

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 26-0140.05 Pierce Lively x2059

**SENATE BILL 26-135**

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**Senate Committees**

Finance  
Appropriations

**House Committees**

Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING STATE PUBLIC EDUCATION K-12 FUNDING, AND, IN**  
102              **CONNECTION THEREWITH, INCREASING APPROPRIATIONS FOR**  
103              **STATE PUBLIC EDUCATION K-12 ██████████ FOR TEN YEARS,**  
104              **ALLOWING THE STATE TO RETAIN AN AMOUNT OF STATE**  
105              **REVENUE IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR**  
106              **SPENDING EQUAL TO STATE PUBLIC K-12 EDUCATION FUNDING,**  
107              **AND SUBMITTING A BALLOT QUESTION TO THE REGISTERED**  
108              **ELECTORS OF THE STATE.**

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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*

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.*

HOUSE  
Amended 2nd Reading  
May 8, 2026

SENATE  
3rd Reading Unamended  
April 27, 2026

SENATE  
Amended 2nd Reading  
April 24, 2026

<http://leg.colorado.gov>.)

The bill requires the secretary of state to refer a ballot issue at the November 2026 general election to seek voter approval for the state to retain and spend an amount of state revenue equal to the amount of state public K-12 education funding in excess of the limitation on state fiscal year spending and to increase state public K-12 education funding by up to 2% for 10 years.

The bill directs legislative council staff to determine the amount of state public K-12 education funding and describes how legislative council staff will make that determination.

The bill creates a positive factor to provide additional funding for each district. A positive factor is equal to the lesser of 2% of statewide total program funding for the 2026-27 budget year multiplied by a district's total program as a percentage of the statewide total program or the amount that the state is authorized to retain and spend that would otherwise have been in excess of the limitation on state fiscal year spending multiplied by a district's total program as a percentage of the statewide total program. A district may only use its positive factor funding for increasing teacher pay, improving teacher retention, lowering class sizes, and increasing access to career and technical courses.

The bill creates the excess state revenues account (account) within the general fund. The account consists of an amount of money equal to the amount of state revenues in excess of the excess state revenues cap that the state retains for a given fiscal year pursuant to voter approval of the bill. Money in the account must first be spent for paying districts their positive factor and only after that may be spent for any other purpose.

The bill directs the state auditor to conduct and publish, for each state fiscal year that the state retains and spends state revenues in excess of the limitation on state fiscal year spending, a legislative report. That report must include descriptions of:

- The amount of state revenues that the state retained and spent that would otherwise have been in excess of the limitation on state fiscal year spending; and
- How the state revenues that the state retained and spent that would otherwise have been in excess of the limitation on state fiscal year spending were expended.

Lastly, the bill makes conforming amendments to ensure that voter approval of the bill does not impact the expanded earned income tax credit, the family affordability tax credit, or the affordable housing financing fund.

1           **SECTION 1. Legislative declaration.** (1) The general assembly  
2 finds and declares that:

3           (a) Public education is the bedrock of Colorado's democracy,  
4 fundamental to individual opportunity, the underpinning of thriving  
5 communities, and the key to Colorado's economic prosperity and future;

6           (b) Wise and adequate investment in Colorado's schools is  
7 essential to maintaining and improving the competitiveness of Colorado  
8 and its students;

9           (c) The money invested in Colorado's public schools has a return  
10 on investment that has long been recognized as among the nation's  
11 highest;

12           (d) An increase in the rates of K-12 graduation, the earning of  
13 industry certifications, and the earning of associates degrees demonstrate  
14 the effectiveness of Colorado's investment in public schools;

15           (e) Research demonstrates that increasing school funding results  
16 in long-term increases in graduation rates and lifetime wages, prevents  
17 crime, and lowers incarceration rates;

18           (f) Educators and support staff in every school district and charter  
19 school across Colorado make invaluable contributions to their schools,  
20 districts, and communities by dedicating their time, talents, and  
21 out-of-pocket money to their students, despite Colorado ranking near the  
22 bottom of starting teacher pay and having the largest teacher pay penalty  
23 in the nation;

24           (g) Teachers, counselors, para professionals, bus drivers, and  
25 essential support staff are leaving their professions because salaries **have**  
26 **not** kept up with housing, healthcare, and cost of living;

27           (h) Students are learning in overcrowded classrooms and in

1 schools with fewer mental health counselors, opportunities for special  
2 education support, and programs that support their ability to develop into  
3 healthy, productive adults;

4 (i) Working class, multilingual, and rural communities are hit  
5 hardest by chronic school underfunding;

6 (j) In January 2025, the legislature received the reports and  
7 recommendation of the two commissioned adequacy studies: "Equity and  
8 Adequacy of Colorado School Funding - A Cost-Modeling Approach",  
9 by the American institutes for research, and "Colorado Input-Based  
10 Financial Adequacy Study Report", by Augenblick, Palaich and  
11 Associates, Inc;

12 (k) The adequacy studies found that, were Colorado schools  
13 funded fully and fairly, every student would have the individual attention  
14 they need from teachers, counselors, health professionals, tutors, and  
15 support staff to succeed and thrive; every teacher would have a  
16 reasonable workload, professional development and coaching, and a  
17 salary that would allow them to live where they work; and every  
18 community would enjoy the benefit of vibrant public schools, a  
19 high-quality workforce, and an engaged citizenry;

20 (l) Colorado's fiscal constraints and potential of federal funding  
21 cuts to education, medicaid, nutrition, human services, and other critical  
22 programs threaten the sustainability and adequacy of school funding in  
23 Colorado and to deplete the state education fund; [REDACTED]

24 (m) Research demonstrates that high-quality early childhood  
25 education, including child care and preschool, produces significant  
26 long-term benefits, including improved school readiness, higher  
27 graduation rates, and greater lifetime earnings, and that every dollar

1 invested in high-quality childhood education yields substantial returns to  
2 the state and its communities;

3 (n) Children who participate in high-quality, preschool and child  
4 care programs arrive in kindergarten better prepared to learn across  
5 language, math, and social-emotional domains, with the greatest benefits  
6 accruing to children from working families, rural communities, and  
7 multilingual households; and

8 (o) Therefore, it is in the best interest of educators, students, and  
9 their families to allow voters to invest further in public education by  
10 modernizing the state's ability to retain and spend revenue to meet the  
11 needs of Colorado communities and to ensure that state investment in  
12 K-12 public education is increased by two percent for at least ten years  
13 through the funding of a positive factor.

14 ■ ■ ■

15 **SECTION 2.** In Colorado Revised Statutes, **add** 22-54-103.7 as  
16 follows:

17 **22-54-103.7. Positive factor - definitions.**

18 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
19 REQUIRES:

20 ■

21 (a) "NEW FORMULA DISTRICT TOTAL PROGRAM CALCULATION"  
22 MEANS A DISTRICT'S TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR  
23 AS CALCULATED PURSUANT TO THE DISTRICT TOTAL PROGRAM FORMULA  
24 IN SECTION 22-54-103.5. THE TERM DOES NOT INCLUDE ANY ADJUSTMENTS  
25 REQUIRED PURSUANT TO SECTION 22-54-103.3 WHEN DETERMINING A  
26 DISTRICT'S TOTAL PROGRAM FOR THE 2027-28 BUDGET YEAR THROUGH  
27 THE 2030-31 BUDGET YEAR.

1 (b) "NEW FORMULA STATEWIDE TOTAL PROGRAM CALCULATION"  
2 MEANS THE DISTRICT TOTAL PROGRAM FOR ALL DISTRICTS FOR THE  
3 APPLICABLE BUDGET YEAR AS CALCULATED PURSUANT TO THE DISTRICT  
4 TOTAL PROGRAM FORMULA IN SECTION 22-54-103.5. THE TERM DOES NOT  
5 INCLUDE ANY ADJUSTMENTS REQUIRED PURSUANT TO SECTION  
6 22-54-103.3 WHEN DETERMINING A DISTRICT'S TOTAL PROGRAM FOR THE  
7 2027-28 BUDGET YEAR THROUGH THE 2030-31 BUDGET YEAR.

8 (c) "POSITIVE FACTOR" MEANS:

9 (I) FOR THE 2026-27 BUDGET YEAR, TWO PERCENT OF PROGRAM  
10 FOUNDATION CALCULATED FOR THE 2025-26 BUDGET YEAR;

11 (II) FOR THE 2027-28 BUDGET YEAR THROUGH THE 2034-35  
12 BUDGET YEAR, THE SUM OF:

13 (A) TWO PERCENT OF PROGRAM FOUNDATION FOR THE  
14 IMMEDIATELY PRECEDING BUDGET YEAR; AND

15 (B) THE POSITIVE FACTOR FOR THE IMMEDIATELY PRECEDING  
16 BUDGET YEAR; AND

17 (III) FOR THE 2035-36 BUDGET YEAR AND EACH BUDGET YEAR  
18 THEREAFTER:

19 (A) TWO PERCENT OF PROGRAM FOUNDATION FOR THE 2034-35  
20 BUDGET YEAR; AND

21 (B) THE POSITIVE FACTOR FOR THE 2034-35 BUDGET YEAR.

22   
23 (d) "PROGRAM FOUNDATION" MEANS:

24 (I) FOR BUDGET YEARS BEFORE TOTAL PROGRAM IS DETERMINED  
25 PURSUANT TO SECTION 22-54-103.5, AN AMOUNT EQUAL TO STATE SHARE  
26 OF TOTAL PROGRAM; AND

27 (II) FOR BUDGET YEARS WHEN TOTAL PROGRAM IS DETERMINED



1 THEREAFTER, THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE  
2 LEGISLATIVE COUNCIL SHALL ANNUALLY DETERMINE EACH DISTRICT'S █  
3 POSITIVE FACTOR █ BASED ON BUDGET PROJECTIONS; EXCEPT THAT THE  
4 DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL  
5 SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH  
6 ACTUAL FIGURES TO DETERMINE ANY NECESSARY CHANGES IN THE  
7 AMOUNT TO MAINTAIN THE POSITIVE FACTOR █ FOR THE APPLICABLE  
8 BUDGET YEAR.

9 (5) A DISTRICT'S █ POSITIVE FACTOR █ IS IN ADDITION TO, BUT  
10 IS NOT INCLUDED IN, THE DISTRICT'S TOTAL PROGRAM DETERMINED  
11 PURSUANT TO THIS ARTICLE 54. THE POSITIVE FACTOR █ MUST BE  
12 DISTRIBUTED IN THE SAME FORM AND MANNER IN WHICH PAYMENTS OF  
13 TOTAL PROGRAM ARE DISTRIBUTED UNDER LAW TO ALL PUBLIC SCHOOLS.

14 ==

15 (6) A DISTRICT SHALL ONLY EXPEND ITS POSITIVE FACTOR TO:

16 (a) INCREASE TEACHER PAY;

17 (b) IMPROVE TEACHER RETENTION;

18 (c) LOWER CLASS SIZES; AND

19 (d) INCREASE ACCESS TO CAREER AND TECHNICAL COURSES.

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22 **SECTION 3.** In Colorado Revised Statutes, **add** part 3 to article  
23 77 of title 24 as follows:

24

PART 3

25

SUBMISSION OF BALLOT ISSUE

26

VOTER-APPROVED REVENUE CHANGE

27

**24-77-301. Definitions.**

1 AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE  
2 REQUIRES:

3 ==  
4 (1) "CHILDREN'S ACCOUNT" OR "ACCOUNT" MEANS THE  
5 CHILDREN'S ACCOUNT CREATED IN SECTION 24-77-302 (2).

6 ==  
7 (2) "STATE PUBLIC EDUCATION FUNDING" MEANS THE AMOUNT  
8 DETERMINED BY LEGISLATIVE COUNCIL STAFF PURSUANT TO SECTION  
9 24-77-303 (1).

10 (3) "STATE REVENUES" MEANS STATE FISCAL YEAR SPENDING, AS  
11 DEFINED IN SECTION 24-77-102 (17).

12 (4) "TWO PERCENT K-12 PUBLIC EDUCATION INCREASE" HAS THE  
13 MEANING SET FORTH IN SECTION 22-54-104.7 (1)(f).

14 **24-77-302. Retention of excess state revenues - children's**  
15 **account - definitions.**

16 (1) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1,  
17 2026, THE STATE MAY RETAIN AND SPEND STATE REVENUES THAT THE  
18 STATE OTHERWISE WOULD HAVE BEEN REQUIRED TO REFUND UNDER  
19 SECTION 20 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION IN AN  
20 AMOUNT EQUAL TO THE STATE PUBLIC EDUCATION FUNDING FOR THE  
21 STATE FISCAL YEAR.

22 (2) (a) THERE IS HEREBY CREATED IN THE GENERAL FUND THE  
23 CHILDREN'S ACCOUNT, WHICH CONSISTS OF:

24 (I) FOR STATE FISCAL YEAR 2026-27, AN AMOUNT OF MONEY  
25 EQUAL TO THE AMOUNT THAT THE STATE RETAINS FOR STATE FISCAL YEAR  
26 2026-27 PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND

27 (II) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1,

1 2027, AN AMOUNT OF MONEY EQUAL TO THE AMOUNT THAT THE STATE  
2 RETAINS FOR THE STATE FISCAL YEAR PURSUANT TO SUBSECTION (1) OF  
3 THIS SECTION MINUS AN AMOUNT EQUAL TO THE TOTAL DOLLAR AMOUNT  
4 OF WARRANTS ISSUED BY THE STATE TREASURER PURSUANT TO SECTION  
5 39-3-207 (4) IN THE SAME STATE FISCAL YEAR.

6 (b) FOR EACH STATE FISCAL YEAR BEGINNING ON OR AFTER JULY  
7 1, 2026, BUT BEFORE JULY 1, 2037, THE GENERAL ASSEMBLY:

8 (I) SHALL TRANSFER OR APPROPRIATE TO THE DEPARTMENT OF  
9 EDUCATION AN AMOUNT EQUAL TO THE TWO PERCENT K-12 PUBLIC  
10 EDUCATION INCREASE FOR THE STATE FISCAL YEAR AND THE  
11 DEPARTMENT OF EDUCATION SHALL DISTRIBUTE THAT AMOUNT IN  
12 ACCORDANCE WITH SECTION 22-54-103.7;

13 (II) SHALL APPROPRIATE OR TRANSFER AN AMOUNT FOR  
14 INVESTMENT IN K-12 PUBLIC EDUCATION, TO BE USED FOR SCHOOL  
15 SERVICES, DISABILITY SERVICES TO STUDENTS WITH DISABILITIES, AND  
16 INCREASING ANNUAL CONTACT HOURS, EQUAL TO THE AMOUNT, IF ANY, BY  
17 WHICH ONE HALF OF THE AMOUNT CREDITED TO THE ACCOUNT FOR THE  
18 STATE FISCAL YEAR EXCEEDS THE AMOUNT APPROPRIATED OR  
19 TRANSFERRED PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION FOR  
20 THE STATE FISCAL YEAR; AND

21 (III) AFTER MAKING THE APPROPRIATIONS OR TRANSFERS  
22 REQUIRED BY SUBSECTIONS (2)(b)(I) AND (2)(b)(II) OF THIS SECTION FOR  
23 THE STATE FISCAL YEAR, SHALL APPROPRIATE OR TRANSFER THE  
24 REMAINING MONEY IN THE ACCOUNT TO PROGRAMS THAT SUPPORT  
25 COLORADO'S CHILDREN, PRIORITIZING CHILD CARE, FULL-DAY PRESCHOOL,  
26 AND OTHER PROGRAMS THAT PREPARE CHILDREN TO BE SUCCESSFUL IN  
27 SCHOOL.

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(3) THE APPROVAL OF THE BALLOT MEASURE INCLUDING THIS SECTION BY A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT MEASURE CONSTITUTES A VOTER-APPROVED REVENUE CHANGE TO ALLOW THE RETENTION AND EXPENDITURE OF THE ADDITIONAL STATE REVENUES THAT THE STATE IS AUTHORIZED TO RETAIN AND SPEND PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(4) THIS SECTION DOES NOT AFFECT THE AMOUNT THAT THE STATE IS PERMITTED TO RETAIN AND SPEND UNDER THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I).

(5) THE MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES OR TRANSFERS PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION SHALL SUPPLEMENT AND NOT SUPPLANT TOTAL PROGRAM, AS DEFINED IN SECTION 22-55-102 (18).

**24-77-303. Determination of state public education funding.**

(1) ON OR BEFORE JANUARY 15, 2027, ON OR AFTER JULY 1, 2027, BUT BEFORE AUGUST 1, 2027, AND ON OR AFTER EACH JULY 1 AND BEFORE EACH AUGUST 1 THEREAFTER, LEGISLATIVE COUNCIL STAFF SHALL DETERMINE AND REPORT TO THE STATE CONTROLLER, THE OFFICE OF STATE PLANNING AND BUDGETING, AND THE JOINT BUDGET COMMITTEE, THE GREATEST TOTAL AMOUNT IN A PRECEDING STATE FISCAL YEAR THAT HAS BEEN COUNTED AS STATE FISCAL YEAR SPENDING AND APPROPRIATED BY THE GENERAL ASSEMBLY FOR A PRECEDING STATE FISCAL YEAR FOR CATEGORICAL PROGRAMS AND THE STATE SHARE OF TOTAL PROGRAM AND THE AMOUNT OF THE TWO PERCENT K-12 PUBLIC EDUCATION INCREASE FOR THE SAME PRECEDING STATE FISCAL YEAR. THE AMOUNT DETERMINED

1 AND REPORTED BY LEGISLATIVE COUNCIL STAFF PURSUANT TO THIS  
2 SUBSECTION (1)      IS THE STATE PUBLIC EDUCATION FUNDING FOR THAT  
3 STATE FISCAL YEAR.

4 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
5 REQUIRES:

6 (a) "CATEGORICAL PROGRAMS" HAS THE      MEANING      SET  
7 FORTH IN SECTION 22-55-102 (4).

8 (b) "STATE SHARE OF TOTAL PROGRAM" MEANS AN AMOUNT  
9 EQUAL TO THE TOTAL OF THE STATE'S SHARE OF EACH SCHOOL DISTRICT'S  
10 TOTAL PROGRAM, AS DEFINED IN SECTION 22-55-102 (18).

11 **24-77-304. Excess state revenues expenditure independent**  
12 **audit.**

13 (1)      FOR EACH STATE FISCAL YEAR THAT THE STATE RETAINS  
14 AND SPENDS STATE REVENUES IN EXCESS OF THE LIMITATION ON STATE  
15 FISCAL YEAR SPENDING PURSUANT TO THIS PART 3, THE STATE AUDITOR  
16 SHALL REPORT ON EXCESS STATE REVENUES, INCLUDING THE FOLLOWING  
17 INFORMATION:

18 (a) THE AMOUNT OF STATE REVENUES THAT THE STATE RETAINED  
19 AND SPENT IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR  
20 SPENDING PURSUANT TO THIS PART 3; AND

21 (b) A DESCRIPTION OF HOW THE STATE EXPENDED FROM THE  
22 ACCOUNT THE STATE REVENUES THAT THE STATE RETAINED AND SPENT IN  
23 EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT  
24 TO THIS PART 3.

25 (2) THE STATE AUDITOR SHALL COMPLETE THE REPORTING  
26 REQUIRED BY SUBSECTION (1) OF THIS SECTION AT THE SAME TIME THAT  
27 THE STATE AUDITOR COMPLETES THE REPORT REQUIRED PURSUANT TO

1 SECTION 2-3-103 (2) FOLLOWING A FISCAL YEAR IN WHICH THE STATE  
2 RETAINS AND SPENDS STATE REVENUES IN EXCESS OF THE LIMITATION ON  
3 STATE FISCAL YEAR SPENDING PURSUANT TO THIS PART 3 AND MAY AMEND  
4 THE REPORT THEREAFTER AS NECESSARY.

5  
6 **SECTION 4.** In Colorado Revised Statutes, 22-44-304, add  
7 (1)(g) as follows:

8 **22-44-304. Financial reporting - online access to information**  
9 **- definitions.**

10 (1) (g) (I) ADDITIONALLY, COMMENCING ON AUGUST 1, 2027,  
11 EACH LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION 22-54-202,  
12 SHALL POST IN A FORMAT THAT CAN BE DOWNLOADED AND SORTED, FOR  
13 FREE PUBLIC ACCESS, THE LOCAL EDUCATION PROVIDER'S ACTUAL  
14 EXPENDITURES OF ANY POSITIVE FACTOR RECEIVED PURSUANT TO  
15 SECTION 22-54-103.7.

16 (II) AS USED IN THIS SUBSECTION (1)(g), UNLESS THE CONTEXT  
17 OTHERWISE REQUIRES, "POSITIVE FACTOR" HAS THE MEANING SET FORTH  
18 IN SECTION 22-54-103.7 (1)(c).

19 **SECTION 5.** In Colorado Revised Statutes, 24-77-106.5, amend  
20 (1)(b) as follows:

21 **24-77-106.5. Annual financial report - certification of excess**  
22 **state revenues.**

23 (1) (b) Notwithstanding section 24-1-136 (11)(a)(I), based upon  
24 the financial report prepared in accordance with subsection (1)(a) of this  
25 section for any given fiscal year, the controller shall certify to the  
26 governor, the general assembly, and the executive director of the  
27 department of revenue no later than September 1 following the end of a

1 fiscal year the amount of state revenues in excess of the limitation on  
2 state fiscal year spending imposed by section 20 (7)(a) of article X of the  
3 state constitution, if any, for such fiscal year and the state revenues in  
4 excess of such limitation that the state is authorized to retain and spend  
5 pursuant to voter approval of section 24-77-103.6 AND PART 3 OF THIS  
6 ARTICLE 77.

7 **SECTION 6.** In Colorado Revised Statutes, 29-32-104, **amend**  
8 (5) as follows:

9 **29-32-104. Permissible expenditures - affordable housing**  
10 **programs - report - definitions.**

11 (5) If the Legislative Council Staff's March Economic and  
12 Revenue Forecast in any given year projects revenue for the next state  
13 fiscal year will fall below the revenue limit imposed under section 20 of  
14 article X of the state constitution BY AN AMOUNT GREATER THAN THE  
15 AMOUNT OF STATE PUBLIC EDUCATION FUNDING AS DEFINED IN SECTION  
16 24-77-301 (2), the general assembly may reduce the funding allocated to  
17 the office required by this section for the next state fiscal year in order to  
18 balance the state budget for said state fiscal year.

19 **SECTION 7.** In Colorado Revised Statutes, 39-22-123.5, **amend**  
20 (3.5)(a)(VIII) as follows:

21 **39-22-123.5. Earned income tax credit - legislative declaration**  
22 **- repeal.**

23 (3.5) (a) As used in this subsection (3.5), unless the context  
24 otherwise requires:

25 (VIII) "Nonexempt revenue" means, for the applicable state fiscal  
26 year, the revenues that are identified as nonexempt revenues in the annual  
27 comprehensive financial report published by the office of the state

1 controller; EXCEPT THAT, FOR STATE FISCAL YEARS COMMENCING ON OR  
2 AFTER JULY 1, 2026, NONEXEMPT REVENUE INCLUDES STATE PUBLIC  
3 EDUCATION FUNDING AS DEFINED IN SECTION 24-77-301 (2).

4 **SECTION 8.** In Colorado Revised Statutes, 39-22-130, **amend**  
5 (2)(b)(II)(G) as follows:

6 **39-22-130. Family affordability tax credit - tax preference**  
7 **performance statement - legislative declaration - definitions - repeal.**

8 (2) As used in this section, unless the context otherwise requires:

9 (b) (II) As used in this subsection (2)(b):

10 (G) "Nonexempt revenue" means, for the applicable state fiscal  
11 year, the revenue that is identified as nonexempt TABOR revenues in the  
12 annual comprehensive financial report published by the office of the state  
13 controller; EXCEPT THAT, FOR STATE FISCAL YEARS COMMENCING ON OR  
14 AFTER JULY 1, 2026, NONEXEMPT REVENUE INCLUDES STATE PUBLIC  
15 EDUCATION FUNDING AS DEFINED IN SECTION 24-77-301 (2).

16 **SECTION 9. Refer to people under referendum.** At the  
17 election held on November 3, 2026, the secretary of state shall submit this  
18 act by its ballot title to the registered electors of the state for their  
19 approval or rejection. Each elector voting at the election may cast a vote  
20 either "Yes/For" or "No/Against" on the following ballot title: "Shall state  
21 investment in K-12 public education increase two percent each year for  
22 the next ten years, with investments used to increase teacher pay, improve  
23 teacher retention, lower class sizes, and increase access to career and  
24 technical courses, without raising taxes but instead funded by raising the  
25 annual limit on state fiscal year spending only by the amount spent on  
26 public K-12 education as a voter-approved revenue change, and requiring  
27 an annual publicly released, independent audit to show how the new

1 investments are spent?" Except as otherwise provided in section  
2 1-40-123, Colorado Revised Statutes, if a majority of the electors voting  
3 on the ballot title vote "Yes/For", then the act will become part of the  
4 Colorado Revised Statutes.