

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0632.01 Sharon Eubanks

HOUSE BILL 11-1155

HOUSE SPONSORSHIP

McNulty and Pace, Swerdfeger

SENATE SPONSORSHIP

Shaffer B. and Kopp,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE LIEUTENANT GOVERNOR OF THE STATE OF
102 COLORADO SERVING CONCURRENTLY AS THE HEAD OF A
103 PRINCIPAL DEPARTMENT IN STATE GOVERNMENT.

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://www.leg.state.co.us/billsummaries>.)

The bill provides:

! If the lieutenant governor is appointed to concurrently serve as the head of a principal department of state government:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! The acceptance or retention of the appointment does not result in a forfeiture of the office of lieutenant governor; and
- ! The holding of the office of lieutenant governor while concurrently serving as the head of a principal department is deemed not to be incompatible, inconsistent, or in conflict with the duties of lieutenant governor or the duties, powers, and functions of the head of a principal department.
- ! The lieutenant governor may be compensated for the performance of additional duties and functions relating to a principal department or institution of higher education as an exception to the current prohibition against a state officer or employee receiving compensation or fees from more than one department or institution of higher education.
- ! If the lieutenant governor is concurrently serving as the head of a principal department, the lieutenant governor shall be paid a combined annual salary that, in total, is commensurate with the annual salary paid for the position of head of the principal department.

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

2 **SECTION 1.** 24-1-108, Colorado Revised Statutes, is amended
3 to read:

4 **24-1-108. Appointment of officers and employees.** (1) Any
5 provisions of law to the contrary notwithstanding and subject to the
6 provisions of the constitution of the state of Colorado, the head of a
7 principal department shall be appointed by the governor, with the consent
8 of the senate. The head of a principal department shall appoint all
9 subordinate officers and employees of his OR HER office and the head of
10 each division under his OR HER department, and the head of each division
11 shall appoint all employees in his OR HER division, but all appointments
12 made by the head of a principal department and heads of divisions shall
13 be made in accordance with section 24-2-102.

1 (2) IN THE EVENT THAT THE LIEUTENANT GOVERNOR IS APPOINTED
2 DURING HIS OR HER TERM OF OFFICE TO CONCURRENTLY SERVE AS THE
3 HEAD OF A PRINCIPAL DEPARTMENT:

4 (a) ACCEPTANCE OR RETENTION OF SUCH AN APPOINTMENT SHALL
5 NOT RESULT IN A FORFEITURE OF THE OFFICE OF LIEUTENANT GOVERNOR;
6 AND

7 (b) IT SHALL BE DEEMED THAT HOLDING THE OFFICE OF
8 LIEUTENANT GOVERNOR WHILE CONCURRENTLY SERVING AS THE HEAD OF
9 A PRINCIPAL DEPARTMENT IS NOT INCOMPATIBLE, INCONSISTENT, OR IN
10 CONFLICT WITH THE DUTIES OF THE LIEUTENANT GOVERNOR OR WITH THE
11 DUTIES, POWERS, AND FUNCTIONS OF THE HEAD OF A PRINCIPAL
12 DEPARTMENT.

13 **SECTION 2.** 24-2-103 (1) (a), Colorado Revised Statutes, is
14 amended to read:

15 **24-2-103. Compensation of heads of departments and other**
16 **officers and employees.** (1) (a) Except as provided in paragraph (b) of
17 this subsection (1), officers and employees of the state who are exempt
18 from the state personnel system shall receive compensation as fixed by
19 law. Any officer or employee who receives compensation as fixed by law
20 shall not receive compensation or fees from more than one department or
21 institution of higher education or in more than one capacity; EXCEPT THAT
22 THE LIEUTENANT GOVERNOR MAY BE COMPENSATED FOR ANY ADDITIONAL
23 DUTIES AND FUNCTIONS RELATING TO A DEPARTMENT OR INSTITUTION OF
24 HIGHER EDUCATION AS MAY BE AUTHORIZED BY LAW.

25 **SECTION 3.** 24-9-101 (1) (b), Colorado Revised Statutes, is
26 amended to read:

27 **24-9-101. Salaries of elected state officials.** (1) The following

1 state officials shall receive annual salaries and allowances, payable
2 monthly, as follows:

3 (b) Lieutenant governor, sixty-eight thousand five hundred dollars
4 OR, IF CONCURRENTLY SERVING AS THE HEAD OF A PRINCIPAL
5 DEPARTMENT, A COMBINED SALARY THAT, IN TOTAL, IS COMMENSURATE
6 WITH THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE
7 PRINCIPAL DEPARTMENT;

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