

## CHAPTER 351

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**GOVERNMENT - STATE**


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**HOUSE BILL 04-1446**

BY REPRESENTATIVE(S) McFadyen, Butcher, Coleman, Frangas, Hoppe, Madden, Marshall, Miller, Plant, and Vigil;  
also SENATOR(S) Chlouber.

**AN ACT**

**CONCERNING THE ABILITY OF A STATE EMPLOYEE TO RECEIVE COMPENSATION FROM MORE THAN ONE STATE AGENCY.**

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

**SECTION 1.** 24-2-103 (1), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read: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.

(b) IF THE COMPENSATION OF AN OFFICER OR EMPLOYEE WHO IS EXEMPT FROM THE STATE PERSONNEL SYSTEM IS NOT FIXED BY LAW, THE OFFICER'S OR EMPLOYEE'S COMPENSATION SHALL BE DETERMINED AS FOLLOWS:

(I) THE GOVERNOR SHALL DETERMINE THE COMPENSATION FOR THE HEAD OF EACH PRINCIPAL DEPARTMENT, AND THE HEAD OF EACH PRINCIPAL DEPARTMENT SHALL DETERMINE THE COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE DEPARTMENT.

(II) THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION SHALL DETERMINE THE COMPENSATION FOR THE HEAD OF THE INSTITUTION, AND THE HEAD OF EACH INSTITUTION SHALL DETERMINE THE COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE INSTITUTION.

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

(c) OFFICERS AND EMPLOYEES IN THE STATE PERSONNEL SYSTEM SHALL RECEIVE COMPENSATION PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION AND THE COMPENSATION SYSTEM ESTABLISHED BY THE STATE PERSONNEL DIRECTOR PURSUANT TO ARTICLE 50 OF THIS TITLE. OFFICERS AND EMPLOYEES IN THE STATE PERSONNEL SYSTEM SHALL NOT RECEIVE COMPENSATION OR FEES FROM MORE THAN ONE DEPARTMENT OR INSTITUTION OF HIGHER EDUCATION EXCEPT AS PERMITTED BY RULES ADOPTED BY THE STATE PERSONNEL DIRECTOR IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE THAT ARE CONSISTENT WITH THE OVERTIME PROVISIONS OF SECTION 24-50-104.5.

(d) NOTHING IN THIS SUBSECTION (1) SHALL PREVENT DEPARTMENTS AND INSTITUTIONS OF HIGHER EDUCATION FROM SHARING PERSONNEL IF THE TERMS AND CONDITIONS OF THE PERSONNEL SHARING AGREEMENT ARE IN WRITING AND INCLUDE A PROVISION CONCERNING THE DISTRIBUTION OF COMPENSATION.

**SECTION 2. 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 28, 2004