

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0957.01 Christopher McMichael x4775

SENATE BILL 24-151

SENATE SPONSORSHIP

Lundeen and Roberts,

HOUSE SPONSORSHIP

Lukens and Soper,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

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

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>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
April 26, 2024

The bill requires telecommunications providers that operate in Colorado to remove, discontinue, or replace all critical telecommunications infrastructure that utilizes equipment from a federally banned entity or foreign adversary.

The bill requires telecommunications providers to register with the public utilities commission (commission) and certify that the telecommunications provider is:

- Not operating critical telecommunications infrastructure that utilizes equipment from a federally banned entity or foreign adversary; or
- Participating in the federal reimbursement program established by the federal "Secure and Trusted Communications Networks Act of 2019" and is in compliance with the reimbursement program.

The bill grants the commission authority to enforce the requirements established by the bill by administering fines against telecommunications providers for noncompliance. The bill also grants the commission rule-making authority to implement the requirements.

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

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

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

11 **24-33.5-1624. Telecommunications security -**
12 **telecommunications network - national security - general provisions**
13 **- registration - rules - secure telecommunications cash fund -**
14 **definitions. (1) Definitions. AS USED IN THIS SECTION, UNLESS THE**

1 CONTEXT OTHERWISE REQUIRES:

2 (a) (I) "CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE"
3 MEANS ALL PHYSICAL TELECOMMUNICATIONS INFRASTRUCTURE AND
4 EQUIPMENT THAT SUPPORTS THE TRANSMISSION OF INFORMATION,
5 REGARDLESS OF THE TRANSMISSION MEDIUM OR TECHNOLOGY EMPLOYED,
6 AND THAT CONNECTS TO A TELECOMMUNICATIONS NETWORK THAT
7 PERMITS THE USER TO ENGAGE IN THE USE OF TELECOMMUNICATIONS
8 SERVICE, INCLUDING TELECOMMUNICATIONS SERVICE PROVIDED DIRECTLY
9 TO THE PUBLIC OR TO SUCH CLASSES OF USES AS TO BE EFFECTIVELY
10 AVAILABLE TO THE PUBLIC.

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

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

19 (I) THE FEDERAL COMMUNICATIONS COMMISSION, INCLUDING:

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

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

1 (II) THE UNITED STATES DEPARTMENT OF COMMERCE;

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

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

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

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

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

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

20 (b) (I) FOR ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE
21 LOCATED WITHIN COLORADO THAT IS CURRENTLY IN OPERATION AND
22 THAT UTILIZES EQUIPMENT THAT IS PROHIBITED BY SUBSECTION (2)(a) OF
23 THIS SECTION, THE PROHIBITED EQUIPMENT MUST BE REMOVED AND
24 REPLACED WITH EQUIPMENT THAT IS NOT MANUFACTURED BY A
25 FEDERALLY BANNED ENTITY, IN ACCORDANCE WITH THE FEDERAL
26 "SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019", 47
27 U.S.C. SEC. 1601 ET SEQ., AS AMENDED.

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

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

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

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

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

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

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

25 (3) **Registration - rules.** (a) ON OR BEFORE JANUARY 15, 2025,
26 A TELECOMMUNICATIONS PROVIDER WITH CRITICAL
27 TELECOMMUNICATIONS INFRASTRUCTURE LOCATED IN COLORADO SHALL

1 REGISTER WITH THE DIVISION AND PAY AN INITIAL FIFTY-DOLLAR
2 REGISTRATION FEE. THE DIVISION SHALL TRANSMIT THE INITIAL
3 FIFTY-DOLLAR REGISTRATION FEE TO THE STATE TREASURER, WHO SHALL
4 CREDIT THE MONEY TO THE SECURE TELECOMMUNICATIONS CASH FUND
5 CREATED IN SUBSECTION (5) OF THIS SECTION.

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

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

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

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

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

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

26 (c) (I) A TELECOMMUNICATIONS PROVIDER MUST REGISTER WITH
27 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

1 TELECOMMUNICATIONS PROVIDER IS REQUIRED TO PROVIDE TO THE
2 FEDERAL GOVERNMENT.

3 (III) THE DIVISION SHALL NOT REQUIRE A TELECOMMUNICATIONS
4 PROVIDER TO PAY MORE THAN THE INITIAL FIFTY-DOLLAR REGISTRATION
5 FEE, EVEN IF THE TELECOMMUNICATIONS PROVIDER MUST CONTINUE TO
6 CERTIFY TO THE DIVISION THAT THE TELECOMMUNICATIONS PROVIDER
7 USES TELECOMMUNICATIONS EQUIPMENT MANUFACTURED BY A
8 FEDERALLY BANNED ENTITY IN ACCORDANCE WITH SUBSECTION (3)(c)(I)
9 OF THIS SECTION AND PROVIDE STATUS UPDATES TO THE DIVISION IN
10 ACCORDANCE WITH THIS SUBSECTION (3)(d).

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

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

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

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

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

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

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

10 **24-33.5-1604. Duties and powers of the division - rules.**

11 (6) (a) THE DIVISION SHALL IMPLEMENT SECTION 24-33.5-1624 IN ORDER
12 TO ENSURE A SECURE TELECOMMUNICATIONS NETWORK IN COLORADO.

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

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