

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 011
Denver, Colorado 80203-1716
303-866-3521
lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
1375 Sherman St., Suite 300
Denver, Colorado 80203
303-866-2045
olls.ga@coleg.gov

MEMORANDUM

To: Michael Fields and Steven Ward

From: Legislative Council Staff and Office of Legislative Legal Services

Date: November 12, 2025

Subject: Proposed initiative measure 2025-2026 #177, concerning the right to natural gas

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff 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 Staff 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 Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Proposed initiatives **2025-2026 #176 through #179** were submitted by the same designated representatives as a series of proposed initiatives. Comments and questions for proposed initiative **2025-2026 #177** are addressed in this memorandum. Proposed initiatives **2025-2026 #176, #178, and #179** were the subject of a letter dated November 5, 2025, and are not addressed in this memorandum.

Purposes

Purposes for Proposed Initiative 2025-2026 #177

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

1. To allow consumers the right to purchase natural gas for cooking or heating in homes and businesses throughout the state; and
2. To allow producers and utilities the right to sell natural gas to homes and businesses.

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, you should include the desired effective date that is not earlier than the default effective date to comply with this constitutional requirement.

3. A right creates a duty that is placed on other people. For example, the right to property means that other people have a duty to not take, use, destroy, etc. the property of the owner. Given that this proposed initiative grants rights:
 - a. Who has these duties?

- b. What is the nature of these duties? Do they mean that the person with the duty must actively provide the energy, products and services, or natural gas? Do they mean that the person with the duty must not prevent the producer or utility from selling the energy, products and services, or natural gas?
- 4. Subsection (2) of the proposed initiative states that producers and utilities have the right to sell natural gas to homes and businesses.
 - a. What producers is this provision referring to?
 - b. What is meant by “utilities?” Is it meant to include investor-owned utilities, cooperative electric associations, and municipally owned utilities?
 - c. You might consider changing the phrase in subsection (2) from “to homes and businesses” to “for homes and businesses” because a home does not have volition and cannot purchase natural gas.
 - d. In Colorado statute, “and” is conjunctive, meaning that both conditions must be met, while “or” is disjunctive, meaning either or both conditions can be met. You may consider changing “homes and businesses” to “homes or businesses” to clarify that it can be one or the other or both.

Technical Comments

There are no technical comments.