

# STATE OF COLORADO

## Colorado General Assembly

Natalie Castle, Director  
Legislative Council Staff

**Colorado Legislative Council**  
200 E. Colfax Ave., Room 029  
Denver, Colorado 80203-1716  
Telephone 303-866-3521  
Facsimile 303-866-3855  
Email lcs.ga@coleg.gov



Ed DeCecco, Director  
Office of Legislative Legal Services

**Office of Legislative Legal Services**  
200 E. Colfax Ave., Room 091  
Denver, Colorado 80203-1716  
Telephone 303-866-2045  
Email olls.ga@coleg.gov

## MEMORANDUM

**To:** Steven Ward and Michael Fields

**From:** Legislative Council Staff and Office of Legislative Legal Services

**Date:** March 19, 2025

**Subject:** Proposed initiative measure 2025-2026 #46, concerning prohibiting electric heating incentives and government bans on natural gas.

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Colorado Legislative Council and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

An earlier version of this proposed initiative, proposed initiative **2025-2026 #29**, submitted by the same designated representatives, was the subject of a memorandum dated February 26, 2025, and was discussed at a public meeting on February 28, 2025. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the earlier memorandum or at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed

initiative. Prior comments and questions that are not restated in this memorandum continue to be relevant and are considered part of this memorandum.

## **Purposes**

### **Purposes for Proposed Initiative 2025-2026 #46**

The major purposes of the proposed amendment to the Colorado constitution appear to be to:

1. Prohibit the state and local governments from banning the use of natural gas as an energy source for cooking or heating any residence or business; and
2. Prohibit the state and local governmental entities from requiring that a natural gas utility customer subsidize another utility customer's purchase or use of an electric heat pump or other electric heating device.

## **Substantive Comments and Questions**

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Article V, section 1 (4)(a) of the Colorado constitution requires that when the majority of voters approve an initiative, the initiative is effective on and after the date of the official declaration of the vote and proclamation of the governor.

Because the proposed initiative does not contain an effective date, this would be the default effective date. Does this default effective date satisfy your intent? If not, the designated representatives should include the desired effective date that is not earlier than the default effective date to comply with this constitutional requirement.

3. In subsection (1) of the proposed initiative, the proponents may want to consider deleting the second instance of the phrase "any residence or business" for clarity and to reduce redundancy.
4. Regarding subsection (2) of the proposed initiative:

- a. Would the proponents consider the state or a local government allowing customers to receive a discount on their utility bill if they purchase or use an electric heat pump or other electric heating device a violation of subsection (2) of the proposed initiative?
- b. Would the proponents consider the state or a local government offering a tax credit or a similar incentive for the purchase or use of an electric heat pump or other electric heating device a violation of subsection (2) of the proposed initiative?

## **Technical Comments**

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public hearing only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment hearing. Please consider revising the proposed initiative as follows:

1. In subsection (1) of the proposed initiative, “State” should not be capitalized.