

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 19-1136

BY REPRESENTATIVE(S) Kraft-Tharp and Saine, Michaelson Jenet, Ransom, Exum, Kipp, Snyder, Titone, Van Winkle;  
also SENATOR(S) Smallwood and Todd, Fields, Holbert, Marble, Rankin, Scott, Tate, Woodward.

CONCERNING ACCESS BY THE OFFICE OF THE STATE AUDITOR TO RECORDS  
NECESSARY TO CONDUCT FOUR STATUTORILY AUTHORIZED AUDITS IN  
CONNECTION WITH ENTITIES THAT ARE NOT STATE AGENCIES.

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

**SECTION 1.** 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

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*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 2-3-103 (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.

**SECTION 2.** In Colorado Revised Statutes, 2-3-107, **amend** (2)(a) 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, ~~C.R.S.~~, 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:

(A) THE COLORADO NEW ENERGY IMPROVEMENT DISTRICT AND THE NEW ENERGY IMPROVEMENT PROGRAM IN CONNECTION WITH SECTION 2-3-120;

(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;

(C) THE HEALTH BENEFIT EXCHANGE CREATED IN SECTION 10-22-104 IN ACCORDANCE WITH SECTION 10-22-105 (4)(c); AND

(D) COMMUNITY-CENTERED BOARDS IN ACCORDANCE WITH SECTION 25.5-10-209 (4).

(II) 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 PROVIDED UNDER SUBSECTION (2)(a)(I)(B) OF THIS SECTION TERMINATES ON THE DATE THE FINAL AUDIT REPORT IS RELEASED BY THE LEGISLATIVE AUDIT

COMMITTEE.

(III) When accessing confidential health records, the state auditor shall determine the necessity of accessing personal identifying health information for the purpose of achieving the audit objectives.

**SECTION 3. 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 (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO