

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/22/23

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LLS NO. 23-0870.03 Chelsea Princell x4335

SENATE BILL

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Zenzinger

HOUSE SPONSORSHIP

Bird and Bockenfeld, Sirota

BILL TOPIC: Office Of Admin Serv For Indep Agencies

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 AN APPROPRIATION.

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

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

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.

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

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

4 **ARTICLE 100**

5 **Office Of Administrative Services For Independent Agencies**

6 **13-100-101. Definitions.** AS USED IN THIS ARTICLE 100, UNLESS
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "INCLUDED AGENCIES" MEANS THE AGENCIES THAT THE OFFICE
9 PROVIDES ADMINISTRATIVE AND FISCAL SUPPORT SERVICES TO PURSUANT
10 TO THIS ARTICLE 100 AND INCLUDES THE OFFICE OF THE CHILD
11 PROTECTION OMBUDSMAN, THE INDEPENDENT ETHICS COMMISSION, THE
12 OFFICE OF PUBLIC GUARDIANSHIP, THE COMMISSION ON JUDICIAL
13 DISCIPLINE, AND ANY OTHER INDEPENDENT AGENCY ADDED TO THE
14 JUDICIAL DEPARTMENT THAT REQUIRES ADMINISTRATIVE SUPPORT
15 SERVICES.

16 (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.

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

16 INCLUDED AGENCIES IN JUDICIAL SYSTEMS, CONTRACTS, AND RESOURCES

17 THAT REQUIRE ADDITIONAL DIRECT COSTS TO THE JUDICIAL DEPARTMENT

18 SHALL BE DISCRETELY IDENTIFIED, QUANTIFIED, NEGOTIATED AS

19 NECESSARY, INCORPORATED INTO THE MEMORANDUM OF

20 UNDERSTANDING, AND PAID FOR BY THE OFFICE.

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

22 INCLUDED AGENCIES, AND THE INCLUDED AGENCIES MAY PARTICIPATE IN

23 AN OFFICE-NEGOTIATED AGREEMENT OR MAY NEGOTIATE THEIR OWN

24 AGREEMENTS INDEPENDENTLY OF THE OFFICE.

25 (d) THE OFFICE SHALL UTILIZE JUDICIAL DEPARTMENT SYSTEMS

26 FOR ADMINISTERING PAYROLL, BENEFITS, AND LEAVE FOR EMPLOYEES OF

27 THE INCLUDED AGENCIES.

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

2 (a) A DIRECTOR;

3 (b) AN ADMINISTRATIVE OFFICE MANAGER;

4 (c) A HUMAN RESOURCES ANALYST;

5 (d) AN ACCOUNTANT;

6 (e) A PAYROLL ANALYST;

7 (f) A BUDGET ANALYST; AND

8 (g) ANY OTHER STAFF PERSON DEEMED NECESSARY BY THE OFFICE

9 IF ADEQUATE FUNDING ALLOWS.

10 (4) THE OFFICE IS GOVERNED BY AN ADMINISTRATIVE BOARD THAT

11 CONSISTS OF THE DIRECTOR OF EACH INCLUDED AGENCY, INCLUDING:

12 (a) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;

13 (b) THE INDEPENDENT ETHICS COMMISSION;

14 (c) THE OFFICE OF PUBLIC GUARDIANSHIP; AND

15 (d) THE COMMISSION ON JUDICIAL DISCIPLINE.

16 (5) THROUGH JUNE 30, 2024, THE ADMINISTRATIVE BOARD IS

17 CHAIRED BY THE DIRECTOR OF THE OFFICE OF THE CHILD PROTECTION

18 OMBUDSMAN.

19 (6) THE ADMINISTRATIVE BOARD, OR THE CHAIR ACTING FOR THE

20 BOARD, IS RESPONSIBLE FOR THE FOLLOWING:

21 (a) BY JULY 1, 2023, CONTRACTING WITH A HUMAN RESOURCES

22 CONSULTANT, WHO SHALL BE PAID FROM OFFICE APPROPRIATIONS, TO

23 PROVIDE RECRUITING ASSISTANCE TO HIRE AN OFFICE DIRECTOR;

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

25 ADMINISTRATIVE BOARD, HIRING AN OFFICE DIRECTOR; AND

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

27 IMPLEMENTATION AND ESTABLISHMENT OF THE OFFICE, USING THE

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

6 (7) THE OFFICE DIRECTOR SHALL:

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

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

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

17 (d) ESTABLISH OFFICE OPERATING POLICIES AND ADMINISTRATIVE
18 BOARD POLICIES BY JUNE 30, 2024.

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

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

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

27 (c) GUIDANCE AND DIRECTION, BUT NOT THE EXECUTION OR

1 PRIMARY PROVISION OF DIRECT SERVICES FOR, CONTRACTS, PURCHASING,
2 AND PROCUREMENT; AND

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

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

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

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

26 (12) (a) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT
27 SHALL PROVIDE THE OFFICE WITH ACCOUNTING SUPPORT, INFORMATION

1 TECHNOLOGY SUPPORT, HUMAN RESOURCES AND PAYROLL SERVICES, AND
2 SIMILAR SUPPORT SERVICES, WITHOUT COST TO THE OFFICE.

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

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

8 (13) (a) THROUGH DECEMBER 31, 2024, THE JUDICIAL
9 DEPARTMENT SHALL PROVIDE THE OFFICE WITH ACCESS TO OR THE USE OF
10 DEPARTMENT SYSTEMS, CONTRACTS, AND RESOURCES, THAT ARE IN THE
11 INTEREST OF PROVIDING ADMINISTRATIVE AND FISCAL SUPPORT SERVICES
12 EFFICIENTLY AND AT LOW COST TO THE STATE WITHOUT COST TO THE
13 OFFICE AS OUTLINED IN THE MEMORANDUM OF UNDERSTANDING.

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

20 (c) THE OFFICE SHALL UTILIZE DEPARTMENT SYSTEMS FOR
21 ADMINISTERING PAYROLL, BENEFIT, AND LEAVE FOR EMPLOYEES OF THE
22 AGENCIES SERVED BY THE OFFICE.

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

25 **13-5.3-103. Office of judicial discipline - created - executive**
26 **director - duties - oversight.** (3) The department shall provide the
27 commission and the office with office space in the Ralph L. Carr

1 Colorado judicial center. ~~Through June 30, 2023, the department or the~~
2 ~~office of attorney regulation counsel shall provide the commission and the~~
3 ~~office with accounting support, information technology support, human~~
4 ~~resources and payroll services, and similar support services to the same~~
5 ~~extent, without cost to the commission or the office, and on the same~~
6 ~~terms as the department provides such support to the Colorado judicial~~
7 ~~performance commissions.~~

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

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

17 **SECTION 3.** In Colorado Revised Statutes, **repeal**
18 **13-94-105(1)(d), as amended by Senate Bill 23-064.**

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

21 **19-3.3-102. Office of the child protection ombudsman**
22 **established - child protection ombudsman advisory board -**
23 **qualifications of ombudsman - duties - repeal.** (1) (a.5) The office and
24 the judicial department shall operate pursuant to a memorandum of
25 understanding between the two entities. The memorandum of
26 understanding contains, at a minimum:

27 (VI) SUBSECTIONS (1)(a.5)(IV)(A) TO (1)(a.5)(IV)(F) OF THIS

1 SECTION AND THIS SUBSECTION (1)(a.5)(VI) ARE REPEALED, EFFECTIVE
2 JULY 1, 2024.

3 **SECTION 5. Appropriation - adjustments to 2023 long bill.**

4 (1) To implement this act, appropriations made in the annual general
5 appropriation act for the 2023-24 state fiscal year to the judicial
6 department for use by the commission on judicial discipline for the office
7 of judicial discipline is decreased by \$339,073, and the related FTE is
8 decreased by 4.0 FTE.

9 **SECTION 6. Appropriation.** For the 2023-24 state fiscal year,
10 \$746,909 is appropriated to the judicial department for use by the office
11 of administrative services for independent agencies. This appropriation
12 is from the general fund and is based on an assumption that the office will
13 require an additional 6.0 FTE. To implement this act, the office of
14 administrative services for independent agencies may use this
15 appropriation for program costs.

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

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

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