3-108, C.R.S., any member of the General Assembly or the Governor may request the Committee to direct a special audit of any department, institution, or agency. In order for the request to be considered by the Committee, the request shall be made on the letterhead of, and signed by, the Governor or Member, as applicable, and submitted to the State Auditor no less than two weeks prior to a scheduled Legislative Audit Committee hearing. The Committee may first request information (Rule XIII. Special Request for Information) for any request submitted under this Rule prior to voting on the special audit. Upon the affirmative vote of the majority of the Committee, the State Auditor shall make or cause to be made the special audit.

RULE XV. COMPENSATION OF PERSONNEL - APPROVAL OF VOUCHERS AND CONTRACTS

Pursuant to section 2-3-104, C.R.S., the State Auditor shall receive such compensation as shall be fixed by the Executive Committee of the Legislative Council.

Pursuant to section 2-3-303 (3) (f), C.R.S., the State Auditor shall determine the salaries to be paid to any Deputy State Auditor appointed or designated pursuant to section 2-3-103.5, C.R.S., in accordance with the salary pay ranges which are annually approved by the Executive Committee of Legislative Council. The salary of a Deputy State Auditor shall not exceed the salary of the State Auditor.

Employees of the State Auditor's Office who are within the state personnel system shall be paid in accordance with that system.

The State Auditor shall be authorized to issue purchase orders to the State Purchasing Agent. Pursuant to section 2-3-103 (4), C.R.S., all vouchers in excess of \$1,000.00 must be signed by the Chair or Vice-Chair of the Committee with the exception of the monthly payroll of the State Auditor's Office which can be signed by the State Auditor or a Deputy State Auditor.

Contracts for audit or consulting services must be signed by the Chair of the Committee and the State Auditor.

RULE XVI. MILEAGE AND EXPENSES OF MEMBERS

Members will be reimbursed for mileage and expenses incurred to attend Committee meetings at the prevailing statutory rates. In addition, members shall be compensated in accordance with section 2-2-307, CRS.

RULE XVII. AMENDMENT OF RULES

These rules may be amended or suspended at any time without notice by the affirmative vote of six (6) members. If any member shall give notice of intention to amend the rules, such notice, together with the proposed amendment, shall be incorporated in the minutes of the meeting and such amendment may be adopted at the next meeting upon the affirmative vote of a majority of the Committee members present.