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SENATE BILL 23-228

BY SENATOR(S) Bridges and Kirkmeyer, Zenzinger, Hansen, Marchman, Moreno, Priola;
also REPRESENTATIVE(S) Bird and Bockenfeld, Sirota, Parenti, Ricks, Snyder.

CONCERNING THE CREATION OF THE OFFICE FOR ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES IN THE JUDICIAL DEPARTMENT, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** article 100 to title 13 as follows:

ARTICLE 100

Office of Administrative Services for Independent Agencies

13-100-101. Definitions. AS USED IN THIS ARTICLE 100, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "INCLUDED AGENCIES" MEANS THE AGENCIES THAT THE OFFICE PROVIDES ADMINISTRATIVE AND FISCAL SUPPORT SERVICES TO PURSUANT TO

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.

THIS ARTICLE 100 AND INCLUDES THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, THE INDEPENDENT ETHICS COMMISSION, THE OFFICE OF PUBLIC GUARDIANSHIP, THE COMMISSION ON JUDICIAL DISCIPLINE, AND ANY OTHER INDEPENDENT AGENCY ADDED TO THE JUDICIAL DEPARTMENT THAT REQUIRES ADMINISTRATIVE SUPPORT SERVICES.

(2) "OFFICE" MEANS THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES CREATED IN SECTION 13-100-102.

13-100-102. Office of administrative services for independent agencies - created - repeal. (1) THERE IS CREATED IN THE JUDICIAL DEPARTMENT THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES TO ACT AS AN INDEPENDENT AGENCY THAT PROVIDES CENTRALIZED ADMINISTRATIVE AND FISCAL SUPPORT SERVICES FOR THE INCLUDED AGENCIES.

(2) (a) BY JUNE 30, 2024, THE OFFICE AND THE JUDICIAL DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT CONTAINS, AT A MINIMUM, REQUIREMENTS RELATED TO THE ESTABLISHMENT OF FISCAL RULES AND ONGOING ACCESS TO OR THE USE OF JUDICIAL DEPARTMENT SYSTEMS, CONTRACTS, OR RESOURCES THAT ARE IN THE INTEREST OF PROVIDING ADMINISTRATIVE AND FISCAL SUPPORT SERVICES EFFICIENTLY AND AT LOW COST TO THE STATE, WHICH INCLUDE JUDICIAL DEPARTMENT SYSTEMS FOR ADMINISTERING PAYROLL, BENEFITS, AND LEAVE FOR EMPLOYEES OF THE AGENCIES SERVED BY THE OFFICE.

(b) BEGINNING JANUARY 1, 2025, THE PARTICIPATION BY INCLUDED AGENCIES IN JUDICIAL DEPARTMENT SYSTEMS, CONTRACTS, AND RESOURCES THAT REQUIRE ADDITIONAL DIRECT COSTS TO THE JUDICIAL DEPARTMENT SHALL BE DISCRETELY IDENTIFIED, QUANTIFIED, NEGOTIATED AS NECESSARY, INCORPORATED INTO THE MEMORANDUM OF UNDERSTANDING, AND PAID FOR BY THE OFFICE.

(c) THE OFFICE MAY NEGOTIATE SHARED RESOURCES FOR THE INCLUDED AGENCIES, AND THE INCLUDED AGENCIES MAY PARTICIPATE IN AN OFFICE-NEGOTIATED AGREEMENT OR MAY NEGOTIATE THEIR OWN AGREEMENTS INDEPENDENTLY OF THE OFFICE.

(3) THE OFFICE CONSISTS OF THE FOLLOWING STAFF MEMBERS:

- (a) A DIRECTOR;
- (b) AN ADMINISTRATIVE OFFICE MANAGER;
- (c) A HUMAN RESOURCES ANALYST;
- (d) AN ACCOUNTANT;
- (e) A PAYROLL ANALYST;
- (f) A BUDGET ANALYST; AND

(g) ANY OTHER STAFF PERSON DEEMED NECESSARY BY THE OFFICE IF ADEQUATE FUNDING ALLOWS.

(4) THE OFFICE IS GOVERNED BY AN ADMINISTRATIVE BOARD THAT CONSISTS OF THE DIRECTOR OF EACH INCLUDED AGENCY, INCLUDING:

- (a) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;
- (b) THE INDEPENDENT ETHICS COMMISSION;
- (c) THE OFFICE OF PUBLIC GUARDIANSHIP; AND
- (d) THE COMMISSION ON JUDICIAL DISCIPLINE.

(5) THROUGH JUNE 30, 2024, THE ADMINISTRATIVE BOARD IS CHAIRED BY THE DIRECTOR OF THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN. THEREAFTER, THE ADMINISTRATIVE BOARD SHALL APPOINT ITS CHAIRMAN AND OFFICERS, AS NECESSARY.

(6) THE ADMINISTRATIVE BOARD IS RESPONSIBLE FOR THE FOLLOWING:

(a) BY JULY 1, 2023, THE CHAIR ACTING FOR THE BOARD SHALL CONTRACT WITH A HUMAN RESOURCES CONSULTANT, WHO SHALL BE PAID FROM OFFICE APPROPRIATIONS, TO PROVIDE RECRUITING ASSISTANCE TO HIRE AN OFFICE DIRECTOR;

(b) BY OCTOBER 1, 2023, BY MAJORITY VOTE OF THE

ADMINISTRATIVE BOARD, HIRING AN OFFICE DIRECTOR; AND

(c) BEGINNING JULY 1, 2024, FOLLOWING THE FIRST YEAR OF IMPLEMENTATION AND ESTABLISHMENT OF THE OFFICE, USING THE ADMINISTRATIVE BOARD POLICIES ESTABLISHED PURSUANT TO SUBSECTION (7)(d) OF THIS SECTION, AND AS AMENDED BY THE ADMINISTRATIVE BOARD THEREAFTER, PROVIDING ADMINISTRATIVE BOARD OVERSIGHT OF THE OFFICE, AS DEFINED IN THE ADMINISTRATIVE BOARD POLICIES.

(7) THE OFFICE DIRECTOR SHALL:

(a) HIRE AT LEAST HALF OF THE STAFF POSITIONS IDENTIFIED IN SUBSECTION (3) OF THIS SECTION BY JANUARY 1, 2024, AND ALL OTHER ANTICIPATED STAFF POSITIONS BY MARCH 1, 2024;

(b) WORK IN PARTNERSHIP WITH THE JUDICIAL DEPARTMENT THROUGH JUNE 30, 2024, TO GUIDE AND SUPPORT THE TRANSITION OF SERVICES PROVIDED TO THE INCLUDED AGENCIES AND AGENCIES IDENTIFIED IN SUBSECTION (9) OF THIS SECTION;

(c) ADMINISTER THE OFFICE IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING WITH THE JUDICIAL DEPARTMENT; AND

(d) IN CONSULTATION WITH THE ADMINISTRATIVE BOARD, ESTABLISH OFFICE OPERATING POLICIES AND ADMINISTRATIVE BOARD POLICIES BY JUNE 30, 2024.

(8) BEGINNING JULY 1, 2024, THE OFFICE IS RESPONSIBLE FOR PROVIDING THE FOLLOWING TO THE INCLUDED AGENCIES:

(a) BUDGET, ACCOUNTING, PAYROLL, AND HUMAN RESOURCES SERVICES;

(b) CENTRALIZED BUDGET SUPPORT THAT PRESERVES ORGANIZATIONAL INDEPENDENCE CONCERNING BUDGET DECISIONS AND PROVIDES A CONSOLIDATED AND STREAMLINED BUDGET SUBMISSION PROCESS FOR ALL INCLUDED AGENCIES;

(c) GUIDANCE AND DIRECTION, BUT NOT THE EXECUTION OR PRIMARY PROVISION OF DIRECT SERVICES FOR, CONTRACTS, PURCHASING,

AND PROCUREMENT; AND

(d) IN CONSULTATION WITH INCLUDED AGENCIES, MAINTENANCE OF A SINGLE, CONSOLIDATED COMPENSATION PLAN FOR ALL OCCUPATIONAL CLASSES IN THE INCLUDED AGENCIES. THE INCLUDED AGENCIES MUST RETAIN INDEPENDENCE IN DEFINING EACH INCLUDED AGENCY'S ORGANIZATIONAL STAFF POSITIONS, STRUCTURES, AND PERSONNEL RULES.

(9) BY JULY 1, 2024, THE OFFICE IS RESPONSIBLE FOR PROVIDING PAYROLL SERVICES AND HUMAN RESOURCES FOR THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE OFFICE OF THE CHILD'S REPRESENTATIVE, AND THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL. THE OFFICE MAY PROVIDE CONSOLIDATED COMPENSATION PLAN SERVICES EQUIVALENT TO THOSE PROVIDED IN SUBSECTION (8)(d) OF THIS SECTION FOR THESE AGENCIES AT THE AGENCIES' DISCRETION.

(10) THE JUDICIAL DEPARTMENT SHALL PROVIDE THE OFFICE WITH OFFICE SPACE IN THE RALPH L. CARR COLORADO JUDICIAL CENTER.

(11) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT SHALL WORK IN PARTNERSHIP WITH THE OFFICE TO GUIDE AND SUPPORT THE TRANSITION OF SUPPORT SERVICES PROVIDED TO THE INCLUDED AGENCIES AND AGENCIES IDENTIFIED IN SUBSECTION (9) OF THIS SECTION, TO THE OFFICE. THE JUDICIAL DEPARTMENT IS RESPONSIBLE FOR EFFECTUATING A SUCCESSFUL TRANSFER OF SUPPORT SERVICES TO THE OFFICE IN A WAY THAT ENABLES THE OFFICE TO INDEPENDENTLY DELIVER SUPPORT SERVICES AFTER JUNE 30, 2024.

(12)(a) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT SHALL PROVIDE THE OFFICE WITH ACCOUNTING SUPPORT, INFORMATION TECHNOLOGY SUPPORT, HUMAN RESOURCES AND PAYROLL SERVICES, AND SIMILAR SUPPORT SERVICES, WITHOUT COST TO THE OFFICE.

(b) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT SHALL CONTINUE TO PROVIDE SERVICES TO THE INDEPENDENT AGENCIES AS OUTLINED IN STATUTE AND EXISTING MEMORANDUMS OF UNDERSTANDING WITH THE INCLUDED AGENCIES.

(c) THIS SUBSECTION (12) IS REPEALED, EFFECTIVE JULY 1, 2024.

(13) (a) THROUGH DECEMBER 31, 2024, THE JUDICIAL DEPARTMENT SHALL PROVIDE THE OFFICE WITH ACCESS TO OR THE USE OF DEPARTMENT SYSTEMS, CONTRACTS, AND RESOURCES THAT ARE IN THE INTEREST OF PROVIDING ADMINISTRATIVE AND FISCAL SUPPORT SERVICES EFFICIENTLY AND AT LOW COST TO THE STATE, WHICH INCLUDE JUDICIAL DEPARTMENT SYSTEMS FOR ADMINISTERING PAYROLL, BENEFITS, AND LEAVE FOR EMPLOYEES OF AGENCIES SERVED BY THE OFFICE, WITHOUT COST TO THE OFFICE AS OUTLINED IN THE MEMORANDUM OF UNDERSTANDING.

(b) BEGINNING JANUARY 1, 2025, THE PARTICIPATION BY INCLUDED AGENCIES IN JUDICIAL DEPARTMENT SYSTEMS, CONTRACTS, OR RESOURCES THAT REQUIRE ADDITIONAL DIRECT COST TO THE JUDICIAL DEPARTMENT SHALL BE DISCRETELY IDENTIFIED, QUANTIFIED, NEGOTIATED AS NECESSARY, INCORPORATED INTO THE MEMORANDUM OF UNDERSTANDING, AND PAID FOR BY THE OFFICE.

SECTION 2. In Colorado Revised Statutes, 13-5.3-103, **amend** (3) and **add** (4) as follows:

13-5.3-103. Office of judicial discipline - created - executive director - duties - oversight - repeal. (3) The department shall provide the commission and the office with office space in the Ralph L. Carr Colorado judicial center. ~~Through June 30, 2023, the department or the office of attorney regulation counsel shall provide the commission and the office with accounting support, information technology support, human resources and payroll services, and similar support services to the same extent, without cost to the commission or the office, and on the same terms as the department provides such support to the Colorado judicial performance commissions.~~

(4) (a) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT SHALL PROVIDE THE COMMISSION AND THE OFFICE WITH ACCOUNTING, BUDGETING, HUMAN RESOURCES, INFORMATION TECHNOLOGY, AND PAYROLL SUPPORT TO THE SAME EXTENT, WITHOUT COST TO THE COMMISSION OR THE OFFICE, UNTIL THOSE SERVICES CAN BE PROVIDED TO THE COMMISSION AND THE OFFICE THROUGH THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, CREATED IN SECTION 13-100-102.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 3. In Colorado Revised Statutes, **repeal** 13-94-105(1)(d), **as amended by Senate Bill 23-064.**

SECTION 4. In Colorado Revised Statutes, 19-3.3-102, **add** (1)(a.5)(VI) as follows:

19-3.3-102. Office of the child protection ombudsman established - child protection ombudsman advisory board - qualifications of ombudsman - duties - repeal. (1) (a.5) The office and the judicial department shall operate pursuant to a memorandum of understanding between the two entities. The memorandum of understanding contains, at a minimum:

(VI) SUBSECTIONS (1)(a.5)(IV)(A) TO (1)(a.5)(IV)(F) OF THIS SECTION AND THIS SUBSECTION (1)(a.5)(VI) ARE REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 5. Appropriation - adjustments to 2023 long bill. To implement this act, the general fund appropriation made in the annual general appropriation act for the 2023-24 state fiscal year to the judicial department for use by the commission on judicial discipline for the office of judicial discipline is decreased by \$339,073, and the related FTE is decreased by 4.0 FTE.

SECTION 6. Appropriation. (1) For the 2023-24 state fiscal year, \$746,909 is appropriated to the judicial department for use by the office of administrative services for independent agencies. This appropriation is from the general fund and is based on an assumption that the office will require an additional 6.0 FTE. To implement this act, the office may use this appropriation for program costs.

(2) For the 2023-24 state fiscal year, \$100,453 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(3) For the 2023-24 state fiscal year, \$100,453 is appropriated to the department of law. This appropriation is from reappropriated funds received from the judicial department under subsection (2) of this section and is based on an assumption that the department of law will require an

additional 0.5 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the judicial department.

SECTION 7. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Section 3 of this act takes effect only if Senate Bill 23-064 becomes law.

SECTION 8. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO