

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

SECTION 1. In Colorado Revised Statutes, title 40, **add** article 43 as follows:

40-43-101. Energy choice – declaration – definitions.

- (1) **Declaration.** THE VOTERS OF THE STATE OF COLORADO FIND AND DECLARE THAT ENERGY CONSUMPTION IS A MATTER OF STATEWIDE CONCERN. THE INTENT OF THE VOTERS IN ENACTING THIS SECTION IS TO PROTECT CONSUMER CHOICE IN ENERGY.
- (2) **Definitions.** AS USED IN THIS SECTION, UNLESS CONTEXT OTHERWISE REQUIRES:
 - (a) “CONSUMER CHOICE” MEANS ALLOWING A CONSUMER TO CHOOSE THEIR PREFERRED ENERGY SOURCE. ~~BY PROHIBITING AN ORDINANCE, REGULATION OR CODE THAT RESTRICTS AN ENERGY SOURCE USED FOR COOKING, HOT WATER SYSTEMS, GENERATORS AND HEATING SYSTEMS BASED UPON THE TYPE OF ENERGY TO BE DELIVERED TO AN INDIVIDUAL CUSTOMER.~~
 - (b) “ENERGY” MEANS CONSUMER USE OF ELECTRICITY, NATURAL GAS AS DEFINED IN SECTION 34-64-102, SOLAR ENERGY DEVICE AS DEFINED IN SECTION 38-32.5-100.3, OR WIND ELECTRIC GENERATION, AND, WITH RESPECT TO A SOLAR ENERGY DEVICE OR WIND GENERATION, THAT MEETS THE INTERCONNECTION STANDARDS ESTABLISHED IN RULES PROMULGATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO SECTION 40-2-124.
 - ~~(e) “LOCAL GOVERNMENT” MEANS A STATUTORY OR HOME RULE COUNTY OR MUNICIPALITY.~~
 - ~~(c) “RESTRICTS” MEANS FAVORING OR DISCRIMINATING AGAINST AN ENERGY SOURCE.~~
- (3) ~~BY PROHIBITING AN~~ A STATUTE, ORDINANCE, REGULATION OR CODE THAT OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE SHALL NOT RESTRICTS AN ENERGY SOURCE USED FOR COOKING, HOT WATER SYSTEMS, GENERATORS AND OR HEATING SYSTEMS BASED UPON THE TYPE OF ENERGY TO BE DELIVERED TO AN INDIVIDUAL CUSTOMER CONSUMER.
- ~~(4) THE STATE AND LOCAL GOVERNMENTS SHALL ALLOW CONSUMER CHOICE IN ENERGY.~~

SECTION 2. Effective date.

This act shall take effect upon proclamation by the Governor announcing the approval, by the registered electors of the state, of the proposed initiative.