



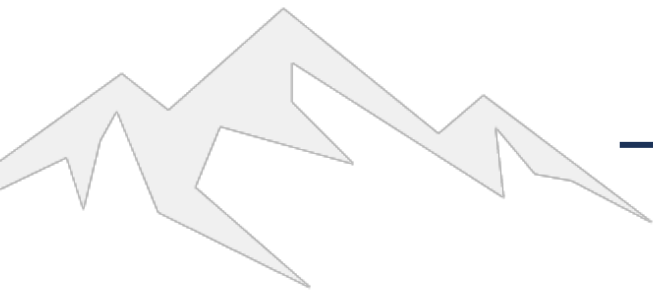
JUNE

2026

LEGISLATIVE SESSION

IN REVIEW





About the Authors



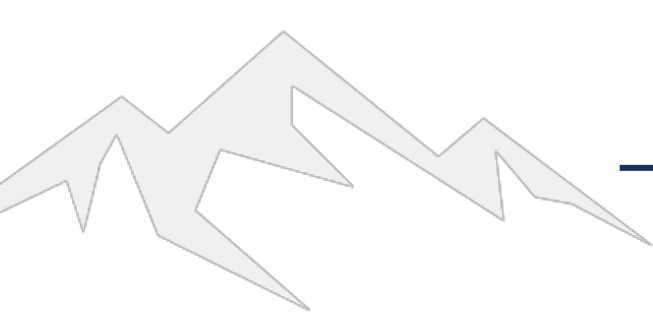
Elizabeth Caven

Elizabeth serves as the Outreach Director and Policy Analyst at Advance Colorado. She previously worked for the Colorado House of Representatives for nearly three years as a legislative aide, where she assisted in policy work across a range of issue areas for the caucus. Elizabeth earned dual undergraduate degrees in Politics and Philosophy from Colorado Christian University. While at CCU, she served as President of the Philosophy Club, participated in First Liberty's D.C. Fellowship Program, and worked with the Centennial Institute. She and her husband, Jason, live in Littleton.



Kristi Burton Brown

Kristi is the Executive Vice President at the Advance Colorado Institute. She is also a member of the State Board of Education, representing Congressional District 4. Kristi is the former Chairwoman of the Colorado Republican Party – the first woman to be elected in 40 years and the youngest Chair in Colorado Republican history. Kristi is a constitutional attorney, focusing on First Amendment and Equal Protection issues and is admitted to the U.S. Supreme Court where she has submitted briefs in a number of landmark decisions, including *Loper v. Raimondo* (the case that overturned the Chevron Doctrine). She is a guest host for the Dan Caplis Show on 630 KHOW. Kristi lives with her family in Douglas County where she and her husband homeschool their children with a classical Christian education.



Introduction

Colorado’s second regular session in the 75th General Assembly just came to a close. This year’s legislative session was marked by a \$1.5 billion deficit, soft-on-crime legislation, and concerted efforts to undermine the Taxpayer’s Bill of Rights (TABOR). Despite the passage of multiple liberal bills, there were a few bright spots in the 2026 session as well. A bipartisan solution was reached on mental incompetency issues that had been driving the release of criminals into communities, penalties were increased on some crimes against children, a legislative lawsuit to challenge TABOR was not attempted again this year, and the Governor vetoed a record number of bills, including a particularly egregious bill that would have penalized family-owned restaurants. The budget was also passed without cuts to school districts’ education dollars, ensuring that the amount of funding going to students’ education will not be reduced this year.

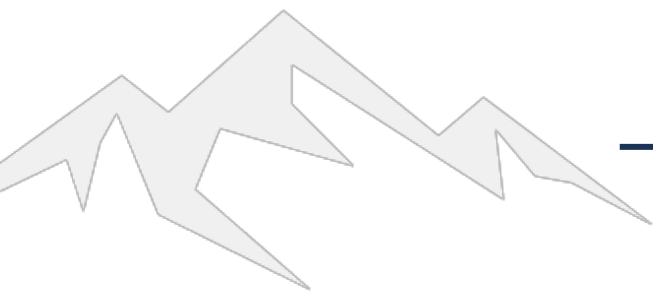
This 2026 legislative review provides a quick look at several key bills Coloradans should be aware of as well as how several of the session’s outcomes relate to Advance Colorado’s Legislative Policy Agenda.

Public Safety

SB26-015: Commercial Sexual Activity with a Child Offenses

 Status: Became Law

Sponsored by Republican and Democrat leaders, this bill increased the penalty for multiple crimes where children are the victims and required jail time for a number of offenses related to the human trafficking of children. These crimes included pandering of a child, keeping a place of child prostitution, pimping a child, inducement of child prostitution, and patronizing a prostituted child. For solicitation of a child, the bill allowed probation but required that “as a condition of probation...the person serve 364 days in the county jail.” The bill also took the term “child prostitution” out of Colorado law and changed it to “commercial sexual activity with a child” to communicate the reality that the child is the victim, and the adult is the predator.



The passage of SB26-015 may have been surprising to some, as the liberal-controlled legislature usually refuses to increase or require jail time for any offenders. But the work of former district attorney and now Senator Dylan Roberts (in conjunction with Majority Leader Monica Duran, Minority Leader Jarvis Caldwell, and Senator Byron Pelton) paid off as a coalition of organizations, district attorneys, county leadership, and child advocates came together. While SB26-015 glaringly omits higher penalties for sexual assault against a child (included in Advance Colorado's proposal), it is a solid new law that will protect children from predators. Additional work can build on this initial effort. (1)

For more on this issue, see the Advance Colorado report, *Betrayed by the Law: How Colorado Fails Victims of Child Predators*.

SB26-111: Protections Against Child Rape



Status: Became Law

This bipartisan bill would have required jail time for predators committing sexual assault on a child. While the legislature took a major step forward by passing enhanced penalties for many child predators this session, it failed to extend required jail time to predators who commit some of the most serious crimes against a child – the ones this bill would have addressed. (2)

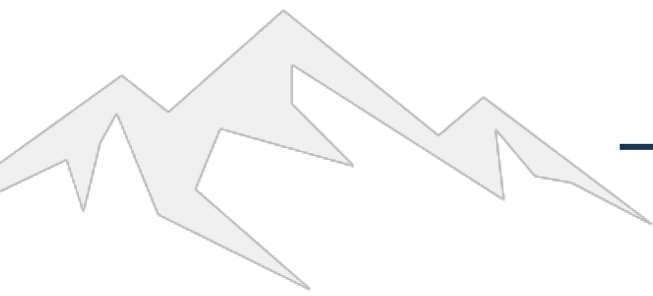
SB26-097: Decriminalize Adult Commercial Sexual Activity



Status: Killed

Democrat legislators introduced a bill to decriminalize prostitution in Colorado. The bill was met with harsh pushback, and the sponsors eventually abandoned the effort since they did not have enough votes to get it across the finish line. However, the introduction of this bill represents the direction the state is moving when it comes to public safety.

Broad decriminalization of prostitution can make it much easier for traffickers and predators to conceal exploitation within a larger legal commercial sex market, often involving children. It would make it much harder for law enforcement to identify trafficking victims, including minors. Traffickers can



much more easily present victims as being willing participants rather than being coerced. Additionally, reducing these legal barriers for commercial sexual activity increases the demand, making it much more likely that traffickers will seek to supply that demand by exploiting more vulnerable individuals like minors. (3)

With far too many child predators getting off on probation in Colorado, allowing the opportunity for more to operate with cover is the wrong policy. Instead, lawmakers should be focusing on protecting children and punishing those who seek to harm them.

HB26-1281: Homicide Criminal Offenses



Status: Died on Senate Calendar

This was a soft-on-crime bill that passed the House, but not the Senate. This bill would have lowered the penalty for some cases currently classified as first-degree murder under the “extreme indifference” standard. Under current law, a person can be convicted of first-degree murder if they knowingly engage in conduct demonstrating universal malice and extreme indifference to human life that results in another person’s death. An example of extreme indifference would be a person randomly shooting a gun into a crowd of people, or at a park. This bill would have limited first-degree murder charges to cases involving multiple deaths, the death of a child under 12, the death of a first responder, or a death accompanied by serious bodily injury to multiple victims. As a result, conduct that currently qualifies as first-degree murder when it causes a single death (i.e., when someone is a bad shot) would instead be a lighter charge of second-degree murder. (4)

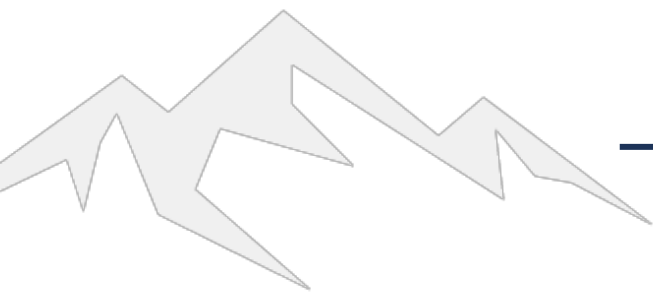
The bill was yet another attempt to soften penalties for violent and dangerous acts that often result in death.

SB26-005: Rights Violation in Immigration Enforcement Remedy



Status: Governor Vetoed

To build on Colorado’s sanctuary state status, Democrats in the legislature passed SB26-005. The bill would have created a new state-level cause of action allowing individuals to sue those involved in civil immigration



enforcement if they believe their federal constitutional rights were violated. The bill also would have permitted courts to award legal, equitable, or other appropriate relief as well as establishing a two-year window for filing claims. (5)

By exposing participants involved in immigration enforcement activities to additional, vague litigation, cooperation between local law enforcement and federal law enforcement agencies would have been even more discouraged than it already is. Anytime there is reduced cooperation with federal law enforcement, it is far more difficult to identify and detain violent and repeat criminals who are unlawfully present in Colorado. Ultimately, this bill was anti-law enforcement and would have isolated Colorado further as an extreme sanctuary state.

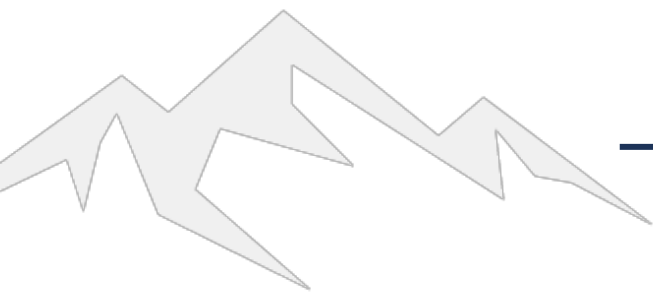
SB26-036: Prison Population Management Measures



Status: Became Law

Another soft-on-crime bill lawmakers passed was SB26-036. Colorado has a mechanism called the Prison Population Management trigger that allows the state to take steps to reduce the prison population when prisons begin running out of available space. When the number of empty prison beds falls below a certain level, the trigger is activated and the state can implement measures to free up space, such as expanding parole and release options, or increasing earned-time credits. The legislature set the current vacancy rate at 3% when they passed SB19-143. (6)

SB26-036 raises the vacancy rate to 4%, meaning that population-reduction measures will begin much earlier than they otherwise would, with more empty beds still available. So even though the prisons are not truly overcrowded, the state would be required to begin using tools to reduce the inmate population. Because the Department of Corrections is required to make referrals to the Parole Board upon the trigger of the vacancy rate, raising it to 4% will allow more prisoners to be let out without serving their full sentence. (7)



SB26-115: Post-Conviction Relief for Certain Offenders



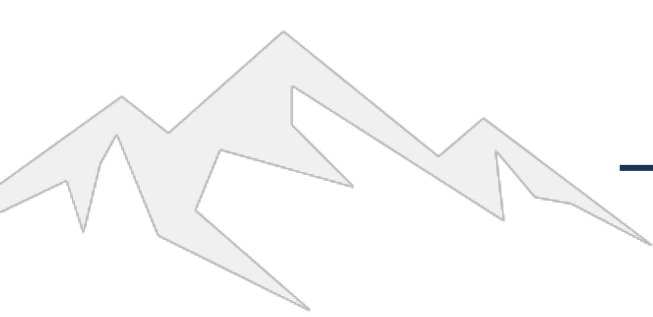
Status: Became Law

This bill allows certain inmates to petition the court for post-conviction relief and seek reconsideration of their sentence. Eligibility is limited to individuals who committed their offense before the age of 21 and have served at least 20 years, or those who are at least 60 years old and have served at least 20 years. Petitioners in these cases will have the right to legal counsel.

Unless the prosecution agrees that granting relief would serve the interests of justice, individuals convicted of certain offenses would be ineligible, including sex offenses, human trafficking for involuntary or sexual servitude, offenses resulting in life without parole, crimes involving victims aged 12 or younger, and offenses against emergency response personnel. However, discretion is ultimately up to the court. If a court determines that a petitioner has met the required burden, the individual may file a motion to have their sentence reconsidered and reduced.

Under this bill, district attorneys have the authority to petition for post-conviction relief on behalf of individuals who do not otherwise meet the eligibility requirements. While the legislative declaration describes this bill as targeting low-risk offenders, the exceptions made for those falling outside of the initial eligibility requirements demonstrates that sentence reconsideration will be applied more broadly than the bill initially spelled out.

Ultimately, the nature of this bill is to provide more pathways to reduce or reconsider altogether the sentences of inmates, regardless of the type of conviction. It is another pathway to circumvent justice for victims and release potentially dangerous criminals back into Colorado communities. (8)



Affordability

SB26-146: Restrict Single-Use Food Serviceware Distribution

 Status: Governor Vetoed

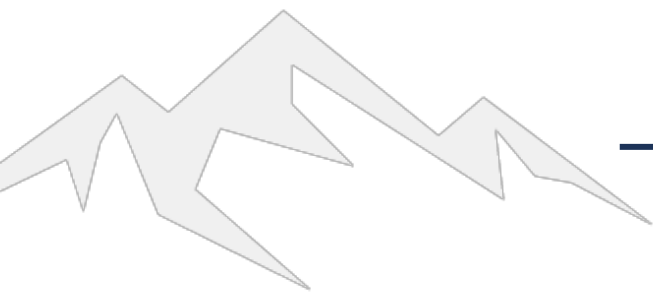
This bill was one of the most puzzling of the session, and the Governor quickly put a stop to it taking effect. In the name of a clean environment, the bill would have prohibited any restaurants, catering, takeout establishments, or delivery services from providing single-use silverware, napkins, or condiment packets unless a customer specifically requested these items. These near-bans would have come under the Plastic Pollution Reduction Act, triggering a fine of up to \$1,000 for violations. Certain provisions of the bill seemed quite random, naming specific condiments but excluding others. For example, hot sauce and coffee creamer were included, but not hoisin sauce or Arby's sauce. Additionally, the bill would have penalized establishments for including cup sleeves on hot coffee unless requested by the customer. If Door Dash (or a similar service) failed to communicate the utensils and sauces requested by a customer to the restaurant upon pick up, and if the restaurant included even a single unwanted napkin, both Door Dash and the restaurant would have been subject to a fine of up to \$1,000. One of the oddest aspects of the bill is that it claimed to target plastic pollution but also went after paper products without any explanation as to their environmental harm. (9)

In his veto letter, Governor Polis wrote, "The state should not play a role in mandating whether single-use serviceware is provided to consumers. Local governments should determine whether to implement these policies. Some local governments in Colorado have decided to pass a similar policy such as Denver and Breckenridge. I appreciate these efforts, but think statewide policy of this kind is not a good fit." (10)

SB26-137: Measures to Reduce Administrative Burdens

 Status: Became Law

Recent data has shown that Colorado's business climate is in serious decline. The Chamber Foundation found that Colorado currently has over 200,000 business regulations, with 45% of those being deemed as "duplicative or



excessive.” The state now ranks as the sixth most regulated state in the nation, and hundreds of business leaders across Colorado have echoed the same concerns: overregulation is crushing business. (11)

Colorado currently has a system where state government agencies can write rules, but the Office of Legislative Legal Services reviews them to ensure the agency is working within its boundaries allowed by law. Under current law, rules made between November 1st, and the following October 31st are set to expire on May 15th of the subsequent year. In practice, however, most rules get routinely extended by the legislature every legislative session and can stay on the books indefinitely. SB26-137 changes that process by adding a hard 5-year expiration date for these rules, meaning that agencies will have to periodically go back and justify their rules instead of letting them roll over year after year. Additionally, the burden of proof will be on the agencies when determining a rule’s effectiveness, requiring more explicit justification for the continuation of any said rule. If the state follows through, this bill will make it more likely that outdated or overly broad regulations will get revised or even removed. (12)(13)

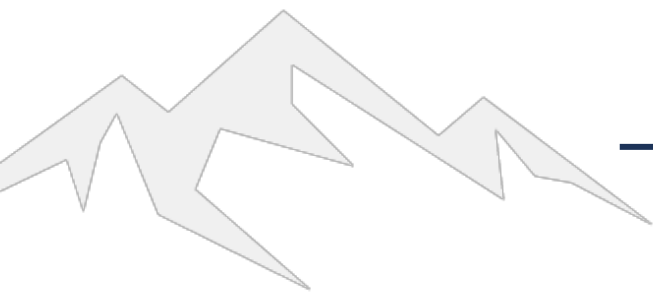
HB26-1005: Worker Protection Collective Bargaining



Status: Governor Vetoed

Colorado’s Labor Peace Act requires that a second union election take place before collecting mandatory dues and fees from all employees, also known as the union security clause. Winning the second election requires a 75% majority vote in favor of forming the union in order to require all workers to financially support the union.

The bill would have eliminated the requirement for a second election to negotiate a union security agreement clause in the collective bargaining process. Eliminating this requirement would force employees to pay into the union regardless of their support or whether they want to pay dues. This bill would have put more pressures upon businesses, such as requiring the employer to require all their employees to become members of the union and pay fees. Additionally, automatic due enforcement would tie the hands of business owners during negotiations, essentially granting the unions full



power over the business. This ultimately gives unions ultimate say on specific hiring, wages, and firing standards. (14)

A similar effort to eliminate the second election was brought during the 2025 legislative session, but the Governor vetoed it then as well.

Energy

SB26-022: Challenges Meeting 2030 Emissions Reduction Goals



Status: Killed

This bill would have extended the deadlines for submitting information to the Department of Public Health and Environment related to clean energy plans and allowed cooperative electric associations and municipal utilities to resubmit plans with additional compliance time to meet greenhouse gas emissions reductions goals.

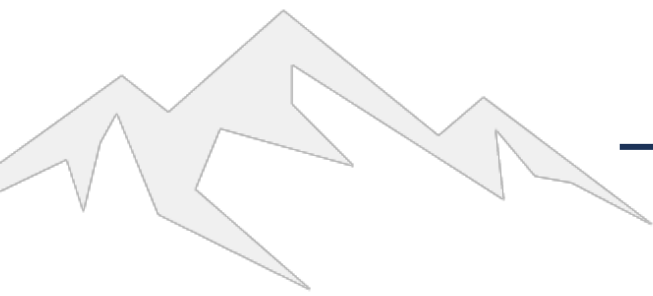
While this would not have stopped the onerous requirements imposed by the Public Utilities Commission at the legislature's behest, it would have created a more workable situation for energy providers who are attempting to serve the 70% of Colorado homes that rely on natural gas. Importantly, the bill would also have banned the Air Quality Control Commission from taking action "that impairs the associations or utility's ability to maintain applicable electric reliability standards or that increases...average annual electric rates greater than 1.5%." This bill was sponsored by members of both parties. (15)

HB26-1129: Gas Utility Service



Status: Killed

SB21-264 required utility companies who distribute natural gas, such as Xcel Energy and Black Hills Energy, to file Clean Heat Plans with the Public Utilities Commission that outline how they were going to reduce greenhouse gas emissions by 4% by 2025 and 22% by 2030. As mentioned above, 70% of Colorado households rely on natural gas for heating. (16)



HB26-1129 would have excluded residential carbon dioxide emissions from things such as heating and cooking from a gas utility’s clean heat plan calculations, meaning those emissions would not count against the company’s reduction goals. This would have made natural gas for homes much more accessible, and likely even more affordable. The bill also would have repealed a prohibition that stopped gas utilities from giving incentives to customers to hook up to natural gas service. (17)

To read more about the role natural gas plays in Colorado, read Advance Colorado’s report, *Natural Gas: Clean, Affordable, Reliable Energy for Colorado*.

SB26-002: Energy Affordability



Status: Became Law

Coloradans have seen their energy bills increase significantly over the past few years, and SB26-002, despite its misleading title, will not ease this burden. This bill requires utility companies to establish a Percentage-of-Income Payment Plan (PIPP) for low-income residential customers. Under the program, eligible households will have their utility bills capped at a specific percentage of their income, with the amount determined by factors such as the size of the utility and the customer’s heating source. To fund the program, the bill authorizes utilities to impose a PIPP charge on all customers’ utility bills and grants the Public Utilities Commission (PUC) ambiguous authority to adopt rules necessary to implement and enforce the program. (18)

Though the bill is intended to make energy more affordable for certain households, it shifts costs onto other ratepayers by allowing utilities to collect surcharges on customer bills. Rather than addressing the underlying causes of rising energy costs, the program redistributes those costs among utility customers, meaning families and businesses that do not qualify for assistance could face higher monthly bills.

SB26-002 ultimately allows more regulatory involvement in utility pricing, likely leading to increased costs across the state. Colorado is already ranked as the third most expensive state to live in, and requiring other customers to subsidize discounted rates for program participants could further exacerbate these affordability challenges for middle-income households and small



businesses. (19)

No Bill: Interference with Right to Natural Gas Ballot Measure

In the last few days of session, House Speaker Julie McCluskie promised to bring a bill that would interfere with Advance Colorado’s ballot measure granting consumers the right to use natural gas for heating and cooking. (Seventy percent of Colorado households use natural gas for this purpose.)

The Speaker spoke to the press, describing her bill as one that “would ensure the [ballot measure] doesn’t threaten public safety or local air quality.” She said, “We’re talking about an explosive material. If everybody has a right to natural gas, does that mean people can just walk around with it in a container on the street?” After the Speaker was informed that a) people do not walk around with natural gas in containers; they use it to heat their homes and cook with and b) a statutory measure passed by the legislature cannot interfere with a constitutional measure passed by voters, the bill was not introduced. (20)(21)

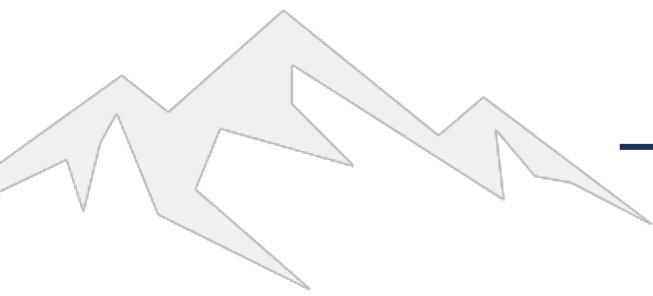
TABOR & Taxes

SB26-135: State Public K-12 Education Funding

 Status: Referred to the Ballot

SB26-135 referred a ballot question, Proposition NN, to voters asking whether the legislature can retain their TABOR refunds and redirect them towards temporarily funding public schools as well as a host of other programs, as determined by legislators in future years. While it is advertised as a path to fund education, it would allow the state to permanently retain and spend revenue above Colorado’s TABOR spending cap rather than refunding that money back to taxpayers.

The bill creates a new “positive factor” under the school finance formula that increases education funding by up to 2% annually for ten years only. The bill further states that this funding is intended for purposes such as teacher pay, lowering class sizes, improving teacher retention, and increasing access to career and technical courses. The final version of the bill also directs



remaining revenue into a vaguely defined “children’s account,” stating only that the funds must support programs that help children. The language places a priority (but no actual requirement) for extra revenue to be put towards childcare, full-day preschool, and programs intended to improve school success. This type of language is broad and unclear, as nearly any program or state expenditure could be classified as “helping children” so long as the legislature deems it so. (22)

SB26-135 ultimately leaves significant room for lawmakers at the Capitol to expand or reinterpret how the money is spent over time.

To learn more about Proposition NN, read Advance Colorado’s Report, How a Ballot Measure Could Permanently End TABOR Refunds.

HB26-1419: Over-Refund of Excess State Revenues

 Status: Became Law

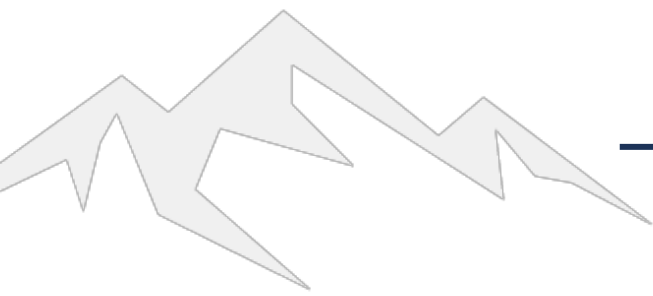
In this year’s budget bill, the Governor requested to take back just over \$306 million in future TABOR refunds from citizens. His rationale is that he believes the state overpaid TABOR refunds when federal funding bill H.R. 1 reduced the state’s revenue. However, legislative analysts for the Joint Budget Committee wrote a warning, indicating that such a move was likely illegal and unconstitutional. The legislature dismissed the warning and passed HB26-1419 as an implementation bill for this portion of the budget, enabling the state to take the \$306 million from taxpayers over the next two fiscal years. (23)(24)

Advance Colorado is pursuing a lawsuit on behalf of taxpayers. (25)

HB26-1430: Transportation Funding Adjustments

 Status: Became Law

A ballot measure, Initiative 175, was recently introduced to address the declining road conditions and improve infrastructure quality across the state. Initiative 175 is a constitutional measure that would require the collection of state revenue from existing designated transportation-related taxes and fees to be spent directly on road transportation. If the measure passes, up to \$2.09



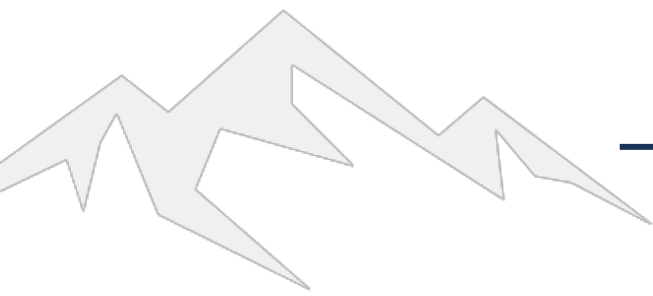
billion of state revenue would be directed toward road & bridge construction and repair, road safety, the Colorado State Patrol, and other related planning and engineering that goes along with it. (26)(27)

To counter this measure, legislators at the Capitol came up with HB26-1430. The bill is a trigger measure that would only take effect if voters approve Initiative 175. It would reduce transportation-related taxes and fees, such as the gas tax and vehicle registration fees for four years. The remaining revenue would be redirected to existing General Fund transfers and certificate of participation agreements, leaving little funding available for road construction and repair. The bill would also significantly reduce the amount of transportation funding distributed to local governments for road and infrastructure projects. (28)

HB26-1430 represents a concerning use of legislative authority as politicians are intervening in the initiative process by preemptively altering the effects of Initiative 175 before voters have had an opportunity to even consider the question at the ballot box. The ability to diminish or neutralize the intended impact of a voter-approved measure before it is approved raises significant questions about the appropriate role of the legislature in relation to Colorado’s citizen-led ballot initiative process.

No Bill: TABOR Lawsuit

The 2025 Legislative Session saw the introduction of a House Resolution that attempted to force the legislature to sue – once again – over the Taxpayer’s Bill of Rights (TABOR). That attempt was shuttered in 2025 and did not see the light of day in the 2026 legislative session. While there were certainly multiple other attacks on TABOR, the legislature has – so far – decided to set the idea of yet another legal challenge to TABOR aside.




School Choice & Parental Rights

HB26-1309: Abuse in Cases of Separation

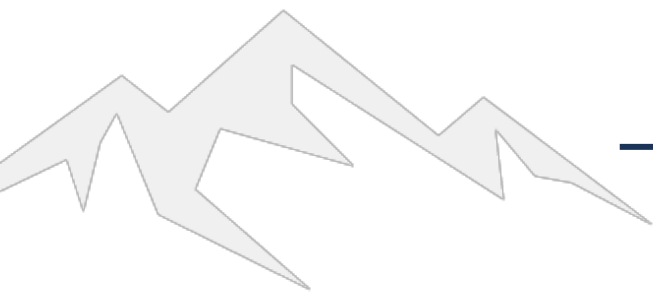
 Status: Became Law

This bill applies only when parents are facing a custody situation, but it changed the definition of “domestic violence” to include a very expansive definition of “coercive control.” Where coercive control is found by a court, custody may be removed or not given to that parent. The definition includes normal parenting actions designed to keep track of a child’s behavior or location. For example, “monitoring the child’s finances” and “surveilling the child’s activities, communications, or movements through technology” were included in “coercive control.” This overly broad definition harmed a bill that otherwise would have had a good result, as other additions to the definition included true instances of harm to a child. (29)

HB26-1292: Scholarship Granting Organizations

 Status: Killed

As Governor Polis is currently one of the few Democratic governors in the nation that has opted his state into the Education Freedom Tax Credit, this bill received predictable pushback from liberals in the legislature. If passed, it would have required private schools (including religious ones) that accept SGO scholarship funds under the Tax Credit to follow Colorado’s nondiscrimination law (CADA). This law has already been considered too broad and unconstitutional in application to other religious organizations, and HB26-1292 would have likely been struck down in court if passed, but would also have launched a lengthy legal process that could have shut down Colorado’s ability to participate in the Education Freedom Tax Credit. (30)



Mental Health

SB26-149: Pathways for Individuals with Mental Health Disorder

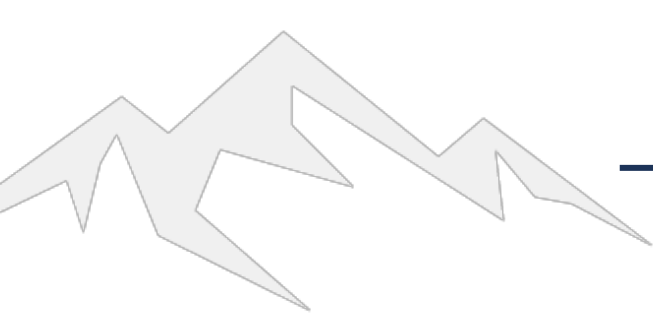


Status: Became Law

This bill is a correction to a previous law passed by Colorado’s legislature that allowed some types of violent offenders to be released to the streets after a brief period of time in jail if they were found mentally incompetent to stand trial. A bipartisan working group that included Senator Judy Amabile, Minority Leader Jarvis Caldwell, law enforcement, and mental health experts created this comprehensive reform. Colorado law will now allow district attorneys to seek long-term civil confinement for offenders who are mentally incompetent but a continuing danger to the public. SB26-149 also prevented the easy dismissal of charges against people who commit DUIs but are deemed mentally incompetent. And, the bill provides a pathway to adequate treatment for people with mental disabilities who are in the criminal justice system. (31)

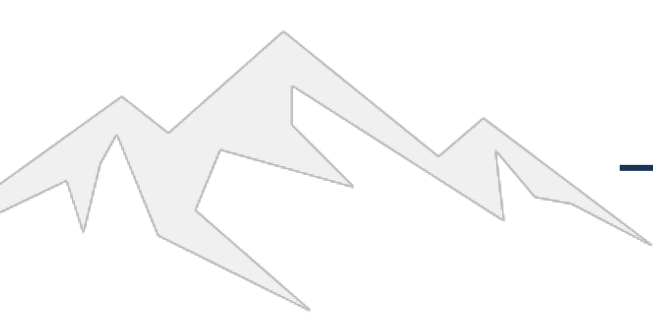
While SB26-149 is not a complete fix to the law that allowed notorious offenders like Solomon Galligan back into the community, it does provide a solution to many of these situations. If the legislature takes up this issue again, it should ensure that a more complete set of crimes are included. (32)

For more on this issue and the situation that created the need for this bill, see Advance Colorado’s report: Mandatory Dismissal, Predictable Harm.

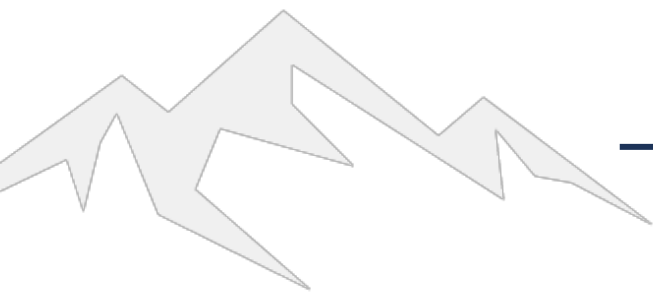


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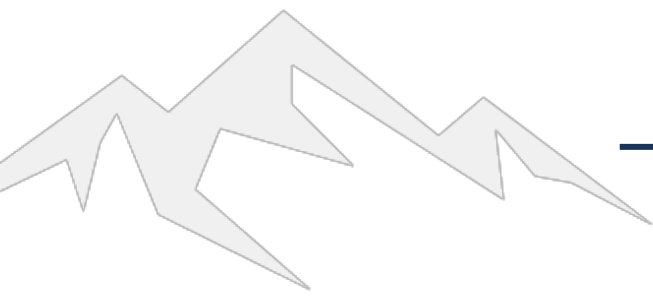
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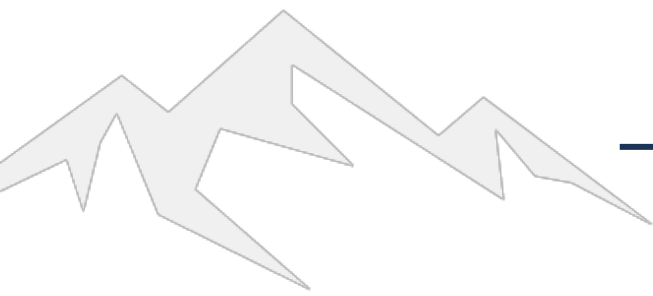
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