

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0870.03 Chelsea Princell x4335

SENATE BILL 23-228

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Zenzinger, Hansen, Marchman, Moreno, Priola

HOUSE SPONSORSHIP

Bird and Bockenfeld, Sirota, Parenti, Ricks, Snyder

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

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

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/>.)

Joint Budget Committee. The bill creates the office of administrative services for independent agencies (office) in the judicial department to provide administrative support services to the office of the

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

HOUSE
3rd Reading Unamended
April 6, 2023

HOUSE
Amended 2nd Reading
April 5, 2023

SENATE
3rd Reading Unamended
March 30, 2023

SENATE
2nd Reading Unamended
March 29, 2023

child protection ombudsman, the independent ethics commission, the office of public guardianship, and the commission on judicial discipline.

The bill requires the office to be governed by an administrative board that is responsible for hiring the director of the office, assisting the office director in establishing office policies regarding the delivery of support services, and providing human resources assistance to assist in the hiring of office employees.

The bill sets responsibilities for the office.

The bill requires the judicial department to provide the office with administrative support until July 1, 2024, and to provide office space for the office.

Under current law, certain independent agencies operate through a memorandum of understanding with the judicial department. The bill repeals the memorandum of understanding requirements to allow the office to provide those services to the office of child protection ombudsman and the office of public guardianship.

The bill makes and reduces 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 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

1 INDEPENDENT AGENCIES CREATED IN SECTION 13-100-102.

2 **13-100-102. Office of administrative services for independent**

3 **agencies - created - repeal.** (1) THERE IS CREATED IN THE JUDICIAL

4 DEPARTMENT THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT

5 AGENCIES TO ACT AS AN INDEPENDENT AGENCY THAT PROVIDES

6 CENTRALIZED ADMINISTRATIVE AND FISCAL SUPPORT SERVICES FOR THE

7 INCLUDED AGENCIES.

8 (2) (a) BY JUNE 30, 2024, THE OFFICE AND THE JUDICIAL

9 DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING

10 THAT CONTAINS, AT A MINIMUM, REQUIREMENTS RELATED TO THE

11 ESTABLISHMENT OF FISCAL RULES AND ONGOING ACCESS TO OR THE USE

12 OF JUDICIAL DEPARTMENT SYSTEMS, CONTRACTS, OR RESOURCES THAT

13 ARE IN THE INTEREST OF PROVIDING ADMINISTRATIVE AND FISCAL SUPPORT

14 SERVICES EFFICIENTLY AND AT LOW COST TO THE STATE, WHICH INCLUDE

15 JUDICIAL DEPARTMENT SYSTEMS FOR ADMINISTERING PAYROLL, BENEFITS,

16 AND LEAVE FOR EMPLOYEES OF THE AGENCIES SERVED BY THE OFFICE.

17 (b) BEGINNING JANUARY 1, 2025, THE PARTICIPATION BY

18 INCLUDED AGENCIES IN JUDICIAL DEPARTMENT SYSTEMS, CONTRACTS, AND

19 RESOURCES THAT REQUIRE ADDITIONAL DIRECT COSTS TO THE JUDICIAL

20 DEPARTMENT SHALL BE DISCRETELY IDENTIFIED, QUANTIFIED,

21 NEGOTIATED AS NECESSARY, INCORPORATED INTO THE MEMORANDUM OF

22 UNDERSTANDING, AND PAID FOR BY THE OFFICE.

23 (c) THE OFFICE MAY NEGOTIATE SHARED RESOURCES FOR THE

24 INCLUDED AGENCIES, AND THE INCLUDED AGENCIES MAY PARTICIPATE IN

25 AN OFFICE-NEGOTIATED AGREEMENT OR MAY NEGOTIATE THEIR OWN

26 AGREEMENTS INDEPENDENTLY OF THE OFFICE.

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

- 1 (a) A DIRECTOR;
2 (b) AN ADMINISTRATIVE OFFICE MANAGER;
3 (c) A HUMAN RESOURCES ANALYST;
4 (d) AN ACCOUNTANT;
5 (e) A PAYROLL ANALYST;
6 (f) A BUDGET ANALYST; AND
7 (g) ANY OTHER STAFF PERSON DEEMED NECESSARY BY THE OFFICE
8 IF ADEQUATE FUNDING ALLOWS.

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

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

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

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

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

25 (b) BY OCTOBER 1, 2023, BY MAJORITY VOTE OF THE
26 ADMINISTRATIVE BOARD, HIRING AN OFFICE DIRECTOR; AND

27 (c) BEGINNING JULY 1, 2024, FOLLOWING THE FIRST YEAR OF

1 IMPLEMENTATION AND ESTABLISHMENT OF THE OFFICE, USING THE
2 ADMINISTRATIVE BOARD POLICIES ESTABLISHED PURSUANT TO
3 SUBSECTION (7)(d) OF THIS SECTION, AND AS AMENDED BY THE
4 ADMINISTRATIVE BOARD THEREAFTER, PROVIDING ADMINISTRATIVE
5 BOARD OVERSIGHT OF THE OFFICE, AS DEFINED IN THE ADMINISTRATIVE
6 BOARD POLICIES.

7 (7) THE OFFICE DIRECTOR SHALL:

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

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

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

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

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

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

25 (b) CENTRALIZED BUDGET SUPPORT THAT PRESERVES
26 ORGANIZATIONAL INDEPENDENCE CONCERNING BUDGET DECISIONS AND
27 PROVIDES A CONSOLIDATED AND STREAMLINED BUDGET SUBMISSION

1 PROCESS FOR ALL INCLUDED AGENCIES;

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

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

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

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

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

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

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

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

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

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

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

27 **13-5.3-103. Office of judicial discipline - created - executive**

1 **director - duties - oversight - repeal.** (3) The department shall provide
2 the commission and the office with office space in the Ralph L. Carr
3 Colorado judicial center. ~~Through June 30, 2023, the department or the~~
4 ~~office of attorney regulation counsel shall provide the commission and the~~
5 ~~office with accounting support, information technology support, human~~
6 ~~resources and payroll services, and similar support services to the same~~
7 ~~extent, without cost to the commission or the office, and on the same~~
8 ~~terms as the department provides such support to the Colorado judicial~~
9 ~~performance commissions.~~

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

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

19 **SECTION 3.** In Colorado Revised Statutes, **repeal**
20 **13-94-105(1)(d), as amended by Senate Bill 23-064.**

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

23 **19-3.3-102. Office of the child protection ombudsman**
24 **established - child protection ombudsman advisory board -**
25 **qualifications of ombudsman - duties - repeal.** (1) (a.5) The office and
26 the judicial department shall operate pursuant to a memorandum of
27 understanding between the two entities. The memorandum of

1 understanding contains, at a minimum:

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

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

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

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

21 (3) For the 2023-24 state fiscal year, \$100,453 is appropriated to
22 the department of law. This appropriation is from reappropriated funds
23 received from the judicial department under subsection (2) of this section
24 and is based on an assumption that the department of law will require an
25 additional 0.5 FTE. To implement this act, the department of law may use
26 this appropriation to provide legal services for the judicial department.

27 **SECTION 7. Effective date.** (1) Except as otherwise provided

1 in this section, this act takes effect upon passage.

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

4 **SECTION 8. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.