

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

Senate Committees

State, Veterans & Military Affairs
Appropriations

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, AND MAKING**
104 **AN APPROPRIATION IN CONNECTION THEREWITH.**

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>.)

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.*

HOUSE
3rd Reading Unamended
February 23, 2011

HOUSE
Amended 2nd Reading
February 22, 2011

The bill provides:

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

1 shall appoint all employees in his OR HER division, but all appointments
2 made by the head of a principal department and heads of divisions shall
3 be made in accordance with section 24-2-102.

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

7 (a) ACCEPTANCE OR RETENTION OF SUCH AN APPOINTMENT SHALL
8 NOT RESULT IN A FORFEITURE OF THE OFFICE OF LIEUTENANT GOVERNOR;
9 AND

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

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

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

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

3 **24-9-101. Salaries of elected state officials.** (1) The following
4 state officials shall receive annual salaries and allowances, payable
5 monthly, as follows:

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

11 **SECTION 4.** Article 22 of title 24, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SECTION to read:

13 **24-22-118. Transfer of savings to knowledge-based economy**
14 **fund.** (1) IF THE LIEUTENANT GOVERNOR IS APPOINTED DURING HIS OR
15 HER TERM OF OFFICE TO CONCURRENTLY SERVE AS THE HEAD OF A
16 PRINCIPAL DEPARTMENT:

17 (a) WITHIN THIRTY DAYS AFTER THE COMMENCEMENT OF THE
18 LIEUTENANT GOVERNOR CONCURRENTLY SERVING AS THE HEAD OF THE
19 PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM
20 THE GENERAL FUND TO THE KNOWLEDGE-BASED ECONOMY FUND CREATED
21 IN SECTION 24-75-1402 (1) AN AMOUNT OF MONEY EQUAL TO [(THE
22 DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF
23 HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT
24 GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE
25 LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101) ÷ 12] × THE
26 NUMBER OF COMPLETE MONTHS REMAINING IN THE STATE FISCAL YEAR
27 FOLLOWING THE DATE ON WHICH SUCH CONCURRENT SERVICE

1 COMMENCES; AND

2 (b) ON THE FIRST DAY OF EACH FISCAL YEAR FOLLOWING THE
3 COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY
4 SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE
5 TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE
6 KNOWLEDGE-BASED ECONOMY FUND CREATED IN SECTION 24-75-1402 (1)
7 AN AMOUNT OF MONEY EQUAL TO THE DIFFERENCE BETWEEN THE ANNUAL
8 SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT
9 IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND
10 THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN
11 SECTION 24-9-101.

12 (2) TRANSFERS SHALL NOT BE MADE PURSUANT TO SUBSECTION (1)
13 OF THIS SECTION SUBSEQUENT TO THE DATE ON WHICH THE LIEUTENANT
14 GOVERNOR CEASES TO CONCURRENTLY SERVE AS THE HEAD OF A
15 PRINCIPAL DEPARTMENT.

16 **SECTION 5.** Article 22 of title 24, Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW SECTION to read:

18 **24-22-118. Transfer of savings to state public school fund.**

19 (1) IF THE LIEUTENANT GOVERNOR IS APPOINTED DURING HIS OR HER
20 TERM OF OFFICE TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL
21 DEPARTMENT:

22 (a) WITHIN THIRTY DAYS AFTER THE COMMENCEMENT OF THE
23 LIEUTENANT GOVERNOR CONCURRENTLY SERVING AS THE HEAD OF THE
24 PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM
25 THE GENERAL FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN
26 SECTION 22-54-114 (1), C.R.S., AN AMOUNT OF MONEY EQUAL TO [(THE
27 DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF

1 HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT
2 GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE
3 LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101) ÷ 12] × THE
4 NUMBER OF COMPLETE MONTHS REMAINING IN THE STATE FISCAL YEAR
5 FOLLOWING THE DATE ON WHICH SUCH CONCURRENT SERVICE
6 COMMENCES; AND

7 (b) ON THE FIRST DAY OF EACH FISCAL YEAR FOLLOWING THE
8 COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY
9 SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE
10 TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE
11 PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1), C.R.S., AN
12 AMOUNT OF MONEY EQUAL TO THE DIFFERENCE BETWEEN THE ANNUAL
13 SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT
14 IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND
15 THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN
16 SECTION 24-9-101.

17 (2) TRANSFERS SHALL NOT BE MADE PURSUANT TO SUBSECTION (1)
18 OF THIS SECTION SUBSEQUENT TO THE DATE ON WHICH THE LIEUTENANT
19 GOVERNOR CEASES TO CONCURRENTLY SERVE AS THE HEAD OF A
20 PRINCIPAL DEPARTMENT.

21 **SECTION 6.** The appropriation to the department of higher
22 education for the fiscal year beginning July 1, 2010, as enacted in Part VI
23 of section 2 of chapter 453, Session Laws of Colorado 2010 (HB
24 10-1376), as amended by section 1 of Senate Bill 11-140, is amended to
25 read:

26 **Section 2. Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

PART VI

DEPARTMENT OF HIGHER EDUCATION

(2) COLORADO COMMISSION ON HIGHER EDUCATION

(A) Administration

Administration	2,789,293				207,245 ^a	2,205,990 ^b	376,058
	2,751,926					2,168,623 ^b	
						(27.5 FTE)	(3.6 FTE)
						(27.0 FTE)	

^a Of this amount, \$175,745 shall be from statewide indirect cost recoveries from CollegeInvest and College Assist and \$31,500 shall be from private college and university fees paid pursuant to Section 23-2-104.5, C.R.S.

^b Of this amount, ~~\$2,100,810~~ \$2,063,443 shall be from statewide indirect cost recoveries and \$105,180 shall be from the Department of Education for assistance in aligning public education with postsecondary and workforce readiness standards.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(3) COLORADO COMMISSION ON HIGHER EDUCATION FINANCIAL AID						
2	(C) Special Purpose						
3	Required Federal Match	3,026,350		1,726,350			1,300,000
4	Veterans'/Law Enforcement/						
5	POW Tuition Assistance	364,922		364,922			
6	National Guard Tuition						
7	Assistance Fund ¹⁴	800,000		800,000			
8	Native American						
9	Students/Fort Lewis College	10,430,371		10,139,220		291,151 ⁿ	
10				10,101,853		328,518 ^a	
11	Nursing Teacher Loan						
12	Forgiveness Pilot	161,600		161,600			
13	GEAR - UP	600,000					600,000
14		<u>15,383,243</u>					
15							

1 **SECTION 7. Adjustments to the FY 2011-12 long bill.** (1) For
2 the implementation of this act, appropriations made in the annual general
3 appropriation act for the fiscal year beginning July 1, 2011, shall be
4 adjusted as follows:

5 (a) The reappropriated funds appropriation from statewide indirect
6 cost recoveries, to the department of higher education, Colorado
7 commission on higher education division, for administration, is decreased
8 by seventy-six thousand four hundred and forty-six dollars (\$76,446) and
9 1.0 FTE.

10 (b) The general fund appropriation to the department of higher
11 education, Colorado commission on higher education financial aid
12 division, special purpose, for native american students/Fort Lewis college
13 students, is decreased by seventy-six thousand four hundred and forty-six
14 dollars (\$76,446).

15 (c) The reappropriated funds appropriation from statewide indirect
16 cost recoveries to the department of higher education, Colorado
17 commission on higher education financial aid division, special purpose,
18 for native american students/Fort Lewis college students, is increased by
19 seventy-six thousand four hundred and forty-six dollars (\$76,446).

20 **SECTION 8. Effective date.** (1) Except as provided in
21 subsection (2) of this section, this act shall take effect upon passage.

22 (2) (a) Section 4 of this act shall take effect only if Senate Bill
23 11-001 is enacted and becomes law and shall take effect either upon the
24 effective date of this act or Senate Bill 11-001, whichever is later.

25 (b) Section 5 of this act shall take effect only if Senate Bill 11-001
26 is not enacted and does not become law.

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