

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1031.01 Yelana Love x2295

HOUSE BILL 22-1404

HOUSE SPONSORSHIP

Van Beber, Pico

SENATE SPONSORSHIP

Woodward and Ginal,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE COLORADO CRITICAL INFRASTRUCTURE RESILIENCY
102 INITIATIVE.

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>.)

The bill creates the Colorado critical infrastructure resiliency initiative and the Colorado resilient infrastructure board (board). The board consists of 10 members, 9 of whom are appointed by the executive director of the department of public safety. The board is required to:

- Provide oversight of Colorado's infrastructure enhancement program;

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

- Identify electric grid, water, oil and natural gas, and telecommunications infrastructure needs and provide recommendations on infrastructure improvements;
- Oversee efforts to prevent or reduce the severity of damage to the electric grid due to a natural disaster or human-caused emergency;
- Monitor and implement best practices for critical infrastructure protection;
- Ensure compliance of the state's publicly owned or commercially owned utilities associated with the state's power, oil and natural gas, water, and telecommunications sectors;
- Attempt to secure funding from various sources;
- Coordinate with the Colorado electric transmission authority; and
- Assess the capacity and availability of existing resources for resiliency of critical infrastructure sectors.

The board is required to report its findings to the general assembly no later than 30 days after the general assembly convenes in the 2025 legislative session and no later than 30 days after the general assembly convenes in the regular legislative session in subsequent years.

The board is scheduled to repeal on September 1, 2027. Before the repeal, the board is subject to sunset review by the department of regulatory agencies.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-38.5-113 as
 3 follows:

4 **24-38.5-113. Colorado resilient infrastructure board -**
 5 **creation - membership - duties - legislative declaration - reporting -**
 6 **definitions - repeal.** (1) THE GENERAL ASSEMBLY FINDS THAT:

7 (a) THE PURPOSE OF THIS SECTION IS TO:

8 (I) CREATE THE COLORADO CRITICAL INFRASTRUCTURE
 9 RESILIENCY INITIATIVE TO ENSURE THAT COMPONENTS THROUGHOUT THE
 10 STATE OF COLORADO ARE HARDENED TO SURVIVE ALL GRID-DOWN
 11 EVENTS, INCLUDING ELECTROMAGNETIC PULSE, NUCLEAR, NONNUCLEAR,

1 PHYSICAL, WEATHER-RELATED, CYBER, AND TERRORIST ATTACKS. THIS
2 INCLUDES THE STATE'S POWER GENERATION, TRANSMISSION, AND
3 DISTRIBUTION GRID, OIL AND NATURAL GAS NETWORK, CLEAN WATER
4 SUPPLY AND WASTEWATER TREATMENT FACILITIES, AND
5 TELECOMMUNICATIONS NETWORK.

6 (II) ENSURE COMPLIANCE WITH THE SCOPE OF OBJECTIVES
7 OUTLINED BY THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS
8 ACT OF 2021", PUB.L. 117-58, BY INITIATING IMPROVEMENTS TO THE
9 STATE'S INFRASTRUCTURE. THIS WORK ON COLORADO'S CRITICAL
10 INFRASTRUCTURE WILL BEGIN BY FOCUSING FIRST ON FOUR OF THE STATE'S
11 MOST CRITICAL INFRASTRUCTURE COMPONENTS: POWER, OIL AND
12 NATURAL GAS, WATER, AND TELECOMMUNICATIONS.

13 (III) TRANSFER THE TECHNOLOGY, THE LESSONS LEARNED, AND
14 THE SOLUTIONS DEVELOPED BY THE UNITED STATES DEPARTMENT OF
15 DEFENSE TO MISSION-CRITICAL ELEMENTS OF COLORADO'S CRITICAL
16 INFRASTRUCTURE BY INITIATING A COOPERATIVE EFFORT BETWEEN THE
17 CIVILIAN ENGINEERING COMMUNITY AND THE STATE'S COMMERCIAL
18 PUBLIC UTILITY SECTORS;

19 (IV) ENSURE THAT THE CRITICAL INFRASTRUCTURE COMPONENTS
20 ASSOCIATED WITH WATER AND WASTEWATER TREATMENT THAT ARE
21 COMPLETED WITH THE USE OF THE ELECTRIC POWER GRID CONTINUE TO
22 FUNCTION WITHOUT INTERRUPTION WHEN ANY GRID-DOWN EVENT OCCURS
23 IN THE STATE OF COLORADO;

24 (V) ENSURE THAT COLORADO IS IN COMPLIANCE WITH RECENT
25 DIRECTIVES BY THE NATIONAL INFRASTRUCTURE COORDINATOR PURSUANT
26 TO THE FEDERAL GOVERNMENT DIRECTIVE ON JANUARY 4, 2022, WHICH IS
27 TO FOLLOW THE MODEL OF THE "AMERICAN RECOVERY AND

1 REINVESTMENT ACT OF 2009", PUB.L. 111-5, AND TO ESTABLISH A STATE
2 INFRASTRUCTURE COORDINATION TEAM TO DISTRIBUTE FUNDS RELATED
3 TO THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT OF
4 2021", PUB.L. 117-58;

5 (VI) ENSURE THAT COLORADO IS IN COMPLIANCE WITH RECENT
6 DIRECTIVES ISSUED BY THE GOVERNOR IN APRIL OF 2020 TO ADDRESS AND
7 MITIGATE VULNERABILITIES OUTLINED IN THE COLORADO ENHANCED
8 STATE HAZARD MITIGATION PLAN (E-SHMP) PAGE 774, SECTION 3-699,
9 TECHNOLOGICAL HAZARDS - "CRITICAL INFRASTRUCTURE
10 DISRUPTION/FAILURES", AND AGAIN ON PAGE 776 IN SECTION 3-701
11 ASSOCIATED WITH TECHNOLOGICAL HAZARDS - "POWER FAILURES"; AND

12 (VII) ENSURE THAT COLORADO IS IN COMPLIANCE WITH:

13 (A) DIRECTIVES BY THE GOVERNOR TO MODERNIZE THE
14 COLORADO ELECTRIC POWER GRID AS SPECIFIED BY THE CREATION OF THE
15 COLORADO ELECTRIC TRANSMISSION AUTHORITY; AND

16 (B) THE COLORADO ENERGY ASSURANCE EMERGENCY PLAN;

17 (b) INTERDEPENDENCIES BETWEEN DIFFERENT CRITICAL
18 INFRASTRUCTURE SECTORS, INCLUDING ENERGY, WATER,
19 TRANSPORTATION, AND TELECOMMUNICATIONS, AND THE EFFORT TO
20 MODERNIZE THE COLORADO ELECTRIC POWER GRID WAS PARTIALLY
21 ACCOMPLISHED BY THE COLORADO ELECTRIC TRANSMISSION AUTHORITY;

22 (c) SECTION 40-5-108 (2)(c) REQUIRES THE PUBLIC UTILITIES
23 COMMISSION TO USE ALL AVAILABLE MEANS TO SUPPORT TRANSMISSION
24 UTILITIES AND THE AUTHORITY IN PREPARING FOR, AND DOCUMENTING
25 THEIR ABILITY TO MITIGATE, ANY THREATS IDENTIFIED IN THE COLORADO
26 ENERGY ASSURANCE EMERGENCY PLAN; HOWEVER, THERE IS NOT AN
27 ENFORCEMENT ENTITY TO ENSURE THAT THE PUBLIC UTILITIES

1 COMMISSION IS MEETING ITS OBLIGATIONS;

2 (d) THE 2021 EDITION OF THE COLORADO ENERGY ASSURANCE
3 EMERGENCY PLAN DIRECTS THE STATE TO ADDRESS AND MITIGATE
4 VULNERABILITIES OUTLINED IN THE 2018-2023 COLORADO HAZARD
5 MITIGATION PLAN, SIGNED BY THE GOVERNOR ON APRIL 7, 2020;

6 (e) FOR DECADES, THE FEDERAL GOVERNMENT HAS DEVELOPED
7 TECHNOLOGY, TECHNICAL SOLUTIONS, SPECIFICATIONS, AND STANDARDS
8 FOR DEVELOPING, INSTALLING, AND TESTING ELECTROMAGNETIC
9 SURVIVABLE HARDWARE, TECHNIQUES, AND PRACTICES FOR CRITICAL
10 UNITED STATES DEPARTMENT OF DEFENSE FACILITIES. THE CREATION OF
11 THE COLORADO RESILIENT INFRASTRUCTURE BOARD WOULD NOW ALLOW
12 QUALIFIED CONTRACTORS TO APPLY THESE TECHNOLOGIES FOR NEW
13 CONSTRUCTION OR EXISTING FIELD OPERATIONAL HARDWARE AND
14 SOFTWARE DIRECTLY INTO COLORADO'S CRITICAL ELECTRICAL
15 INFRASTRUCTURE.

16 (f) THE FEDERAL GOVERNMENT HAS DEVELOPED REQUIREMENTS
17 AND SPECIFICATIONS FOR TESTING THIS TECHNOLOGY TO GUARANTEE
18 THAT THESE TECHNICAL SOLUTIONS ARE EFFECTIVE. BASED ON THIS
19 HISTORY, THE UNITED STATES DEPARTMENT OF DEFENSE HAS CREATED
20 THE MOST SURVIVABLE, MISSION-CRITICAL INFRASTRUCTURE OF ANY
21 SIMILAR DEPARTMENT IN THE WORLD.

22 (g) THE FEDERAL GOVERNMENT IS IN THE PROCESS OF DEVELOPING
23 MULTIPLE CYBER HARDENING AND PROTECTION TECHNICAL SOLUTIONS
24 THAT ARE EFFECTIVE FOR PUBLIC, COMMERCIAL, AND GOVERNMENT
25 SECTORS. BASED ON THIS ONGOING WORK, CYBER PROTECTION
26 TECHNOLOGY DOES NOT NEED TO BE REINVENTED FOR COLORADO BUT
27 WILL REQUIRE THE STRATEGIC TRANSFER OF THESE STATE-OF-THE-ART

1 PROTECTION TECHNIQUES AND PRACTICES TO THE STATE'S POWER, OIL AND
2 NATURAL GAS, WATER, AND TELECOMMUNICATIONS INFRASTRUCTURES.

3 (h) CURRENTLY, THERE IS NO DIRECTIVE WITHIN THE STATE THAT
4 WOULD COMPEL REPRESENTATIVES FROM PUBLICLY OWNED OR
5 COMMERCIALY OWNED UTILITIES ASSOCIATED WITH THE STATE'S POWER,
6 OIL AND NATURAL GAS, WATER, AND TELECOMMUNICATIONS SECTORS TO
7 PARTICIPATE IN A COOPERATIVE VENTURE WITH SPECIALIZED CIVILIAN
8 CORPORATIONS TO DEVELOP AND INSTALL THE ESSENTIAL UPGRADES TO
9 NEW OR EXISTING EQUIPMENT FOR THESE PURPOSES;

10 (i) IN CONTRAST, THERE ARE HISTORICAL PRECEDENTS FROM
11 GOVERNING BODIES AND AGENCIES INVOLVED WITH OVERSIGHT OF THE
12 STATE'S PUBLICLY OWNED OR COMMERCIALY OWNED UTILITIES
13 ASSOCIATED WITH THE STATE'S POWER, OIL AND NATURAL GAS, WATER,
14 AND TELECOMMUNICATIONS SECTORS THAT PROHIBIT THE IMPROVEMENT
15 OR UPGRADING OF SERVICES OR INFRASTRUCTURE WITHOUT APPROVAL;

16 (j) THE FEDERAL GOVERNMENT HAS CREATED FUNDING
17 INITIATIVES AND GRANTS FOR BROAD INFRASTRUCTURE IMPROVEMENT
18 EFFORTS THAT ARE AVAILABLE TO ALL STATES PURSUANT TO THE FEDERAL
19 "INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021", PUB.L. 117-58,
20 AND THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S
21 BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES FUNDING
22 PROGRAM, IN ADDITION TO OTHER FUNDING SOURCES THAT ARE ALSO
23 AVAILABLE;

24 (k) UPON COMPLETION, THE COLORADO CRITICAL
25 INFRASTRUCTURE RESILIENCY INITIATIVE WILL ALLOW FOR THE ELECTRIC
26 POWER GRID TO: REMAIN MINIMALLY FUNCTIONAL, INCLUDING ROLLING
27 BROWNOUTS; PROTECT HUMAN AND ANIMAL LIFE, CRITICAL

1 LIFE-SUSTAINING RESOURCES, AND INFRASTRUCTURE; AND ENSURE THE
2 CONTINUITY OF GOVERNMENT, INDUSTRY, SUPPLY CHAIN, AND PROPERTY
3 DEPENDENT ON THE POWER GRID AFTER A TOTAL, PARTIAL, OR
4 CATASTROPHIC GRID-DOWN EVENT FROM NATURAL OR HUMAN-INDUCED
5 CAUSES; AND

6 (I) THEREFORE, THE CREATION OF THE COLORADO RESILIENT
7 INFRASTRUCTURE BOARD WILL HELP COLORADO ACHIEVE THE GOALS OF:

8 (I) PROVIDING NINETY PERCENT OF COLORADO'S POPULATION WITH
9 RESILIENT POWER, OIL AND NATURAL GAS, WATER, AND
10 TELECOMMUNICATIONS ON A MINIMUM OF A ROLLING BROWNOUT
11 OPERATIONAL CAPABILITY WITHIN TEN YEARS;

12 (II) ASSURING THAT THE COLORADO ELECTRIC TRANSMISSION
13 AUTHORITY WILL BE IN COMPLIANCE WITH SECTION 40-5-108;

14 (III) ASSURING THAT THE COLORADO ENERGY ASSURANCE
15 EMERGENCY PLAN IS IN COMPLIANCE WITH SECTION 40-5-108 AND THE
16 COLORADO ENHANCED STATE HAZARD MITIGATION PLAN (E-SHMP);

17 (IV) DESIGNING THE OPTIMUM SURVIVABLE NETWORK
18 INFRASTRUCTURE IN COLLABORATION WITH COLORADO POWER AND
19 UTILITY COMPANIES; AND

20 (V) AUTHORIZING AFFECTED POWER AND UTILITY COMPANIES TO
21 IMPLEMENT EQUIPMENT MODIFICATIONS, IMPROVEMENTS, AND UPGRADES
22 RELATED TO EMERGENCY, CYBER, AND ENERGY EFFICIENT MODIFICATIONS.

23 (2) AS USED IN THIS SECTION:

24 (a) "BOARD" MEANS THE COLORADO RESILIENT INFRASTRUCTURE
25 BOARD CREATED IN SUBSECTION (3) OF THIS SECTION.

26 (b) "COLORADO ELECTRIC TRANSMISSION AUTHORITY" OR
27 "AUTHORITY" MEANS THE COLORADO ELECTRIC TRANSMISSION

1 AUTHORITY CREATED IN ARTICLE 42 OF TITLE 40.

2 (c) "CRITICAL INFRASTRUCTURE" MEANS A SECTOR WHOSE ASSETS,
3 SYSTEMS, AND NETWORKS, WHETHER PHYSICAL OR VIRTUAL, ARE VITAL TO
4 THE STATE'S SECURITY, ECONOMIC SECURITY, PUBLIC HEALTH OR SAFETY,
5 OR ANY COMBINATION THEREOF, INCLUDING THE WATER,
6 TRANSPORTATION, ELECTRICAL ENERGY, FUEL IMPORT AND REFINING, AND
7 TELECOMMUNICATIONS SECTORS.

8 (d) (I) "CYBER" MEANS RELATING TO OR INVOLVING COMPUTERS
9 OR COMPUTER NETWORKS, INCLUDING THE INTERNET.

10 (II) "CYBER" REQUIRES A RELATIONSHIP WITH MODERN
11 COMPUTING AND TECHNOLOGY.

12 (e) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY.

13 (f) "ELECTRIC GRID" MEANS THE NETWORK OF ELECTRIC
14 GENERATORS, TRANSMISSION AND DISTRIBUTION LINES, SUBSTATIONS,
15 ENERGY STORAGE DEVICES, AND SUPPORTING INFRASTRUCTURE USED TO
16 PRODUCE AND DELIVER ELECTRICITY TO END-USERS.

17 (g) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
18 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

19 (h) "GRID-DOWN EVENT" MEANS AN EXTENDED POWER OUTAGE
20 THAT REQUIRES LIVING WITHOUT ELECTRICITY AND EVERYTHING THAT
21 RUNS ON ELECTRICITY FOR AN EXTENDED PERIOD OF TIME, FROM MANY
22 MONTHS TO YEARS. "GRID-DOWN" IS NOT A TEMPORARY, SHORT-TERM
23 POWER OUTAGE.

24 (i) "RESILIENCY" MEANS THE CAPACITY TO PREVENT OR REDUCE
25 THE SEVERITY OF DAMAGE FROM NATURAL DISASTERS OR HUMAN-CAUSED
26 EMERGENCIES AND TO ENABLE FASTER RECOVERY OF NORMAL
27 INFRASTRUCTURE OPERATIONS AFTER A NATURAL DISASTER OR

1 HUMAN-CAUSED EMERGENCY.

2 (3) (a) THERE IS HEREBY CREATED THE COLORADO CRITICAL
3 INFRASTRUCTURE RESILIENCY INITIATIVE AND THE COLORADO RESILIENT
4 INFRASTRUCTURE BOARD. THE BOARD IS CREATED IN THE DEPARTMENT.

5 (b) THE BOARD CONSISTS OF THE EXECUTIVE DIRECTOR AND NINE
6 MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR AS FOLLOWS:

7 (I) ONE MEMBER WHO IS A REPRESENTATIVE OF THE DEPARTMENT
8 OF NATURAL RESOURCES;

9 (II) ONE MEMBER WHO IS A REPRESENTATIVE OF THE DEPARTMENT
10 OF PUBLIC HEALTH AND ENVIRONMENT;

11 (III) ONE MEMBER WHO IS A REPRESENTATIVE OF THE OFFICE OF
12 THE ADJUTANT GENERAL OF THE COLORADO NATIONAL GUARD;

13 (IV) ONE MEMBER WHO HAS EXPERTISE IN ENGINEERING
14 SOLUTIONS FOR GRID-DOWN EVENTS;

15 (V) ONE MEMBER WHO IS A REPRESENTATIVE OF THE PUBLIC
16 UTILITIES COMMISSION;

17 (VI) ONE MEMBER WHO IS A REPRESENTATIVE OF THE COLORADO
18 ELECTRIC TRANSMISSION AUTHORITY;

19 (VII) ONE MEMBER WHO IS A REPRESENTATIVE OF THE
20 DEPARTMENT OF TRANSPORTATION;

21 (VIII) ONE MEMBER WHO SPECIALIZES IN THE SECURITY OF OIL
22 AND GAS OPERATIONS FROM ALL THREATS OF A GRID-DOWN EVENT; AND

23 (IX) ONE MEMBER WHO REPRESENTS LOCAL GOVERNMENTS.

24 (c) THE EXECUTIVE DIRECTOR SHALL MAKE THE INITIAL
25 APPOINTMENTS TO THE BOARD NO LATER THAN FORTY- FIVE DAYS AFTER
26 THE EFFECTIVE DATE OF THIS SECTION.

27 (d) EACH MEMBER OF THE BOARD WHO IS APPOINTED PURSUANT TO

1 SUBSECTION (3)(b) OF THIS SECTION SERVES AT THE PLEASURE OF THE
2 EXECUTIVE DIRECTOR. THE TERM OF APPOINTMENT IS SIX YEARS; EXCEPT
3 THAT, IN MAKING THE INITIAL APPOINTMENTS, THE EXECUTIVE DIRECTOR
4 SHALL APPOINT THREE MEMBERS TO SERVE FOR AN INITIAL TERM OF TWO
5 YEARS AND THREE MEMBERS TO SERVE FOR AN INITIAL TERM OF FOUR
6 YEARS.

7 (4) (a) THE EXECUTIVE DIRECTOR SHALL ORGANIZE AND CALL THE
8 FIRST MEETING OF THE BOARD NO LATER THAN FORTY-FIVE DAYS AFTER
9 THE EFFECTIVE DATE OF THIS SECTION.

10 (b) THE EXECUTIVE DIRECTOR SHALL SERVE AS THE CHAIR OF THE
11 BOARD FOR THE FIRST TWO YEARS. THE BOARD SHALL THEN ELECT A
12 CHAIR FROM AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED
13 TWO YEARS, AS DETERMINED BY THE BOARD. A MEMBER IS NOT ELIGIBLE
14 TO SERVE AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

15 (c) THE BOARD SHALL MEET AS OFTEN AS NECESSARY TO
16 COMPLETE ITS DUTIES UNDER THIS SECTION.

17 (5) THE BOARD SHALL:

18 (a) PROVIDE OVERSIGHT AND GOVERNANCE OF COLORADO'S
19 INFRASTRUCTURE ENHANCEMENT PROGRAM AND PERFORM THE DUTIES
20 REQUIRED BY THE NATIONAL DIRECTOR OF THE "INFRASTRUCTURE
21 INVESTMENT AND JOBS ACT OF 2021", PUB.L. 117-58;

22 (b) IDENTIFY ELECTRIC GRID, WATER, OIL AND NATURAL GAS, AND
23 TELECOMMUNICATIONS INFRASTRUCTURE NEEDS AND PROVIDE
24 RECOMMENDATIONS FOR ENHANCING GRID AND CRITICAL
25 INFRASTRUCTURE ENERGY RELIABILITY AND RESILIENCY THROUGHOUT
26 THE STATE THROUGH THE COLORADO ELECTRIC TRANSMISSION
27 AUTHORITY;

1 (c) OVERSEE EFFORTS TO PREVENT OR REDUCE THE SEVERITY OF
2 DAMAGE TO THE ELECTRIC GRID DUE TO A NATURAL DISASTER OR
3 HUMAN-CAUSED EMERGENCY;

4 (d) CREATE A PLAN TO ENABLE FASTER RECOVERY OF NORMAL
5 GRID OPERATIONS AFTER A GRID OUTAGE DUE TO ANY GRID-DOWN EVENT
6 AND TO MAINTAIN CRITICAL LOADS AT CRITICAL INFRASTRUCTURE SUCH
7 AS HOSPITALS, FIRE STATIONS, POLICE STATIONS, AIRPORTS, MILITARY
8 BASES, AND OTHER CRITICAL OPERATIONS THROUGHOUT COLORADO
9 DURING ANY GRID-DOWN EVENT;

10 (e) MONITOR AND IMPLEMENT BEST PRACTICES FOR CRITICAL
11 INFRASTRUCTURE PROTECTION FROM PARALLEL WORK BEING PERFORMED
12 LOCALLY OR NATIONALLY THAT WOULD APPLY TO COLORADO'S POWER,
13 OIL AND NATURAL GAS, WATER, AND TELECOMMUNICATIONS
14 INFRASTRUCTURES;

15 (f) COORDINATE EFFORTS WITH COLORADO'S DEPARTMENT OF
16 REGULATORY AGENCIES AND THE PUBLIC UTILITIES COMMISSION TO
17 ENSURE COMPLIANCE OF THE STATE'S PUBLICLY OWNED OR
18 COMMERCIALY OWNED UTILITIES ASSOCIATED WITH THE STATE'S POWER,
19 OIL AND NATURAL GAS, WATER, AND TELECOMMUNICATIONS SECTORS;

20 (g) ATTEMPT TO SECURE FUNDING, INCLUDING ANY GIFTS, GRANTS,
21 AND DONATIONS, AVAILABLE THROUGH THE FEDERAL "INFRASTRUCTURE
22 INVESTMENT AND JOBS ACT OF 2021", PUB. L. 117-58, OR ANY OTHER
23 SOURCE;

24 (h) SOLICIT SUPPORT FROM, AND COORDINATE SUPPORTING
25 EFFORTS WITH, THE FEDERAL DEFENSE THREAT REDUCTION AGENCY AND,
26 IF NECESSARY, THE FEDERAL GENERAL SERVICES ADMINISTRATION;

27 (i) COORDINATE WITH THE AUTHORITY AND SERVE AS THE

1 OVERSIGHT GOVERNING BODY FOR GRID SECURITY AND GRID
2 ALL-HAZARDS PROTECTION INFORMATION FOR THE AUTHORITY; AND

3 (j) ASSESS THE CAPACITY AND AVAILABILITY OF EXISTING
4 RESOURCES FOR RESILIENCY OF CRITICAL INFRASTRUCTURE SECTORS
5 OTHER THAN POWER, OIL AND NATURAL GAS, WATER, AND
6 TELECOMMUNICATIONS.

7 (6) TO COMPLEMENT THE PARALLEL DIRECTIVES REGARDING
8 SPECIFIC DUTIES:

9 (a) WITH REGARD TO GRID RESILIENCY, THE BOARD SHALL:

10 (I) (A) DEVELOP KNOWLEDGE ABOUT GRID RESILIENCE AND
11 CRITICAL INFRASTRUCTURE PROTECTION;

12 (B) INVITE EXPERTS IN GRID RESILIENCE OR CRITICAL
13 INFRASTRUCTURE PROTECTION TO PRESENT TO THE BOARD; AND

14 (C) DISCUSS RECOMMENDATIONS FOR STATE ACTION RELATED TO
15 INCREASING GRID RESILIENCE AND ENHANCING CRITICAL INFRASTRUCTURE
16 PROTECTION;

17 (II) PREPARE AN ANALYSIS OF COLORADO'S GRID RESILIENCE AND
18 CRITICAL INFRASTRUCTURE PROTECTION AND MAKE RECOMMENDATIONS
19 FOR IMPROVEMENTS AVAILABLE TO ALL INTERESTED PARTIES WITHIN THE
20 TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION; AND

21 (III) BY NOVEMBER 30, 2023, AND BY NOVEMBER 30 EACH YEAR
22 THEREAFTER, REPORT RECOMMENDATIONS TO INCREASE GRID RESILIENCE
23 AND ENHANCE CRITICAL INFRASTRUCTURE PROTECTION TO THE ENERGY
24 AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND
25 THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
26 SUCCESSOR COMMITTEES; AND

27 (b) WITH REGARD TO CYBER SECURITY, THE BOARD SHALL:

- 1 (I) IDENTIFY AND INFORM THE GOVERNOR OF:
- 2 (A) CYBER THREATS AND VULNERABILITIES OF COLORADO'S
- 3 CRITICAL INFRASTRUCTURE; AND
- 4 (B) CYBERSECURITY ASSETS AND RESOURCES;
- 5 (II) PERFORM AND PROVIDE TO THE GOVERNOR AN ANALYSIS OF
- 6 CURRENT CYBER INCIDENT RESPONSE CAPABILITIES, POTENTIAL CYBER
- 7 THREATS, AND AREAS OF SIGNIFICANT CONCERN WITH RESPECT TO
- 8 VULNERABILITY TO CYBER ATTACK OR SERIOUSNESS OF CONSEQUENCES IN
- 9 THE EVENT OF A CYBER ATTACK;
- 10 (III) PROVIDE RESOURCES WITH RESPECT TO CYBER ATTACKS IN
- 11 BOTH THE PUBLIC AND PRIVATE SECTORS, INCLUDING BEST PRACTICES,
- 12 EDUCATION, AND MITIGATION;
- 13 (IV) PROMOTE CYBER SECURITY AWARENESS;
- 14 (V) SHARE INFORMATION;
- 15 (VI) PROMOTE BEST PRACTICES TO PREVENT AND MITIGATE CYBER
- 16 ATTACKS;
- 17 (VII) ENHANCE CYBER CAPABILITIES AND RESPONSE FOR ALL
- 18 COLORADO RESIDENTS;
- 19 (VIII) PROVIDE CONSISTENT OUTREACH AND COLLABORATION
- 20 WITH PRIVATE AND PUBLIC SECTOR ORGANIZATIONS; AND
- 21 (IX) SHARE CYBER THREAT INTELLIGENCE WITH OPERATORS AND
- 22 OVERSEERS OF COLORADO'S CRITICAL INFRASTRUCTURE.
- 23 (7) THE BOARD MAY CONTRACT WITH A THIRD PARTY TO ASSIST IN
- 24 CARRYING OUT THE BOARD'S DUTIES UNDER THIS SECTION.
- 25 (8) NO LATER THAN THIRTY DAYS AFTER THE GENERAL ASSEMBLY
- 26 CONVENES IN THE 2025 REGULAR LEGISLATIVE SESSION, AND NO LATER
- 27 THAN THIRTY DAYS AFTER THE GENERAL ASSEMBLY CONVENES IN THE

1 REGULAR LEGISLATIVE SESSION EVERY YEAR THEREAFTER, THE BOARD
2 SHALL REPORT TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
3 HOUSE OF REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY
4 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE
5 REPORT MUST INCLUDE A SUMMARY OF THE BOARD'S ACTIONS TO
6 ENHANCE THE ELECTRIC GRID AND OTHER CRITICAL INFRASTRUCTURE
7 SECTOR SECURITY AND RESILIENCY.

8 (9) IN CARRYING OUT ITS DUTIES, THE BOARD SHALL TAKE
9 APPROPRIATE MEASURES TO PROTECT CONFIDENTIAL OR SENSITIVE
10 INFORMATION FROM PUBLIC RELEASE IF THE RELEASE OF THAT
11 INFORMATION COULD EXPOSE CRITICAL INFRASTRUCTURE TO ATTACK OR
12 DAMAGE.

13 (10)(a) NOT LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE
14 OF THIS SECTION, THE BOARD SHALL COORDINATE WITH UNITED STATES
15 DEPARTMENT OF DEFENSE MANAGEMENT PERSONNEL FROM THE FEDERAL
16 DEFENSE THREAT REDUCTION AGENCY AND PROVIDE THE PERSONNEL WITH
17 SUPPORTING DOCUMENTS NEEDED FOR THE RELEASE OF A REQUEST FOR
18 PROPOSAL FOR THE PORTION OF THE BOARD'S DUTIES UNDER THIS SECTION
19 THAT WILL REQUIRE A THIRD-PARTY CONTRACTOR.

20 (b) THE SUPPORTING DOCUMENTS MUST INCLUDE, BUT ARE NOT
21 LIMITED TO, A STATEMENT OF OBJECTIVES, A STATEMENT OF WORK, AND
22 A STATEMENT OF QUALIFICATIONS TO BE IMPLEMENTED BY SPONSORING
23 AGENCIES, SUCH AS THE FEDERAL DEFENSE THREAT REDUCTION AGENCY
24 OR THE FEDERAL GENERAL SERVICES ADMINISTRATION, OR THEIR
25 RECOMMENDED AGENCIES.

26 (11) NOTHING IN THIS SECTION DELEGATES OR DETRACTS FROM
27 THE FUNCTIONS, POWERS, AND DUTIES CONFERRED BY LAW ON ANY STATE

1 OR LOCAL AGENCY.

2 (12) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.
3 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
4 ACCORDANCE WITH SECTION 24-34-104.

5 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
6 (28)(a)(VII) as follows:

7 **24-34-104. General assembly review of regulatory agencies**
8 **and functions for repeal, continuation, or reestablishment - legislative**
9 **declaration - repeal.** (28) (a) The following agencies, functions, or both,
10 are scheduled for repeal on September 1, 2027:

11 (VII) THE COLORADO RESILIENT INFRASTRUCTURE BOARD
12 CREATED IN SECTION 24-38.5-113.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2022 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.