

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0936.01 Sam Anderson x4218

SENATE BILL 26-151

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SENATE SPONSORSHIP

Kolker and Gonzales J.,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Finance

House Committees

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A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE PUBLIC EMPLOYEES'  
102 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>.)*

Under current law, certain Denver school of science and technology charter schools (DSST schools) are excluded from the Denver public schools division of the public employees' retirement association (PERA). The bill affiliates DSST schools with PERA. The bill also adds one voting member to the PERA board of trustees. The added member is to be elected from the Denver public schools division through a Denver

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.*

public schools division election administered by PERA. The added member replaces a nonvoting ex officio board member from the Denver public schools division, whom the bill removes from the board.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-51-203, **amend**  
3 (1) introductory portion; **repeal** (1.5); and **add** (1)(h) as follows:

4           **24-51-203. Board - composition and election.**

5           (1) The board consists of the following ~~fifteen~~ SIXTEEN trustees:

6           (h) ONE TRUSTEE ELECTED BY THE DENVER PUBLIC SCHOOLS  
7 DIVISION THROUGH A DENVER PUBLIC SCHOOLS ELECTION ADMINISTERED  
8 BY THE ASSOCIATION. THE TRUSTEE POSITION CREATED IN THIS  
9 SUBSECTION (1)(h) EXISTS SO LONG AS THE DENVER PUBLIC SCHOOLS  
10 DIVISION REMAINS AS A SEPARATE DIVISION OF THE ASSOCIATION. THE  
11 TRUSTEE ELECTED PURSUANT TO THIS SUBSECTION (1)(h) MUST BE A  
12 MEMBER OR RETIREE OF THE DENVER PUBLIC SCHOOLS DIVISION.  
13 EFFECTIVE JUNE 1, 2026, THE TRUSTEE ELECTED PURSUANT TO THIS  
14 SUBSECTION (1)(h) IS A VOTING MEMBER OF THE BOARD.

15           ~~(1.5) In addition to the board members specified in subsection (1)~~  
16 ~~of this section, there shall be one ex officio board member from the~~  
17 ~~Denver public schools division. The ex officio board member shall be~~  
18 ~~elected by the Denver public schools division through a Denver public~~  
19 ~~schools division member election administered by the association. The~~  
20 ~~Denver public schools division ex officio member position exists so long~~  
21 ~~as the Denver public schools division remains as a separate division of the~~  
22 ~~association. The Denver public schools division ex officio member shall~~  
23 ~~be a member or retiree of the Denver public schools division and shall be~~  
24 ~~treated like all other members of the board, subject to the following:~~

1           ~~(a) The ex officio member may sit with the board and participate~~  
2 ~~in discussions of agenda items, but shall not be allowed to vote on any~~  
3 ~~matter coming before the board or any committee of the board, or to make~~  
4 ~~any motion regarding any matter before the board or any committee of the~~  
5 ~~board;~~

6           ~~(b) The ex officio member may be reimbursed for his or her actual~~  
7 ~~and necessary expenses incurred in the execution of his or her duties as~~  
8 ~~an ex officio member of the board, subject to the same requirements and~~  
9 ~~restrictions as apply to reimbursement of expenses of statutory members~~  
10 ~~of the board;~~

11           ~~(c) The ex officio member's fiduciary obligations and~~  
12 ~~responsibilities shall be the same as any other board member, shall flow~~  
13 ~~to the entire association membership, and are not limited to those of the~~  
14 ~~Denver public schools division;~~

15           ~~(d) The ex officio member shall be provided the same board and~~  
16 ~~committee meeting materials as are provided to other members of the~~  
17 ~~board, including any information that may be deemed confidential;~~

18           ~~(e) The ex officio member shall be allowed to participate in or~~  
19 ~~attend executive or closed sessions of the board or of any committee of~~  
20 ~~the board subject to all association board rules, regulations, and policies,~~  
21 ~~including, but not limited to, confidentiality and conflict of interest;~~

22           ~~(f) The ex officio member may not be elected as an officer of the~~  
23 ~~board;~~

24           ~~(g) At the request of the ex officio member, the chair of the board~~  
25 ~~may appoint the ex officio member as an ex officio member of any~~  
26 ~~standing committee of the board;~~

27           ~~(h) The ex officio member shall be allowed to attend and~~

1 ~~participate in any open meeting discussion at any board or committee~~  
2 ~~meeting; and~~

3 ~~(i) The ex officio member shall observe all rules, regulations, and~~  
4 ~~policies applicable to members of the board and any other conditions,~~  
5 ~~restrictions, or requirements established or directed by vote of a majority~~  
6 ~~of the members of the board.~~

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

9 **24-51-309. Affiliation by public entities.**

10 Except as otherwise provided in section 24-51-320, any political  
11 subdivision within the state of Colorado or any public agency created by  
12 the state or any of its political subdivisions may make application to the  
13 board to affiliate with the association. Any such entity specified in this  
14 section that previously exempted its employees from membership in the  
15 association may, by ordinance or resolution, apply to the board to be  
16 affiliated with the association. All applications ~~shall be~~ ARE subject to  
17 approval by the board, and upon approval the benefits, duties, and  
18 responsibilities of employers and members ~~shall~~ begin from the date of  
19 affiliation with the association. ~~The Denver public schools division shall~~  
20 ~~include charter schools that participate in the DPS plan prior to January~~  
21 ~~1, 2010, and any future charter schools that are approved by the Denver~~  
22 ~~public schools board of education and that enter into a charter contract~~  
23 ~~with the Denver public schools board of education on or after January 1,~~  
24 ~~2010. The board shall not allow affiliation into the Denver public schools~~  
25 ~~division of any employer not approved by the Denver public schools~~  
26 ~~board of education~~ THE DENVER PUBLIC SCHOOLS DIVISION INCLUDES  
27 DENVER SCHOOL OF SCIENCE AND TECHNOLOGY CHARTER SCHOOLS, ANY

1 CHARTER SCHOOLS THAT CONTRACT WITH THE DENVER PUBLIC SCHOOLS  
2 BOARD OF EDUCATION, AND ANY FUTURE CHARTER SCHOOLS THAT ARE  
3 APPROVED BY THE DENVER PUBLIC SCHOOLS BOARD OF EDUCATION AND  
4 THAT ENTER INTO A CHARTER CONTRACT WITH THE DENVER PUBLIC  
5 SCHOOLS BOARD OF EDUCATION.

6 **SECTION 3.** In Colorado Revised Statutes, 24-51-505, **amend**  
7 (2)(d) as follows:

8 **24-51-505. Purchase of service credit relating to noncovered**  
9 **employment.**

10 (2) (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(d)(II) OF THIS  
11 SECTION, members employed by a public entity affiliated with the  
12 association pursuant to section 24-51-309 may purchase service credit for  
13 years employed by the entity without limit, if the purchase is completed  
14 before the member terminates employment with the entity, and any such  
15 purchase for years employed by the entity in excess of ten years is  
16 completed or installment payments initiated within three years after the  
17 date the employer affiliates with the association or November 1, 2006,  
18 whichever is later.

19 (II) A MEMBER EMPLOYED BY A DENVER SCHOOL OF SCIENCE AND  
20 TECHNOLOGY CHARTER SCHOOL THAT IS AFFILIATED WITH THE  
21 ASSOCIATION PURSUANT TO SECTION 24-51-309 MAY PURCHASE SERVICE  
22 CREDIT FOR YEARS EMPLOYED BY THE CHARTER SCHOOL WITHOUT LIMIT  
23 IF THE PURCHASE IS COMPLETED BEFORE THE MEMBER TERMINATES  
24 EMPLOYMENT WITH THE CHARTER SCHOOL AND ANY SUCH PURCHASE FOR  
25 YEARS EMPLOYED BY THE CHARTER SCHOOL IN EXCESS OF TEN YEARS IS  
26 COMPLETED OR INSTALLMENT PAYMENTS ARE INITIATED WITHIN THREE  
27 YEARS AFTER JULY 1, 2026.

1           **SECTION 4.** In Colorado Revised Statutes, 24-51-1747, **amend**  
2 (1)(k) as follows:

3           **24-51-1747. Portability between the Denver public schools**  
4 **division and the other four divisions within the association -**  
5 **definitions.**

6           (1) As used in this section, unless the context otherwise requires:

7           (k) "Denver public school district charter school" means a charter  
8 school ~~that was approved before January 1, 2010, by the Denver public~~  
9 ~~school district board of education and that has employees participating in~~  
10 ~~the Denver public schools retirement system before January 1, 2010, and~~  
11 that is certified as a Denver public school district charter school. ~~at the~~  
12 ~~time of merger~~ "Denver public school district charter school" also means  
13 a charter school approved by the Denver public school board of  
14 education. ~~on or after January 1, 2010~~ A Denver public school district  
15 charter school is considered an employer within the Denver public  
16 schools division.

17           **SECTION 5. Effective date.** This act takes effect July 1, 2026;  
18 except that sections 1, 5, and 6 of this act take effect June 1, 2026.

19           **SECTION 6. Safety clause.** The general assembly finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, or safety or for appropriations for  
22 the support and maintenance of the departments of the state and state  
23 institutions.