



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Initiative 85

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# Fiscal Impact Statement

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**Date:** November 7, 2023

**Fiscal Analyst:** Matt Bishop (303-866-4796)

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**LCS TITLE: CONSUMER CHOICE IN ENERGY**

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**Disclaimer.** This initial fiscal impact statement has been prepared for an initiative approved for petition circulation by the Secretary of State. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available.

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## Summary of Measure

The measure prohibits the state or a local government from adopting any regulation that prohibits or discriminates against the connection of an energy source based on the type of energy to be used.

## State Expenditures

Currently, there is not any specific state regulation prohibiting the use of certain energy sources. The measure increases expenditures and workload for state agencies to revise technical assistance to local governments concerning housing and building codes. To the extent that the measure prevents future rules from being adopted, it may also increase workload and legal services for state agencies implementing the state's greenhouse gas emissions reduction plan. No change in appropriations is required.

## Local Government

Local governments that currently have or are considering building codes that prohibit certain energy hookups in commercial and residential development will have increased costs to conform the codes with state law, and to modify permitting, inspection, and compliance activities. Similar to the state, the bill will prevent local governments from enacting future restrictions on these sources of energy, which may result in additional workload to consider alternate policy choices for some local governments.

## Effective Date

If approved by voters at the 2024 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

## State and Local Government Contacts

Law  
Regulatory Agencies

Local Affairs

Public Health and Environment