



2026 Statewide Ballot Issues

The Colorado Constitution (Article V, Section 1(7.3)) requires the Colorado Legislative Council to publish the ballot title and legal text of each statewide ballot measure. A “YES/FOR” vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a “NO/AGAINST” vote on any ballot issue is a vote against changing current law or existing circumstances.

Amendment 81

Law Enforcement Communication with Federal Immigration Authorities

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado Constitution requiring law enforcement to notify the department of homeland security when a person is charged with either a violent crime or any crime if the person has a prior felony conviction if law enforcement cannot determine that the person is lawfully present in the United States?

Text of Measure:

Be it enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, add section 17 to article XVIII as follows:

Section 17. Notification requirements for felons and violent offenders unlawfully present in the United States

(1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, “LAW ENFORCEMENT” MEANS:

- (a) A CERTIFIED PEACE OFFICER DESCRIBED IN LAW, WHO IS EMPLOYED BY A LAW ENFORCEMENT AGENCY;
- (b) A CORRECTIONAL OFFICER; OR
- (c) AN ATTORNEY OR INVESTIGATOR WHO IS EMPLOYED BY A DISTRICT ATTORNEY.

(2) **Requirement to notify upon charging.** NOTWITHSTANDING ANY OTHER PROVISION OF COLORADO LAW, LAW ENFORCEMENT SHALL NOTIFY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY WITHIN SEVENTY-TWO HOURS AFTER CHARGING THE PERSON WITH A CRIME IF:

(a) THE PERSON IS NOT LAWFULLY PRESENT IN THE UNITED STATES OR THE STATUS OF THE PERSON’S LAWFUL PRESENCE IS UNKNOWN AFTER A REASONABLE ATTEMPT TO DETERMINE IT HAS BEEN MADE BY LAW ENFORCEMENT; AND

(b) EITHER:

- (I) THE PERSON IS CHARGED WITH A CRIME OF VIOLENCE AS DEFINED BY COLORADO STATUTE; OR
- (II) THE PERSON HAS BEEN CONVICTED OF A PRIOR FELONY.

(3) **Reasonable effort required.** LAW ENFORCEMENT HAS A DUTY TO MAKE A REASONABLE EFFORT TO DETERMINE WHETHER A PERSON CHARGED WHO WOULD BE THE SUBJECT OF A NOTIFICATION UNDER THIS SECTION IS LAWFULLY PRESENT IN THE UNITED STATES.

Amendment 82

Constitutional Right to Purchase and Sell Natural Gas

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado Constitution creating new law granting the right for consumers to purchase natural gas for cooking or heating in homes or businesses and for distributors and utilities to sell natural gas to consumers?

Text of Measure:

Be it enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, **add** section 17 to article XVIII as follows:

Section 17. Right to natural gas.

- (1) CONSUMERS HAVE THE RIGHT TO PURCHASE NATURAL GAS FOR COOKING OR HEATING IN HOMES OR BUSINESSES THROUGHOUT THE STATE.
- (2) DISTRIBUTORS AND UTILITIES HAVE THE RIGHT TO SELL NATURAL GAS FOR HOMES OR BUSINESSES.

Amendment 83

Constitutional Right to Hunt and Fish

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado Constitution creating a constitutional right to hunt, fish, and harvest fish and wildlife by traditional methods, including all species of fish and wildlife managed by the state except non-game species, endangered species, or any species that is illegal to hunt under federal law, and, in connection therewith, establishing hunting and fishing as the preferred means of managing fish and wildlife populations; and preserving the right of the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific wildlife conservation and management, public safety, or to preserve the future of hunting and fishing opportunities for all species?

Text of Measure:

Be it enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, **add** Section 13 to article XVIII as follows:

Section 13. Right to fish and hunt.

- (1) THERE IS ESTABLISHED A RIGHT OF THE PEOPLE OF COLORADO TO HUNT, FISH, AND TAKE FISH AND WILDLIFE. THE RIGHT INCLUDES HUNTING, FISHING, AND HARVESTING FISH AND WILDLIFE BY THE USE OF TRADITIONAL METHODS. THE RIGHT APPLIES TO ALL SPECIES OF FISH AND WILDLIFE MANAGED BY THE STATE EXCEPT NONGAME SPECIES, ENDANGERED SPECIES, OR ANY SPECIES THAT IS ILLEGAL TO HUNT UNDER FEDERAL LAW.
- (2) THE POLICY OF THE STATE OF COLORADO IS THAT HUNTING AND FISHING ARE THE PREFERRED MEANS OF RESPONSIBLY MANAGING FISH AND WILDLIFE POPULATIONS.
- (3) THIS SECTION IS NOT INTENDED TO AUTHORIZE TRESPASS UPON PRIVATE PROPERTY OR TO MODIFY ANY PROVISION OF STATUTES RELATING TO TRESPASS OR PROPERTY RIGHTS.
- (4) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF AN AGENCY OF THE STATE OF COLORADO OR THE GENERAL ASSEMBLY TO REGULATE HUNTING, FISHING, AND WILDLIFE MANAGEMENT IF THE LAW IS NECESSARY FOR SOUND SCIENTIFIC WILDLIFE CONSERVATION AND MANAGEMENT, PUBLIC SAFETY, OR TO PRESERVE THE FUTURE OF HUNTING AND FISHING OPPORTUNITIES FOR ALL SPECIES STATEWIDE.

Amendment 84

Mail Ballot Voter Identification

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado Constitution requiring a voter to sign and include the last four digits of their social security number or their Colorado driver’s license or identification card number on the outside of their mail ballot for any federal or state election, and, in connection therewith, allowing the voter to correct missing or incorrect information, including with alternative forms of identification; and prohibiting a county clerk and recorder from counting the mail ballot unless the problem is fixed?

Text of Measure:

Be it enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, **add** Section 13 to article VII as follows:

Section 13. Voter Authentication

(1) FOR ANY FEDERAL OR STATEWIDE ELECTION, A VOTER IS REQUIRED TO AFFIX THEIR SIGNATURE AND INCLUDE EITHER THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER OR COLORADO REAL IDENTIFICATION NUMBER OR COLORADO REAL IDENTIFICATION DRIVER'S LICENSE NUMBER, AS CODIFIED IN 49 U.S.C. SEC. 30301 NOTE OR ITS SUCCESSOR SECTION AND SECTIONS 42-2-101, 42-2-301, AND 42-2-402 OR THEIR SUCCESSOR SECTIONS, ON THE SELF-AFFIRMATION OF A RETURNED MAIL BALLOT. A VOTER MAY ALTERNATIVELY INCLUDE THE LAST FOUR DIGITS OF ANOTHER FORM OF COLORADO IDENTIFICATION THAT MEETS THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005 OR SUCCESSOR LEGISLATION. IF THE VOTER FAILS TO FILL OUT ALL OR PART OF THE REQUIRED AFFIRMATION, OR IF AN ELECTION JUDGE IS UNABLE TO CONFIRM THAT THE INFORMATION PROVIDED MATCHES THE VOTER'S INFORMATION CONTAINED IN THE STATEWIDE VOTER REGISTRATION DATABASE, THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL MUST SEND NOTICE TO THE VOTER INFORMING THEM OF THE PROCESS TO CORRECT THE DISCREPANCY. THE COUNTY CLERK AND RECORDER SHALL NOT COUNT THE BALLOT UNTIL THE DISCREPANCY IS CORRECTED.

(2) A DISCREPANCY MAY BE CORRECTED BY PROVIDING A COPY OF THE VOTER'S IDENTIFICATION IN SUBSECTION (1) OF THIS SECTION, US PASSPORT, US MILITARY IDENTIFICATION CARD, OR TRIBAL PHOTO IDENTIFICATION, IN PERSON OR DIGITALLY, TO THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL.

(3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, A VOTER WHO IS PROVIDED THE RIGHT TO VOTE OTHERWISE THAN IN PERSON UNDER SECTION (b)(2)(B)(ii) OF THE FEDERAL "VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT", 52 U.S.C. SEC. 20102 ET SEQ., MAY PROVIDE ANY FORM OF IDENTIFICATION DEEMED ACCEPTABLE UNDER SECTION 1-1-104 (19.5) OR ITS SUCCESSOR TO CORRECT A DISCREPANCY.

Amendment 85

Plain Language Ballot Titles

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado Constitution concerning ballot question language, and, in connection therewith, requiring all state and local ballot questions to be written in plain language and at no more than an 8th grade reading level and prohibiting a state statute from requiring language that conflicts with these requirements in ballot questions for citizen-initiated measures?

Text of Measure:

Be it enacted by the People of the state of Colorado:

SECTION 1. In Colorado Constitution Article V, Section 1, **add** (5.6) as follows:

(5.6) BALLOT QUESTIONS SHALL BE IN PLAIN LANGUAGE AT NO MORE THAN AN EIGHTH-GRADE READING LEVEL. NO STATUTE MAY INTERFERE WITH THIS PROVISION BY MANDATING LANGUAGE PRECEDING, FOLLOWING, OR IN A BALLOT TITLE OF AN INITIATIVE.

Amendment 86

Requirements for Off-Cycle Congressional Redistricting

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado Constitution concerning congressional redistricting, and, in connection therewith, reenacting the current process for congressional redistricting in the Colorado Constitution and prohibiting modifications to a final map unless at least three public

meetings are held, the modifications do not have the effect of dividing communities of interest or purposefully favoring one political party, and are approved by the congressional redistricting commission and the Colorado Supreme Court?

Text of Measure:

Be it enacted by the People of the state of Colorado:

SECTION 1. In the constitution of the state of Colorado article V, **repeal and reenact** section 44 as follows:

SECTION 44. REPRESENTATIVES IN CONGRESS - CONGRESSIONAL DISTRICTS - COMMISSION CREATED.

(1) DECLARATION OF THE PEOPLE. THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(A) THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY CONGRESSIONAL DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, MUST END; (B) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL GERRYMANDERING IS BEST ACHIEVED BY CREATING A NEW AND INDEPENDENT COMMISSION THAT IS POLITICALLY BALANCED, PROVIDES REPRESENTATION TO VOTERS NOT AFFILIATED WITH EITHER OF THE STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE STAFF TO DRAW MAPS; (C) THE REDISTRICTING COMMISSION SHOULD SET DISTRICT LINES BY ENSURING CONSTITUTIONALLY GUARANTEED VOTING RIGHTS, INCLUDING THE PROTECTION OF MINORITY GROUP VOTING, AS WELL AS FAIR AND EFFECTIVE REPRESENTATION OF CONSTITUENTS USING POLITICALLY NEUTRAL CRITERIA; (D) COMPETITIVE ELECTIONS FOR MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES PROVIDE VOTERS WITH A MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY DEMOCRACY, HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR AND EFFECTIVE REPRESENTATION, AND CONTRIBUTE TO THE POLITICAL WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL SUBDIVISIONS; (E) FOR YEARS CERTAIN POLITICAL INTERESTS OPPOSED COMPETITIVE DISTRICTS IN COLORADO BECAUSE THEY ARE PRIMARILY CONCERNED ABOUT MAINTAINING THEIR OWN POLITICAL POWER AT THE EXPENSE OF FAIR AND EFFECTIVE REPRESENTATION; AND (F) CITIZENS WANT AND DESERVE AN INCLUSIVE AND MEANINGFUL CONGRESSIONAL REDISTRICTING PROCESS THAT PROVIDES THE PUBLIC WITH THE ABILITY TO BE HEARD AS REDISTRICTING MAPS ARE DRAWN, TO BE ABLE TO WATCH THE WITNESSES WHO DELIVER TESTIMONY AND THE REDISTRICTING COMMISSION'S DELIBERATIONS, AND TO HAVE THEIR WRITTEN COMMENTS CONSIDERED BEFORE ANY PROPOSED MAP IS VOTED UPON BY THE COMMISSION AS THE FINAL MAP.

(2) CONGRESSIONAL DISTRICTS - COMMISSION CREATED. THERE IS HEREBY CREATED THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION. THE COMMISSION SHALL DIVIDE THE STATE INTO AS MANY CONGRESSIONAL DISTRICTS AS THERE ARE REPRESENTATIVES IN CONGRESS APPORTIONED TO THIS STATE BY THE CONGRESS OF THE UNITED STATES FOR THE ELECTION OF ONE REPRESENTATIVE TO CONGRESS FROM EACH DISTRICT. WHEN A NEW APPORTIONMENT IS MADE BY CONGRESS, THE COMMISSION SHALL DIVIDE THE STATE INTO CONGRESSIONAL DISTRICTS ACCORDINGLY.

(3) DEFINITIONS. AS USED IN THIS SECTION AND IN SECTIONS 44.1 THROUGH 44.6 OF THIS ARTICLE V, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "COMMISSION" MEANS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION CREATED IN SUBSECTION (2) OF THIS SECTION.

(B) (I) "COMMUNITY OF INTEREST" MEANS ANY GROUP IN COLORADO THAT SHARES ONE OR MORE SUBSTANTIAL INTERESTS THAT MAY BE THE SUBJECT OF FEDERAL LEGISLATIVE ACTION, IS COMPOSED OF A REASONABLY PROXIMATE POPULATION, AND THUS SHOULD BE CONSIDERED FOR INCLUSION WITHIN A SINGLE DISTRICT FOR PURPOSES OF ENSURING ITS FAIR AND EFFECTIVE REPRESENTATION.

(II) SUCH INTERESTS INCLUDE BUT ARE NOT LIMITED TO MATTERS REFLECTING:

(A) SHARED PUBLIC POLICY CONCERNS OF URBAN, RURAL, AGRICULTURAL, INDUSTRIAL, OR TRADE AREAS; AND

(B) SHARED PUBLIC POLICY CONCERNS SUCH AS EDUCATION, EMPLOYMENT, ENVIRONMENT, PUBLIC HEALTH, TRANSPORTATION, WATER NEEDS AND SUPPLIES, AND ISSUES OF DEMONSTRABLE REGIONAL SIGNIFICANCE.

(III) GROUPS THAT MAY COMPRISE A COMMUNITY OF INTEREST INCLUDE RACIAL, ETHNIC, AND LANGUAGE

MINORITY GROUPS, SUBJECT TO COMPLIANCE WITH SUBSECTIONS (1)

(B) AND (4)(B) OF SECTION 44.3 OF THIS ARTICLE V, WHICH SUBSECTIONS

PROTECT AGAINST THE DENIAL OR ABRIDGEMENT OF THE RIGHT TO VOTE DUE TO A PERSON'S RACE OR LANGUAGE MINORITY GROUP.

(IV) "COMMUNITY OF INTEREST" DOES NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(C) "RACE" OR "RACIAL" MEANS A CATEGORY OF RACE OR ETHNIC ORIGIN DOCUMENTED IN THE FEDERAL DECENNIAL CENSUS.

(D) "REDISTRICTING YEAR" MEANS THE YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN.

(E) "STAFF" OR "NONPARTISAN STAFF" MEANS THE STAFF OF THE GENERAL ASSEMBLY'S LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THEIR SUCCESSOR OFFICES, WHO ARE ASSIGNED TO ASSIST THE COMMISSION BY THE DIRECTORS OF THOSE OFFICES IN ACCORDANCE WITH SECTION 44.2 OF THIS ARTICLE V.

(4) ADJUSTMENT OF DATES. IF ANY DATE PRESCRIBED IN SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

SECTION 2. In the constitution of the state of Colorado article V, **repeal and reenact** section 44.1 as follows:

SECTION 44.1. COMMISSION COMPOSITION AND APPOINTMENT - VACANCIES.

(1) AFTER EACH FEDERAL DECENNIAL CENSUS OF THE UNITED STATES, THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED AND CONVENED AS PRESCRIBED IN THIS SECTION.

(2) THE COMMISSION CONSISTS OF TWELVE MEMBERS WHO HAVE THE FOLLOWING QUALIFICATIONS:

(A) COMMISSIONERS MUST BE REGISTERED ELECTORS WHO VOTED IN BOTH OF THE PREVIOUS TWO GENERAL ELECTIONS IN COLORADO;

(B) COMMISSIONERS MUST EITHER HAVE BEEN UNAFFILIATED WITH ANY POLITICAL PARTY OR HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS THAN FIVE YEARS AT THE TIME OF THE APPLICATION; AND

(C) NO PERSON MAY BE APPOINTED TO OR SERVE ON THE COMMISSION IF HE OR SHE:

(I) IS OR HAS BEEN A CANDIDATE FOR FEDERAL ELECTIVE OFFICE WITHIN THE LAST FIVE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION;

(II) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE ADVOCATING THE ELECTION OF A CANDIDATE TO, THE UNITED STATES HOUSE OF REPRESENTATIVES OR THE UNITED STATES SENATE;

(III) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, AN ELECTED PUBLIC OFFICIAL AT THE FEDERAL, STATE, COUNTY, OR MUNICIPAL LEVEL IN COLORADO;

(IV) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, AN ELECTED POLITICAL PARTY OFFICIAL ABOVE THE PRECINCT LEVEL IN COLORADO OR AN EMPLOYEE OF A POLITICAL PARTY;

(V) IS A MEMBER OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO SENATORIAL AND REPRESENTATIVE DISTRICTS OF THE GENERAL ASSEMBLY; OR

(VI) IS OR HAS BEEN A PROFESSIONAL LOBBYIST REGISTERED TO LOBBY WITH THE STATE OF COLORADO, WITH ANY MUNICIPALITY IN COLORADO, OR AT THE FEDERAL LEVEL WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION.

(3) (A) BY AUGUST 10 OF THE YEAR PRIOR TO THE REDISTRICTING YEAR, NONPARTISAN STAFF SHALL, AFTER HOLDING ONE OR MORE PUBLIC HEARINGS, PREPARE AN APPLICATION FORM THAT WILL ALLOW APPOINTING AUTHORITIES TO EVALUATE A PERSON'S EXPERIENCE AND QUALIFICATIONS AND MAKE SUCH APPLICATION AVAILABLE ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC.

(B) THE APPLICATION FORM MUST CLEARLY STATE THE LEGAL OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES. INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT IS NOT NECESSARILY LIMITED TO, PROFESSIONAL BACKGROUND, PARTY AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, A LIST OF ALL POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS BELONGED WITHIN THE PREVIOUS FIVE

YEARS, AND WHETHER THE APPLICANT MEETS THE QUALIFICATIONS STATED IN SUBSECTION (2) OF THIS SECTION. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE APPLICANT TO EXPLAIN WHY THEY WANT TO SERVE ON THE COMMISSION AND AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE A STATEMENT ABOUT HOW THEY WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR APPLICATION.

(4) BY NOVEMBER 10 OF THE YEAR PRIOR TO THE REDISTRICTING YEAR, ANY PERSON WHO SEEKS TO SERVE ON THE COMMISSION MUST SUBMIT A COMPLETED APPLICATION TO NONPARTISAN STAFF. ALL APPLICATIONS ARE PUBLIC RECORDS AND MUST BE POSTED PROMPTLY AFTER RECEIPT ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC.

(5) (A) NO LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL DESIGNATE A PANEL TO REVIEW THE APPLICATIONS. THE PANEL MUST CONSIST OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS, APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENT JUSTICE OR JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT; EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS IS UNABLE OR UNWILLING TO SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE CHIEF JUSTICE SHALL APPOINT THE NEXT JUSTICE OR JUDGE WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF, AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS, FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN IDENTIFIED WHO ARE ABLE AND WILLING TO SERVE, THE CHIEF JUSTICE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE PROCESS OF CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO STATE SENATE AND STATE HOUSE OF REPRESENTATIVES DISTRICTS.

(B) ALL DECISIONS OF THE PANEL REGARDING THE SELECTION OF APPLICANTS PURSUANT TO THIS SECTION REQUIRE THE AFFIRMATIVE APPROVAL OF ALL THREE MEMBERS OF THE PANEL.

(C) THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW THE COMPENSATION OF MEMBERS OF THE PANEL. NONPARTISAN STAFF SHALL ASSIST THE PANEL IN CARRYING OUT ITS DUTIES.

(6) AFTER APPLICATIONS ARE SUBMITTED, NONPARTISAN STAFF, WITH THE COOPERATION AND ASSISTANCE OF THE SECRETARY OF STATE, SHALL MAKE AN OBJECTIVE AND FACTUAL FINDING BASED ON, TO THE EXTENT POSSIBLE, PUBLICLY AVAILABLE INFORMATION, INCLUDING INFORMATION CONTAINED IN THE APPLICATION AND INFORMATION CONTAINED WITHIN THE RECORDS MAINTAINED BY THE SECRETARY OF STATE, WHETHER EACH APPLICANT MEETS THE QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. NO LATER THAN JANUARY 11 OF THE REDISTRICTING YEAR, NONPARTISAN STAFF SHALL MAKE ITS FINDINGS PUBLICLY AVAILABLE AND NOTIFY THE APPLICANTS OF THE STAFF'S FINDING. IF THE STAFF FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN THE STAFF SHALL INCLUDE THE REASONS IN ITS FINDING.

(7) BY JANUARY 18 OF THE REDISTRICTING YEAR, THE PANEL, IN A PUBLIC MEETING, SHALL RANDOMLY SELECT BY LOT FROM ALL OF THE APPLICANTS WHO WERE FOUND TO MEET THE QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION THE NAMES OF THREE HUNDRED APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, THREE HUNDRED APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY, AND FOUR HUNDRED FIFTY APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, OR SUCH LESSER NUMBER AS

THERE ARE TOTAL APPLICANTS WHO MEET THE QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION FOR EACH OF THOSE GROUPS.

(8) (A) IN ONE OR MORE PUBLIC HEARINGS CONDUCTED ON OR BEFORE FEBRUARY 1 OF THE REDISTRICTING YEAR, AFTER REVIEWING THE APPLICATIONS OF THE APPLICANTS SELECTED IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION, THE PANEL SHALL IDENTIFY FIFTY APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, FIFTY APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY, AND FIFTY APPLICANTS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY AND WHO BEST DEMONSTRATE:

(I) EXPERIENCE IN ORGANIZING, REPRESENTING, ADVOCATING FOR, ADJUDICATING THE INTERESTS OF, OR ACTIVELY PARTICIPATING IN GROUPS, ORGANIZATIONS, OR ASSOCIATIONS IN COLORADO; AND
(II) RELEVANT ANALYTICAL SKILLS, THE ABILITY TO BE IMPARTIAL, AND THE ABILITY TO PROMOTE CONSENSUS ON THE COMMISSION.

(B) NO LATER THAN FEBRUARY 1 OF THE REDISTRICTING YEAR, FROM THE APPLICANTS IDENTIFIED IN SUBSECTION (8)(A) OF THIS SECTION, THE PANEL SHALL CHOOSE BY LOT SIX APPLICANTS TO SERVE ON THE COMMISSION AS FOLLOWS:

(I) TWO COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY;
(II) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY; AND
(III) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY.

(C) IN THE PROCESS OF CHOOSING APPLICANTS BY LOT FOR APPOINTMENT TO THE COMMISSION, NO APPLICANT WHOSE NAME IS CHOSEN MAY BE APPOINTED IF HE OR SHE IS REGISTERED TO VOTE IN A CONGRESSIONAL DISTRICT THAT IS ALREADY REPRESENTED ON THE COMMISSION; EXCEPT THAT, WHEN ALL THEN-EXISTING CONGRESSIONAL DISTRICTS IN COLORADO ARE REPRESENTED ON THE COMMISSION, A CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY A SECOND COMMISSIONER. NO CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY MORE THAN TWO COMMISSIONERS. ANY PERSONS WHOSE NAMES ARE CHOSEN BUT DUPLICATE A CONGRESSIONAL DISTRICT'S REPRESENTATION ON THE COMMISSION AND ARE NOT APPOINTED TO THE COMMISSION SHALL BE ELIGIBLE FOR APPOINTMENT PURSUANT TO SUBSECTIONS (9) AND (10) OF THIS SECTION.

(9) (A) BY FEBRUARY 16 OF THE REDISTRICTING YEAR, THE MAJORITY LEADER OF THE STATE SENATE, THE MINORITY LEADER OF THE STATE SENATE, THE MAJORITY LEADER OF THE STATE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE STATE HOUSE OF REPRESENTATIVES SHALL EACH SELECT A POOL OF TEN APPLICANTS WHO ARE AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES FROM ALL APPLICATIONS SUBMITTED TO NONPARTISAN STAFF AND NOTIFY THE PANEL OF THEIR SELECTIONS.

(B) AS DETERMINED BY THE LEGISLATIVE LEADERS IN SELECTING THEIR RESPECTIVE POOLS, THE APPLICANTS SELECTED FOR EACH POOL MUST MEET THE QUALIFICATIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION AND DEMONSTRATE THE QUALITIES LISTED IN SUBSECTION (8)(A) OF THIS SECTION.

(C) FOR EACH CONGRESSIONAL DISTRICT NOT REPRESENTED BY A COMMISSIONER APPOINTED PURSUANT TO SUBSECTIONS (8)(B) AND (8)(C) OF THIS SECTION, EACH POOL MUST CONSIST OF AT LEAST ONE APPLICANT WHO IS REGISTERED TO VOTE IN THAT CONGRESSIONAL DISTRICT.

(D) IF THERE IS AN INSUFFICIENT NUMBER OF AVAILABLE APPLICANTS THAT MEET THE REQUIREMENTS OF SUBSECTION (9)(B) OF THIS SECTION TO SELECT ANY COMPLETE POOL, THEN THE POOL MUST CONSIST OF ONLY THOSE APPLICANTS WHO MEET THOSE REQUIREMENTS.

(10) BY MARCH 1 OF THE REDISTRICTING YEAR, THE PANEL OF JUDGES SHALL SELECT, IN SUCH ORDER AS THE PANEL DETERMINES, ONE COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF APPLICANTS AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY AND WHOSE NAMES WERE RANDOMLY SELECTED BY LOT PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION INCLUDES FOUR COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, AND FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE PANEL OF JUDGES MAY INTERVIEW APPLICANTS BEFORE MAKING THE APPOINTMENTS. IN SELECTING APPLICANTS, THE PANEL SHALL, IN ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

(A) TO THE EXTENT POSSIBLE, ENSURE THAT THE COMMISSION REFLECTS COLORADO'S RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY;
(B) ENSURE THAT AT LEAST ONE COMMISSIONER IS REGISTERED TO VOTE IN EACH CONGRESSIONAL DISTRICT BUT NO MORE THAN TWO COMMISSIONERS ARE REGISTERED TO VOTE IN ANY SINGLE CONGRESSIONAL DISTRICT;
(C) ENSURE THAT AT LEAST ONE COMMISSIONER RESIDES WEST OF THE CONTINENTAL DIVIDE; AND
(D) ENSURE THAT ALL COMMISSIONERS MEET THE QUALIFICATIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION AND DEMONSTRATE THE QUALITIES LISTED IN SUBSECTION (8)(A) OF THIS SECTION.

(11) (A) A COMMISSIONER'S POSITION ON THE COMMISSION WILL BE DEEMED VACANT IF HE OR SHE, HAVING BEEN APPOINTED AS A REGISTERED ELECTOR WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, AFFILIATES WITH A POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V. A COMMISSIONER'S POSITION ON THE COMMISSION WILL ALSO BE DEEMED VACANT IF HE OR SHE, HAVING BEEN AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES AT THE TIME OF APPOINTMENT, AFFILIATES WITH A DIFFERENT POLITICAL PARTY OR BECOMES UNAFFILIATED WITH ANY POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V.

(B) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT OCCURS DUE TO DEATH, RESIGNATION, REMOVAL, FAILURE TO MEET THE QUALIFICATIONS OF APPOINTMENT, REFUSAL OR INABILITY TO ACCEPT AN APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY THE DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF ELIGIBLE APPLICANTS FOR THAT COMMISSIONER'S POSITION AND IN THE SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER; EXCEPT THAT NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR APPOINTMENT IF ALL CONGRESSIONAL DISTRICTS ARE ALREADY REPRESENTED ON THE COMMISSION.

(12) FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

SECTION 3. In the constitution of the state of Colorado, section 44 of article V, **add** (1.5), as follows:

(1.5) UPON ADOPTION AND APPROVAL OF THE FINAL PLAN, NO PLAN MAY BE MODIFIED FOR THE 2028 CONGRESSIONAL ELECTION OR THEREAFTER EXCEPT WITH THE APPROVAL OF THE CONGRESSIONAL COMMISSION AND ADOPTION BY THE COLORADO SUPREME COURT. IN REVIEWING THE PLAN, THE COMMISSION MUST HOLD AT LEAST THREE PUBLIC MEETINGS AND MUST NOT ADOPT ANY PLAN THAT HAS THE EFFECT OF DIVIDING COMMUNITIES OF INTEREST OR PURPOSEFULLY FAVORING ONE POLITICAL PARTY.

SECTION 4. In the constitution of the state of Colorado article V, **repeal and reenact** section 44.2 as follows:

44.2 COMMISSION ORGANIZATION - PROCEDURES - TRANSPARENCY - VOTING REQUIREMENTS.

(1) INITIAL ORGANIZATION, OFFICERS, PROCEDURES, RULES, AND TRANSPARENCY. (A) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MARCH 15 OF THE REDISTRICTING YEAR AND APPOINT A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S MEMBERS. UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY, AND OTHER SUCH OFFICERS AS IT DETERMINES.

(B) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THE DIRECTORS OF SUCCESSOR NONPARTISAN OFFICES OF THE GENERAL ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF JUDGES AS DESCRIBED IN SECTION 44.1 OF THIS ARTICLE V. NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING.

(C) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE COMMISSION BEFORE ANY COURT.

(D) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS FOR THE PAYMENT OF THE EXPENSES OF THE COMMISSION, THE COMPENSATION AND EXPENSES OF NONPARTISAN STAFF, AND THE COMPENSATION AND EXPENSES OF THE PANEL OF JUDGES AS DESCRIBED IN SECTION 44.1 OF THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR THEIR REASONABLE AND NECESSARY EXPENSES AND MAY ALSO RECEIVE SUCH PER DIEM ALLOWANCE AS MAY BE ESTABLISHED BY THE GENERAL ASSEMBLY. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO THE COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AS NECESSARY FOR ITS DUTIES. STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

(E) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION. THE COMMISSION MUST PROVIDE AT LEAST SEVENTY-TWO HOURS OF ADVANCE PUBLIC NOTICE OF ALL PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION; EXCEPT THAT PROPOSED RULES MAY BE AMENDED DURING COMMISSION DELIBERATIONS WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS. NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR STATUTE. RULES MUST INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

(I) THE HEARING PROCESS AND REVIEW OF MAPS SUBMITTED FOR ITS CONSIDERATION;
(II) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS, INCLUDING A RECORD OF WRITTEN AND ORAL TESTIMONY RECEIVED, AND OF THE COMMISSION'S DIRECTIONS TO NONPARTISAN STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S RATIONALE FOR SUCH CHANGES;
(III) THE PROCESS FOR REMOVING COMMISSIONERS FOR PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS SECTION;
(IV) THE PROCESS FOR RECOMMENDING CHANGES TO PLANS SUBMITTED TO THE COMMISSION BY NONPARTISAN STAFF; AND
(V) THE ADOPTION OF A STATEWIDE MEETING AND HEARING SCHEDULE, INCLUDING THE NECESSARY ELEMENTS OF ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

(2) VOTING REQUIREMENTS. A SIMPLE MAJORITY OF THE APPOINTED COMMISSIONERS MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE ELECTION OF THE COMMISSION'S CHAIR AND VICE-CHAIR REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS UNAFFILIATED WITH ANY POLITICAL PARTY. REMOVAL OF ANY COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS RETURNED TO THE COMMISSION FROM THE SUPREME COURT REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER; EXCEPT THAT COMMISSIONERS MAY UNANIMOUSLY WAIVE THE SEVENTY-TWO HOUR REQUIREMENT.

(3) PUBLIC INVOLVEMENT - HEARING PROCESS. (A) ALL COLORADO RESIDENTS, INCLUDING INDIVIDUAL COMMISSIONERS, MAY PRESENT PROPOSED REDISTRICTING MAPS OR WRITTEN COMMENTS, OR BOTH, FOR THE COMMISSION'S CONSIDERATION.

(B) THE COMMISSION MUST, TO THE MAXIMUM EXTENT PRACTICABLE, PROVIDE OPPORTUNITIES FOR COLORADO RESIDENTS TO PRESENT TESTIMONY AT HEARINGS HELD THROUGHOUT THE STATE. THE COMMISSION SHALL NOT APPROVE A REDISTRICTING MAP UNTIL AT LEAST THREE HEARINGS HAVE BEEN HELD IN EACH CONGRESSIONAL DISTRICT, INCLUDING AT LEAST ONE HEARING THAT IS HELD IN A LOCATION WEST OF THE CONTINENTAL DIVIDE AND AT LEAST ONE HEARING THAT IS HELD IN A LOCATION EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE

COUNTY'S EASTERN BOUNDARY. NO GATHERING OF COMMISSIONERS CAN BE CONSIDERED A HEARING FOR THIS PURPOSE UNLESS IT IS ATTENDED, IN PERSON OR ELECTRONICALLY, BY AT LEAST TEN COMMISSIONERS. THE COMMISSION SHALL ESTABLISH BY RULE THE NECESSARY ELEMENTS OF ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

(C) THE COMMISSION SHALL MAINTAIN A WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THROUGH WHICH ANY COLORADO RESIDENT MAY SUBMIT PROPOSED MAPS OR WRITTEN COMMENTS, OR BOTH, WITHOUT ATTENDING A HEARING OF THE COMMISSION.

(D) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE COLORADO RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION OR NONPARTISAN STAFF HAVE A SUBSTANTIAL BASIS TO BELIEVE THAT THE PERSON SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR ACCURATELY IDENTIFIED HIMSELF OR HERSELF, THE COMMISSION NEED NOT CONSIDER AND NEED NOT PUBLISH SUCH COMMENTS BUT MUST NOTIFY THE COMMENTER IN WRITING OF THIS FACT. THE COMMISSION MAY WITHHOLD COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THAT DO NOT RELATE TO REDISTRICTING MAPS, POLICIES, OR COMMUNITIES OF INTEREST.

(E) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AND MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

(4) ETHICAL OBLIGATIONS - TRANSPARENCY - LOBBYIST REPORTING.

(A) COMMISSIONERS ARE GUARDIANS OF THE PUBLIC TRUST AND ARE SUBJECT TO ANTIBRIBERY AND ABUSE OF PUBLIC OFFICE REQUIREMENTS AS PROVIDED IN PARTS 3 AND 4 OF ARTICLE 8 OF TITLE 18, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE.

(B) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:

(I) (A) THE COMMISSION AND THE COMMISSIONERS ARE SUBJECT TO OPEN MEETINGS REQUIREMENTS AS PROVIDED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (4)(B)(I)(D) OF THIS SECTION, A COMMISSIONER SHALL NOT COMMUNICATE WITH NONPARTISAN STAFF ON THE MAPPING OF CONGRESSIONAL DISTRICTS UNLESS THE COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE COMMISSION.

(C) EXCEPT FOR PUBLIC INPUT AND COMMENT, NONPARTISAN STAFF SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER STAFF MEMBERS. NONPARTISAN STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER THE STAFF'S ROLE IN THE DRAFTING OF PLANS.

(D) ONE OR MORE NONPARTISAN STAFF MAY BE DESIGNATED TO COMMUNICATE WITH COMMISSIONERS REGARDING ADMINISTRATIVE MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED BY THE COMMISSION.

(E) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION PROHIBITED IN THIS SECTION MUST BE REMOVED FROM THE COMMISSION, AND SUCH VACANCY MUST BE FILLED WITHIN SEVEN DAYS.

(II) THE COMMISSION, EACH COMMISSIONER, AND NONPARTISAN STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE; EXCEPT THAT MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS AMONG NONPARTISAN STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE COMMISSIONERS, OR TO THE NONPARTISAN STAFF FOR THE ADOPTION OR REJECTION OF ANY MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 44.3 OF THIS ARTICLE V ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES OF SUCH LOBBYISTS AS WELL AS THE COMPENSATION RECEIVED

AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT REPORTING REQUIRED BY THIS SUBSECTION (4)(B)(III) AS WELL AS A COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST’S FAILURE TO REPORT A FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO THE COURT OF APPEALS.

SECTION 5. In the constitution of the state of Colorado article V, **repeal and reenact** section 44.3 as follows:

SECTION 44.3. CRITERIA FOR DETERMINATIONS OF CONGRESSIONAL DISTRICTS - DEFINITION. (1) IN ADOPTING A CONGRESSIONAL REDISTRICTING PLAN, THE COMMISSION SHALL:

(A) MAKE A GOOD-FAITH EFFORT TO ACHIEVE PRECISE MATHEMATICAL POPULATION EQUALITY BETWEEN DISTRICTS, JUSTIFYING EACH VARIANCE, NO MATTER HOW SMALL, AS REQUIRED BY THE CONSTITUTION OF THE UNITED STATES. DISTRICTS MUST BE COMPOSED OF CONTIGUOUS GEOGRAPHIC AREAS;

(B) COMPLY WITH THE FEDERAL “VOTING RIGHTS ACT OF 1965”, 52 U.S.C. SEC. 10301, AS AMENDED.

(2) (A) AS MUCH AS IS REASONABLY POSSIBLE, THE COMMISSION’S PLAN MUST PRESERVE WHOLE COMMUNITIES OF INTEREST AND WHOLE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNS.

(B) DISTRICTS MUST BE AS COMPACT AS IS REASONABLY POSSIBLE.

(3) (A) THEREAFTER, THE COMMISSION SHALL, TO THE EXTENT POSSIBLE, MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE DISTRICTS.

(B) IN ITS HEARINGS IN VARIOUS LOCATIONS IN THE STATE, THE COMMISSION SHALL SOLICIT EVIDENCE RELEVANT TO COMPETITIVENESS OF ELECTIONS IN COLORADO AND SHALL ASSESS SUCH EVIDENCE IN EVALUATING PROPOSED MAPS.

(C) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN NONPARTISAN STAFF SUBMITS A PLAN IN THE ABSENCE OF THE COMMISSION’S APPROVAL OF A PLAN AS PROVIDED IN SECTION 44.4 OF THIS ARTICLE V, THE NONPARTISAN STAFF SHALL, WITHIN SEVENTY-TWO HOURS OF SUCH ACTION, MAKE PUBLICLY AVAILABLE, AND INCLUDE IN THE COMMISSION’S RECORD, A REPORT TO DEMONSTRATE HOW THE PLAN REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS CONCERNING, THE EXTENT TO WHICH COMPETITIVENESS IN DISTRICT ELECTIONS IS FOSTERED CONSISTENT WITH THE OTHER CRITERIA SET FORTH IN THIS SECTION.

(D) FOR PURPOSES OF THIS SUBSECTION (3), “COMPETITIVE” MEANS HAVING A REASONABLE POTENTIAL FOR THE PARTY AFFILIATION OF THE DISTRICT’S REPRESENTATIVE TO CHANGE AT LEAST ONCE BETWEEN FEDERAL DECENTENAL CENSUSES. COMPETITIVENESS MAY BE MEASURED BY FACTORS SUCH AS A PROPOSED DISTRICT’S PAST ELECTION RESULTS, A PROPOSED DISTRICT’S POLITICAL PARTY REGISTRATION DATA, AND EVIDENCE-BASED ANALYSES OF PROPOSED DISTRICTS.

(4) NO MAP MAY BE APPROVED BY THE COMMISSION OR GIVEN EFFECT BY THE SUPREME COURT IF:

(A) IT HAS BEEN DRAWN FOR THE PURPOSE OF PROTECTING ONE OR MORE INCUMBENT MEMBERS, OR ONE OR MORE DECLARED CANDIDATES, OF THE UNITED STATES HOUSE OF REPRESENTATIVES OR ANY POLITICAL PARTY; OR

(B) IT HAS BEEN DRAWN FOR THE PURPOSE OF OR RESULTS IN THE DENIAL OR ABRIDGEMENT OF THE RIGHT OF ANY CITIZEN TO VOTE ON ACCOUNT OF THAT PERSON’S RACE OR MEMBERSHIP IN A LANGUAGE MINORITY GROUP, INCLUDING DILUTING THE IMPACT OF THAT RACIAL OR LANGUAGE MINORITY GROUP’S ELECTORAL INFLUENCE.

SECTION 6. In the constitution of the state of Colorado, article V, **repeal and reenact** section 44.4, as follows:

SECTION 44.4. PREPARATION, AMENDMENT, AND APPROVAL OF PLANS - PUBLIC HEARINGS AND

PARTICIPATION. (1) THE COMMISSION SHALL BEGIN BY CONSIDERING A PLAN, CREATED BY NONPARTISAN STAFF ALONE, TO BE KNOWN AS THE “PRELIMINARY PLAN”. THE PRELIMINARY PLAN MUST BE PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO LATER THAN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENED OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER. WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENED, ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY SUBMIT WRITTEN COMMENTS TO NONPARTISAN STAFF ON THE CREATION OF THE PRELIMINARY PLAN AND ON COMMUNITIES OF INTEREST THAT REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE. NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE PRELIMINARY PLAN AND

SUCH COMMENTS MUST BE PART OF THE RECORD OF THE COMMISSION’S ACTIVITIES AND PROCEEDINGS. AT THE FIRST PUBLIC HEARING AT WHICH THE PRELIMINARY PLAN IS PRESENTED, NONPARTISAN STAFF SHALL EXPLAIN HOW THE PLAN WAS CREATED, HOW THE PLAN ADDRESSES THE CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 44.3 OF THIS ARTICLE V.

(2) BY JULY 7 OF THE REDISTRICTING YEAR, THE COMMISSION SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN SEVERAL PLACES THROUGHOUT THE STATE IN ACCORDANCE WITH SECTION 44.2 OF THIS ARTICLE V.

(3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO FEWER THAN THREE PLANS, EXCEPT AS PROVIDED IN SUBSECTION

(5) OF THIS SECTION. THESE PLANS WILL BE KNOWN AS THE “STAFF PLANS” AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE PREPARED, PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE ESTABLISHED BY THE COMMISSION; EXCEPT THAT EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN AND NO FEWER THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE PRESENTATION OF STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL ESTABLISH SUCH TIMETABLE. NONPARTISAN STAFF SHALL KEEP EACH PLAN CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE COMMISSIONER UNAFFILIATED WITH ANY POLITICAL PARTY, FOR THE DEVELOPMENT OF STAFF PLANS THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH NONPARTISAN STAFF SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE USED TO EVALUATE A PLAN’S COMPETITIVENESS, CONSISTENT WITH SECTION 44.3 (3)(D) OF THIS ARTICLE V. IN PREPARING ALL STAFF PLANS, NONPARTISAN STAFF SHALL ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTION 44.3 OF THIS ARTICLE V.

(4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY REQUEST NONPARTISAN STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF SUBSECTION (6) OF THIS SECTION.

(5) (A) THE COMMISSION MAY ADOPT A FINAL PLAN AT ANY TIME AFTER PRESENTATION OF THE FIRST STAFF PLAN, IN WHICH CASE NONPARTISAN STAFF DOES NOT NEED TO PREPARE OR PRESENT ADDITIONAL STAFF PLANS.

(B) NO LATER THAN SEPTEMBER 1 OF THE REDISTRICTING YEAR, THE COMMISSION SHALL ADOPT A FINAL PLAN, WHICH MUST THEN BE SUBMITTED TO THE SUPREME COURT FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE WITH SECTION 44.5 OF THIS ARTICLE V.

(C) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION’S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS REQUIRED BY THIS SUBSECTION (5).

(D) THE COMMISSION MAY GRANT NONPARTISAN STAFF THE AUTHORITY TO MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR TO ITS SUBMISSION TO THE SUPREME COURT.

(6) IF FOR ANY REASON THE COMMISSION DOES NOT ADOPT A FINAL PLAN BY THE DATE SPECIFIED IN SUBSECTION (5) OF THIS SECTION, THEN NONPARTISAN STAFF SHALL SUBMIT THE UNAMENDED THIRD STAFF PLAN TO THE SUPREME COURT.

SECTION 7. In the constitution of the state of Colorado, article V, **repeal and reenact** section 44.5, as follows:

SECTION 44.5. SUPREME COURT REVIEW. (1) THE SUPREME COURT SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V. THE COURT’S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLAN. ANY LEGAL ARGUMENTS CONCERNING SUCH PLAN MUST BE SUBMITTED TO THE

SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

(2) THE SUPREME COURT SHALL APPROVE THE PLAN SUBMITTED UNLESS IT FINDS THAT THE COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION. THE SUPREME COURT MAY CONSIDER ANY MAPS SUBMITTED TO THE COMMISSION IN ASSESSING WHETHER THE COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION.

(3) IF THE SUPREME COURT DETERMINES THAT THE SUBMITTED PLAN CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION, THE SUPREME COURT SHALL RETURN THE PLAN TO THE COMMISSION WITH THE COURT’S REASONS FOR DISAPPROVAL.

(4) (A) BY NOVEMBER 1 OF THE REDISTRICTING YEAR, THE SUPREME COURT SHALL APPROVE THE PLAN SUBMITTED OR RETURN THE PLAN TO THE COMMISSION.

(B) IF THE COURT RETURNS THE PLAN TO THE COMMISSION, THE COMMISSION SHALL HAVE TWELVE DAYS TO HOLD A COMMISSION HEARING THAT INCLUDES PUBLIC TESTIMONY AND TO RETURN AN ADOPTED PLAN THAT RESOLVES THE COURT’S REASONS FOR DISAPPROVAL.

(C) IF THE COMMISSION FAILS TO ADOPT AND RETURN A PLAN TO THE COURT WITHIN TWELVE DAYS, NONPARTISAN STAFF SHALL HAVE AN ADDITIONAL THREE DAYS TO PREPARE A PLAN THAT RESOLVES THE COURT’S REASONS FOR DISAPPROVAL AND RETURN IT TO THE COURT FOR APPROVAL.

(D) THE SUPREME COURT SHALL REVIEW THE REVISED PLAN IN ACCORDANCE WITH SUBSECTIONS (1), (2), AND (3) OF THIS SECTION.

(5) THE SUPREME COURT SHALL APPROVE A PLAN FOR THE REDRAWING OF CONGRESSIONAL DISTRICTS NO LATER THAN DECEMBER 15 OF THE REDISTRICTING YEAR. THE COURT SHALL ORDER THAT SUCH PLAN BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

SECTION 8. In the constitution of the state of Colorado, article v, **repeal and reenact** section 44.6, as follows:

SECTION 44.6. SEVERABILITY. IF ANY PROVISION OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. THE PROVISIONS OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V ARE DEEMED AND DECLARED SEVERABLE.

Amendment 87
Graduated Income Tax

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution or Colorado Revised Statutes. The text of the measure that will appear in the Colorado constitution and Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

SHALL STATE TAXES BE INCREASED \$2.7 BILLION ANNUALLY, IN ORDER TO INCREASE OR IMPROVE LEVELS OF PUBLIC SERVICES, INCLUDING K-12 PUBLIC SCHOOL EDUCATION, HEALTH CARE, AND EARLY CHILD CARE AND EDUCATION SERVICES, BY AN AMENDMENT TO THE COLORADO CONSTITUTION AND A CHANGE TO THE COLORADO REVISED STATUTES REPEALING EXISTING LAW AND CREATING NEW LAW TO REPLACE THE UNIFORM STATE INCOME TAX RATE WITH A GRADUATED INCOME TAX STRUCTURE, AND, IN CONNECTION THEREWITH, AMENDING THE TAXPAYER’S BILL OF RIGHTS TO ELIMINATE THE CONSTITUTIONAL REQUIREMENT FOR ALL TAXABLE NET INCOME TO BE TAXED AT ONE RATE WITH NO ADDED TAX ON INCOME; ESTABLISHING VARIOUS INCOME TAX RATES BASED ON THE AMOUNT OF TAXABLE INCOME EARNED BY INDIVIDUALS, ESTATES, TRUSTS, AND CORPORATIONS, WHILE MAINTAINING

THE CURRENT 4.4% TAX ON INCOME FROM THE SALE OF A PRINCIPAL RESIDENCE, WHICH WILL RESULT IN THE ESTIMATED CHANGE IN INCOME TAXES OWED BY INDIVIDUALS AS IDENTIFIED IN THE FOLLOWING TABLE; AND AUTHORIZING THE STATE TO RETAIN AND SPEND ANY INCREASED REVENUE FROM THE NEW TAX STRUCTURE, AS A VOTER-APPROVED REVENUE CHANGE, TO SUPPLEMENT CURRENT LEVELS OF FUNDING FOR K-12 PUBLIC SCHOOL EDUCATION, HEALTH CARE, AND EARLY CHILD CARE AND EDUCATION PROGRAMS?

Amendment 87
Change in Income Taxes Owed by Income Category

Income Categories	Current Average Income Tax Owed	Proposed Average Income Tax Owed	Proposed Change in Average Income Tax Owed if Passed + or -
\$25,000 or less	\$59	\$50	-\$9
\$25,001 - \$50,000	\$751	\$632	-\$119
\$50,001 - \$100,000	\$1,877	\$1,666	-\$210
\$100,001 - \$200,000	\$4,126	\$3,828	-\$298
\$200,001 - \$500,000	\$9,344	\$9,019	-\$325
\$500,001 - \$1,000,000	\$19,288	\$18,963	-\$325
\$1,000,001 - \$2,000,000	\$29,432	\$34,196	+\$4,764
\$2,000,001 - \$5,000,000	\$41,196	\$55,110	+\$13,914

Income categories use adjusted gross income reported to the federal Internal Revenue Service.

Text of Measure:
Be it Enacted by the People of the State of Colorado:
SECTION 1. Legislative Declaration

- (1) The people of the state of Colorado find, determine, and declare that:
- (a) Colorado taxpayers are entitled to a fair and equitable tax system that recognizes the affordability challenges facing working families, promotes a vibrant statewide economy, and adequately supports our public education, health care, and child care systems and other essential public services available to all Coloradans;
- (b) Colorado’s current flat income tax system, unlike the graduated income tax system at the federal level and in 27 other states, taxes millionaires and corporations at the same rate as regular working people;
- (c) Combining state income, sales, and property taxes, the wealthiest 1% of Coloradans—those making over \$850,000 per year—pay only 7% of their income in state and local taxes every year, whereas the 60% of Coloradans making between \$25,000 and \$150,000 per year pay between 9-10%.
- (d) The 97% of Colorado taxpayers making less than \$500,000 would benefit from a tax cut to help them afford the high cost of living;
- (e) The Taxpayer’s Bill of Rights, or the TABOR amendment, has significantly limited the ability of state and local governments to invest in supporting teachers and care workers, building infrastructure, and keeping up with a changing economy;
- (f) TABOR can be amended to allow a graduated income tax without impacting TABOR refunds or the voters’ right to approve any future tax increases;
- (g) As demonstrated by recent state-commissioned adequacy studies, Colorado’s public schools have been underfunded for decades, and despite the elimination of the Budget Stabilization Factor in 2024, teacher wage competitiveness is still 50th in the country.
- (h) Health care in Colorado is too expensive, and the cuts in the federal budget bill are expected to exceed \$2 billion per year by 2032, with rural hospitals and clinics facing the greatest risks for closing or limiting services; and
- (i) Child care in Colorado is too expensive, making it harder for parents to work while raising their families, and yet wages are so low that 46 percent of early childhood workers in the state rely on social welfare programs like Medicaid and SNAP;
- (2) The people of the state of Colorado find, therefore, that:

(a) A graduated income tax system will:

(I) Better support Colorado's children and families, working people, and older adults by cutting taxes for individuals and small businesses making less than \$500,000 per year while only increasing taxes on individuals and corporations making more than \$500,000 per year;

(II) Increase Colorado's ability to adequately invest in our public schools, health care, and child care systems and programs to improve the affordability of health care and child care;

(b) A graduated income tax system will not:

(I) Change the Constitutional requirement that the state government cannot raise any tax rates without another vote of the people;

(II) Reduce or otherwise impact TABOR refunds, because any revenue raised from Colorado's current 4.4% flat income tax, 2.9% sales tax, and various other taxes and fees that exceeds the TABOR spending limit will be required to be refunded to taxpayers;

(c) All new revenue from graduated income tax that exceeds what would have otherwise been collected under Colorado's current tax rates will be transferred into the Colorado's Future Fund, with spending limited to the following purposes:

(I) Improving our public education system, increasing pay to attract and retain great teachers, reducing class sizes, supporting rural schools, and supporting affordable pathways to higher education and workforce training;

(II) Improving our health care system, making health care more affordable, replacing federal Medicaid funds that were cut by the federal budget bill, implementing new requirements in the federal budget bill, increasing access to mental and behavioral health care and primary care, supporting services for older adults and people with disabilities, increasing access to nutritious food, supporting our health care workforce, and supporting rural hospitals and clinics;

(III) Improving our early child care and education systems, helping families afford child care, and increasing pay to attract and retain great child care providers;

(d) New revenues are intended to supplement rather than supplant existing funding;

(e) Taxpayers will be able to monitor and assure responsible and effective usage of all new revenue based on the following requirements:

(I) The nonpartisan office of legislative council will produce an annual report on all spending of new revenue that will be accessible to the public in various formats including the general assembly's website with plain language descriptions and understandable data visualizations;

(II) The nonpartisan and independent office of the state auditor will annually audit this report and present findings to the Joint Budget Committee and the public;

SECTION 2 In the constitution of the state of Colorado, section 20 of article X, **amend** (8)(a) as follows:

(8) Revenue limits. (a) New or increased transfer tax rates on real property are prohibited. No new state real property tax or local district income tax shall be imposed. Neither an income tax rate increase nor a new state definition of taxable income shall apply before the next tax year. Any income tax law change after July 1, 1992 shall also require all taxable net income to be taxed at one rate, ~~excluding refund tax credits or voter-approved tax credits~~; with no added tax or surcharge.

SECTION 3. In Colorado Revised Statutes, 39-22-104, **amend** (1.7)(c) and (2); and **add** (1.8) as follows:

39-22-104. Income tax imposed on individuals, estates, and trusts - report - tax preference performance statement - legislative declaration - definitions - repeal. (1.7)(c) Except as otherwise provided in section

39-22-627, subject to subsection (2) of this section, with respect to taxable years commencing on or after January 1, 2022, **BUT BEFORE JANUARY 1, 2027**, a tax of four and forty one-hundredths percent is imposed on the federal taxable income, as determined pursuant to section 63 of the internal revenue code, of every individual, estate, and trust.

(1.8)(a) **EXCEPT AS OTHERWISE PROVIDED IN SECTION 39-22-627, SUBJECT TO SUBSECTION (2) OF THIS SECTION, WITH RESPECT TO TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2027, A GRADUATED TAX IS IMPOSED ON FEDERAL TAXABLE INCOME, AS DETERMINED BY SECTION 63 OF THE INTERNAL REVENUE CODE, OF EVERY INDIVIDUAL, ESTATE, AND TRUST, AS FOLLOWS:**

(I) FOR FEDERAL TAXABLE INCOME LESS THAN OR EQUAL TO TWENTY FIVE THOUSAND DOLLARS, THE TAX IS THREE AND SEVENTY ONE-HUNDREDTHS PERCENT;

(II) FOR FEDERAL TAXABLE INCOME GREATER THAN TWENTY FIVE

THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, THE TAX IS (A) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS AND (B) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS; (III) FOR FEDERAL TAXABLE INCOME GREATER THAN ONE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS, THE TAX IS (A) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS, (B) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, AND (C) FOUR AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE HUNDRED THOUSAND DOLLARS;

(IV) FOR FEDERAL TAXABLE INCOME GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS, THE TAX IS (A) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS, (B) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, (C) FOUR AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS, AND (D) SEVEN AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN FIVE HUNDRED THOUSAND DOLLARS;

(V) FOR FEDERAL TAXABLE INCOME GREATER THAN SEVEN HUNDRED FIFTY THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE MILLION DOLLARS, THE TAX IS (A) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS, (B) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, (C) FOUR AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS, (D) SEVEN AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT OVER FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS, AND (E) SEVEN AND NINETY ONE-HUNDREDTHS PERCENT ON THE AMOUNT OVER SEVEN HUNDRED FIFTY THOUSAND DOLLARS; AND

(VI) FOR FEDERAL TAXABLE INCOME GREATER THAN ONE MILLION DOLLARS, THE TAX IS (A) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS, (B) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, (C) FOUR AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS, (D) SEVEN AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS, (E) SEVEN AND NINETY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN SEVEN HUNDRED FIFTY THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE MILLION DOLLARS; AND (F) EIGHT AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE MILLION DOLLARS.

(b) FOR PURPOSES OF SUBSECTION (1.8)(a) OF THIS SECTION, TAXABLE NET INCOME FROM THE SALE OR EXCHANGE OF A PRINCIPAL RESIDENCE EXCEEDING THE AMOUNT EXCLUDED FROM FEDERAL TAXABLE INCOME UNDER SECTION 121 OF THE INTERNAL REVENUE CODE SHALL BE SUBJECT TO TAX UNDER THIS SECTION AT THE RATE OF FOUR AND FORTY ONE-HUNDREDTHS PERCENT.

(2) Prior to the application of the rate of tax prescribed in subsection (1), (1.5), ~~or~~ (1.7), or (1.8) of this section, the federal taxable income shall be modified as provided in subsections (3) and (4) of this section.

SECTION 4. In Colorado Revised Statutes, 39-22-301, **amend** (1)(d)(I)(K) and **add** (1)(d)(I)(L) as follows:

39-22-301. Corporate tax imposed – repeal. (1)(d)(I)(K). Except as otherwise provided in section 39-22-627, for income tax years commencing on or after January 1, 2022, **BUT BEFORE JANUARY 1, 2027**, four and forty one-hundredths percent of the Colorado net income.

(1)(d)(I)(L) EXCEPT AS OTHERWISE PROVIDED IN SECTION 39-22-627, FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2027, A GRADUATED TAX IS IMPOSED ON COLORADO NET INCOME, AS DETERMINED UNDER THIS SECTION, OF EVERY DOMESTIC C CORPORATION, FOREIGN C CORPORATION, AND COMBINED GROUP, AS DEFINED IN SECTION 39-22-303(12)(a.3), DOING BUSINESS IN COLORADO ANNUALLY IN AN AMOUNT OF THE NET INCOME OF SUCH C CORPORATION DURING THE YEAR DERIVED FROM SOURCES WITHIN COLORADO AS SET FORTH IN THE FOLLOWING SCHEDULE OF RATES, AS FOLLOWS:

- (i) FOR COLORADO NET INCOME LESS THAN OR EQUAL TO TWENTY FIVE THOUSAND DOLLARS, THE TAX IS THREE AND SEVENTY ONE-HUNDREDTHS PERCENT;
- (ii) FOR COLORADO NET INCOME GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, THE TAX IS (I) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS AND (II) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS;
- (iii) FOR COLORADO NET INCOME GREATER THAN ONE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS, THE TAX IS (I) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS, (II) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, AND (III) FOUR AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE HUNDRED THOUSAND DOLLARS;
- (iv) FOR COLORADO NET INCOME GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS, THE TAX IS (I) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS, (II) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, (III) FOUR AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS, AND (IV) SEVEN AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN FIVE HUNDRED THOUSAND DOLLARS;
- (v) FOR COLORADO NET INCOME GREATER THAN SEVEN HUNDRED FIFTY THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE MILLION DOLLARS, THE TAX IS (I) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS, (II) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, (III) FOUR AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS, (IV) SEVEN AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT OVER FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS, AND (V) SEVEN AND NINETY ONE-HUNDREDTHS PERCENT ON THE AMOUNT OVER SEVEN HUNDRED FIFTY THOUSAND DOLLARS; AND
- (vi) FOR COLORADO NET INCOME GREATER THAN ONE MILLION DOLLARS, THE TAX IS (I) THREE AND SEVENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT UP TO AND INCLUDING TWENTY FIVE THOUSAND DOLLARS, (II) FOUR AND TWENTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN TWENTY FIVE THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE HUNDRED THOUSAND DOLLARS, (III) FOUR AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS, (IV) SEVEN AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS, (V) SEVEN AND NINETY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN SEVEN HUNDRED FIFTY THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO ONE MILLION DOLLARS; AND (VI) EIGHT AND FORTY ONE-HUNDREDTHS PERCENT ON THE AMOUNT GREATER THAN ONE MILLION DOLLARS.

SECTION 5. In Colorado Revised Statutes, add 24-77-103.3 as follows:
24-77-103.3. Voter approved revenue change – retention and use of revenue – accountability. (1) NOTWITHSTANDING ANY PROVISION OF LAW

TO THE CONTRARY, FOR EACH STATE FISCAL YEAR COMMENCING ON OR AFTER JANUARY 1, 2026, ALL REVENUE COLLECTED UNDER THE INCOME TAX RATES ESTABLISHED BY SECTION 39-22-104(1.8) and section 39-22-301(1)(d)(I)(L) IN EXCESS OF THE REVENUE THAT WOULD BE GENERATED IN ANY SUCH STATE FISCAL YEAR BY APPLYING THE INCOME TAX RATE THAT EXISTED AS OF DECEMBER 31, 2026 (“EXCESS REVENUE”), SHALL CONSTITUTE A VOTER APPROVED REVENUE CHANGE UNDER SECTION 20(7)(d) OF ARTICLE X OF THE COLORADO CONSTITUTION, AND MAY BE COLLECTED, KEPT, AND SPENT NOTWITHSTANDING ANY OTHER LIMITS IN SUBSECTION (20)(7)(d).

(2) FOR PURPOSES OF ADMINISTERING THE DEDICATION OF THE EXCESS REVENUE SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THERE IS HEREBY CREATED IN THE GENERAL FUND THE COLORADO FUTURE’S ACCOUNT, WHICH SHALL CONSIST OF AN AMOUNT OF MONEYS EQUAL TO THE AMOUNT OF THE EXCESS REVENUE SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE MONEYS IN THE ACCOUNT SHALL BE APPROPRIATED OR TRANSFERRED BY THE GENERAL ASSEMBLY FOR THE FOLLOWING PROGRAMS AND PURPOSES AND MUST SUPPLEMENT AND NOT SUPPLANT CURRENT LEVELS OF APPROPRIATIONS THERETO:

- (a) K-12 PUBLIC SCHOOL EDUCATION, INCLUDING:
 - (I) IMPROVING KINDERGARTEN THROUGH 12TH GRADE;
 - (II) INCREASING ACCESS TO CAREER AND TECHNICAL EDUCATION PROGRAMS;
 - (III) INCREASING TEACHER PAY;
- (b) HEALTH CARE, INCLUDING:
 - (I) PROGRAMS TO HELP FAMILIES AFFORD HEALTH CARE;
 - (II) REPLACING MEDICAID FUNDING LOST DUE TO RECENT FEDERAL LEGISLATION, AND PAYING FOR IMPLEMENTATION OF NEW FEDERAL REQUIREMENTS;
 - (III) INCREASING FUNDING FOR PRIMARY CARE, BEHAVIORAL HEALTH AND RURAL HEALTH CARE;
 - (IV) SUPPORTING HEALTH CARE, LONG-TERM CARE, AND OTHER SUPPORTS FOR OLDER ADULTS AND PEOPLE WITH DISABILITIES;
 - (V) PROGRAMS THAT INCREASE ACCESS TO NUTRITIOUS FOOD; AND
- (c) EARLY CHILD CARE AND EDUCATION, INCLUDING:
 - (I) PROGRAMS TO HELP FAMILIES AFFORD CHILD CARE;
 - (II) INCREASING PAY AND SUPPORT FOR THE CHILD CARE WORKFORCE;
 - (III) IMPROVING ACCESS TO HIGH-QUALITY EARLY CHILDHOOD EDUCATION PROGRAMS;
- (3)(a) FOR EACH FISCAL YEAR COMMENCING ON OR AFTER JANUARY 1, 2026, THAT THE STATE RECEIVES EXCESS REVENUE AS DEFINED IN SUBSECTION (1) OF THIS SECTION, THE DIRECTOR OF RESEARCH OF THE NONPARTISAN STAFF OF THE LEGISLATIVE COUNCIL SHALL PREPARE A REPORT, TO BE TRANSMITTED TO THE GENERAL ASSEMBLY AND MADE PUBLICLY AVAILABLE AND EASILY ACCESSIBLE ON OR VIA A LINK FROM THE GENERAL ASSEMBLY’S WEBSITE, SPECIFYING THE USES TO WHICH SUCH REVENUE HAS BEEN APPROPRIATED OR TRANSFERRED AND TO ENSURE THAT SUCH REVENUE IS APPROPRIATED, TRANSFERRED, AND SPENT, AS DIRECTED BY THE PEOPLE OF COLORADO, IN ACCORDANCE WITH THIS SECTION. THE OFFICE OF THE STATE AUDITOR SHALL ANNUALLY AUDIT THE REPORT, WHICH MUST AT A MINIMUM CONTAIN THE FOLLOWING INFORMATION:
 - (I) THE AMOUNT OF SUCH EXCESS REVENUE; AND
 - (II) A SPECIFICATION AND DESCRIPTION OF THE AMOUNTS, PROGRAMS AND PURPOSES TO WHICH SUCH REVENUE HAS BEEN ALLOCATED AND APPROPRIATED OR TRANSFERRED.
- (b) THE REPORT SHALL INCLUDE A PLAIN LANGUAGE SUMMARY AND, WHERE POSSIBLE, EASILY UNDERSTANDABLE VISUALIZATIONS OF THIS INFORMATION, AND SHALL BE MADE REASONABLY AVAILABLE IN OTHER FORMATS WHEN REQUESTED.

Proposition NN

Keep and Spend Money for Education and Other Purposes

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was referred to the voters because it passed by a majority vote of the state senate and the state house of representatives.

Ballot Title:

Shall state investment in K-12 public education increase two percent each year for the next ten years, with investments used to increase teacher pay, improve teacher retention, lower class sizes, and increase access to career and technical courses, without raising taxes but instead funded by raising

the annual limit on state fiscal year spending only by the amount spent on public K-12 education as a voter-approved revenue change, and requiring an annual publicly released, independent audit to show how the new investments are spent?

Text of Measure:

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

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

- (a) Public education is the bedrock of Colorado's democracy, fundamental to individual opportunity, the underpinning of thriving communities, and the key to Colorado's economic prosperity and future;
- (b) Wise and adequate investment in Colorado's schools is essential to maintaining and improving the competitiveness of Colorado and its students;
- (c) The money invested in Colorado's public schools has a return on investment that has long been recognized as among the nation's highest;
- (d) An increase in the rates of K-12 graduation, the earning of industry certifications, and the earning of associates degrees demonstrate the effectiveness of Colorado's investment in public schools;
- (e) Research demonstrates that increasing school funding results in long-term increases in graduation rates and lifetime wages, prevents crime, and lowers incarceration rates;
- (f) Educators and support staff in every school district and charter school across Colorado make invaluable contributions to their schools, districts, and communities by dedicating their time, talents, and out-of-pocket money to their students, despite Colorado ranking near the bottom of starting teacher pay and having the largest teacher pay penalty in the nation;
- (g) Teachers, counselors, para professionals, bus drivers, and essential support staff are leaving their professions because salaries have not kept up with housing, healthcare, and cost of living;
- (h) Students are learning in overcrowded classrooms and in schools with fewer mental health counselors, opportunities for special education support, and programs that support their ability to develop into healthy, productive adults;
- (i) Working class, multilingual, and rural communities are hit hardest by chronic school underfunding;
- (j) In January 2025, the legislature received the reports and recommendation of the two commissioned adequacy studies: "Equity and Adequacy of Colorado School Funding - A Cost-Modeling Approach", by the American institutes for research, and "Colorado Input-Based Financial Adequacy Study Report", by Augenblick, Palaich and Associates, Inc;
- (k) The adequacy studies found that, were Colorado schools funded fully and fairly, every student would have the individual attention they need from teachers, counselors, health professionals, tutors, and support staff to succeed and thrive; every teacher would have a reasonable workload, professional development and coaching, and a salary that would allow them to live where they work; and every community would enjoy the benefit of vibrant public schools, a high-quality workforce, and an engaged citizenry;
- (l) Colorado's fiscal constraints and potential of federal funding cuts to education, medicaid, nutrition, human services, and other critical programs threaten the sustainability and adequacy of school funding in Colorado and to deplete the state education fund;
- (m) Research demonstrates that high-quality early childhood education, including child care and preschool, produces significant long-term benefits, including improved school readiness, higher graduation rates, and greater lifetime earnings, and that every dollar invested in high-quality childhood education yields substantial returns to the state and its communities;
- (n) Children who participate in high-quality preschool and child care programs arrive in kindergarten better prepared to learn across language, math, and social-emotional domains, with the greatest benefits accruing to children from working families, rural communities, and multilingual households; and
- (o) Therefore, it is in the best interest of educators, students, and their families to allow voters to invest further in public education by modernizing the state's ability to retain and spend revenue to meet the needs of Colorado communities and to ensure that state investment in K-12 public education is increased by two percent for at least ten years through the funding of a positive factor.

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

22-54-103.7. Positive factor - definitions.

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

(a) "NEW FORMULA DISTRICT TOTAL PROGRAM CALCULATION" MEANS

A DISTRICT'S TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR AS CALCULATED PURSUANT TO THE DISTRICT TOTAL PROGRAM FORMULA IN SECTION 22-54-103.5. THE TERM DOES NOT INCLUDE ANY ADJUSTMENTS REQUIRED PURSUANT TO SECTION 22-54-103.3 WHEN DETERMINING A DISTRICT'S TOTAL PROGRAM FOR THE 2027-28 BUDGET YEAR THROUGH THE 2030-31 BUDGET YEAR.

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

(c) "POSITIVE FACTOR" MEANS:

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

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

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

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

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

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

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

(d) "PROGRAM FOUNDATION" MEANS:

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

(II) FOR BUDGET YEARS WHEN TOTAL PROGRAM IS DETERMINED PURSUANT TO SECTION 22-54-103.5, AN AMOUNT EQUAL TO NEW FORMULA STATEWIDE TOTAL PROGRAM CALCULATION.

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

(f) "TWO PERCENT K-12 PUBLIC EDUCATION INCREASE" MEANS AN AMOUNT EQUAL TO THE LESSER OF:

(I) THE POSITIVE FACTOR FOR THE CURRENT BUDGET YEAR; OR

(II) THE AMOUNT THAT THE STATE IS AUTHORIZED TO RETAIN AND SPEND PURSUANT TO SECTION 24-77-302 (1) FOR THE BUDGET YEAR MINUS, FOR THE 2027-28 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, AN AMOUNT EQUAL TO THE TOTAL DOLLAR AMOUNTS OF WARRANTS ISSUED BY THE STATE TREASURER PURSUANT TO SECTION 39-3-207 (4) IN THE CURRENT BUDGET YEAR.

(2) FOR THE 2026-27 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, A DISTRICT'S SHARE OF POSITIVE FACTOR IS EQUAL TO:

(NEW FORMULA DISTRICT TOTAL PROGRAM CALCULATION / NEW FORMULA STATEWIDE TOTAL PROGRAM CALCULATION) X (TWO PERCENT K-12 PUBLIC EDUCATION INCREASE).

(3) FOR THE 2026-27 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL ANNUALLY CALCULATE EACH DISTRICT'S NEW FORMULA DISTRICT TOTAL PROGRAM CALCULATION AND THE NEW FORMULA STATEWIDE TOTAL PROGRAM CALCULATION.

(4) FOR THE 2026-27 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL ANNUALLY DETERMINE EACH DISTRICT'S POSITIVE FACTOR BASED ON BUDGET PROJECTIONS; EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT TO MAINTAIN THE POSITIVE FACTOR FOR THE APPLICABLE BUDGET YEAR.

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

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

(a) INCREASE TEACHER PAY;

(b) IMPROVE TEACHER RETENTION;

(c) LOWER CLASS SIZES; AND

(d) INCREASE ACCESS TO CAREER AND TECHNICAL COURSES.

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

PART 3
SUBMISSION OF BALLOT ISSUE
VOTER-APPROVED REVENUE CHANGE

24-77-301. Definitions.

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

- (1) "CHILDREN'S ACCOUNT" OR "ACCOUNT" MEANS THE CHILDREN'S ACCOUNT CREATED IN SECTION 24-77-302 (2).
(2) "STATE PUBLIC EDUCATION FUNDING" MEANS THE AMOUNT DETERMINED BY LEGISLATIVE COUNCIL STAFF PURSUANT TO SECTION 24-77-303 (1).
(3) "STATE REVENUES" MEANS STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17).
(4) "TWO PERCENT K-12 PUBLIC EDUCATION INCREASE" HAS THE MEANING SET FORTH IN SECTION 22-54-103.7 (1)(f).

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

- (1) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2026, THE STATE MAY RETAIN AND SPEND STATE REVENUES THAT THE STATE OTHERWISE WOULD HAVE BEEN REQUIRED TO REFUND UNDER SECTION 20 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION IN AN AMOUNT EQUAL TO THE STATE PUBLIC EDUCATION FUNDING FOR THE STATE FISCAL YEAR.
(2) (a) THERE IS HEREBY CREATED IN THE GENERAL FUND THE CHILDREN'S ACCOUNT, WHICH CONSISTS OF:
(I) FOR STATE FISCAL YEAR 2026-27, AN AMOUNT OF MONEY EQUAL TO THE AMOUNT THAT THE STATE RETAINS FOR STATE FISCAL YEAR 2026-27 PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND
(II) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2027, AN AMOUNT OF MONEY EQUAL TO THE AMOUNT THAT THE STATE RETAINS FOR THE STATE FISCAL YEAR PURSUANT TO SUBSECTION (1) OF THIS SECTION MINUS AN AMOUNT EQUAL TO THE TOTAL DOLLAR AMOUNT OF WARRANTS ISSUED BY THE STATE TREASURER PURSUANT TO SECTION 39-3-207 (4) IN THE SAME STATE FISCAL YEAR.
(b) FOR EACH STATE FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2026, BUT BEFORE JULY 1, 2036, THE GENERAL ASSEMBLY:
(I) SHALL TRANSFER OR APPROPRIATE TO THE DEPARTMENT OF EDUCATION AN AMOUNT EQUAL TO THE TWO PERCENT K-12 PUBLIC EDUCATION INCREASE FOR THE STATE FISCAL YEAR AND THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE THAT AMOUNT IN ACCORDANCE WITH SECTION 22-54-103.7;
(II) SHALL APPROPRIATE OR TRANSFER AN AMOUNT FOR INVESTMENT IN K-12 PUBLIC EDUCATION, TO BE USED FOR SCHOOL SERVICES, DISABILITY SERVICES TO STUDENTS WITH DISABILITIES, AND INCREASING ANNUAL CONTACT HOURS, EQUAL TO THE AMOUNT, IF ANY, BY WHICH ONE HALF OF THE AMOUNT CREDITED TO THE ACCOUNT FOR THE STATE FISCAL YEAR EXCEEDS THE AMOUNT APPROPRIATED OR TRANSFERRED PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION FOR THE STATE FISCAL YEAR; AND
(III) AFTER MAKING THE APPROPRIATIONS OR TRANSFERS REQUIRED BY SUBSECTIONS (2)(b)(I) AND (2)(b)(II) OF THIS SECTION FOR THE STATE FISCAL YEAR, SHALL APPROPRIATE OR TRANSFER THE REMAINING MONEY IN THE ACCOUNT TO PROGRAMS THAT SUPPORT COLORADO'S CHILDREN, PRIORITIZING CHILD CARE, FULL-DAY PRESCHOOL, AND OTHER PROGRAMS THAT PREPARE CHILDREN TO BE SUCCESSFUL IN SCHOOL.
(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 AND REPORTED BY LEGISLATIVE COUNCIL STAFF PURSUANT TO THIS SUBSECTION (1) IS THE STATE PUBLIC EDUCATION FUNDING FOR THAT STATE FISCAL YEAR.

- (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
(a) "CATEGORICAL PROGRAMS" HAS THE MEANING SET FORTH IN SECTION 22-55-102 (4).
(b) "STATE SHARE OF TOTAL PROGRAM" MEANS AN AMOUNT EQUAL TO THE TOTAL OF THE STATE'S SHARE OF EACH SCHOOL DISTRICT'S TOTAL PROGRAM, AS DEFINED IN SECTION 22-55-102 (18).

24-77-304. Excess state revenues expenditure independent audit.

- (1) FOR EACH STATE FISCAL YEAR THAT THE STATE RETAINS AND SPENDS STATE REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT TO THIS PART 3, THE STATE AUDITOR SHALL REPORT ON EXCESS STATE REVENUES, INCLUDING THE FOLLOWING INFORMATION:
(a) THE AMOUNT OF STATE REVENUES THAT THE STATE RETAINED AND SPENT IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT TO THIS PART 3; AND
(b) A DESCRIPTION OF HOW THE STATE EXPENDED FROM THE ACCOUNT THE STATE REVENUES THAT THE STATE RETAINED AND SPENT IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT TO THIS PART 3.
(2) THE STATE AUDITOR SHALL COMPLETE THE REPORTING REQUIRED BY SUBSECTION (1) OF THIS SECTION AT THE SAME TIME THAT THE STATE AUDITOR COMPLETES THE REPORT REQUIRED PURSUANT TO SECTION 2-3-103 (2) FOLLOWING A FISCAL YEAR IN WHICH THE STATE RETAINS AND SPENDS STATE REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT TO THIS PART 3 AND MAY AMEND THE REPORT THEREAFTER AS NECESSARY.

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

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

- (1) (g) (I) ADDITIONALLY, COMMENCING ON AUGUST 1, 2027, EACH LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION 22-54-202, SHALL POST IN A FORMAT THAT CAN BE DOWNLOADED AND SORTED, FOR FREE PUBLIC ACCESS, THE LOCAL EDUCATION PROVIDER'S ACTUAL EXPENDITURES OF ANY POSITIVE FACTOR RECEIVED PURSUANT TO SECTION 22-54-103.7.
(II) AS USED IN THIS SUBSECTION (1)(g), UNLESS THE CONTEXT OTHERWISE REQUIRES, "POSITIVE FACTOR" HAS THE MEANING SET FORTH IN SECTION 22-54-103.7 (1)(c).

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

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

- (1) (b) Notwithstanding section 24-1-136 (11)(a)(I), based upon the financial report prepared in accordance with subsection (1)(a) of this section for any given fiscal year, the controller shall certify to the governor, the general assembly, and the executive director of the department of revenue no later than September 1 following the end of a fiscal year the amount of state revenues in excess of the limitation on state fiscal year spending imposed by section 20 (7)(a) of article X of the state constitution, if any, for such fiscal year and the state revenues in excess of such limitation that the state is authorized to retain and spend pursuant to voter approval of section 24-77-103.6 AND PART 3 OF THIS ARTICLE 77.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9. Refer to people under referendum. At the election held on November 3, 2026, the secretary of state shall submit this act by its ballot title to the registered electors of the state for their approval or rejection. Each elector voting at the election may cast a vote either “Yes/For” or “No/Against” on the following ballot title: “Shall state investment in K-12 public education increase two percent each year for the next ten years, with investments used to increase teacher pay, improve teacher retention, lower class sizes, and increase access to career and technical courses, without raising taxes but instead funded by raising the annual limit on state fiscal year spending only by the amount spent on public K-12 education as a voter-approved revenue change, and requiring an annual publicly released, independent audit to show how the new investments are spent?” Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if a majority of the electors voting on the ballot title vote “Yes/For”, then the act will become part of the Colorado Revised Statutes.

Proposition 132

Increase Penalties for Fentanyl Crimes

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be a change to the Colorado Revised Statutes concerning criminal penalties for fentanyl and certain synthetic opioids, and, in connection therewith, increasing the felony classifications of drug-related crimes for distribution, manufacturing, dispensing, sale, or possession of fentanyl and certain synthetic opioids; creating mandated treatment for certain drug felony violations based on possession amount; and changing sentencing provisions to narrow or eliminate exemptions for crimes related to fentanyl and certain synthetic opioids and drug-related deaths?

Text of Measure:

Be it Enacted by the People of the state of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-18-102, **add** (35.5) as follows:

18-18-102. Definitions.

As used in this article 18:

(35.5) “LEVEL 4 TREATMENT-MANDATED DRUG FELONY” MEANS A LEVEL 4 DRUG FELONY THAT IS ELIGIBLE TO BE VACATED FOLLOWING SUCCESSFUL COMPLETION OF COURT-ORDERED TREATMENT FOR DRUG REHABILITATION ACCORDING TO THE PROVISIONS OF SECTION 18-1.3-103.5.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 18-18-405 as follows:

18-18-405. Unlawful distribution, manufacturing, dispensing, or sale.

(1)(a) EXCEPT AS AUTHORIZED BY PART 1 OF ARTICLE 280 OF TITLE 12, PART 2 OF ARTICLE 80 OF TITLE 27, PART 2 OR 3 OF THIS ARTICLE 18, SECTION

18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, IT IS UNLAWFUL FOR ANY PERSON KNOWINGLY TO MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE, OR TO POSSESS WITH INTENT TO MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE, A CONTROLLED SUBSTANCE; OR INDUCE, ATTEMPT TO INDUCE, OR CONSPIRE WITH ONE OR MORE OTHER PERSONS, TO MANUFACTURE, DISPENSE, SELL, DISTRIBUTE, OR POSSESS WITH INTENT TO MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE, A CONTROLLED SUBSTANCE; OR POSSESS ONE OR MORE CHEMICALS OR SUPPLIES OR EQUIPMENT WITH INTENT TO MANUFACTURE A CONTROLLED SUBSTANCE.

(b) AS USED IN THIS SUBSECTION (1), “DISPENSE” DOES NOT INCLUDE LABELING, AS DEFINED IN SECTION 12-280-103 (23).

(2) EXCEPT AS OTHERWISE PROVIDED FOR AN OFFENSE CONCERNING MARIJUANA AND MARIJUANA CONCENTRATE IN SECTION 18-18-406 AND FOR SPECIAL OFFENDERS AS PROVIDED IN SECTION 18-18-407, A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION:

(a) COMMITS A LEVEL 1 DRUG FELONY AND IS SUBJECT TO THE MANDATORY SENTENCING PROVISIONS IN SECTION 18-1.3-401.5 (7) IF:

(I) THE VIOLATION INVOLVES ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS:

(A) MORE THAN TWO HUNDRED TWENTY-FIVE GRAMS AND CONTAINS A SCHEDULE I OR SCHEDULE II CONTROLLED SUBSTANCE; OR

(B) MORE THAN ONE HUNDRED TWELVE GRAMS AND CONTAINS METHAMPHETAMINE, HEROIN, KETAMINE, OR CATHINONES; OR

(C) MORE THAN FIFTY MILLIGRAMS AND CONTAINS FLUNITRAZEPAM; OR

(D) ANY AMOUNT AND CONTAINS FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g); OR

(II) AN ADULT SELLS, DISPENSES, DISTRIBUTES, OR OTHERWISE TRANSFERS ANY QUANTITY OF A SCHEDULE I OR SCHEDULE II CONTROLLED SUBSTANCE OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY AMOUNT OF A SCHEDULE I OR SCHEDULE II CONTROLLED SUBSTANCE, OTHER THAN MARIJUANA OR MARIJUANA CONCENTRATE, TO A MINOR AND THE ADULT IS AT LEAST TWO YEARS OLDER THAN THE MINOR;

(III) EXCEPT AS PROVIDED IN SECTION 18-1-711 (3)(i), THE DEFENDANT COMMITTED A VIOLATION OF SUBSECTION (2)(a)(I)(D) OF THIS SECTION, AND THE ACTIONS IN VIOLATION OF SUBSECTION (2)(a)(I)(D) OF THIS SECTION ARE THE PROXIMATE CAUSE OF THE DEATH OF ANOTHER PERSON WHO USED OR CONSUMED THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINED FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2) (g).

(b) COMMITS A LEVEL 2 DRUG FELONY IF:

(I) THE VIOLATION INVOLVES ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS:

(A) MORE THAN FOURTEEN GRAMS, BUT NOT MORE THAN TWO HUNDRED TWENTY-FIVE GRAMS, AND CONTAINS A SCHEDULE I OR SCHEDULE II CONTROLLED SUBSTANCE;

(B) MORE THAN SEVEN GRAMS, BUT NOT MORE THAN ONE HUNDRED TWELVE GRAMS, AND CONTAINS METHAMPHETAMINE, HEROIN, KETAMINE, OR CATHINONES; OR

(C) MORE THAN TEN MILLIGRAMS, BUT NOT MORE THAN FIFTY MILLIGRAMS, AND CONTAINS FLUNITRAZEPAM;

(II) AN ADULT SELLS, DISPENSES, DISTRIBUTES, OR OTHERWISE TRANSFERS ANY QUANTITY OF A SCHEDULE III OR SCHEDULE IV CONTROLLED SUBSTANCE OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF A SCHEDULE III OR SCHEDULE IV CONTROLLED SUBSTANCE TO A MINOR AND THE ADULT IS AT LEAST TWO YEARS OLDER THAN THE MINOR;

(c) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, COMMITS A LEVEL 3 DRUG FELONY IF THE VIOLATION INVOLVES ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS:

(I) NOT MORE THAN FOURTEEN GRAMS AND CONTAINS A SCHEDULE I OR SCHEDULE II CONTROLLED SUBSTANCE;

(II) NOT MORE THAN SEVEN GRAMS AND CONTAINS METHAMPHETAMINE, HEROIN, KETAMINE, OR CATHINONES;

(III) NOT MORE THAN TEN MILLIGRAMS AND CONTAINS FLUNITRAZEPAM; OR

(IV) MORE THAN FOUR GRAMS AND CONTAINS A SCHEDULE III OR SCHEDULE IV CONTROLLED SUBSTANCE.

(d) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION OR SECTION 18-1-711 (3)(j), COMMITS A LEVEL 4 DRUG FELONY IF:

(I) THE VIOLATION INVOLVES ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS NOT MORE THAN FOUR GRAMS AND CONTAINS

A SCHEDULE III OR SCHEDULE IV CONTROLLED SUBSTANCE; OR
 (II) NOTWITHSTANDING SUBSECTION (2)(c) OF THIS SECTION, THE VIOLATION INVOLVES DISTRIBUTION OR TRANSFER OF THE CONTROLLED SUBSTANCE FOR THE PURPOSE OF CONSUMING ALL OF THE CONTROLLED SUBSTANCE WITH ANOTHER PERSON OR PERSONS AT A TIME SUBSTANTIALLY CONTEMPORANEOUS WITH THE TRANSFER; EXCEPT THAT THIS SUBPARAGRAPH (II) APPLIES ONLY IF THE DISTRIBUTION OR TRANSFER INVOLVES NOT MORE THAN FOUR GRAMS OF A SCHEDULE I OR II CONTROLLED SUBSTANCE OR NOT MORE THAN TWO GRAMS OF METHAMPHETAMINE, HEROIN, KETAMINE, OR CATHINONES;
 (e) COMMITS A LEVEL 1 DRUG MISDEMEANOR IF THE VIOLATION INVOLVES:
 (I) A SCHEDULE V CONTROLLED SUBSTANCE; OR
 (II) A TRANSFER WITH NO REMUNERATION OF NOT MORE THAN FOUR GRAMS OF A SCHEDULE III OR SCHEDULE IV CONTROLLED SUBSTANCE.
 (3) WHEN A PERSON COMMITS UNLAWFUL DISTRIBUTION, MANUFACTURE, DISPENSING, SALE, OR POSSESSION WITH INTENT TO MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE ANY SCHEDULE I OR SCHEDULE II CONTROLLED SUBSTANCE, AS LISTED IN SECTION 18-18-203 OR 18-18-204, FLUNITRAZEPAM, KETAMINE, OR CATHINONES, OR CONSPIRES WITH ONE OR MORE PERSONS TO COMMIT THE OFFENSE, PURSUANT TO SUBSECTION (1) OF THIS SECTION, TWICE OR MORE WITHIN A PERIOD OF SIX MONTHS, WITHOUT HAVING BEEN PLACED IN JEOPARDY FOR THE PRIOR OFFENSE OR OFFENSES, THE AGGREGATE AMOUNT OF THE SCHEDULE I OR SCHEDULE II CONTROLLED SUBSTANCE, FLUNITRAZEPAM, KETAMINE, OR CATHINONES INVOLVED MAY BE USED TO DETERMINE THE LEVEL OF DRUG OFFENSE.
 (4) EXCEPT FOR A PROSECUTION FOR MANUFACTURING, A PERSON COMMITS A LEVEL 1 DRUG MISDEMEANOR FOR A VIOLATION OF SUBSECTION (2)(c)(I), (2)(c)(II), OR (2)(d) OF THIS SECTION IF:
 (a) THE DISTRIBUTION, DISPENSING, TRANSFER, OR SALE INVOLVES A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS NOT MORE THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF A CONTROLLED SUBSTANCE IDENTIFIED IN SUBSECTION (2)(c)(I), (2)(c)(II), OR (2)(d) OF THIS SECTION;
 (b) THE DEFENDANT REPORTS IN GOOD FAITH AN EMERGENCY DRUG OVERDOSE EVENT TO A LAW ENFORCEMENT OFFICER, TO THE 911 SYSTEM, OR TO A MEDICAL PROVIDER, OR THE DEFENDANT AIDS OR SEEKS AID FOR THE PERSON WHO SUFFERED THE EMERGENCY DRUG OVERDOSE;
 (c) THE DEFENDANT REMAINS AT THE SCENE OF THE EVENT UNTIL A LAW ENFORCEMENT OFFICER OR AN EMERGENCY MEDICAL RESPONDER ARRIVES OR THE DEFENDANT REMAINS AT THE FACILITIES OF THE MEDICAL PROVIDER UNTIL A LAW ENFORCEMENT OFFICER ARRIVES;
 (d) THE DEFENDANT IDENTIFIES HIMSELF OR HERSELF AND COOPERATES WITH THE LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL RESPONDER, OR MEDICAL PROVIDER; AND
 (e) THE OFFENSE ARISES FROM THE SAME COURSE OF EVENTS FROM WHICH THE EMERGENCY OVERDOSE EVENT AROSE.

SECTION 3. In Colorado Revised Statutes, 18-1.3-401.5, **amend** (7) and (10)(a)(III.5) as follows:

18-1.3-401.5. Drug felonies classified - presumptive and aggravated penalties - legislative intent.

(7) Except as provided in section 18-18-405 (2)(a)(III)(B), notwithstanding NOTWITHSTANDING any provision of this section to the contrary, if the defendant is convicted of a level 1 drug felony, the court shall sentence the defendant to a term of incarceration in the department of corrections of at least eight years but not more than thirty-two years. The presence of one or more of the aggravating circumstances provided in subsection (10)(a) of this section or in section 18-18-407

(1) requires the court to sentence a defendant convicted of a level 1 drug felony to a term of incarceration in the department of corrections of at least twelve years but no more than thirty-two years. The court may impose a fine in addition to imprisonment.

(10)(a) Except for a level 1 drug felony, the presence of one or more of the following aggravating circumstances at the time of the commission of a drug felony offense requires the court, if it sentences the defendant to incarceration, to sentence the defendant to a term of at least the midpoint in the presumptive range but not more than the maximum term of the aggravated range:

(III.5) The defendant was on appeal bond following ~~his or her~~ THE DEFENDANT's conviction for a previous felony;

SECTION 4. In Colorado Revised Statutes, 18-18-407, **amend** (1)(h) as follows:

18-18-407. Special offender - definitions.

(1) A person who commits a felony offense pursuant to this part 4 under any one or more of the following aggravating circumstances commits a level 1 drug felony and is a special offender:

(h) The defendant committed a violation of section 18-18-405 (2)(a)(I) (D); ~~(2)(b)(I)(D), or (2)(c)(V);~~ and the defendant possessed pill or tablet manufacturing equipment with the intent to use the equipment in the manufacture of a controlled substance.

SECTION 5. In Colorado Revised Statutes, **repeal and reenact** 18-18-403.5 as follows:

18-18-403.5. Unlawful possession of a controlled substance - notice to revisor of statutes - repeal.

(1) EXCEPT AS AUTHORIZED BY PART 1 OR 3 OF ARTICLE 280 OF TITLE 12, PART 2 OF ARTICLE 80 OF TITLE 27, SECTION 18-1-711, SECTION 18-18-428 (1)(b), PART 2 OR 3 OF THIS ARTICLE 18, SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, IT IS UNLAWFUL FOR A PERSON KNOWINGLY TO POSSESS A CONTROLLED SUBSTANCE.

(2) ON OR AFTER MARCH 1, 2020, A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION BY POSSESSING:

(a) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF FLUNITRAZEPAM; KETAMINE; GAMMA HYDROXYBUTYRATE, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS; CATHINONES; OR MORE THAN FOUR GRAMS OF A CONTROLLED SUBSTANCE LISTED IN SCHEDULE I OR II OF PART 2 OF THIS ARTICLE 18 COMMITS A LEVEL 4 DRUG FELONY.

(b) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS NOT MORE THAN FOUR GRAMS OF A CONTROLLED SUBSTANCE LISTED IN SCHEDULE I OR II OF PART 2 OF THIS ARTICLE 18 OR ANY QUANTITY OF A CONTROLLED SUBSTANCE LISTED IN SCHEDULE III, IV, OR V OF PART 2 OF THIS ARTICLE 18 EXCEPT FLUNITRAZEPAM, GAMMA HYDROXYBUTYRATE, OR KETAMINE COMMITS A LEVEL 1 DRUG MISDEMEANOR; EXCEPT THAT A FOURTH OR SUBSEQUENT OFFENSE FOR A VIOLATION OF THIS SUBSECTION (2)(b) IS A LEVEL 4 DRUG FELONY.

(3)(a) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, ON OR AFTER JANUARY 1, 2027, A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION BY KNOWINGLY POSSESSING:

(I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS MORE THAN ONE GRAM AND NOT MORE THAN FOUR GRAMS AND CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMMITS A LEVEL 3 DRUG FELONY;

(II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS NOT MORE THAN ONE GRAM AND CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMMITS A LEVEL 4 TREATMENT-MANDATED DRUG FELONY AND SUCH DEFENDANT IS ELIGIBLE FOR COURT-ORDERED TREATMENT FOR DRUG REHABILITATION.

(4)(a) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION BY POSSESSING ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS A QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THAT IS MORE THAN SIXTY PERCENT OF THE TOTAL COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION, COMMITS A LEVEL 2 DRUG FELONY.

(b)(I) THIS SUBSECTION (4) TAKES EFFECT AT 12:01 A.M. THIRTY DAYS AFTER THE DATE IDENTIFIED IN THE NOTICE PROVIDED TO THE REVISOR OF STATUTES BY THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION THAT THE COLORADO BUREAU OF INVESTIGATION HAS THE RESOURCES TO DETERMINE THE QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMPARED TO THE TOTAL COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION, OR ON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES IF THE NOTICE DOES NOT SPECIFY A DIFFERENT DATE.

(II) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE CONDITION SPECIFIED IN SUBSECTION (4)(b)(I) OF THIS SECTION HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV.

(III) CONCURRENT WITH THE NOTICE REQUIRED IN SUBSECTION (4)

(b)(II) OF THIS SECTION, THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION SHALL NOTIFY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE CHIEF JUSTICE OF THE SUPREME COURT, THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE

PUBLIC DEFENDER, AND EACH DISTRICT ATTORNEY IN THE STATE, THAT THE COLORADO BUREAU OF INVESTIGATION HAS THE RESOURCES TO DETERMINE THE QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMPARED TO THE TOTAL COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION.

(IV) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE ONE YEAR AFTER NOTICE TO THE REVISOR OF STATUTES PURSUANT TO SUBSECTION (4)(b)(II) OF THIS SECTION.

(5) IF THE CIRCUMSTANCES DESCRIBED IN SECTION 18-18-428 (1)(b) OCCUR, THE PEACE OFFICER SHALL NOT ARREST THE PERSON PURSUANT TO THIS SECTION FOR ANY MINUSCULE, RESIDUAL CONTROLLED SUBSTANCE THAT MAY BE PRESENT IN THE USED HYPODERMIC NEEDLE OR SYRINGE, AND THE DISTRICT ATTORNEY SHALL NOT CHARGE OR PROSECUTE THE PERSON PURSUANT TO THIS SECTION FOR ANY MINUSCULE, RESIDUAL CONTROLLED SUBSTANCE THAT MAY BE PRESENT IN A USED HYPODERMIC NEEDLE OR SYRINGE. THE CIRCUMSTANCES DESCRIBED IN SECTION 18-18-428 (1) (b) MAY BE USED AS A FACTOR IN A PROBABLE CAUSE OR REASONABLE SUSPICION DETERMINATION OF ANY CRIMINAL OFFENSE IF THE ORIGINAL STOP OR SEARCH WAS LAWFUL.

(6) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, ON OR AFTER MARCH 1, 2020, A DISTRICT ATTORNEY SHALL NOT CHARGE OR PROSECUTE A PERSON PURSUANT TO THIS SECTION FOR ANY MINUSCULE, RESIDUAL, OR UNUSABLE AMOUNT OF A CONTROLLED SUBSTANCE THAT MAY BE PRESENT IN A USED HYPODERMIC NEEDLE OR SYRINGE, OR OTHER DRUG PARAPHERNALIA, AS DEFINED IN SECTION 18-18-426. THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (4) MAY BE USED AS A FACTOR IN A PROBABLE CAUSE OR REASONABLE SUSPICION DETERMINATION OF ANY CRIMINAL OFFENSE IF THE ORIGINAL STOP OR SEARCH WAS LAWFUL.

(7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A PERSON MAY BE CHARGED WITH ANY OTHER OFFENSE IN THIS ARTICLE 18, INCLUDING UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF A CONTROLLED SUBSTANCE, OR POSSESSION WITH INTENT TO DO THE SAME, PURSUANT TO SECTION 18-18-405, WHEN THERE IS EVIDENCE FOR THE PERSON TO BE SO CHARGED. SUCH EVIDENCE MAY INCLUDE, BUT IS NOT LIMITED TO, THE AMOUNT OF THE CONTROLLED SUBSTANCE THAT THE PERSON POSSESSES.

(8) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION TO THE CONTRARY, A PEACE OFFICER SHALL NOT ARREST AND A DISTRICT ATTORNEY SHALL NOT CHARGE OR PROSECUTE AN EMPLOYEE, AGENT, OR VOLUNTEER OF AN ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a) WHO, IN THE PERFORMANCE OF THE PERSON'S DUTIES, IS IN POSSESSION OF A CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), FOR THE PURPOSE OF SAFE DISPOSAL OF THE CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), IN ACCORDANCE WITH APPLICABLE LAW. AS USED IN THIS SUBSECTION (6), "SAFE DISPOSAL" MEANS THE PROCEDURE AND PROCESS FOR DEPOSITING THE CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), IN A SECURE CONTAINER FOR LAW ENFORCEMENT TO SUBSEQUENTLY ACCESS AND DISPOSE OF.

SECTION 6. In Colorado Revised Statutes, 18-1.3-103.5, **amend** (3)(e) as follows:

18-1.3-103.5. **Felony convictions - vacate and enter conviction on misdemeanor after successful completion.**

(3) This section applies to convictions for the following offenses:

(e) A violation of section ~~18-18-403.5 (2.5)(a)~~ 18-18-403.5(2.5)(a)(II).

SECTION 7. In Colorado Revised Statutes, 18-1.3-801, **amend** (2)(a)(I); and **repeal** (2)(c) as follows:

18-1.3-801. Punishment for habitual criminals.

(2)(a)(I) Except as otherwise provided in subsections (2)(b); ~~(2)(c)~~; and (5) of this section, every person convicted in this state of any felony, who has been three times previously convicted, upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, shall be adjudged an habitual criminal and shall be punished:

(2)(c) ~~The provisions of subsection (2)(a) of this section do not apply to~~

a conviction for a level 4 drug felony committed on or after July 1, 2022, pursuant to section 18-18-403.5 (2.5), or a conviction for a level 4 drug felony committed on or after July 1, 2022, for attempt or conspiracy to commit unlawful possession of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, as described in section 18-18-403.5 (2.5), even if the person has been previously convicted of three or more qualifying felony convictions:

SECTION 8. Effective Date.

This measure is effective January 1, 2027.

Proposition 133

Penalties for Human Trafficking of a Minor

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be a change to the Colorado Revised Statutes modifying existing law concerning human trafficking of a minor for sexual servitude, and, in connection therewith, creating new law expanding human trafficking of a minor for sexual servitude to include knowingly trading anything of monetary value to buy or sell sexual activity with a minor and increasing the penalty to be life in prison without parole or release?

Text of Measure:

Be it enacted by the people of the State of Colorado

SECTION 1. Legislative Declaration. (1) The people of the State of Colorado hereby find and declare:

(a) Residents of Colorado and other states and territories throughout the United States have seen an alarming increase in human trafficking, especially human trafficking involving minor children;

(b) Current penalties in Colorado law with parole possible in as little as eight years have failed to adequately deter the human trafficking of minor children; and

(c) It is the measure of a fair and compassionate society to ensure that children are not for sale.

SECTION 2. In Colorado Revised Statutes, 18-3-504, **amend** (2)(a) and (2) (b); and **add** (5) and (6) as follows:

18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude.

(2) (a) A person commits human trafficking of a minor for sexual servitude if the person:

(I) Knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity; or

(II) Knowingly advertises, offers to sell, or sells travel services that facilitate an activity prohibited pursuant to subsection (2)(a)(I) of this section; or

(III) KNOWINGLY TRADES ANYTHING OF MONETARY VALUE TO BUY OR SELL SEXUAL ACTIVITY WITH A MINOR.

(b) Human trafficking of a minor for sexual servitude is a class 2 1 felony.

The court shall sentence a person convicted of such a class 2 1 felony to the department of corrections for a term of ~~at least the minimum of the presumptive range for a class 2 felony~~; LIFE IN PRISON WITHOUT PAROLE OR RELEASE, as set forth in section 18-1.3-401.

(5) NOTHING IN THIS SECTION SHALL LIMIT A GOVERNOR'S STANDING AUTHORITY OF PARDON, COMMUTATION, OR CLEMENCY.

(6) THE SHORT TITLE OF THIS SECTION IS THE "CHILDREN ARE NOT FOR SALE ACT."

SECTION 3. Effective date -- applicability. This act takes effect on January 1, 2027, and applies to offenses committed on or after that date.

Proposition 134

Male and Female Participation in School and Collegiate Sports

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be a change to the Colorado Revised Statutes creating new law restricting participation in all K-12 and collegiate school sports based on the participant's sex as determined by certain aspects of their biological reproductive system, and, in connection therewith, requiring a school, institution of higher education, or athletic association to designate each school or intramural athletic team or sport as male, female, or coeducational; only allowing participants to compete on the team or sport of their designated sex or to compete on a coeducational team; creating an exception to allow a female to participate on a male-designated team or sport if there is no female team available; prohibiting a government entity, licensing or accrediting organization, or athletic association from entertaining a complaint, opening an investigation, or taking other adverse action against a school for maintaining separate teams or sports for females; and providing the commissioner of education with the authority to enforce the proposed initiative for K-12 school districts?

Text of Measure:

Be it enacted by the people of the State of Colorado,

SECTION 1. Legislative Declaration. The people of the State of Colorado hereby find and declare;

- (1) Males and females possess unique and immutable biological differences that manifest prior to birth and increase as they age and experience puberty;
- (2) Biological differences between the sexes are enduring and may, in some circumstances, warrant the creation of separate social, educational, athletic, or other arrangements in order to ensure safety and to allow members of each sex to succeed and thrive;
- (3) Physical differences between males and females have long made separate and sex-specific sports teams important so that female athletes can have equal opportunities to compete in sports while reducing the risk of physical injury; and
- (4) Because of the physical differences between males and females, having separate athletic teams based on the biological sex of the athlete reduces the chance of injury to female athletes, promotes equality between the sexes, provides opportunities for female athletes to compete against their female peers rather than against male athletes, and allows female athletes to compete on a fair playing field for athletic accomplishments, including educational scholarships.

SECTION 2. In Colorado Revised Statutes, **add** article 60 to title 25 as follows:

25-60-101. Short Title. ARTICLE 60 OF THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "PROTECT WOMEN AND GIRLS SPORTS ACT."

25-60-102. Definitions: AS USED IN THIS ARTICLE 60, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "ATHLETIC ASSOCIATION" MEANS A CORPORATION, ASSOCIATION, OR ORGANIZATION WHICH HAS AS ONE OF ITS PRIMARY PURPOSES THE SPONSORING OR ADMINISTRATION OF EXTRACURRICULAR INTERSCHOLASTIC ATHLETIC CONTESTS OR COMPETITIONS.
- (2) "BOY" MEANS AN ADOLESCENT HUMAN MALE.
- (3) "FEMALE" MEANS A PERSON WHOSE BIOLOGICAL REPRODUCTIVE SYSTEM IS ORGANIZED AROUND THE PRODUCTION OF OVA. FEMALE INCLUDES A WOMAN AND A GIRL.
- (4) "GIRL" MEANS AN ADOLESCENT HUMAN FEMALE.
- (5) "MALE" MEANS A PERSON WHOSE BIOLOGICAL REPRODUCTIVE SYSTEM IS ORGANIZED AROUND THE PRODUCTION OF SPERM. MALE INCLUDES A MAN AND A BOY.
- (6) "MAN" MEANS AN ADULT HUMAN MALE.
- (7) "POSTSECONDARY EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR PRIVATE UNIVERSITY, COLLEGE, OR COMMUNITY COLLEGE LOCATED IN COLORADO THAT IS A MEMBER INSTITUTION OF AN ACCREDITING BODY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.
- (8) "SCHOOL" MEANS ANY
 - (a) PUBLIC, CHARTER, PRIVATE, OR DENOMINATIONAL SCHOOL OFFERING INSTRUCTION IN ELEMENTARY OR SECONDARY GRADES OR
 - (b) POSTSECONDARY EDUCATIONAL INSTITUTION.
- (9) "STATE AGENCY" MEANS ANY STATE BOARD, BUREAU, COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER OF THE STATE, EXCEPT THOSE IN THE LEGISLATIVE BRANCH OR JUDICIAL BRANCH.
- (10) "WOMAN" MEANS AN ADULT HUMAN FEMALE.

25-60-103. Men's and women's sports teams.

(1) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT THAT IS SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION SHALL BE EXPRESSLY DESIGNATED AS ONE OF THE FOLLOWING BASED ON BIOLOGICAL SEX:

- (a) MALES, MEN, OR BOYS;
 - (b) FEMALES, WOMEN, OR GIRLS; OR
 - (c) COEDUCATIONAL OR MIXED.
- (2)(a) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION THAT IS DESIGNATED FOR FEMALES, WOMEN, OR GIRLS SHALL NOT BE OPEN TO A MALE STUDENT OR PARTICIPANT.
- (b) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION AND DESIGNATED FOR MALES, MEN, OR BOYS SHALL NOT BE OPEN TO A FEMALE STUDENT OR PARTICIPANT UNLESS THERE IS NO FEMALE TEAM OFFERED OR AVAILABLE FOR SUCH SPORT FOR SUCH FEMALE STUDENT OR PARTICIPANT.
- (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE ELIGIBILITY OF ANY STUDENT OR PARTICIPANT TO PARTICIPATE IN ANY INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAMS OR SPORTS DESIGNATED AS COEDUCATIONAL OR MIXED.
- (4) A GOVERNMENT ENTITY, LICENSING OR ACCREDITING ORGANIZATION, OR ATHLETIC ASSOCIATION MAY NOT ENTERTAIN A COMPLAINT, OPEN AN INVESTIGATION, OR TAKE ANY OTHER ADVERSE ACTION AGAINST A SCHOOL FOR MAINTAINING A SEPARATE INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT FOR FEMALE STUDENTS OR PARTICIPANTS.

25-60-104. Enforcement by the Commissioner of Education.

- (1) THE GOVERNING BODY OF EACH SCHOOL MUST ADOPT A POLICY IMPLEMENTING THE PROVISIONS OF THIS ARTICLE.
- (2) IF THE COMMISSIONER OF EDUCATION DETERMINES THAT ANY SCHOOL DISTRICT AS DEFINED IN SECTION 22-30-103(13) HAS INTENTIONALLY REFUSED TO COMPLY WITH THIS ARTICLE, THE COMMISSIONER SHALL NOTIFY THE SCHOOL DISTRICT OF THE NONCOMPLIANCE AND ALLOW THE SCHOOL DISTRICT A REASONABLE TIME TO COMPLY. IF THE COMMISSIONER DETERMINES, AFTER SUCH TIME HAS ELAPSED, THAT THE SCHOOL DISTRICT IS NOT IN COMPLIANCE AND HAS NOT MADE A GOOD-FAITH ATTEMPT TO COMPLY, THE COMMISSIONER SHALL TAKE APPROPRIATE REMEDIAL ACTION WITHIN THE COMMISSIONER'S AUTHORITY.

25-60-105. Protections under the Americans with Disabilities Act.

NOTWITHSTANDING ANY OTHER PROVISION WITHIN THIS ARTICLE, AN INDIVIDUAL BORN WITH A DIAGNOSIS OF A DISORDER OR DIFFERENCE IN SEX DEVELOPMENT MUST RECEIVE ALL LEGAL PROTECTIONS AND ACCOMMODATIONS AFFORDED UNDER FEDERAL LAW.

25-60-106. Severability.

IF ANY SECTION IN THIS ACT OR ANY PART OF ANY SECTION IS DECLARED INVALID OR UNCONSTITUTIONAL, THE DECLARATION SHALL NOT AFFECT THE VALIDITY OR CONSTITUTIONALITY OF THE REMAINING PORTIONS.

SECTION 3. Effective Date. This measure shall become effective on January 1, 2027.

Proposition 135**Prohibit Surgery on Minors in Response to Perception of Sex or Gender**

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be a change to the Colorado Revised Statutes modifying existing law by prohibiting surgery on a minor for the purpose of altering the minor's biological sex characteristics, and, in connection therewith, prohibiting any health-care professional or other person from knowingly performing, prescribing, administering, or providing any surgery to a minor for the purpose of altering the minor's biological sex characteristics and prohibiting the use of state or federal funds, Medicaid reimbursement, or insurance coverage to pay for this type of surgery?

Text of Measure:

Be it enacted by the people of the State of Colorado:

SECTION 1. Legislative Declaration. (1) The people of Colorado do hereby find and declare that:

- (a) Children lack the maturity to make permanent, life-altering medical decisions;
- (b) Medical treatments or interventions that attempt to surgically alter a minor child's biological sex often result in serious, irreversible consequences, including sterility;

(c) European nations, including Sweden, Finland, and the United Kingdom, have halted surgery due to the serious and widespread harm resulting from that intervention; and
(d) Colorado law already protects children from other, permanent and potentially life-altering decisions, such as consuming alcohol and smoking. The same protections should apply to irreversible medical interventions related to biological sex.

SECTION 2. In Colorado Revised Statutes, add 12-30-125 as follows:
12-30-125. Prohibition on surgery for minors – prohibition on state funding for surgery - short title – definitions.

(1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE “PROTECT CHILDREN FROM IRREVERSIBLE SEX CHANGE SURGERY ACT”.

(2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) “ALTERING BIOLOGICAL SEX CHARACTERISTICS” MEANS TREATMENT IN RESPONSE TO A MINOR’S PERCEPTION OF SEX OR GENDER. IT DOES NOT INCLUDE TREATMENT FOR PERSONS BORN WITH A MEDICALLY VERIFIABLE DISORDER OF SEX DEVELOPMENT OR TREATMENT FOR ACQUIRED PHYSICAL OR CHEMICAL ABNORMALITIES. “ALTERING BIOLOGICAL SEX CHARACTERISTICS” DOES NOT INCLUDE MALE CIRCUMCISION.

(b) “HEALTH-CARE PROFESSIONAL” MEANS ANY PERSON LICENSED IN THIS STATE OR ANY OTHER STATE TO PRACTICE MEDICINE, CHIROPRACTIC, NURSING, PHYSICAL THERAPY, PODIATRY, DENTISTRY, PHARMACY, OPTOMETRY, PSYCHIATRY, PSYCHOLOGY, MENTAL HEALTH THERAPY, OR OTHER HEALING ARTS. THE TERM INCLUDES ANY PROFESSIONAL CORPORATION OR OTHER PROFESSIONAL ENTITY COMPRISED OF SUCH HEALTH-CARE PROVIDERS AS PERMITTED BY THE LAWS OF THIS STATE.

(c) “MINOR” MEANS AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE.

(3) **Prohibition on medical interventions on minors.** A HEALTH-CARE PROFESSIONAL OR OTHER PERSON SHALL NOT KNOWINGLY PERFORM, PRESCRIBE, ADMINISTER, OR PROVIDE ANY SURGERY TO A MINOR FOR THE PURPOSE OF ALTERING BIOLOGICAL SEX CHARACTERISTICS.

(4) NO STATE OR FEDERAL FUNDS, MEDICAID REIMBURSEMENTS, OR INSURANCE COVERAGE MAY BE USED TO PAY FOR ANY PROHIBITED MEDICAL INTERVENTIONS DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(5) **Severability.** IF ANY SECTION OF THIS SECTION IS FOUND UNCONSTITUTIONAL OR INVALID, THE REMAINING SECTIONS SHALL REMAIN IN EFFECT.

SECTION 3. Effective date - applicability. This measure shall become effective on January 1, 2027, and apply to violations occurring on or after the effective date.

Proposition 136 Income Tax Rate Limit

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be a change to the Colorado Revised Statutes capping the state income tax rate at 4.4% of federal taxable income for individuals and corporations?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 39-22-102.5 as follows:
39-22-102.5. Maximum Tax Rate.

STARTING JANUARY 1, 2027, NEITHER THE INDIVIDUAL INCOME TAX RATE NOR THE CORPORATE INCOME TAX RATE MAY EXCEED 4.4% OF A TAXPAYER’S FEDERAL TAXABLE INCOME.

SECTION 2. Effective date.

This measure is effective upon proclamation of the Governor and applicable to the tax year beginning January 1, 2027 and all future tax years thereafter.

Proposition 137

Direct Sporting Goods Sales Tax Revenue for Conservation

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear

in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be a change to the Colorado Revised Statutes creating new law to increase water and land conservation funding without raising taxes, and, in connection therewith, through a voter-approved revenue change, allowing the state to keep and spend a portion of revenue from the state sales tax on sporting goods and equipment to conserve and protect Colorado’s water, land, and forests, prevent wildfires, support outdoor recreation training and activities, and reduce revenue spent on these conservation purposes if necessary to preserve funding for certain tax credits?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 24-77-110 as follows:

24-77-110. Declaration of the people of Colorado - retention of exempt sales tax revenue - conserve and protect Colorado’s water, land, and forests fund - determination and distribution of wildfire and conservation revenue. (1) THE VOTERS OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) WITHOUT RAISING TAXES, MORE CONSERVATION FUNDING IS NEEDED TO REDUCE THE RISK OF WILDFIRE AND CONSERVE AND PROTECT COLORADO’S WATER, LAND, PARKS, AND WILDLIFE;

(b) RECENT WILDFIRES HAVE BEEN THE DEADLIEST AND MOST DESTRUCTIVE ON RECORD, WITH FOUR OF THE STATE’S LARGEST WILDFIRES IN HISTORY OCCURRING IN THE LAST FIVE YEARS, WHICH RESULTED IN THE DESTRUCTION OF 1.5 MILLION ACRES AND MORE THAN 1,900 HOMES AND HUNDREDS OF MILLIONS OF DOLLARS IN DAMAGES AND LOSSES;

(c) COLORADO’S RIVERS, STREAMS, AND LAKES ARE THE LIFEBLOOD OF THE STATE, AND IT IS ESSENTIAL TO PRESERVE WATER QUALITY AND QUANTITY IN RIVERS, STREAMS, AND UNDERGROUND WATER SUPPLIES;

(d) REDUCING THE RISK OF WILDFIRE CAN PROTECT COLORADO’S WATER, COMMUNITIES, LAND, WILDLIFE, AND OUTDOORS WAY OF LIFE;

(e) THE COLORADO STATE FOREST SERVICE AND THE COLORADO DEPARTMENT OF NATURAL RESOURCES WORK IN PARTNERSHIP TO PROTECT COLORADO COMMUNITIES AND WATER BY REDUCING THE RISK OF WILDFIRE;

(f) THE COLORADO STATE FOREST SERVICE DELIVERS SIGNIFICANT BENEFITS TO COLORADO BY ENSURING THE LONG-TERM HEALTH AND VITALITY OF COLORADO’S FORESTS AND WATERSHEDS, INCLUDING THROUGH FUNDING THAT EMPOWERS COMMUNITIES TO REDUCE THE RISK OF WILDFIRE TO PEOPLE, PROPERTY, AND INFRASTRUCTURE; PROMOTES FOREST HEALTH AND FOREST RESTORATION PROJECTS; AND ENCOURAGES THE USE OF WOOD FOR TRADITIONAL FOREST PRODUCTS AND BIOMASS ENERGY;

(g) THE COLORADO DEPARTMENT OF NATURAL RESOURCES AND THE COLORADO WATER CONSERVATION BOARD PROVIDE CRITICAL FUNDING FOR WILDFIRE RISK REDUCTION, INCLUDING BY FUNDING LARGE-SCALE PROJECTS TO REDUCE THE AMOUNT OF POTENTIAL WILDFIRE FUEL; INVESTING IN WORKFORCE DEVELOPMENT WITH HANDS-ON EXPERIENCE AND TRAINING OPPORTUNITIES IN WILDFIRE MITIGATION AND FORESTRY; AND ASSISTING COMMUNITIES IN PLANNING FOR AND LESSENING THE LONG-TERM EFFECTS THAT WILDFIRES HAVE ON COLORADO’S WATER, WETLANDS, COMMUNITIES, AND INFRASTRUCTURE;

(h) DESPITE THESE EXISTING INVESTMENTS, COLORADO’S FORESTS NEED ADDITIONAL FUNDING AND URGENT ATTENTION TO ADDRESS WILDFIRE RISK AND PROTECT WATERSHEDS AND FOREST HEALTH;

(i) COLORADO’S GREAT OUTDOORS, WATER, AND WILDLIFE ARE AMONG THE STATE’S MOST TREASURED RESOURCES, ENHANCING COLORADANS’ QUALITY OF LIFE, CONTRIBUTING TO THE STATE’S ECONOMY, PROVIDING DIVERSE OPPORTUNITIES TO EXPERIENCE NATURE, AND SUPPORTING JOBS IN THE STATE;

(j) DESPITE THE STATE’S RENOWNED BEAUTY AND VAST OPPORTUNITIES FOR YEAR-ROUND OUTDOOR ACTIVITIES, MANY COMMUNITIES IN COLORADO FACE OBSTACLES TO ACCESSING THE OUTDOORS AND THE SIGNIFICANT BENEFITS SPENDING TIME IN NATURE DELIVERS;

(k) COLORADO HAS A LEGACY OF LAND CONSERVATION, INCLUDING THROUGH PARTNERSHIPS WITH PRIVATE LANDOWNERS TO PROTECT WORKING FARMS AND RANCHES AND TO MAINTAIN THE NATURAL AND AGRICULTURAL HERITAGE OF THE STATE, AND ALSO HAS WORLD-CLASS STATE PARKS AND OTHER PUBLIC LANDS, ALL OF WHICH PROVIDE SIGNIFICANT BENEFITS TO COLORADO’S WATERS, WILDLIFE, AND PEOPLE;

(l) COLORADO PARKS AND WILDLIFE WORKS TO ENSURE COLORADO'S OUTDOORS AND WILDLIFE ARE SUSTAINED FOR FUTURE GENERATIONS, INCLUDING TO CONSERVE VULNERABLE WILDLIFE SPECIES AND HABITATS AND TO MAINTAIN A HIGH-QUALITY STATE PARKS SYSTEM;

(m) THE GREAT OUTDOORS COLORADO PROGRAM (GOCO), ESTABLISHED BY A VOTE OF THE PEOPLE OF COLORADO AND ENSHRINED IN ARTICLE XXVII OF THE STATE CONSTITUTION, IS DEDICATED TO THE PRESERVATION, PROTECTION, ENHANCEMENT, AND MANAGEMENT OF THE STATE'S WILDLIFE, PARK, RIVER, TRAIL, AND OPEN SPACE HERITAGE;

(n) GOCO DELIVERS EXCEPTIONAL BENEFITS TO THE STATE BY INVESTING COLORADO LOTTERY REVENUE IN THE STATE'S WILDLIFE RESOURCES AND OUTDOORS THROUGH COLORADO PARKS AND WILDLIFE AND COMPETITIVE GRANTS TO PROTECT UNIQUE NATURAL LANDSCAPES AND TO MATCH LOCAL INVESTMENTS FOR OPEN SPACE, PARKS, AND ENVIRONMENTAL EDUCATION FACILITIES;

(o) CREATED BY EXECUTIVE ORDER B-2020-08 IN 2020, THE COLORADO OUTDOOR REGIONAL PARTNERSHIPS INITIATIVE, WHICH RECEIVES FUNDING FROM GOCO AND COLORADO PARKS AND WILDLIFE, ADVANCES REGIONAL AND STATEWIDE COLLABORATION TO ENSURE THAT COLORADO'S WATER, LAND, AND WILDLIFE THRIVE WHILE ALSO ENHANCING EQUITABLE ACCESS TO QUALITY OUTDOOR EXPERIENCES;

(p) FOLLOWING THE CREATION OF THE REGIONAL PARTNERSHIPS INITIATIVE, THE COLORADO OUTDOORS STRATEGY EMERGED FROM A MULTI-YEAR, COLLABORATIVE EFFORT WITH LOCAL, REGIONAL, AND STATE PARTICIPATION AND SERVES AS A VISION FOR FUTURE INVESTMENTS IN COLORADO'S OUTDOORS WITH THREE NORTH-STAR GOALS: CLIMATE RESILIENT CONSERVATION AND RESTORATION; EXCEPTIONAL AND SUSTAINABLE OUTDOOR RECREATION; AND COORDINATED PLANNING AND FUNDING;

(q) THE OUTDOOR EQUITY GRANT PROGRAM, WITHIN COLORADO PARKS AND WILDLIFE, INCREASES ACCESS AND OPPORTUNITIES FOR YOUTH AND THEIR FAMILIES TO EXPERIENCE COLORADO'S OUTDOORS AND INVESTS, THROUGH GRANTS TO ORGANIZATIONS THAT PROVIDE TRANSFORMATIONAL CONSERVATION, OUTDOOR EDUCATION, AND EXPERIENTIAL LEARNING PROGRAMS, IN THE NEXT GENERATION OF COLORADANS LEARNING ABOUT THE IMPORTANCE OF OUR LAND AND WATER;

(r) THE OUTDOOR RECREATION INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC DEVELOPMENT WORKS TO SUPPORT THE ECONOMIC VALUE OF COLORADO'S OUTDOORS AND TO PROTECT AND CONSERVE OUR WATER, LAND, AIR, AND CLIMATE BY, AMONG OTHER EFFORTS, PROMOTING CONSERVATION, ECONOMIC DEVELOPMENT, EDUCATION, WORKFORCE TRAINING, AND PUBLIC HEALTH AND WELLNESS AND ADDRESSING THE CHRONIC AND SYSTEMIC INEQUITIES THAT PREVENT YOUTH AND COMMUNITIES FROM ENGAGING IN MEANINGFUL EXPERIENCES IN THE OUTDOORS; AND

(s) WITHOUT RAISING TAXES OR CHANGING THE COST OF SPORTING GOODS AND EQUIPMENT, COLORADO VOTERS DIRECT THE INVESTMENT OF MORE CONSERVATION FUNDING BY ALLOWING THE STATE TO RETAIN THE REVENUE GENERATED FROM THE EXISTING STATE SALES TAX ON SPORTING GOODS AND EQUIPMENT AND DIRECTING THAT AMOUNT OF MONEY TO THE COLORADO WILDFIRE PROTECTION AND WATER FUND TO HELP THE COLORADO STATE FOREST SERVICE AND THE COLORADO DEPARTMENT OF NATURAL RESOURCES PROTECT COMMUNITIES AND WATER BY REDUCING THE RISK OF WILDFIRE; TO GOCO TO PRESERVE, PROTECT, ENHANCE, AND MANAGE THE STATE'S WILDLIFE, PARK, RIVER, TRAIL, AND OPEN SPACE HERITAGE; TO THE OUTDOOR EQUITY GRANT PROGRAM TO IMPROVE ACCESS TO THE OUTDOORS FOR YOUTH AND FAMILIES; AND TO THE OUTDOOR RECREATION INDUSTRY OFFICE TO INVEST IN WORKFORCE DEVELOPMENT AND OTHER OPPORTUNITIES TO PARTICIPATE IN AND CONTRIBUTE TO COLORADO'S OUTDOORS ECONOMY.

(2)(a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, COMMENCING ON JULY 1, 2027, ALL STATE SALES TAX REVENUES COLLECTED FROM CERTAIN SPORTING GOODS AND EQUIPMENT SHALL CONSTITUTE A VOTER-APPROVED REVENUE CHANGE UNDER SECTION 20(7)(d) OF ARTICLE X OF THE STATE CONSTITUTION, AS AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY WITHOUT LIMITING OR AFFECTING THE COLLECTION OR SPENDING OF OTHER REVENUES.

(b) THE REVENUE RESULTING FROM THE VOTER-APPROVED REVENUE CHANGE CREATED BY THIS SECTION SHALL BE EXEMPT REVENUE KNOWN AS "WILDFIRE AND CONSERVATION REVENUE". FOR THE PURPOSES OF THIS SECTION, "EXEMPT REVENUE" MEANS, FOR THE APPLICABLE STATE FISCAL YEAR, REVENUE EXEMPT FROM THE LIMITATION ON STATE FISCAL YEAR

SPENDING.

(3) THE CONSERVE AND PROTECT COLORADO'S WATER, LAND, AND FORESTS FUND IS HEREBY CREATED IN THE STATE TREASURY.

(a) THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(b) ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEY IN THE CONSERVE AND PROTECT COLORADO'S WATER, LAND, AND FORESTS FUND IS CREDITED TO THE FUND AND IS NOT TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR.

(c) ON JULY 1, 2027 FOR THE 2027-28 STATE FISCAL YEAR, AND ON JULY 1 FOR EACH STATE FISCAL YEAR THEREAFTER, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE CONSERVE AND PROTECT COLORADO'S WATER, LAND, AND FORESTS FUND AN AMOUNT EQUAL TO THE WILDFIRE AND CONSERVATION REVENUE DETERMINED PURSUANT TO THE CALCULATIONS IN SUBSECTION (4) OF THIS SECTION.

(d) MONEY IN THE CONSERVE AND PROTECT COLORADO'S WATER, LAND, AND FORESTS FUND SHALL SUPPLEMENT, NOT SUPPLANT, EXISTING FUNDING FOR THE FUNDS IN SUBSECTIONS (3)(d)(I), (3)(d)(II), (3)(d)(III), AND (3)(d)(IV) OF THIS SECTION AND BE CREDITED AS FOLLOWS:

(I) FORTY-SEVEN AND FIVE-TENTHS PERCENT TO THE GREAT OUTDOORS COLORADO TRUST FUND CREATED AND ESTABLISHED BY SECTION 2 OF ARTICLE XXVII OF THE STATE CONSTITUTION FOR THE PURPOSES OF SUCH ARTICLE AND TO BE MAINTAINED AND EXPENDED PURSUANT TO SUCH ARTICLE;

(II) FORTY-SEVEN AND FIVE-TENTHS PERCENT TO THE COLORADO WILDFIRE PREVENTION AND WATER FUND CREATED IN SECTION 24-33-119 TO PROTECT COMMUNITIES AND WATER SOURCES FROM WILDFIRE;

(III) TWO AND FIVE-TENTHS PERCENT TO THE OUTDOOR EQUITY FUND CREATED IN SECTION 33-9-206(1)(a); AND

(IV) TWO AND FIVE-TENTHS PERCENT TO THE OUTDOOR RECREATION ECONOMIC DEVELOPMENT CASH FUND CREATED IN SECTION 24-48.5-129(4)

(a) FOR THE PURPOSE OF PROVIDING GRANTS IN FURTHERANCE OF THE PURPOSES LISTED IN SECTION 24-48.5-129 (3)(c) AND (3)(d).

(4) THE AMOUNT OF WILDFIRE AND CONSERVATION REVENUE GENERATED AND AVAILABLE FOR DISTRIBUTION PURSUANT TO THIS SECTION SHALL BE DETERMINED AS FOLLOWS:

(a) NO LATER THAN MARCH 15, 2027, FOR THE 2027-28 STATE FISCAL YEAR, LEGISLATIVE COUNCIL STAFF SHALL DETERMINE THE AMOUNT OF WILDFIRE AND CONSERVATION REVENUE BASED ON THE UNITED STATES CENSUS BUREAU 2022 ECONOMIC CENSUS DATA CONTAINED IN TABLE NUMBER EC2200NAPCSINDPRD AND PURSUANT TO THE FOLLOWING METHODOLOGY:

(I) COLLECT THE COLORADO AND NATIONAL TOTAL SALES, VALUE OF SHIPMENTS, OR REVENUES FROM THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE 44-45 FOR RETAIL TRADE;

(II) COLLECT THE TOTAL SALES, VALUE OF SHIPMENTS, OR REVENUES IN NAICS CODE 44-45 FOR RETAIL TRADE FOR EACH NORTH AMERICAN PRODUCT CLASSIFICATION SYSTEM (NAPCS) PRODUCT IN COLORADO AND THE NATION FOR THE NAPCS SPORTING GOODS AND EQUIPMENT PRODUCTS WITH THE FOLLOWING CODES USED IN THE 2022 ECONOMIC CENSUS TABLE: 5001025000, 5001050000, 5001075000, 5001105000, 5001150000, 5001175000, 5001300000, 5001700000, AND 7001800000;

(III) DIVIDE:

(A) THE TOTAL DOLLAR AMOUNT FOR EACH NAPCS PRODUCT CODE IN COLORADO IN SUBSECTION (4)(a)(II) OF THIS SECTION BY THE TOTAL DOLLAR AMOUNT FOR THE ENTIRE NAICS CODE 44-45 FOR RETAIL TRADE IN COLORADO IN SUBSECTION (4)(a)(I) OF THIS SECTION IN ORDER TO DETERMINE THE PERCENT OF TOTAL RETAIL TRADE SALES THAT ARE SPORTING GOODS AND EQUIPMENT SALES FOR COLORADO; AND

(B) THE TOTAL DOLLAR AMOUNT FOR EACH NAPCS PRODUCT CODE IN THE NATION IN SUBSECTION (4)(a)(II) OF THIS SECTION BY THE TOTAL DOLLAR AMOUNT FOR THE ENTIRE NAICS CODE 44-45 FOR RETAIL TRADE IN THE NATION IN SUBSECTION (4)(a)(I) OF THIS SECTION IN ORDER TO DETERMINE THE PERCENT OF TOTAL RETAIL TRADE SALES THAT ARE SPORTING GOODS AND EQUIPMENT SALES FOR THE NATION;

(IV) MULTIPLY:

(A) EACH COLORADO NAPCS PRODUCT CODE PERCENTAGE IN SUBSECTION (4)(a)(III)(A) OF THIS SECTION BY THE COLORADO DEPARTMENT OF REVENUE GROSS ANNUAL SALES FROM THE MOST RECENTLY AVAILABLE TAX YEAR FOR THE NAICS CODE 44-45 FOR RETAIL TRADE TO DETERMINE THE ESTIMATE OF TAXABLE SPORTING GOODS AND EQUIPMENT SALES IN

COLORADO; AND

(B) AS A SUBSTITUTE FOR ANY COLORADO NAPCS PRODUCT CODE IN NAICS CODE 44-45 FOR RETAIL TRADE WITH A DATA NONDISCLOSURE FLAG FOR THE TOTAL SALES, VALUE OF SHIPMENTS, OR REVENUES IN TABLE NUMBER EC2200NAPCSINDPRD, THE NATIONAL NAPCS PRODUCT CODE PERCENTAGE IN PERCENTAGE IN SUBSECTION (4)(a)(III)(B) OF THIS SECTION BY THE COLORADO DEPARTMENT OF REVENUE GROSS ANNUAL SALES FROM THE MOST RECENTLY AVAILABLE TAX YEAR FOR THE NAICS CODE 44-45 FOR RETAIL TRADE; AND

(V) MULTIPLY THE TOTAL TAXABLE SALES FROM SPORTING GOODS AND EQUIPMENT DETERMINED IN SUBSECTION (4)(a)(IV) OF THIS SECTION BY THE STATE SALES TAX RATE TO DETERMINE THE AMOUNT OF WILDLIFE AND CONSERVATION REVENUE.

(b) FOR THE 2027-28 STATE FISCAL YEAR, THE AMOUNT OF WILDFIRE AND CONSERVATION REVENUE DETERMINED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION SHALL BE CONSIDERED EXEMPT REVENUE AVAILABLE FOR DISTRIBUTION PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(c) FOR FISCAL YEARS COMMENCING ON AND AFTER JULY 1, 2028, THE QUARTERLY DECEMBER REVENUE FORECAST PREPARED BY LEGISLATIVE COUNCIL STAFF SHALL DETERMINE THE ADJUSTMENT TO THE AMOUNT OF WILDFIRE AND CONSERVATION REVENUE GENERATED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION FOR THE UPCOMING FISCAL YEAR. IN DETERMINING THE ADJUSTED ANNUAL AMOUNT, LEGISLATIVE COUNCIL STAFF SHALL CONSIDER, AT A MINIMUM, WHETHER:

(I) DATA USED IN SUBSECTION (4)(a) OF THIS SECTION HAS BEEN UPDATED;
(II) ACTUAL RECEIPTS OF SALES TAX REVENUE FOR THE NAPCS CODES IN SUBSECTION (4)(a) OF THIS SECTION OR SUCCESSOR CODES ARE AVAILABLE; OR

(III) LEGISLATIVE COUNCIL STAFF HAS PREPARED AN ALTERNATIVE RELIABLE ESTIMATE OF STATEWIDE SALES TAX REVENUE RECEIVED FROM THE SPORTING GOODS AND EQUIPMENT REFLECTED IN THE NAPCS CODES IN SUBSECTION (4)(a) OF THIS SECTION OR SUCCESSOR CODES.

(d) FOR FISCAL YEARS COMMENCING ON AND AFTER JULY 1, 2028, THE WILDFIRE AND CONSERVATION REVENUE IS SUBJECT TO REDUCTION IF IT IS DETERMINED THAT EXEMPTION OF THE FULL AMOUNT OF WILDFIRE AND CONSERVATION REVENUE, AS DETERMINED IN SUBSECTION (4)(c) OF THIS SECTION, WOULD CAUSE A REDUCTION IN THE CREDIT AMOUNT AVAILABLE FOR EITHER THE FAMILY AFFORDABILITY TAX CREDIT, PURSUANT TO SECTION 39-22-130(6), OR THE EARNED INCOME TAX CREDIT, PURSUANT TO 39-22-123.5(3,5)(c). SUCH DETERMINATION SHALL BE MADE IN EITHER THE QUARTERLY DECEMBER REVENUE FORECAST PREPARED BY LEGISLATIVE COUNCIL STAFF OR THE QUARTERLY DECEMBER REVENUE FORECAST PREPARED BY THE OFFICE OF STATE PLANNING AND BUDGETING IN THE DECEMBER IMMEDIATELY PRECEDING THE APPLICABLE STATE FISCAL YEAR, AS DETERMINED BY WHICH IMMEDIATELY PRECEDING MARCH FORECAST THE JOINT BUDGET COMMITTEE USED IN THE PREPARATION OF THE STATE BUDGET. IF SUCH A REDUCTION IS NECESSARY, LEGISLATIVE COUNCIL STAFF OR THE OFFICE OF STATE PLANNING AND BUDGETING SHALL CALCULATE THE MAXIMUM AMOUNT OF WILDFIRE AND CONSERVATION REVENUE THAT CAN BE CONSIDERED EXEMPT REVENUE WITHOUT RESULTING IN A REDUCTION OF THE CREDIT AMOUNT AVAILABLE FOR THE FAMILY AFFORDABILITY TAX CREDIT, PURSUANT TO SECTION 39-22-130(6), OR THE EARNED INCOME TAX CREDIT, PURSUANT TO 39-22-123.5(3,5)(c).

(e) LEGISLATIVE COUNCIL STAFF OR THE OFFICE OF STATE PLANNING AND BUDGETING SHALL SUBMIT TO THE STATE TREASURER THE AMOUNT OF WILDFIRE AND CONSERVATION REVENUE THAT SHALL BE TRANSFERRED AND AVAILABLE FOR DISTRIBUTION PURSUANT TO SUBSECTION (3) OF THIS SECTION AS FOLLOWS:

(I) FOR THE 2027-28 STATE FISCAL YEAR, THE AMOUNT OF WILDFIRE AND CONSERVATION REVENUE THAT RESULTS FROM THE DETERMINATION MADE IN SUBSECTION (4)(a) OF THIS SECTION; AND

(II) FOR THE 2028-29 STATE FISCAL YEAR AND FOR ALL SUBSEQUENT STATE FISCAL YEARS, THE AMOUNT OF WILDFIRE AND CONSERVATION REVENUE THAT RESULTS FROM THE DETERMINATIONS MADE IN SUBSECTIONS (4)(c) AND (4)(d) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, add 24-33-119 as follows:

24-33-119. Colorado wildfire prevention and water fund - disposition of money.

(1) THE COLORADO WILDFIRE PREVENTION AND WATER FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SECTION 24-77-110 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. ALL MONEY IN THE FUND AT THE END OF EACH FISCAL YEAR REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(2) AFTER THE STATE TREASURER TRANSFERS AND CREDITS THE WILDFIRE AND CONSERVATION REVENUE PURSUANT TO SECTION 24-77-110 (3)(c) AND (3)(d), ON JULY 1, 2027, FOR THE 2027-28 STATE FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER MONEY IN THE FUND AS FOLLOWS:

(a) TEN MILLION DOLLARS TO THE PRESCRIBED FIRE CLAIMS CASH FUND CREATED IN SECTION 24-33.5-1240(2)(a);

(b) FIFTY PERCENT OF THE MONEY REMAINING AFTER THE TRANSFER PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION TO THE FOREST RESTORATION AND WILDFIRE RISK MITIGATION GRANT PROGRAM CASH FUND CREATED IN SECTION 23-31-310(8.5) AND THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-313(10), WITH THE STATE FORESTER TO DETERMINE THE AMOUNT TO BE TRANSFERRED TO EACH FUND; AND

(c) THE OTHER FIFTY PERCENT OF THE MONEY REMAINING AFTER THE TRANSFER PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION TO THE WILDFIRE MITIGATION CAPACITY DEVELOPMENT FUND CREATED IN SECTION 24-33-117(1) AND THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION 37-60-121 FOR THE PURPOSES SPECIFIED IN SECTION 37-60-121(11)(b)(II), WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES TO DETERMINE THE AMOUNT TO BE TRANSFERRED TO EACH FUND.

(3) AFTER THE STATE TREASURER TRANSFERS AND CREDITS THE WILDFIRE AND CONSERVATION REVENUE PURSUANT TO SECTION 24-77-110 (3)(c) AND (3)(d), ON JULY 1, 2028, FOR THE 2028-29 STATE FISCAL YEAR, AND ON JULY 1 FOR EACH STATE FISCAL YEAR THEREAFTER, THE STATE TREASURER SHALL CREDIT MONEY IN THE FUND AS FOLLOWS:

(a) FIFTY PERCENT OF THE MONEY TO THE FOREST RESTORATION AND WILDFIRE RISK MITIGATION GRANT PROGRAM CASH FUND CREATED IN SECTION 23-31-310(8.5) AND THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-313(10), WITH THE STATE FORESTER TO DETERMINE THE AMOUNT TO BE CREDITED TO EACH FUND; AND

(b) FIFTY PERCENT OF THE MONEY TO THE WILDFIRE MITIGATION CAPACITY DEVELOPMENT FUND CREATED IN SECTION 24-33-117(1) AND THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION 37-60-121 FOR THE PURPOSES SPECIFIED IN SECTION 37-60-121(11)(b)(II), WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES TO DETERMINE THE AMOUNT TO BE CREDITED TO EACH FUND.