

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Steven Ward and Michael Fields

From: Legislative Council Staff and Office of Legislative Legal Services

Date: February 26, 2025

Subject: Proposed initiative measure 2025-2026 #29 concerning a prohibition on state and local governments banning the use of natural gas as an energy source for cooking or heating in residences or businesses

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 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 intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purposes

The major purpose of the proposed amendment to the **Colorado Constitution** appears to be to prohibit state and local governments from banning the use of natural gas as an energy source for cooking or heating any residence or business.

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. As written the proposed initiative could be interpreted as stating that natural gas as an energy source for cooking any residence or business is prohibited. The proponents should consider rephrasing the language in the proposed initiative to say "natural gas as an energy source for cooking in or heating any residence or business" or "natural gas as an energy source that is used in any residence or business for cooking or heating".
3. What does the term "business" mean as used in the proposed initiative? Is it meant to apply to a building that is used as a business?
4. How would the proposed initiative apply to a building that is mixed use and is used both as a residence or a business and for a use that is neither a residential nor a business use?
5. Is the phrase "any residence or business" intended to limit the applicability of the proposed initiative or do the proponents intend to allow the state or local governments to ban or restrict the use of natural gas as an energy source for cooking or heating in structures or facilities that are used by, for example, government agencies, civic organizations, or nonprofit entities? If there is no intention to limit the applicability of the provision, consider deleting the phrase "any residence or business". If the state or a local government did not ban the use of natural gas for cooking or heating generally but did ban a specific type of natural gas powered appliance such as a space heater, would that ban violate of the proposed initiative? If so, how?

Technical Comments

There are no technical comments for this proposed initiative.