

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 11-1155

BY REPRESENTATIVE(S) McNulty and Pace, Swerdfeger, Casso, Court, Duran, Ferrandino, Fields, Hullinghorst, Jones, Kerr J., Labuda, Lee, Looper, Massey, Murray, Nikkel, Ryden, Schafer S., Scott, Solano, Stephens, Todd, Vigil;
also SENATOR(S) Shaffer B. and Kopp, Aguilar, Bacon, Boyd, Foster, Giron, Grantham, Guzman, Heath, Hodge, Jahn, King K., King S., Lundberg, Morse, Nicholson, Roberts, Schwartz, Spence, Steadman, Tochtrop, White, Williams S.

CONCERNING THE LIEUTENANT GOVERNOR OF THE STATE OF COLORADO SERVING CONCURRENTLY AS THE HEAD OF A PRINCIPAL DEPARTMENT IN STATE GOVERNMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

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

24-1-108. Appointment of officers and employees. (1) Any provisions of law to the contrary notwithstanding and subject to the provisions of the constitution of the state of Colorado, the head of a principal department shall be appointed by the governor, with the consent

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

of the senate. The head of a principal department shall appoint all subordinate officers and employees of his OR HER office and the head of each division under his OR HER department, and the head of each division shall appoint all employees in his OR HER division, but all appointments made by the head of a principal department and heads of divisions shall be made in accordance with section 24-2-102.

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

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

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

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

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

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

24-9-101. Salaries of elected state officials. (1) The following state officials shall receive annual salaries and allowances, payable monthly,

as follows:

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

SECTION 4. The appropriation to the department of higher education for the fiscal year beginning July 1, 2010, as enacted in Part VI of section 2 of chapter 453, Session Laws of Colorado 2010 (HB 10-1376), as amended by section 1 of Senate Bill 11-140, is amended to read:

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

6 Administration	2,789,293				207,245 ^a	2,205,990^b	376,058
7	2,751,926					2,168,623 ^b	
8						(27.5 FTE)	(3.6 FTE)
9						(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*	
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							

SECTION 5. Appropriation - adjustments to the FY 2011-12 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

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

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

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

SECTION 6. 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.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO