

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 26-0211.01 Sam Anderson x4218

**HOUSE BILL 26-1146**

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**HOUSE SPONSORSHIP**

**Phillips and Hamrick,**

**SENATE SPONSORSHIP**

**Kolker and Kipp,**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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://leg.colorado.gov>.)*

The bill includes approved facility schools in the definition of "employer" for purposes of the public employees' retirement association (PERA) and allows an approved facility school to apply to the PERA board to affiliate with PERA.

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

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

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

4 **24-51-101. Definitions.**

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

7 (5.5) "APPROVED FACILITY SCHOOL" HAS THE SAME MEANING AS  
8 SET FORTH IN SECTION 22-2-402 (1).

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

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

24 **24-51-309. Affiliation by public entities.**

25 Except as otherwise provided in section 24-51-320, any political  
26 subdivision within the state of Colorado, ~~or~~ any public agency created by  
27 the state or any of its political subdivisions, ~~OR ANY APPROVED FACILITY~~

1 SCHOOL, may ~~make application~~ APPLY to the board to affiliate with the  
2 association. Any such entity specified in this section that previously  
3 exempted its employees from membership in the association may, by  
4 ordinance or resolution, apply to the board to be affiliated with the  
5 association. All applications shall be subject to approval by the board, and  
6 upon approval the benefits, duties, and responsibilities of employers and  
7 members shall begin from the date of affiliation with the association. The  
8 Denver public schools division shall include charter schools that  
9 participate in the DPS plan prior to January 1, 2010, and any future  
10 charter schools that are approved by the Denver public schools board of  
11 education and that enter into a charter contract with the Denver public  
12 schools board of education on or after January 1, 2010. The board shall  
13 not allow affiliation into the Denver public schools division of any  
14 employer not approved by the Denver public schools board of education.  
15 ANY APPROVED FACILITY SCHOOL THAT AFFILIATES WITH THE  
16 ASSOCIATION PURSUANT TO THIS SECTION MUST BE ASSIGNED TO THE  
17 LOCAL GOVERNMENT DIVISION.

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

20 **24-51-313. Termination of affiliation - employer assigned to**  
21 **local government division - requirements.**

22 (1) Any political subdivision within the state of Colorado or any  
23 public agency created by such a political subdivision, OR ANY APPROVED  
24 FACILITY SCHOOL, that is an employer affiliated with the association  
25 pursuant to section 24-51-309 and that is assigned to the local  
26 government division may make application to the board to terminate the  
27 affiliation of the employer with the association. The application shall be

1 made by submitting to the board an ordinance or resolution that has been  
2 adopted by the governing body of the employer and that has been  
3 approved by at least sixty-five percent of the employees of the employer  
4 who are members. Such employee members of the employer shall be  
5 notified in writing of the provisions of section 24-51-321 prior to a vote  
6 on an ordinance or resolution to terminate the affiliation of the employer  
7 with the association. Notwithstanding the provisions of this subsection  
8 (1), any such employer that ceases operations or ceases to participate in  
9 the association for any reason shall be deemed to have terminated its  
10 affiliation with the association and must comply with the provisions of  
11 sections 24-51-315 to 24-51-319.

12       **SECTION 4. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly (August  
15 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
16 referendum petition is filed pursuant to section 1 (3) of article V of the  
17 state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2026 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.