

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 26-151

BY SENATOR(S) Kolker and Gonzales J., Cutter, Jodeh, Kipp, Marchman, Coleman;
also REPRESENTATIVE(S) Bacon and Lukens, Clifford, Duran, English, Goldstein, Hamrick, Lieder, Nguyen, Phillips, Rutinel, Rydin, Smith, Stewart K., Titone, McCluskie.

CONCERNING MODIFICATIONS TO THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION.

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

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

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

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

(h) **ONE TRUSTEE ELECTED BY THE DENVER PUBLIC SCHOOLS DIVISION THROUGH A DENVER PUBLIC SCHOOLS ELECTION ADMINISTERED BY THE ASSOCIATION. THE TRUSTEE POSITION CREATED IN THIS SUBSECTION (1)(h) EXISTS SO LONG AS THE DENVER PUBLIC SCHOOLS DIVISION REMAINS**

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.

AS A SEPARATE DIVISION OF THE ASSOCIATION. THE TRUSTEE ELECTED PURSUANT TO THIS SUBSECTION (1)(h) MUST BE A MEMBER OR RETIREE OF THE DENVER PUBLIC SCHOOLS DIVISION. EFFECTIVE JUNE 1, 2026, THE TRUSTEE ELECTED PURSUANT TO THIS SUBSECTION (1)(h) IS A VOTING MEMBER OF THE BOARD.

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

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

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

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

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

~~(e) The ex officio member shall be allowed to participate in or attend executive or closed sessions of the board or of any committee of the~~

~~board subject to all association board rules, regulations, and policies, including, but not limited to, confidentiality and conflict of interest;~~

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

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

~~(h) The ex officio member shall be allowed to attend and participate in any open meeting discussion at any board or committee meeting; and~~

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

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 may make application 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~~ ARE 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~~ THE DENVER PUBLIC SCHOOLS DIVISION INCLUDES DENVER SCHOOL OF SCIENCE AND

TECHNOLOGY CHARTER SCHOOLS, ANY CHARTER SCHOOLS THAT CONTRACT WITH THE DENVER PUBLIC SCHOOLS BOARD OF EDUCATION, 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.

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

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

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

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

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

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

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

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

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

SECTION 6. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO