

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Lundeen

1 Strike the Business, Labor, and Technology Committee Report, dated
2 April 9, 2024.

3 Amend printed bill, strike everything below the enacting clause and
4 substitute:

5 **"SECTION 1. Legislative declaration.** The general assembly
6 finds and declares that it is in the best interest of the state to secure
7 Colorado's telecommunications network and protect national security by
8 identifying and removing communications hardware and software that is
9 produced by countries of concern or by other sanctioned entities from
10 Colorado's telecommunications network and by monitoring the progress
11 of the removal of such equipment.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-1624 as
13 follows:

14 **24-33.5-1624. Telecommunications security -**
15 **telecommunications network - national security - general provisions**
16 **- registration - rules - secure telecommunications cash fund -**
17 **definitions.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

19 (a) (I) "CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE"
20 MEANS ALL PHYSICAL TELECOMMUNICATIONS INFRASTRUCTURE AND
21 EQUIPMENT THAT SUPPORTS THE TRANSMISSION OF INFORMATION,
22 REGARDLESS OF THE TRANSMISSION MEDIUM OR TECHNOLOGY EMPLOYED,
23 AND THAT CONNECTS TO A TELECOMMUNICATIONS NETWORK THAT
24 PERMITS THE USER TO ENGAGE IN THE USE OF TELECOMMUNICATIONS
25 SERVICE, INCLUDING TELECOMMUNICATIONS SERVICE PROVIDED DIRECTLY
26 TO THE PUBLIC OR TO SUCH CLASSES OF USES AS TO BE EFFECTIVELY
27 AVAILABLE TO THE PUBLIC.

28 (II) "CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE" DOES
29 NOT INCLUDE TELECOMMUNICATIONS EQUIPMENT THAT IS USED SOLELY
30 FOR THE OPERATION OF A UTILITY AND THAT IS NOT USED IN CONNECTION
31 WITH TELECOMMUNICATIONS SERVICE OFFERED TO THE PUBLIC.

32 (b) "FEDERALLY BANNED ENTITY" MEANS ANY ENTITY OR
33 EQUIPMENT THAT THE FEDERAL GOVERNMENT HAS BANNED OR IMPOSED
34 SANCTIONS AGAINST, INCLUDING BANNING OR SANCTIONS IMPOSED BY THE
35 FOLLOWING FEDERAL AGENCIES AND ACTS:

36 (I) THE FEDERAL COMMUNICATIONS COMMISSION, INCLUDING:

37 (A) ANY ENTITY, EQUIPMENT, OR SERVICE DEEMED TO POSE A
38 THREAT TO NATIONAL SECURITY IDENTIFIED ON THE COVERED LIST
39 DESCRIBED IN 47 CFR 1.50002; AND

1 (B) ANY ENTITY, EQUIPMENT, OR SERVICE IDENTIFIED ON THE
2 COVERED LIST PUBLISHED BY THE PUBLIC SAFETY AND HOMELAND
3 SECURITY BUREAU PURSUANT TO THE FEDERAL "SECURE AND TRUSTED
4 COMMUNICATIONS NETWORKS ACT OF 2019", 47 U.S.C. SEC. 1601 ET
5 SEQ., AS AMENDED;
6 (II) THE UNITED STATES DEPARTMENT OF COMMERCE;
7 (III) THE UNITED STATES CYBERSECURITY AND INFRASTRUCTURE
8 SECURITY AGENCY;
9 (IV) THE FEDERAL ACQUISITION SECURITY COUNCIL, ESTABLISHED
10 PURSUANT TO THE FEDERAL "SECURE TECHNOLOGY ACT", 41 U.S.C.
11 SEC. 1322, AS AMENDED; AND
12 (V) SECTION 889 OF THE FEDERAL "JOHN S. MCCAIN NATIONAL
13 DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019", PUB.L. 115-232.
14 (c) (I) "TELECOMMUNICATIONS PROVIDER" MEANS AN ENTITY
15 THAT OFFERS WIRELESS TELECOMMUNICATIONS SERVICE FOR A FEE
16 DIRECTLY TO THE PUBLIC OR TO SUCH CLASSES OF USES AS TO BE
17 EFFECTIVELY AVAILABLE TO THE PUBLIC.
18 (II) "TELECOMMUNICATIONS PROVIDER" DOES NOT INCLUDE A
19 MUNICIPALITY OR A MUNICIPALLY OWNED UTILITY.
20 (2) **General provisions.** (a) ALL CRITICAL TELECOMMUNICATIONS
21 INFRASTRUCTURE LOCATED WITHIN COLORADO MUST BE CONSTRUCTED TO
22 NOT INCLUDE ANY EQUIPMENT MANUFACTURED BY A FEDERALLY BANNED
23 ENTITY OR ANY OTHER TELECOMMUNICATIONS EQUIPMENT THAT IS
24 BANNED BY THE FEDERAL GOVERNMENT.
25 (b) (I) FOR ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE
26 LOCATED WITHIN COLORADO THAT IS CURRENTLY IN OPERATION AND
27 THAT UTILIZES EQUIPMENT THAT IS PROHIBITED BY SUBSECTION (2)(a) OF
28 THIS SECTION, THE PROHIBITED EQUIPMENT MUST BE REMOVED AND
29 REPLACED WITH EQUIPMENT THAT IS NOT MANUFACTURED BY A
30 FEDERALLY BANNED ENTITY, IN ACCORDANCE WITH THE FEDERAL
31 "SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019", 47
32 U.S.C. SEC. 1601 ET SEQ., AS AMENDED.
33 (II) A TELECOMMUNICATIONS PROVIDER THAT REMOVES,
34 DISCONTINUES, OR REPLACES ANY TELECOMMUNICATIONS EQUIPMENT
35 MANUFACTURED BY A FEDERALLY BANNED ENTITY IS NOT REQUIRED TO
36 OBTAIN ADDITIONAL PERMITS FROM ANY STATE AGENCY OR POLITICAL
37 SUBDIVISION OF THE STATE FOR THE REMOVAL, DISCONTINUANCE, OR
38 REPLACEMENT OF THE TELECOMMUNICATIONS EQUIPMENT IF:
39 (A) THE TELECOMMUNICATIONS PROVIDER NOTIFIES THE DIVISION
40 OR RELEVANT POLITICAL SUBDIVISION OF THE STATE OF THE NECESSARY
41 REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF THE
42 TELECOMMUNICATIONS EQUIPMENT; AND
43 (B) THE REPLACEMENT TELECOMMUNICATIONS EQUIPMENT IS

1 SUBSTANTIALLY SIMILAR TO THE EXISTING TELECOMMUNICATIONS
2 EQUIPMENT THAT IS BEING REPLACED.

3 (III) IF THE REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF
4 TELECOMMUNICATIONS EQUIPMENT REQUIRES ANY WORK TO BE
5 COMPLETED IN A PUBLIC RIGHT-OF-WAY OR ON ANY PROPERTY OWNED OR
6 CONTROLLED BY A PUBLIC ENTITY, A TELECOMMUNICATIONS PROVIDER
7 SHALL:

8 (A) COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2)(b)(II)
9 OF THIS SECTION;

10 (B) PROVIDE NOTICE TO THE RELEVANT PUBLIC ENTITY AT LEAST
11 SEVEN DAYS BEFORE BEGINNING ANY WORK; AND

12 (C) COORDINATE WITH THE RELEVANT PUBLIC ENTITY FOR
13 COMPLETION OF THE WORK.

14 (3) **Registration - rules.** (a) ON OR BEFORE JANUARY 15, 2025,
15 A TELECOMMUNICATIONS PROVIDER WITH CRITICAL
16 TELECOMMUNICATIONS INFRASTRUCTURE LOCATED IN COLORADO SHALL
17 REGISTER WITH THE DIVISION AND PAY AN INITIAL FIFTY-DOLLAR
18 REGISTRATION FEE. THE DIVISION SHALL TRANSMIT THE INITIAL
19 FIFTY-DOLLAR REGISTRATION FEE TO THE STATE TREASURER, WHO SHALL
20 CREDIT THE MONEY TO THE SECURE TELECOMMUNICATIONS CASH FUND
21 CREATED IN SUBSECTION (5) OF THIS SECTION.

22 (b) A TELECOMMUNICATIONS PROVIDER THAT REGISTERS WITH THE
23 DIVISION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION SHALL:

24 (I) PROVIDE THE DIVISION WITH THE NAME, ADDRESS, TELEPHONE
25 NUMBER, AND E-MAIL ADDRESS OF THE PRIMARY POINT OF CONTACT WHO
26 OVERSEES THE OPERATION OF TELECOMMUNICATIONS SERVICE IN
27 COLORADO BY THE TELECOMMUNICATIONS PROVIDER;

28 (II) PAY THE INITIAL REGISTRATION FEE PURSUANT TO SUBSECTION
29 (3)(a) OF THIS SECTION; AND

30 (III) CERTIFY TO THE DIVISION BY JANUARY 15 OF EACH YEAR
31 THAT ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE OPERATED
32 BY THE TELECOMMUNICATIONS PROVIDER IN COLORADO:

33 (A) DOES NOT USE ANY TELECOMMUNICATIONS EQUIPMENT
34 MANUFACTURED BY A FEDERALLY BANNED ENTITY; OR

35 (B) USES TELECOMMUNICATIONS EQUIPMENT MANUFACTURED BY
36 A FEDERALLY BANNED ENTITY, BUT THE TELECOMMUNICATIONS PROVIDER
37 IS A PARTICIPANT IN THE FEDERAL SECURE AND TRUSTED
38 COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM, ESTABLISHED
39 BY THE FEDERAL "SECURE AND TRUSTED COMMUNICATIONS NETWORKS
40 ACT OF 2019", 47 U.S.C. SEC. 1601 ET SEQ., AS AMENDED, AND IS IN
41 COMPLIANCE WITH THE REIMBURSEMENT PROGRAM.

42 (c) (I) A TELECOMMUNICATIONS PROVIDER MUST REGISTER WITH
43 THE DIVISION IN ACCORDANCE WITH SUBSECTIONS (3)(a) AND (3)(b) OF

1 THIS SECTION BY JANUARY 15 OF EACH YEAR UNTIL THE
2 TELECOMMUNICATIONS PROVIDER CERTIFIES TO THE DIVISION THAT ALL
3 TELECOMMUNICATIONS EQUIPMENT PROHIBITED PURSUANT TO
4 SUBSECTION (2)(a) OF THIS SECTION HAS BEEN REMOVED FROM ALL
5 CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE LOCATED WITHIN
6 COLORADO.

7 (II) A TELECOMMUNICATIONS PROVIDER THAT INITIALLY
8 CERTIFIES, PURSUANT TO SUBSECTION (3)(b)(III)(A) OF THIS SECTION,
9 THAT IT DOES NOT USE TELECOMMUNICATIONS EQUIPMENT
10 MANUFACTURED BY A FEDERALLY BANNED ENTITY IS NOT REQUIRED TO
11 FURTHER REGISTER OR SUBMIT STATUS REPORTS TO THE DIVISION IN
12 ACCORDANCE WITH SUBSECTION (3)(d) OF THIS SECTION.

13 (d) (I) IF A TELECOMMUNICATIONS PROVIDER CERTIFIES TO THE
14 DIVISION THAT IT IS A PARTICIPANT IN THE FEDERAL SECURE AND TRUSTED
15 COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM, PURSUANT TO
16 SUBSECTION (3)(b)(III)(B) OF THIS SECTION, AND THAT THE
17 TELECOMMUNICATIONS PROVIDER IS IN THE PROCESS OF REMOVING THE
18 TELECOMMUNICATIONS EQUIPMENT PROHIBITED PURSUANT TO
19 SUBSECTION (2)(a) OF THIS SECTION, THE TELECOMMUNICATIONS
20 PROVIDER SHALL PROVIDE TO THE DIVISION COPIES OF ANY STATUS
21 UPDATE REQUIRED BY THE FEDERAL GOVERNMENT AS PART OF THE
22 FEDERAL "SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF
23 2019", 47 U.S.C. SEC. 1601 ET SEQ., AS AMENDED.

24 (II) THE DIVISION SHALL NOT REQUIRE A TELECOMMUNICATIONS
25 PROVIDER TO PROVIDE MORE THAN TWO STATUS REPORTS IN A CALENDAR
26 YEAR AND SHALL NOT COLLECT ANY MORE INFORMATION FROM THE
27 TELECOMMUNICATIONS PROVIDER THAN WHAT THE
28 TELECOMMUNICATIONS PROVIDER IS REQUIRED TO PROVIDE TO THE
29 FEDERAL GOVERNMENT.

30 (III) THE DIVISION SHALL NOT REQUIRE A TELECOMMUNICATIONS
31 PROVIDER TO PAY MORE THAN THE INITIAL FIFTY-DOLLAR REGISTRATION
32 FEE, EVEN IF THE TELECOMMUNICATIONS PROVIDER MUST CONTINUE TO
33 CERTIFY TO THE DIVISION THAT THE TELECOMMUNICATIONS PROVIDER
34 USES TELECOMMUNICATIONS EQUIPMENT MANUFACTURED BY A
35 FEDERALLY BANNED ENTITY IN ACCORDANCE WITH SUBSECTION (3)(c)(I)
36 OF THIS SECTION AND PROVIDE STATUS UPDATES TO THE DIVISION IN
37 ACCORDANCE WITH THIS SUBSECTION (3)(d).

38 (4) **Rules.** THE DIRECTOR OF THE DIVISION SHALL PROMULGATE
39 AND ENFORCE ANY RULES NECESSARY TO IMPLEMENT THIS SECTION,
40 INCLUDING:

41 (a) DEVELOPING PROCEDURES FOR A TELECOMMUNICATIONS
42 PROVIDER TO NOTIFY ANY RELEVANT STATE AGENCIES OR POLITICAL
43 SUBDIVISIONS OF THE STATE WHEN THE TELECOMMUNICATIONS PROVIDER

1 IS PLANNING TO REMOVE, DISCONTINUE, OR REPLACE ANY
2 TELECOMMUNICATIONS EQUIPMENT FROM A FEDERALLY BANNED ENTITY;
3 AND

4 (b) ESTABLISHING REGISTRATION PROCEDURES AND FEES IN
5 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION.

6 (5) **Secure telecommunications cash fund - created.** (a) THE
7 SECURE TELECOMMUNICATIONS CASH FUND IS CREATED IN THE STATE
8 TREASURY. THE FUND CONSISTS OF THE REGISTRATION FEES COLLECTED
9 BY THE DIVISION AND CREDITED TO THE FUND PURSUANT TO SUBSECTION
10 (3)(a) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL
11 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

12 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
13 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
14 SECURE TELECOMMUNICATIONS CASH FUND TO THE FUND.

15 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
16 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE SECURE
17 TELECOMMUNICATIONS CASH FUND FOR THE PURPOSES SPECIFIED IN THIS
18 SECTION.

19 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1604, **add**
20 (6) as follows:

21 **24-33.5-1604. Duties and powers of the division - rules.**
22 (6) (a) THE DIVISION SHALL IMPLEMENT SECTION 24-33.5-1624 IN ORDER
23 TO ENSURE A SECURE TELECOMMUNICATIONS NETWORK IN COLORADO.

24 (b) THE DIRECTOR OF THE DIVISION MAY PROMULGATE RULES
25 RELATED TO TELECOMMUNICATIONS SECURITY IN ACCORDANCE WITH
26 SECTION 24-33.5-1624.

27 **SECTION 4. Safety clause.** The general assembly finds,
28 determines, and declares that this act is necessary for the immediate
29 preservation of the public peace, health, or safety or for appropriations for
30 the support and maintenance of the departments of the state and state
31 institutions."

32 Page 1, line 102, strike "PUBLIC UTILITIES COMMISSION" and substitute
33 "DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
34 WITHIN THE DEPARTMENT OF PUBLIC SAFETY".

35 Page 1, strike lines 106 and 107 and substitute "EQUIPMENT
36 MANUFACTURED BY A FEDERALLY BANNED ENTITY."

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