

CHAPTER 35

GOVERNMENT - STATE

HOUSE BILL 26-1146

BY REPRESENTATIVE(S) Phillips and Hamrick, Bacon, Boesenecker, Camacho, Carter, Clifford, Duran, Garcia, Garcia Sander, Goldstein, Lieder, Lindsay, Lukens, Nguyen, Rutinel, Stewart K., Story, McCluskie;
also SENATOR(S) Kolker and Kipp, Cutter, Danielson, Gonzales J., Lindstedt, Marchman, Mullica, Wallace, Weissman.

AN ACT**CONCERNING ALLOWING APPROVED FACILITY SCHOOLS TO AFFILIATE WITH THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION.**

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

SECTION 1. In Colorado Revised Statutes, 24-51-101, **amend** (20); and **add** (5.5) as follows:

24-51-101. Definitions.

As used in this article 51, unless the context otherwise requires and except as otherwise defined in part 17 of this article 51:

(5.5) "APPROVED FACILITY SCHOOL" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-2-402 (1).

(20) "Employer" means the state of Colorado, the general assembly, any state department, board, commission, bureau, agency, or institution, the Colorado association of school boards, the Colorado high school activities association, the Colorado association of school executives, the fire and police pension association, the special districts association, the Colorado water resources and power development authority, the public employees' retirement association, the Colorado consortium for earth and space science education, all school districts in Colorado, and any political subdivision, city, municipality, county, housing authority, special district, library district, regional planning commission, public hospital, county or district public health agency, state university, state college, state local district college, APPROVED FACILITY SCHOOL, or other public entity that is affiliated with the plan.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. In Colorado Revised Statutes, **amend** 24-51-309 as follows:

24-51-309. Affiliation by public entities.

Except as otherwise provided in section 24-51-320, any political subdivision within the state of Colorado, ~~or any public agency created by the state or any of its political subdivisions, OR ANY APPROVED FACILITY SCHOOL, may make application~~ ~~APPLY~~ to the board to affiliate with the association. Any such entity specified in this section that previously exempted its employees from membership in the association may, by ordinance or resolution, apply to the board to be affiliated with the association. All applications shall be subject to approval by the board, and upon approval the benefits, duties, and responsibilities of employers and members shall begin from the date of affiliation with the association. The Denver public schools division shall include charter schools that participate in the DPS plan prior to January 1, 2010, and any future charter schools that are approved by the Denver public schools board of education and that enter into a charter contract with the Denver public schools board of education on or after January 1, 2010. The board shall not allow affiliation into the Denver public schools division of any employer not approved by the Denver public schools board of education. ~~ANY APPROVED FACILITY SCHOOL THAT AFFILIATES WITH THE ASSOCIATION PURSUANT TO THIS SECTION MUST BE ASSIGNED TO THE LOCAL GOVERNMENT DIVISION.~~

SECTION 3. In Colorado Revised Statutes, 24-51-313, **amend** (1) as follows:

24-51-313. Termination of affiliation - employer assigned to local government division - requirements.

(1) Any political subdivision within the state of Colorado or any public agency created by such a political subdivision, ~~OR ANY APPROVED FACILITY SCHOOL~~, that is an employer affiliated with the association pursuant to section 24-51-309 and that is assigned to the local government division may make application to the board to terminate the affiliation of the employer with the association. The application shall be made by submitting to the board an ordinance or resolution that has been adopted by the governing body of the employer and that has been approved by at least sixty-five percent of the employees of the employer who are members. Such employee members of the employer shall be notified in writing of the provisions of section 24-51-321 prior to a vote on an ordinance or resolution to terminate the affiliation of the employer with the association. Notwithstanding the provisions of this subsection (1), any such employer that ceases operations or ceases to participate in the association for any reason shall be deemed to have terminated its affiliation with the association and must comply with the provisions of sections 24-51-315 to 24-51-319.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 2, 2026