

## CHAPTER 90

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**GOVERNMENT - STATE**


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**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.

**AN ACT**

**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 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

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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.*

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.**

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		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	<del>2,789,293</del>			207,245 <sup>a</sup>	<del>2,205,990<sup>a</sup></del>	376,058
	2,751,926				2,168,623 <sup>b</sup>	
					(27.5 FTE)	(3.6 FTE)
					(27.0 FTE)	

<sup>a</sup> 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.

<sup>b</sup> 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.

**(3) COLORADO COMMISSION ON HIGHER EDUCATION FINANCIAL AID**

**(C) Special Purpose**

Required Federal Match	3,026,350	1,726,350				1,300,000
Veterans'/Law Enforcement/ POW Tuition Assistance	364,922	364,922				

National Guard Tuition Assistance Fund <sup>4</sup>	800,000	800,000				
Native American Students/Fort Lewis College	10,430,371	<del>10,139,220</del>		<del>291,151*</del>		
		10,101,853		328,518 <sup>a</sup>		
Nursing Teacher Loan Forgiveness Pilot	161,600	161,600				
GEAR - UP	<u>600,000</u>					600,000
	15,383,243					

<sup>a</sup> Of this amount, \$291,151 shall be from departmental indirect cost recoveries. RECOVERIES AND \$37,367 SHALL BE FROM STATEWIDE INDIRECT COST RECOVERIES.

**TOTALS PART VI**

<b>(HIGHER EDUCATION)</b>	<del>\$2,944,407,840</del>	<del>\$559,252,232</del>	\$101,266,667*	\$1,588,239,277	\$586,167,393	\$109,482,271
	<u>\$2,944,370,473</u>	<u>\$559,214,865</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

<sup>a</sup> This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

**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.

Approved: April 6, 2011