

# 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:** March 19, 2025

**Subject:** Proposed initiative measure 2024-2025 #44, concerning prohibiting government bans on energy source

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 #28**, was 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 #44

The major purpose of the proposed changes to the Colorado Revised Statutes appears to be to prohibit the state and local governments from banning or restricting products or service connections powered by an energy supply in common use based on the energy source that powers or fuels those products or service connections except for health or safety reasons.

## 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. There appears to be a typographical error in the proposed initiative that makes it unclear what the intended language should be. The language in proposed C.R.S. section 6-7.2-102 is, “State and local government shall not ban or restrict products or **services service** connections...”. **(emphasis added)** Can proponents please clarify how this language should read?
4. Should the phrase “that powers or fuels that product or service” be changed to “that powers or fuels that product or service connection”?

5. Regarding “powered by an energy supply in common use based on the energy source”, is there a difference between an “energy supply” and an “energy source”?
6. Is it the proponents’ intent to allow the state or local governments to ban or restrict products or service connections powered by an energy supply in common use based on the energy source if the ban or restriction is for health or safety reasons?
7. Can the proponents provide any detail as to what kinds of health or safety reasons allow for the exception to the prohibition set forth in 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. Each statutory section being amended, repealed, or added is preceded by a separate amending clause explaining how the law is being changed. For example, the amending clause in section 1 should read "In Colorado Revised Statutes, **add** article 7.2 to title 6 as follows:".
2. Since there is no (2) in proposed section 6-7.2-102, there is no need to include the (1).
3. Please consider correcting what appears to be a typographical error in the second section number: "6.7.2-102." should be "6-7.2-102.".