Amendment 83: Constitutional Right to Purchase and Sell Natural Gas

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

Amendment 83 proposes amending the Colorado Constitution to:

- establish a constitutional right for consumers to purchase natural gas for cooking or heating; and
- establish a constitutional right for distributors and utilities to sell natural gas for use in homes and businesses.

What Your Vote Means

YES

A "yes" vote on Amendment 83 establishes a state constitutional right to purchase and sell natural gas for use in homes and businesses.

NO

A "no" vote on Amendment 83 maintains current law and regulations related to the purchase and sale of natural gas.

Summary and Analysis of Amendment 83

What is natural gas and how is it currently used in homes and businesses?

Natural gas is a fossil fuel comprised primarily of methane. It can be used to power appliances such as furnaces, water heaters, clothes dryers, stoves, and ovens for both residential and commercial properties. Other common household energy sources in Colorado include electricity and propane, which can be used to power these same appliances.

Does Colorado currently regulate natural gas for use in homes and businesses?

The state regulates investor-owned natural gas utilities through the Public Utilities Commission (PUC), including rates, safety, and clean heat plans. In December 2025, the PUC issued a rule requiring these utilities to submit plans for a 41 percent reduction in greenhouse gas emissions by 2035, compared to 2015 levels, which align with emission targets in state law. The Colorado Department of Public Health and Environment regulates air pollution and sets emissions standards for natural gas appliances.

Local governments may also regulate the installation and repair of natural gas service, delivery, pipelines, and appliances. Several municipalities in Colorado have restricted the installation of natural gas appliances in new construction or certain renovation projects. For example, the Town of Crested Butte recently updated its building code, requiring that new residential buildings use electricity for heating, hot water heaters, and other appliances.

Will the measure change natural gas laws in Colorado?

This measure will establish the right to purchase and sell natural gas for homes and businesses in the state constitution. By doing so, it may limit the ability for state or local governments to enforce existing or future regulations related to natural gas.

Arguments For Amendment 83

1) Natural gas is an affordable and widely available energy source that reliably heats homes and businesses, including during periods of extreme cold. Natural gas appliances are proven technologies, and most households in Colorado rely on natural gas as their primary heating source. This measure will ensure continued access to natural gas without interference from state or local governments.

Arguments Against Amendment 83

1) Using natural gas contributes to climate change through emitting greenhouse gases, leads to air pollution, and should not be protected in the state constitution. Doing so limits efforts to reduce greenhouse gas emissions, improve air quality, and adopt more sustainable options, such as wind, solar, and geothermal energy. Local communities should have the ability to make decisions about public health priorities, energy needs, and climate goals.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

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Fiscal Impact of Amendment 83

State Spending

The measure may minimally increase expenditures for state agencies, primarily the Department of Local Affairs, to revise technical assistance to local governments concerning building codes that conflict with the right to purchase or sell natural gas. The measure may also increase workload and legal services for state agencies that regulate or monitor emissions from natural gas utilities or intervene in those cases, including the Public Utilities Commission, the Department of Natural Resources, the Department of Public Health and Environment, and the Colorado Energy Office.

Local Government Spending

Local governments that currently have or are considering building codes that regulate, prohibit or restrict natural gas in commercial and residential development may have increased legal services and costs to conform the codes with state law, and to modify permitting, inspection, and compliance activities.

Initiative 177: Constitutional Right to Purchase and Sell Natural Gas

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

Initiative 177 proposes amending the Colorado Constitution to:

- establish a constitutional right for consumers to purchase natural gas for cooking or heating; and
- establish a constitutional right for distributors and utilities to sell natural gas for use in homes and businesses.

What Your Vote Means

YES

A "yes" vote on Initiative 177 establishes a state constitutional right to purchase and sell natural gas for use in homes and businesses.

NO

A "no" vote on Initiative 177 maintains current law and regulations related to the purchase and sale of natural gas.

Summary and Analysis of Initiative 177

What is natural gas and how is it currently used in homes and businesses?

Natural gas is a fossil fuel comprised primarily of methane. It can be used to power appliances such as furnaces, water heaters, clothes dryers, stoves, and ovens for both residential and commercial properties. Other common household energy sources in Colorado include electricity and propane, which can be used to power these same appliances.

Does Colorado currently regulate natural gas for use in homes and businesses?

The state regulates investor-owned natural gas utilities through the Public Utilities Commission (PUC), including rates, safety, and clean heat plans. In December 2025, the PUC issued a rule requiring these utilities to submit plans for a 41 percent reduction in greenhouse gas emissions by 2035, compared to 2015 levels. The Colorado Department of Public Health and Environment regulates air pollution and sets emissions standards for natural gas appliances.

Local governments may also regulate the installation and repair of natural gas service, delivery, pipelines, and appliances. Several municipalities in Colorado have restricted the installation of natural gas appliances in new construction or certain renovation projects. For example, the Town of Crested Butte recently updated its building code, requiring that new residential buildings use electricity for heating, hot water heaters, and other appliances.

Will the measure change natural gas laws in Colorado?

This measure will establish the right to purchase and sell natural gas for homes and businesses in the state constitution. By doing so, it may limit the ability for state or local governments to enforce existing or future regulations related to natural gas.

Arguments For Initiative 177

1) Natural gas is an affordable and widely available energy source that reliably heats homes and businesses, including during periods of extreme cold. Natural gas appliances are proven technologies, and most households in Colorado rely on natural gas as their primary heating source. This measure will ensure continued access to natural gas without interference from state or local governments.

Arguments Against Initiative 177

1) Using natural gas contributes to climate change through emitting greenhouse gases, leads to air pollution, and should not be protected in the state constitution. Doing so limits efforts to reduce greenhouse gas emissions, improve air quality, and adopt more sustainable options, such as wind, solar, and geothermal energy. Local communities should have the ability to make decisions about public health priorities, energy needs, and climate goals.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

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Fiscal Impact of Initiative 177

State Spending

The measure may minimally increase expenditures for state agencies, primarily the Department of Local Affairs, to revise technical assistance to local governments concerning building codes that conflict with the right to purchase or sell natural gas. The measure may also increase workload and legal services for state agencies that regulate or monitor emissions from natural gas utilities or intervene in those cases, including the Public Utilities Commission, the Department of Natural Resources, the Department of Public Health and Environment, and the Colorado Energy Office.

Local Government Spending

Local governments that currently have or are considering building codes that regulate, prohibit or restrict natural gas in commercial and residential development may have increased legal services and costs to conform the codes with state law, and to modify permitting, inspection, and compliance activities.

Last Draft Comments from Interested Parties

Amendment 83

Constitutional Right to Purchase and Sell Natural Gas

Michael Fields, representing Advance Colorado

Thanks for your latest version of the Blue Book. Below are our suggestions:

In the "What is natural gas…" question, if the term "fossil fuel" is used, it should be noted that natural gas is the cleanest burning fossil fuel. Also, this section could mention that natural gas is being used to replace the use of much dirtier coal in Colorado. One of Colorado's natural gas basins (Denver-Julesberg) produces some of the cleanest natural gas in the world. Where it says that other common household energy sources include electricity and propane, it should be noted that 30-31% of electricity in Colorado is produced with natural gas. Coal, solar, and hydro produce the rest. Without this clarification, it sounds like electricity is a form of energy that doesn't rely on natural gas and is separate from it. That's not accurate.

In the Arguments For section, we appreciate that it states "most households in Colorado rely on natural gas," but it should state "70% of households…"

The Arguments For should include that the current PUC regulations would require many citizens to replace their natural gas systems and cost an average home $24,000. This measure would prevent this cost.

In the Arguments Against section, it is inaccurate to say that this measure limits efforts to adopt more sustainable options, as no other form of energy is limited or banned here.

Thanks for your consideration,

Michael

Julius Hernandez, representing The Bighorn Company:

As the campaign manager for the primary opposition to this measure, these are the most salient arguments against this measure and we think voters deserve to see them in the Blue Book:

Buying and selling natural gas is already legal in Colorado. Making this permanent change to the constitution locks in new protections for corporate polluters that will limit our ability to hold them accountable. Special interests and monopoly utilities would benefit from Initiative 177 by getting new and unprecedented constitutional powers to overturn our rules limiting toxic pollution and fracking near homes and schools. Once something is in the constitution, the consequences are nearly impossible to undo.

Margaret Kran-Annexstein, representing Sierra West

Ms. Kran-Annexstein submitted Attachment A.

Susan Luenser, representing themself:

Dear Legislative Council Staff:

I think that the "Arguments Against" statement should make clear that greenhouse gas causing climate change is a theory. Therefore "may cause" or "might cause" are more accurate ways to describe the concern on which the "against" argument is based.

Susan Luenser

Erin Louet, representing Coloradans for Energy Access

Ms. Louet submitted Attachment B.

Ryan Zorn, representing themself:

Mr. Zorn submitted Attachment C.

August 18, 2026

Legislative Council Staff
Colorado General Assembly
200 East Colfax Ave., Room 011
Denver, CO 80203

Submitted by email to righttonaturalgas2026@coleg.gov

Re: Sierra Club Comments on Third Draft of Analysis for Initiative 177

Dear Legislative Council Staff,

The Sierra Club respectfully submits these comments to request revisions to the Third Draft Analysis of Initiative 177: Right to Natural Gas ("Third Draft Analysis").

The Third Draft Analysis is generally similar to the Second Draft Analysis, with some useful clarification about air quality and climate impacts and certain relevant regulations other than building codes. We appreciate these improvements and urge Legislative Council Staff to retain them in the final version.

However, the Third Draft Analysis does not incorporate key additions and clarifications that we previously recommended to present factual information about emissions from natural gas use, essential context for regulations referenced in the analysis, and the Initiative's effects on the cost of meeting emission reduction requirements. These comments recommend revisions similar to the ones Sierra Club proposed for the Second Draft Analysis, consistent with Legislative Council Staff's policy that "comments on each draft are reviewed independently of comments received on prior drafts," such that "any unresolved issues must be resubmitted for additional consideration."[1] Our proposed revisions are compiled in the Appendix below.

I. Effects of Using Gas in Homes and Businesses

The Third Draft Analysis references the climate and air pollution effects of using natural gas in the "Arguments Against Initiative 177" section. However, like the Second Draft Analysis, the Third Draft Analysis does not describe these effects in the "Summary and Analysis of Initiative

[1] Colorado General Assembly, *Ballot Analysis Process*, https://leg.colorado.gov/ballot-analysis-process.

177" section. The final version should add a brief description of these effects in the "Summary and Analysis of Initiative 177" section for two reasons.

First, these climate and air pollution effects are relevant to existing state and local regulation of natural gas, which are described in the "Summary and Analysis" section. A brief description of the climate and air pollution effects therefore provides useful context that will help voters understand the Initiative's potential impacts on existing policies.

Second, by mentioning climate and health effects only in the "Arguments" section, the Third Draft Analysis may inadvertently suggest that the existence of these effects is subject to debate, or that it they are less certain than other facts listed in the "Summary and Analysis" section.

The climate and air pollution impacts of burning natural gas have been thoroughly established through a robust body of scientific research and analysis by government entities. Specifically, natural gas combustion emits health-harming pollution including nitrogen oxides (NOx), fine particulate matter ($PM_{2.5}$), hazardous air pollutants such as formaldehyde, and other pollutants.[2] Combustion of natural gas in homes and businesses contributes to air pollution both indoors[3] and outdoors.[4] These air pollution and public health risks have been widely recognized by experts[5] and Colorado government entities, including:

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[2] U.S. EPA, *What Are Combustion Products*, https://www.epa.gov/indoor-air-quality-iaq/what-are-combustion-products; U.S. EPA, *The Inside Story: A Guide to Indoor Air Quality*, https://www.epa.gov/indoor-air-quality-iaq/inside-story-guide-indoor-air-quality.

[3] Colorado Department of Public Health and Environment, *Information on the Indoor Air Quality Implications of Using an Indoor Gas Stove*, https://cdphe.colorado.gov/health-impacts-of-gas-fueled-stoves; U.S. EPA, *The Inside Story* ("Average [carbon monoxide] levels in homes without gas stoves vary from 0.5 to 5 parts per million (ppm). Levels near properly adjusted gas stoves are often 5 to 15 ppm and those near poorly adjusted stoves may be 30 ppm or higher.").

[4] RMI, *How Air Agencies Can Help End Fossil Fuel Pollution from Buildings* at 5, 11 (2021) (finding that natural gas appliances emit 321,000 tons of NOx per year, and that appliance emit 5% of all NOx in Colorado's Denver-Front Range Nonattainment Area), https://rmi.org/resources/outdoor-air-quality-brief/.

[5] *See, e.g.*, Ashwini R. Sehgal et. al, *Asthma Control Before and After Changing Gas Stoves to Electric Stoves*, J. Allergy Clin. Immunol. Pract. (2026), https://www.jaci-inpractice.org/action/showPdf?pii=S2213-2198%2826%2900537-4; Talor Gruenwald et. al., *Population Attributable Fraction of Gas Stoves and Childhood Asthma in the United States*, 20 Int. J. Env't Res. Public Health 1 (Dec. 21, 2022), https://doi.org/10.3390/ijerph20010075; Laura M. Paulin et al., *Gas Stoves and Respiratory Health: Decades of Data, but Not Enough Progress*, 20 Annals of American Thoracic Society 1697 (Dec. 2023), https://pmc.ncbi.nlm.nih.gov/articles/PMC10704234/pdf/AnnalsATS.202306-533VP.pdf; Nate Seltenrich, *Clearing the Air: Gas Stove Emissions and Direct Health Effects*, 132 Envt. Health Persp. 022001 (Feb. 2024), https://doi.org/10.1289/EHP14180; Andee Krasner et al., *Cooking with Gas, Household Air Pollution, and Asthma: Little Recognized Risk for Children*, 83 J. Env't Health 8, 14 (2021); Eric Lebel et. al., *Composition, Emissions, and Air Quality Impacts of Hazardous Air Pollutants in Unburned Natural Gas from Residential Stoves in California*, Envtl. Sci. Tech (Oct. 2022), https://doi.org/10.1021/acs.est.2c02581; Drew Michanowicz et. al., *Home is Where the Pipeline Ends: Characterization of Volatile Organic Compounds Present in Natural Gas at the Point of the Residential End User,* 56 Envtl. Sci. & Tech. 10258 (June 2022), https://pubs.acs.org/doi/10/1021/acs.est.1c08298; WE ACT for Environmental Justice, *Out of Gas, In With Justice: Studying the Impacts of Induction Stoves on Indoor Air Quality in Affordable Housing* (2023), https://weact.org/wp-content/uploads/2023/02/Out-of-Gas-Report-FINAL.pdf; American Lung Association, *Literature Review on the Impacts of Residential Combustion* (2022), https://www.lung.org/getmedia/2786f983-d971-43ad-962b-8370c950cbd6/ICF_Impacts-of-Residential-Combustion_FINAL_071022.pdf; Haoran Zhao, *Indoor air quality in new and renovated low-income apartments with mechanical ventilation and natural gas cooking in California,* 31 Indoor Air 717 (Oct. 2020), https://onlinelibrary.wiley.com/doi/full/10.1111/ina.12764?casa_token=578NjbMPoo8AAAAA%3A1cXGoRUp97n

- The Colorado Department of Public Health and Environment, which recognizes that gas stoves release pollutants into homes;[6]
- The Public Utilities Commission, which has found that reducing natural gas combustion in homes and businesses provides "air quality and health benefits" and reduces emissions of air pollutants;[7] and
- Colorado's GHG Pollution Reduction Roadmap, which concluded that "Meeting the state's GHG targets will require reducing pollution from buildings and industry," and that "electrification in Colorado provides substantial opportunities to reduce GHG emissions in the built environment."[8]
- The General Assembly, which has made the following findings:
    - that it is in the interest of the State to reduce and prevent air pollution from furnaces and water heaters in order to "[p]rotect the air that Coloradans breathe by reducing unhealthy levels of smog and ozone, "[m]inimize health risks associated with air pollution, including respiratory ailments such as asthma and cardiovascular illnesses," and "[a]ssist Colorado counties in achieving attainment of federal ozone national ambient air quality standards," among other objectives;[9]
    - that "[n]ewer technologies such as cold climate heat pumps and heat pump water heaters offer many opportunities to reduce greenhouse gas and nitrogen oxide emissions and improve indoor air quality;"[10]
    - that "[e]missions from heating buildings are one of the five largest sources of greenhouse gas pollution in Colorado."[11]
    - that "[i]n order to achieve Colorado's science-based greenhouse gas emission reduction goals and maintain a healthy, livable climate for Coloradans, Colorado must reduce greenhouse gas pollution from all sectors of the economy, including the built environment;"[12]
    - that "[a] significant source of greenhouse gas pollution from the built environment comes from the use of gas" to heat space and water in homes and businesses;[13] and

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BG-HSTUXwMVkh5ZvXhSx3K_tb2Eyzz4f2xE5jIf5mo0REujYHvjQYiOgMu3f0SomBule2; Yifang Zhu et. al., *Effects of Residential Gas Appliances on Indoor and Outdoor Air Quality and Public Health in California,* UCLA Fielding School of Public Health, (Apr. 2020), https://ucla.app.box.com/s/xyzt8jc1ixnetiv0269qe704wu0ihif7; Weiwei Lin et. al., *Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children,* 42 Int. J. Epidemiol. 1724 (Dec. 2013), https://pubmed.ncbi.nlm.nih.gov/23962958/.

[6] Colorado Department of Public Health and Environment, *Information on the Indoor Air Quality Implications of Using an Indoor Gas Stove*, https://cdphe.colorado.gov/health-impacts-of-gas-fueled-stoves.

[7] Colorado Public Utilities Commission, Proceeding No. 23A-0392EG, Decision No. C24-0397 at ¶ 119 (June 10, 2024).

[8] Colorado Energy Office, *Colorado Greenhouse Gas Pollution Reduction Roadmap* at 70, 74-75, https://drive.google.com/file/d/1jzLvFcrDryhhs9ZkT_UXkQM_0LiiYZfq/view. All of the strategies for reducing building emissions considered in the Roadmap, from thermal energy networks to alternative fuels like hydrogen and biogas, require reducing the amount of natural gas combusted in Colorado's homes and businesses.

[9] § 25-7-1501, C.R.S.

[10] § 24-38.5-404(1)(d), C.R.S.; *see also* § 40-3.2-108(1)(a)(IV), C.R.S. (finding that "Reducing the carbon intensity of gas delivered by utilities and switching from gas space and water heating to high-efficiency electric heating will reduce greenhouse gas pollution and lead to improved indoor air quality.")

[11] § 24-38.5-404(1)(a), C.R.S.

[12] § 24-38.5-404(1)(a), C.R.S.

[13] § 24-38.5-404(1)(a), C.R.S.

- that "[r]educing the carbon intensity of gas delivered by utilities and switching from gas space and water heating to high-efficiency electric heating will reduce greenhouse gas pollution and lead to improved indoor air quality."[14]

Finally, while the Third Draft Analysis accurately explains that natural gas is "comprised primarily of methane," it omits any discussion of how natural gas is extracted and the associated environmental impacts. Because the extraction process is important to voters' understanding of where natural gas comes from, and because it is the focus of the Colorado Energy and Carbon Management Commission's regulations related to natural gas (which could be affected by the Initiative), we recommend specifying that in the United States most natural gas is extracted through a process known as hydraulic fracturing or "fracking." This fact is recognized by the U.S. Energy Information Administration.[15] Including this information will help voters understand the effects of using natural gas and the range of associated regulations.

To ensure that the Draft Analysis accurately reflects the air pollution and climate impacts of natural gas combustion, Sierra Club recommends updating the Summary and Analysis of Initiative 177 as reflected in the Appendix below.

II. Existing Regulations Regarding Natural Gas

The description of existing state and local regulation regarding natural gas in the Third Draft Analysis focuses on local building codes and a single Public Utility Commission ("PUC") rule regarding Clean Heat Plans. The Third Draft Analysis does not address the stated purpose of these policies, their connection to state climate targets, or other key rules and statutes governing Clean Heat Plans. This could give voters an incomplete understanding of existing regulations that are relevant to the Initiative and could be affected by it. Accordingly, we recommend the following revisions.

First, we recommend clarifying that the stated purpose of the PUC rule setting a 41 percent emission reduction target for gas utilities' Clean Heat Plans is to "ensure that gas utilities' greenhouse gas emissions will be in line with statewide greenhouse gas pollution reductions as required by § 40-3.2-108(10)."[16] This will provide voters with essential context to understand the purpose and function of the referenced rule. Additionally, to the extent the Initiative will affect utilities Clean Heat Plans and the PUC's targets, it could affect Colorado's ability to achieve statutory statewide climate targets. It is therefore important for voters to understand the connection between the PUC targets and state emission reduction requirements when evaluating the Initiative.

Second, we recommend clarifying that Clean Heat Plans submitted by natural gas utilities are approved by the PUC and implemented only if they are found to be in the public interest. Under

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[14] § 40-3.2-108(1)(a), C.R.S.

[15] U.S. Energy Information Administration, *The Distribution of U.S. Oil and Natural Gas Wells by Production Rate with Data Through 2024* at 10 (Dec. 2025) ("Based on the larger number of wells and footage drilled, horizontal drilling combined with hydraulic fracturing has become standard practice for oil and natural gas production in the United States."), https://www.eia.gov/petroleum/wells/pdf/WDR2025_Full%20Report.pdf.

[16] Colorado Public Utilities Commission, Proceeding No. 25R-0309G, Decision No. C25-0851 at ¶ 60 (Dec. 1, 2025).

state statute, determining the public interest includes consideration of multiple factors, including a plan's emission reductions, its environmental and health benefits, and its costs and savings to customers.[17] This clarification will avoid giving voters the incorrect impression that utilities are required to meet the 41 percent emission reduction target set by the PUC, when in fact the amount of emission reductions and the measures selected to achieve them are determined in Clean Heat Plan proceedings using the public interest standard. Indeed, if the Draft Analysis provides only one piece of detail about Clean Heat Plans, it should be the statutory factors that the PUC is *required* to use to determine whether to approve a plan, rather than the emission reduction target that plans should aim to meet, but that is not a requirement for approval.

Third, we recommend clarifying that Clean Heat Plans do not impose any requirements on individual customers. Indeed, the Clean Heat Plans that the PUC has approved to date have focused on voluntary customer programs, such as rebates and incentives for emission-reducing technologies.[18] This clarification will ensure that the Third Draft Analysis does not incorrectly suggest that gas utility emission reduction targets are achieved through involuntary action. While Legislative Council Staff likely did not intend to suggest this is the case, voters may assume that Clean Heat Plans involve involuntary action because the Third Draft Analysis references a rule "requiring" plans to meet the target and because discussing Clean Heat Plans in relation to the Initiative may suggest that they are in conflict with a right to natural gas. Clean Heat Plans may use any combination of statutory Clean Heat Resources, which include recovered methane and several voluntary customer measures.[19]

Fourth, we recommend specifying that access to natural gas is already protected through utilities' franchise agreements with municipalities,[20] PUC-issued Certificates of Public Convenience and Necessity granting utilities monopoly rights to sell natural gas within their service territories,[21] and natural gas utilities' statutory obligation to serve customers who request natural gas.[22] Because these protections place limits on regulation of natural gas (including the regulations summarized in the Third Draft Analysis) and perform functions that are in some ways similar to the proposed Initiative, it is important for voters to understand them.

Finally, we recommend summarizing local governments' findings in support of the building codes and other policies they have adopted. This will help voters understand the purpose and effect of these policies, as well as the Initiative's potential implications for the climate, health, and safety objectives these local policies have been found to support. Municipalities that have

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[17] § 40-3.2-108(6)(d)(I), C.R.S.
[18] *See, e.g.*, Colorado Public Utilities Commission, Proceeding No. 23A-0392EG, Decision No. C24-0397 (June 10, 2024); Colorado Public Utilities Commission, Proceeding No. 23A-0632G, Decision No. C24-0875 (Nov. 26, 2024).
[19] §§ 40-3.2-108(2)(c), (2)(n) & (4)(c), C.R.S.
[20] *See, e.g.*, City of Boulder Franchise Agreement with Public Service Company of Colorado §§ 1.23 & 2.1.A (granting the Company a right to use City property to provide Utility Service, defined to include the sale of gas to Residents), https://bouldercolorado.gov/media/2288/download?inline.
[21] *See, e.g.*, Colorado Public Utilities Commission, Proceeding No. 00A-138F, Decision No. C00-355 (Apr. 11, 2000) (granting Public Service Company of Colorado a certificate of public convenience and necessity to exercise franchise rights in the City of Louisville pursuant to its franchise agreement, including provision of gas service pursuant to the Company's gas tariffs).
[22] § 40-3-101(2), C.R.S.

adopted regulations related to natural gas have consistently found that the regulations will promote their communities' health, safety, and climate goals.[23]

III. Arguments for Initiative 177

The Third Draft Analysis removes certain inaccurate statements that were present in the "Arguments For Initiative 177" section of the First Draft Analysis, and generally presents a fairer and more balanced summary of the argument. However, the Third Draft Analysis may inadvertently suggest that affordable, reliable, and proven alternatives to natural gas are not available, despite numerous analyses finding that electric heating is a reliable and affordable alternative to natural gas.[24] Additionally, the Third Draft Analysis states that most households in Colorado "rely on" natural gas, and that natural gas appliances are "proven" technologies. In addition to suggesting that proven alternatives to reliance on natural gas are not available, these terms have been used as the type of "slogan-type language" that Legislative Council Staff avoids.[25] We have recommended revisions to this section to avoid this language and clarify that natural gas is one of multiple available energy sources.

IV. Arguments Against Initiative 177

We recommend three changes to the "Arguments Against Initiative 177" section.

First, the syntax of the second sentence may inadvertently suggest that using natural gas, rather than protecting that use in the state constitution, would limit efforts to reduce greenhouse gas emissions, improve air quality, and adopt more sustainable options. We recommend avoiding this potential confusion by stating that "Doing so *would* limit efforts…" This helps clarify that "doing so" refers to amending the state constitution (which has not yet happened, but which would happen if the Initiative passes), rather than using natural gas (which is already happening).

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[23] *See, e.g.*, City & County of Denver, Council B. 21-1310 ("Whereas, renewable heating and cooling (electrification) of existing buildings through the use of efficient heat pump technology protects Denver from climate change by reducing greenhouse gas emissions through renewably powered electric heat while improving building occupant health and safety by eliminating the potential for future carbon monoxide leaks from gas equipment and eliminating safety risks associated with gas combustion."), https://denver.legistar.com/LegislationDetail.aspx?GUID=641EBED8-31C9-4CA0-A8F9-946569B7C293&ID=5196421; Town of Superior, *2021 IECC Amendments Fact Sheet* (describing the Town's electric-preferred code requirements as "an effective way to ensure reductions in energy use and greenhouse gas emissions, while improving the health, safety, comfortability and durability of homes in Superior."), https://www.superiorcolorado.gov/files/assets/town/v/2/planning-amp-building/documents/building-codes/tos_2021-iecc-amendments-f-1.pdf; Town of Crested Butte, *2024 Building Code Information* ("Starting January 1, 2026, the Town of Crested Butte will be enforcing the following building codes to ensure the health and safety of our citizens, as well as contribute to meeting the Town's Climate Action Goals of promoting energy efficiency, facilitating renewable energy."), https://townofcrestedbutte.colorado.gov/sites/townofcrestedbutte/files/documents/2024%20Building%20Code%20Fact%20Sheet%20.pdf.

[24] *See, e.g.*, RMI, *The Economics of Electrifying Buildings: Residential New Construction* at 10-12 (2022), https://rmi.org/resources/the-economics-of-electrifying-buildings-residential-new-construction/; SWEEP, *Benefits of Heat Pumps for Colorado Homes* at 16-17 (2022), https://www.swenergy.org/heat-pump-study-2022-2/; Colorado Energy Office, *Beneficial Electrification in Colorado: Market Potential 2021-2030* at 13 (July 2020), https://drive.google.com/file/d/17bMnJv-5YgIeW3y6NERyqYBRhtYm7BR6/view.

[25] Colorado General Assembly, *Ballot Analysis Process*, https://leg.colorado.gov/ballot-analysis-process.

Second, we recommend specifying that adopting the Initiative would benefit investor-owned natural gas utility companies. One important consequence of the Initiative is shifting decision-making control from elected state and local governments to natural gas distributors and utilities, who have monopolies within their service territories and an incentive to profit through gas system investments, as recently recognized by the PUC.[26] It is important for voters to understand which entities would financially benefit from the Initiative, and how the Initiative would shift decision-making authority compared to the status quo.

Finally, we recommend adding the argument that a constitutional amendment is unnecessary and will have uncertain consequences. As discussed above, access to natural gas is already protected through utilities' franchise agreements with municipalities,[27] PUC-issued Certificates of Public Convenience and Necessity granting utilities monopoly rights to sell natural gas within their service territories,[28] and natural gas utilities' statutory obligation to serve customers who request natural gas.[29] The Initiative's uncertain consequences are underscored by its general provision for an unexplained and unqualified right to purchase and sell natural gas, and its use of ambiguous undefined terms such as "consumers," "businesses," and "producers."

V. Fiscal Impact of Initiative 177

We recommend updating the "Fiscal Impact" section to reflect the Initiative's potential impacts on a broader range of existing policies than building codes, which have been incorporated into other sections of the Third Draft Analysis.

We also recommend summarizing the potentially significant legal and litigation expenses that may result from uncertainty created by this largely unprecedented and broadly-phrased Initiative.

We do not recommend listing the state agencies that may be affected by the Initiative, as the Third Draft Analysis does, because a list of impacted agencies is far less helpful to voters than a description of the nature of expected impacts from the Initiative.

Finally, we recommend clarifying the potentially significant increase in costs of meeting binding statutory statewide emission reduction goals that could result from the Initiative. As discussed

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[26] Colorado Public Utilities Commission, Proceeding No. 25A-0220G, Decision No. C26-0371 (Apr. 11, 2000) at ¶¶ 181 ("Growth in the Company's rate base through capital spending creates significant misaligned financial incentives. Likewise, the Company's position on its obligation to serve as well as its preferred approach to Design Day temperature, forecasting, CBA, and NPAs and its selection of electric utility investments versus natural gas utility investments all tend to support increased capital spending in ways that could be inconsistent with the public interest."), 214 ("[T]he Company has powerful financial incentives to expand its capital investment perhaps even independent of whether that spending is in the public interest.").

[27] *See, e.g.*, City of Boulder Franchise Agreement with Public Service Company of Colorado §§ 1.23 & 2.1.A (granting the Company a right to use City property to provide Utility Service, defined to include the sale of gas to Residents), https://bouldercolorado.gov/media/2288/download?inline.

[28] *See, e.g.*, Colorado Public Utilities Commission, Proceeding No. 00A-138F, Decision No. C00-355 (Apr. 11, 2000) (granting Public Service Company of Colorado a certificate of public convenience and necessity to exercise franchise rights in the City of Louisville pursuant to its franchise agreement, including provision of gas service pursuant to the Company's gas tariffs).

[29] § 40-3-101(2), C.R.S.

above, state government entities have consistently found that reducing natural gas use is a critical and cost-effective strategy for achieving emission targets. If the Initiative reduces Colorado's ability to use this strategy, the state could be forced to rely on significantly more expensive emission reduction strategies.

Thank you for considering these comments, and we are happy to answer any questions you may have.

Sincerely,

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Appendix: Proposed Changes to Draft Analysis

Summary and Analysis of Initiative 177

What is natural gas and how is it currently used in homes and businesses?

Natural gas is a fossil fuel comprised primarily of methane extracted through a process known as hydraulic fracturing or "fracking." It can be used to power appliances such as furnaces, water heaters, clothes dryers, stoves, and ovens for both residential and commercial properties. When natural gas is burned in these appliances, it emits indoor and outdoor air pollution, along with greenhouse gases. Other common household energy sources in Colorado include electricity and propane, which can be used to power these same appliances.

Does Colorado currently regulate natural gas for homes and businesses?

The state regulates investor-owned natural gas utilities through the Public Utilities Commission (PUC), including rates, safety, and clean heat plans. In December 2025, the PUC issued a rule requiring these utilities to submit plans for a 41 percent reduction in greenhouse gas emissions by 2035, compared to 2015 levels, to align with statutory statewide emission targets. The PUC approves these plans only if they are in the public interest, which includes consideration of their emission reductions, environmental and health benefits, and customer costs and savings. Clean heat plans do not create any requirements for natural gas customers. Access to natural gas is currently protected through natural gas utilities' municipal franchise agreements, PUC-issued certificates of public convenience and necessity, and statutory obligation to serve customers. The Colorado Department of Public Health and Environment regulates air pollution and sets emissions standards for natural gas appliances.

Local governments may also regulate the installation and repair of natural gas service, delivery, pipelines, and appliances. Several municipalities in Colorado have restricted the installation of natural gas appliances in new construction or certain renovation projects after finding that these regulations will promote health, safety, and climate goals. For example, the Town of Crested Butte recently updated its building code, requiring that new residential buildings use electricity for heating, hot water heaters, and other appliances.

Will the measure change natural gas laws in Colorado?

This measure will establish the right to purchase and sell natural gas for homes and businesses in the state constitution. By doing so, it may limit the ability for the state or local governments to enforce existing or future regulations related to natural gas, including regulations to reduce emissions of greenhouse gases and air pollutants from natural gas combustion.

Arguments For Initiative 177

1) Natural gas is one of the ~~an~~ affordable and widely available energy sources that reliably heats homes and businesses, including during periods of extreme cold. ~~Natural gas appliances are proven technologies, and m~~Most households in Colorado currently use

~~rely on~~ natural gas as their primary heating source. This measure will ensure continued access to natural gas without interference from state or local governments.

Arguments Against Initiative 177

1) Using natural gas contributes to climate change through emitting greenhouse gases, leads to air pollution, and should not be protected in the state constitution. Doing so would benefit monopoly natural gas utilities, and limit~~s~~ efforts to reduce greenhouse gas emissions, improve air quality, and adopt more sustainable options, such as wind, solar, and geothermal energy. Local communities should have the ability to make decisions about public health priorities, energy needs, and climate goals. Access to natural gas is already recognized through utilities' franchise agreements and statutory obligation to serve customers, so a constitutional amendment with uncertain consequences is not needed.

Fiscal Impact of Initiative 177

State Spending

The measure may minimally increase expenditures for state agencies, primarily the Department of Local Affairs, to revise technical assistance to local governments concerning building codes and other policies that conflict with the right to purchase or sell natural gas. The measure may also increase workload and legal services for state agencies that regulate or monitor emissions from natural gas utilities due to uncertainty about Initiative's the scope and effect on existing and future regulations ~~or intervene in those cases, including the Public Utilities Commission, the Department of Natural Resources, the Department of Public Health and Environment, and the Colorado Energy Office~~. The measure may also increase the cost of meeting the state's greenhouse gas emissions reduction requirements by requiring the use of measures with higher costs than reducing natural gas use.

Local Government Spending

Local governments that currently have or are considering building codes and other policies that regulate, prohibit or restrict natural gas in commercial and residential development may have increased costs to conform the codes and policies with state law, and to modify permitting, inspection, and compliance activities.

Requested Revisions: Initiative 177 Draft 3

August 18, 2026

Page # and Line #	Original Text	Revised Text/Issue Stated	Justification for Change
Page 1, Line 18	Natural gas is a fossil fuel comprised primarily of methane.	Natural gas is a common fuel used to power appliances such as clothes dryers, furnaces, water heaters, stoves, and ovens for both residential and commercial properties.	Recommend returning to language used in draft 1 as this was an accurate representation and more streamlined information.
Page 2, Line 6-7	Natural gas is an affordable and widely available energy source that reliably heats homes and businesses, including during periods of extreme cold.	Natural gas is an affordable and widely available energy source that reliably heats homes and businesses, including during periods of extreme cold. Natural gas also powers homes year-round with appliances including stoves, ovens, water heaters and clothes dryers.	Further information on the role of natural gas year-round helps to explain how it is used in Colorado.
Page 2, Lines 12-13	Using natural gas contributes to climate change through emitting greenhouse gases, leads to air pollution, and should not be protected in the state constitution.	~~Using~~ Natural gas use is associated with greenhouse gas emissions ~~contributes to climate change through emitting greenhouse gases, leads to air pollution,~~ and should not be protected in the state constitution.	Recommend streamlining this argument and reducing duplicative statements. As a fossil fuel, natural gas is relatively clean-burning and results in fewer emissions [1] of nearly all types of air pollutants.
Page 2, Lines 13-15	Doing so limits efforts to reduce greenhouse gas emissions, improve air quality, and adopt more sustainable options, such as wind, solar, and geothermal energy.	Doing so limits efforts to reduce greenhouse gas emissions, ~~improve air quality,~~ and adopt more sustainable options, such as wind, solar, and geothermal energy.	Recommend returning to language used in previous drafts. This change also removes duplicative language.

[1] https://www.eia.gov/energyexplained/natural-gas/natural-gas-and-the-environment.php

Page 2, Lines 15-16	Local communities should have the ability to make decisions about public health priorities, energy needs, and climate goals.	Local communities should have the ability to make decisions about ~~public health priorities,~~ energy needs, priorities, and climate goals.	Recommend streamlining this argument for clarity and removing language as natural gas provides a safe and reliable energy source to Coloradans across the state.

3rd Draft

Initiative 177: Constitutional Right to Purchase and Sell Natural Gas

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

Initiative 177 proposes amending the Colorado Constitution to:

- establish a constitutional right for consumers to purchase natural gas for cooking or heating; and
- establish a constitutional right for distributors and utilities to sell natural gas for use in homes and businesses.

What Your Vote Means

YES

A "yes" vote on Initiative 177 establishes a state constitutional right to purchase and sell natural gas for use in homes and businesses.

NO

A "no" vote on Initiative 177 maintains current law and regulations related to the purchase and sale of natural gas.

Summary and Analysis of Initiative 177

What is natural gas and how is it currently used in homes and businesses?

Natural gas is a common~~fossil~~ fuel comprised primarily of methane. It can be used to power appliances such as furnaces, water heaters, clothes dryers, stoves, and ovens for both residential and commercial properties. ~~Other common household energy sources in Colorado include electricity and propane, which can be used to power these same appliances.~~

Does Colorado currently regulate natural gas for use in homes and businesses?

The state regulates investor-owned natural gas utilities through the Public Utilities Commission (PUC), including rates, safety, and clean heat plans. In December 2025, the PUC issued a rule requiring these utilities to submit plans for a 41 percent reduction in greenhouse gas emissions by 2035, compared to 2015 levels. In the same rule, the PUC also required to utilities to submit plans to reduce greenhouse gas emissions by 100 percent by 2050. To meet the 2050 target, homes and businesses in Colorado will be removed from their local natural gas distribution system and all energy demand will be served with electricity. The Colorado Department of Public Health and Environment regulates air pollution and sets emissions standards for natural gas appliances.

Local governments may also regulate the installation and repair of natural gas service, delivery, pipelines, and appliances. Several municipalities in Colorado have restricted the installation of

Commented [RZ1]: Deletion of "fossil" and use of "common" is appropriate. The majority of CO electricity is generated by fossil fuel—so it should be classified as a fossil fuel, too?

Commented [RZ2]: The use of "same" here is very misleading to put it charitably. There is no such thing as using the "same" appliances if customers are forced to convert to electricity as the state is effectively mandating through legislation and PUC orders. Any conversion of a home or business off natural gas service and onto electricity will come with substantial costs to the consumer who will have to buy all-new appliances and will also have probable costs related to retrofitting other infrastructure to accomodate the new electric appliances (up-sized electric meter/breaker panel, up-sized power outlets, higher capacity wiring, decommissioning of existing natural gas service, etc).

natural gas appliances in new construction or certain renovation projects. For example, the Town of Crested Butte, Boulder, and Lafayette, recently updated its building code, requiring that new residential buildings use electricity for heating, hot water heaters, and other appliances.

Commented [RZ3]: I believe it is important for voters to know it is not limited to just Crested Butte

Will the measure change natural gas laws in Colorado?

This measure will establish the right to purchase and sell natural gas for homes and businesses in the state constitution. By doing so, it may limit the ability for state or local governments to enforce existing or future regulations related to natural gas.

Arguments For Initiative 177

1) Colorado consumers deserve access to an array of reliable, affordable, and locally abundant energy sources. Per unit of energy delivered, natural gas is significantly more affordable than grid-sourced electricity. Natural gas is an efficient and dependable way to heat homes and businesses during periods of extreme-cold. In addition, Colorado's power grid depends heavily on natural gas for baseload generation and to offset the variability of weather-dependent sources, such as wind and solar. This measure will ensure continued access to natural gas without interference from the state or local governments.

~~1) Natural gas is an affordable and widely available energy source that reliably heats homes and businesses, including during periods of extreme cold. Natural gas appliances are proven technologies, and most households in Colorado rely on natural gas as their primary heating source. This measure will ensure continued access to natural gas without interference from state or local governments.~~

Arguments Against Initiative 177

1) Using natural gas contributes to climate change through emitting greenhouse gases, leads to air pollution, and should not be protected in the state constitution. Doing so limits efforts to reduce greenhouse gas emissions, improve air quality, and adopt more sustainable options, such as wind, solar, and geothermal energy. Local communities should have the ability to make decisions about public health priorities, energy needs, and climate goals.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

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Fiscal Impact of Initiative 177

State Spending

The measure may minimally increase expenditures for state agencies, primarily the Department of Local Affairs, to revise technical assistance to local governments concerning building codes

that conflict with the right to purchase or sell natural gas. The measure may also increase workload and legal services for state agencies that regulate or monitor emissions from natural gas utilities or intervene in those cases, including the Public Utilities Commission, the Department of Natural Resources, the Department of Public Health and Environment, and the Colorado Energy Office.

Local Government Spending

Local governments that currently have or are considering building codes that regulate, prohibit or restrict natural gas in commercial and residential development may have increased legal services and costs to conform the codes with state law, and to modify permitting, inspection, and compliance activities.

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Amendment 83

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Amendment 83

Constitutional Right to Purchase and Sell Natural Gas

Ballot Title: Shall there be an amendment to the Colorado Constitution creating new law granting the right for consumers to purchase natural gas for cooking or heating in homes or businesses and for distributors and utilities to sell natural gas to consumers?

Text of Measure:

Be it enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, **add** section 17 to article XVIII as follows:

Section 17. Right to natural gas.

(1) CONSUMERS HAVE THE RIGHT TO PURCHASE NATURAL GAS FOR COOKING OR HEATING IN HOMES OR BUSINESSES THROUGHOUT THE STATE.

(2) DISTRIBUTORS AND UTILITIES HAVE THE RIGHT TO SELL NATURAL GAS FOR HOMES OR BUSINESSES.