

CHAPTER 483

PUBLIC UTILITIES

SENATE BILL 24-151

BY SENATOR(S) Lundeen and Roberts, Baisley, Bridges, Buckner, Cutter, Exum, Fields, Gardner, Hansen, Michaelson Jenet, Mullica, Priola, Van Winkle;
also REPRESENTATIVE(S) Lukens and Soper, Bird, Duran, Hamrick, Joseph, Lieder, Mauro, McCormick, Ricks, Snyder, Titone.

AN ACT

CONCERNING TELECOMMUNICATIONS SECURITY, AND, IN CONNECTION THEREWITH, REQUIRING THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT WITHIN THE DEPARTMENT OF PUBLIC SAFETY TO PROMULGATE RULES RELATED TO THE REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE THAT UTILIZES EQUIPMENT MANUFACTURED BY A FEDERALLY BANNED ENTITY.

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

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

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

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

(a) (I) "CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE" MEANS ALL PHYSICAL TELECOMMUNICATIONS INFRASTRUCTURE AND EQUIPMENT THAT SUPPORTS THE TRANSMISSION OF INFORMATION, REGARDLESS OF THE TRANSMISSION MEDIUM OR TECHNOLOGY EMPLOYED, AND THAT CONNECTS TO A TELECOMMUNICATIONS NETWORK THAT PERMITS THE USER TO ENGAGE IN THE USE OF TELECOMMUNICATIONS SERVICE, INCLUDING TELECOMMUNICATIONS SERVICE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PROVIDED DIRECTLY TO THE PUBLIC OR TO SUCH CLASSES OF USES AS TO BE EFFECTIVELY AVAILABLE TO THE PUBLIC.

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

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

(I) THE FEDERAL COMMUNICATIONS COMMISSION, INCLUDING:

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

(B) ANY ENTITY, EQUIPMENT, OR SERVICE IDENTIFIED ON THE COVERED LIST PUBLISHED BY THE PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PURSUANT TO THE FEDERAL "SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019", 47 U.S.C. SEC. 1601 ET SEQ., AS AMENDED;

(II) THE UNITED STATES DEPARTMENT OF COMMERCE;

(III) THE UNITED STATES CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY;

(IV) THE FEDERAL ACQUISITION SECURITY COUNCIL, ESTABLISHED PURSUANT TO THE FEDERAL "SECURE TECHNOLOGY ACT", 41 U.S.C. SEC. 1322, AS AMENDED; AND

(V) SECTION 889 OF THE FEDERAL "JOHN S. MCCAIN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019", PUB.L. 115-232.

(c) (I) "TELECOMMUNICATIONS PROVIDER" MEANS AN ENTITY THAT OFFERS WIRELESS TELECOMMUNICATIONS SERVICE FOR A FEE DIRECTLY TO THE PUBLIC OR TO SUCH CLASSES OF USES AS TO BE EFFECTIVELY AVAILABLE TO THE PUBLIC.

(II) "TELECOMMUNICATIONS PROVIDER" DOES NOT INCLUDE A MUNICIPALITY OR A MUNICIPALLY OWNED UTILITY.

(2) **General provisions.** (a) ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE LOCATED WITHIN COLORADO MUST BE CONSTRUCTED TO NOT INCLUDE ANY EQUIPMENT MANUFACTURED BY A FEDERALLY BANNED ENTITY OR ANY OTHER TELECOMMUNICATIONS EQUIPMENT THAT IS BANNED BY THE FEDERAL GOVERNMENT.

(b) (I) FOR ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE LOCATED WITHIN COLORADO THAT IS CURRENTLY IN OPERATION AND THAT UTILIZES EQUIPMENT THAT IS PROHIBITED BY SUBSECTION (2)(a) OF THIS SECTION, THE

PROHIBITED EQUIPMENT MUST BE REMOVED AND REPLACED WITH EQUIPMENT THAT IS NOT MANUFACTURED BY A FEDERALLY BANNED ENTITY, IN ACCORDANCE WITH THE FEDERAL "SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019", 47 U.S.C. SEC. 1601 ET SEQ., AS AMENDED.

(II) A TELECOMMUNICATIONS PROVIDER THAT REMOVES, DISCONTINUES, OR REPLACES ANY TELECOMMUNICATIONS EQUIPMENT MANUFACTURED BY A FEDERALLY BANNED ENTITY IS NOT REQUIRED TO OBTAIN ADDITIONAL PERMITS FROM ANY STATE AGENCY OR POLITICAL SUBDIVISION OF THE STATE FOR THE REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF THE TELECOMMUNICATIONS EQUIPMENT IF:

(A) THE TELECOMMUNICATIONS PROVIDER NOTIFIES THE DIVISION OR RELEVANT POLITICAL SUBDIVISION OF THE STATE OF THE NECESSARY REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF THE TELECOMMUNICATIONS EQUIPMENT; AND

(B) THE REPLACEMENT TELECOMMUNICATIONS EQUIPMENT IS SUBSTANTIALLY SIMILAR TO THE EXISTING TELECOMMUNICATIONS EQUIPMENT THAT IS BEING REPLACED.

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

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

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

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

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

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

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

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

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

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

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

(c)(I) A TELECOMMUNICATIONS PROVIDER MUST REGISTER WITH THE DIVISION IN ACCORDANCE WITH SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION BY JANUARY 15 OF EACH YEAR UNTIL THE TELECOMMUNICATIONS PROVIDER CERTIFIES TO THE DIVISION THAT ALL TELECOMMUNICATIONS EQUIPMENT PROHIBITED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION HAS BEEN REMOVED FROM ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE LOCATED WITHIN COLORADO.

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

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

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

(III) THE DIVISION SHALL NOT REQUIRE A TELECOMMUNICATIONS PROVIDER TO PAY MORE THAN THE INITIAL FIFTY-DOLLAR REGISTRATION FEE, EVEN IF THE TELECOMMUNICATIONS PROVIDER MUST CONTINUE TO CERTIFY TO THE DIVISION THAT THE TELECOMMUNICATIONS PROVIDER USES TELECOMMUNICATIONS

EQUIPMENT MANUFACTURED BY A FEDERALLY BANNED ENTITY IN ACCORDANCE WITH SUBSECTION (3)(c)(I) OF THIS SECTION AND PROVIDE STATUS UPDATES TO THE DIVISION IN ACCORDANCE WITH THIS SUBSECTION (3)(d).

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

(a) DEVELOPING PROCEDURES FOR A TELECOMMUNICATIONS PROVIDER TO NOTIFY ANY RELEVANT STATE AGENCIES OR POLITICAL SUBDIVISIONS OF THE STATE WHEN THE TELECOMMUNICATIONS PROVIDER IS PLANNING TO REMOVE, DISCONTINUE, OR REPLACE ANY TELECOMMUNICATIONS EQUIPMENT FROM A FEDERALLY BANNED ENTITY; AND

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

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

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

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

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

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

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

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

Approved: June 7, 2024