

CHAPTER 216

GOVERNMENT - STATE

HOUSE BILL 94-1304

BY REPRESENTATIVES Schauer, Lawrence, Shoemaker, and Berry;
also SENATOR Blickensderfer.**AN ACT****CONCERNING THE APPLICATION OF THE COLORADO CODE OF JUDICIAL CONDUCT FOR ADMINISTRATIVE LAW JUDGES.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. 24-30-1003, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-30-1003. Administrative law judges - appointment - qualifications - standards of conduct. (4) (a) ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE STANDARDS OF CONDUCT SET FORTH IN THE CODE OF JUDICIAL CONDUCT FOR ADMINISTRATIVE LAW JUDGES OF THE STATE CENTRAL PANELS ADOPTED BY THE DIVISION OF ADMINISTRATIVE HEARINGS OF THE DEPARTMENT OF ADMINISTRATION. THE PERFORMANCE REVIEW PLAN FOR EACH ADMINISTRATIVE LAW JUDGE SHALL INCLUDE THIS CODE OF JUDICIAL CONDUCT FOR ADMINISTRATIVE LAW JUDGES.

(b) A COMPLAINT ALLEGING A VIOLATION OF THE CODE OF JUDICIAL CONDUCT FOR ADMINISTRATIVE LAW JUDGES OF THE STATE CENTRAL PANELS, ADOPTED BY THE DIVISION OF ADMINISTRATIVE HEARINGS OF THE DEPARTMENT OF ADMINISTRATION, SHALL BE REFERRED TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION WHO SHALL INVESTIGATE THE COMPLAINT AND DETERMINE IF THE ADMINISTRATIVE LAW JUDGE VIOLATED ANY CANONS OF THE CODE. SUCH ADMINISTRATIVE LAW JUDGE SHALL BE SUBJECT TO THE DISCIPLINARY PROCEDURES SET FORTH IN RULES ADOPTED BY THE STATE PERSONNEL BOARD.

(c) IF THE DECISION IS UNSATISFACTORY TO ANY PARTY, AN APPEAL MAY BE MADE TO THE BOARD OF ETHICS FOR THE EXECUTIVE BRANCH OF STATE GOVERNMENT IN THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

OFFICE OF THE GOVERNOR.

(d) IF THE ADMINISTRATIVE LAW JUDGE IS FOUND BY THE EXECUTIVE DIRECTOR OR THE BOARD OF ETHICS TO HAVE ACTED IN VIOLATION OF THE CANONS OF THE CODE OF JUDICIAL CONDUCT FOR ADMINISTRATIVE LAW JUDGES OF THE STATE CENTRAL PANELS, THEN THE DECISION SHALL BE MADE A PART OF THE PERSONNEL FILE OF THE ADMINISTRATIVE LAW JUDGE AGAINST WHOM THE COMPLAINT WAS FILED.

SECTION 2. 24-18-112 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-18-112. Board of ethics for the executive branch - created - duties.
(2) The board of ethics for the executive branch shall:

(a) Comment, when requested by the governor, on each proposed gubernatorial appointment, including the heads of the principal departments and the senior members of the governor's office based upon the provisions of this article;

(b) Upon written request of the governor, review complaints of any violation of the provisions of this article by a member of the executive branch of state government;
~~and~~

(c) Make written recommendations to the governor concerning his requests; AND

(d) REVIEW APPEALS BROUGHT BEFORE THE BOARD OF ETHICS PURSUANT TO SECTION 24-30-1003 (4).

SECTION 3. Effective date. This act shall take effect July 1, 1994.

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

Approved: May 22, 1994