

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

REDRAFT

5/8/26

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 26-1028.01 Clare Haffner x6137

HOUSE BILL

HOUSE SPONSORSHIP

McCluskie,

SENATE SPONSORSHIP

(None),

BILL TOPIC: Provision of Natural Gas in the State

DEADLINES: File by: 5/8/2026

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF NATURAL GAS IN THE STATE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Contingent upon voter approval of a proposed initiative to amend the state constitution to create new law granting rights relating to natural gas, the bill clarifies the impact of the proposed initiative to existing law regarding the provision of new natural gas in the state, the rights of the state and local governments to exercise police powers, the rights of local governments with respect to land use, and existing requirements regarding clean heat targets and gas infrastructure planning.

The bill requires the public utilities commission (commission) and

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

a municipally owned utility, respectively, to ensure that all costs associated with the provision of new natural gas service to a customer after the effective date of the proposed initiative (new natural gas service) are borne by the customer of the new natural gas service. On or before December 31, 2029, the commission is required to adopt rules related to the provision of new natural gas service.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add article 9.9 to title**
3 **40 as follows:**

4 **ARTICLE 9.9**

5 **Right to Natural Gas**

6 **40-9.9-101. Legislative declaration.**

7 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE
8 STATE <{AND LOCAL GOVERNMENTS?}> HAS AUTHORITY TO REGULATE
9 THE SALE, PURCHASE, TRANSPORTATION, AND USE OF NATURAL GAS TO
10 PROTECT PUBLIC HEALTH AND SAFETY, CONSUMER RIGHTS, THE
11 ENVIRONMENT, COMMUNITIES, AND THE QUALITY OF LIFE. <{*I don't think*

12 *"quality of life" quite works here.*>

13 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
14 THE RIGHT TO BUY AND SELL NATURAL GAS ESTABLISHED IN SECTION 17
15 OF ARTICLE XVIII OF THE STATE CONSTITUTION DOES NOT:

16 (a) CREATE A RIGHT TO:

17 (I) DELIVER OR RECEIVE NATURAL GAS VIA DISTRIBUTION
18 PIPELINES;

19 (II) ACCESS THIRD-PARTY TRANSMISSION OR DISTRIBUTION
20 PIPELINES;

21 (III) USE ANY PARTICULAR COMBUSTION DEVICE;

22 (IV) INCREASE COSTS FOR CUSTOMERS IN A SERVICE TERRITORY OR

1 FRANCHISE; OR

2 (V) IMPAIR ANY FRANCHISE;

3 (b) CREATE ANY RIGHTS FOR REAL PROPERTY OWNERS TO PROVIDE
4 NATURAL GAS FOR TENANTS; OR

5 (c) AFFECT:

6 (I) THE RIGHT OF THE STATE OR A LOCAL GOVERNMENT TO
7 EXERCISE REASONABLE POLICE POWERS, INCLUDING IN ACCORDANCE WITH
8 ARTICLE XXV OF THE STATE CONSTITUTION, OR OF A LOCAL GOVERNMENT
9 TO REGULATE LAND USE, INCLUDING PURSUANT TO ARTICLE XX OF THE
10 STATE CONSTITUTION AND PART 1 OF ARTICLE 20 OF TITLE 29;

11 (II) THE REQUIREMENTS RELATED TO CLEAN HEAT TARGETS SET
12 FORTH IN SECTION 40-3.2-108; OR

13 (III) THE GAS INFRASTRUCTURE PLANNING PROVISIONS SET FORTH
14 IN ARTICLE 3.3 OF TITLE 40 OR ESTABLISHED BY RULE BY THE COMMISSION.

15 **40-9.9-102. Definitions.**

16 AS USED IN THIS ARTICLE 9.9, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (1) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF
19 THE STATE OF COLORADO CREATED IN SECTION 40-2-101.

20 (2) "NEW NATURAL GAS SERVICE" MEANS NATURAL GAS SERVICE
21 THAT IS INITIALLY PROVIDED AFTER THE EFFECTIVE DATE OF SECTION 17
22 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

23 **40-9.9-103. Costs for new natural gas service.**

24 (1) WHEN AN INVESTOR-OWNED UTILITY PROVIDES NEW NATURAL
25 GAS SERVICE TO A CUSTOMER, THE COMMISSION SHALL ENSURE THAT ALL
26 COSTS ASSOCIATED WITH THE PROVISION OF THE NEW NATURAL GAS
27 SERVICE ARE BORNE BY THE NEW CUSTOMER.

1 (2) WHEN A MUNICIPALLY OWNED UTILITY PROVIDES NEW
2 NATURAL GAS SERVICE TO A CUSTOMER, THE MUNICIPALLY OWNED
3 UTILITY SHALL ENSURE THAT ALL COSTS ASSOCIATED WITH THE PROVISION
4 OF THE NEW NATURAL GAS SERVICE ARE BORNE BY THE NEW CUSTOMER.

5 **40-9.9-104. Rules.**

6 ON OR BEFORE DECEMBER 31, 2029, THE COMMISSION SHALL
7 ADOPT RULES FOR THE PROVISION OF NEW NATURAL GAS SERVICE THAT
8 ARE CONSISTENT WITH THE LEGISLATIVE DECLARATION IN SECTION
9 40-9.9-101 AND NECESSARY TO IMPLEMENT SECTION 40-9.9-103 (1)(a).
10 <{*If the rules aren't adopted until 2029, how will the bill be enforced up*
11 *until then?*>

12 **SECTION 2. Effective date.** This act takes effect only if an
13 initiative that amends the state constitution to create new law giving
14 consumers the right to purchase natural gas for cooking or heating in
15 homes or businesses and giving distributors and utilities the right to sell
16 natural gas to homes and businesses is approved by the people at the next
17 general election, in which case this act takes effect on the date of the
18 official declaration of the vote on the initiative by the governor or January
19 1, 2027, whichever is later.

20 **SECTION 3. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.