

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0860.01 Sarah Lozano x3858

HOUSE BILL 21-1249

HOUSE SPONSORSHIP

Roberts and Michaelson Jenet,

SENATE SPONSORSHIP

Rodriguez and Smallwood,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF A REQUIREMENT THAT THE STATE**
102 **AUDITOR CONDUCT AUDITS OF THE PORTION OF THE LIMITED**
103 **GAMING FUND THAT IS TRANSFERRED TO THE STATE HISTORICAL**
104 **FUND FOR THE PRESERVATION OF CERTAIN GAMING CITIES.**

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://leg.colorado.gov/>.)

Legislative Audit Committee. The bill repeals a requirement that the state auditor conduct audits of the portion of the limited gaming fund that is transferred to the state historical fund for the preservation and

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

restoration of the cities of Central, Black Hawk, and Cripple Creek.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 2-3-123 as
3 follows:

4 **2-3-123. Audits of the distribution of money in the state**
5 **historical fund used for the preservation and restoration of the cities**
6 **of Central, Black Hawk, and Cripple Creek.** ~~(1) Subject to the~~
7 ~~requirements of section 2-3-103 (2), no later than September 1, 2017,~~
8 ~~September 1, 2022, and September 1, 2027, the state auditor shall conduct~~
9 ~~or cause to be conducted postaudits and performance audits of the twenty~~
10 ~~percent of the twenty-eight percent of the limited gaming fund that is~~
11 ~~transferred to the state historical fund for the preservation and restoration~~
12 ~~of the city of Central, the city of Black Hawk, and the city of Cripple~~
13 ~~Creek as specified in section 9 (5)(b)(III) of article XVIII of the state~~
14 ~~constitution in order to ascertain:~~

15 ~~(a) How the city of Central, the city of Black Hawk, and the city~~
16 ~~of Cripple Creek are spending their distributions and whether such~~
17 ~~expenditures are being used for the preservation and restoration of each~~
18 ~~city; and~~

19 ~~(b) Whether the city of Central, the city of Black Hawk, and the~~
20 ~~city of Cripple Creek have adopted and are following the standards~~
21 ~~described in section 44-30-1202 (3) for distribution of grants from each~~
22 ~~city's share.~~

23 ~~(2) This duty is in addition to the state auditor's duty to examine~~
24 ~~the reports submitted by the city of Central, the city of Black Hawk, and~~
25 ~~the city of Cripple Creek pursuant to the requirements of sections~~

1 ~~29-1-606 and 29-1-607, C.R.S.~~

2 **SECTION 2.** In Colorado Revised Statutes, 2-3-103.7, **amend** (1)
3 as follows:

4 **2-3-103.7. Disclosure of reports before filing.** (1) Any state
5 employee or other individual acting in an oversight role as a member of
6 a committee, board, or commission, or any employee or other individual
7 acting in an oversight role with respect to any audit conducted pursuant
8 to sections 2-3-120, ~~2-3-123~~, 10-22-105 (4)(c), and 25.5-10-209 (4), who
9 willfully and knowingly discloses the contents of any report prepared by
10 or at the direction of the state auditor's office prior to the release of such
11 report by a majority vote of the committee as provided in section 2-3-103
12 (2) is guilty of a misdemeanor and, upon conviction thereof, shall be
13 punished by a fine of not more than five hundred dollars.

14 **SECTION 3.** In Colorado Revised Statutes, 2-3-107, **repeal**
15 (2)(a)(I)(B) as follows:

16 **2-3-107. Authority to subpoena witnesses - access to records.**
17 (2) (a) (I) Notwithstanding any provision of law to the contrary, the state
18 auditor or his or her designated representative shall have access at all
19 times, except as provided by sections 39-1-116, 39-4-103, and 39-5-120,
20 to all of the books, accounts, reports, vouchers, or other records or
21 information in any department, institution, or agency, including but not
22 limited to records or information required to be kept confidential or
23 exempt from public disclosure upon subpoena, search warrant, discovery
24 proceedings, or otherwise. The authority of the state auditor or his or her
25 designated representative to access at all times the books, accounts,
26 reports, vouchers, or other records or information in accordance with this
27 subsection (2)(a) also extends to any fiscal or performance audit the state

1 auditor or his or her designated representative conducts of:

2 (B) ~~The use of money in the state historical fund that is used for~~
3 ~~the preservation and restoration of the cities of Central, Black Hawk, and~~
4 ~~Cripple Creek in accordance with section 2-3-123;~~

5 **SECTION 4. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.