

CHAPTER 178

GENERAL ASSEMBLY

HOUSE BILL 21-1249

BY REPRESENTATIVE(S) Roberts and Michaelson Jenet, Bockenfeld, Duran, Hooton, Sandridge, Sullivan;
also SENATOR(S) Rodriguez and Smallwood, Gonzales.

AN ACT

CONCERNING THE REPEAL OF 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 OF CERTAIN GAMING CITIES.

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

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

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

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

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

~~(2) This duty is in addition to the state auditor's duty to examine the reports submitted by the city of Central, the city of Black Hawk, and the city of Cripple Creek pursuant to the requirements of sections 29-1-606 and 29-1-607, C.R.S.~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

Approved: May 24, 2021