

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0061.01 Duane Gall x4335

HOUSE BILL 15-1363

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HOUSE SPONSORSHIP

Ginal, Roupe, Singer

SENATE SPONSORSHIP

Hill,

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House Committees

Transportation & Energy  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING FORTIFICATION OF COLORADO'S LIFELINE  
102 INFRASTRUCTURE TO WITHSTAND LARGE-SCALE  
103 ELECTROMAGNETIC DISTURBANCES.

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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://www.leg.state.co.us/bills summaries>.)*

The bill requires the Colorado public utilities commission to examine and make recommendations for mitigation of the vulnerability of existing electric generation, transmission, and distribution facilities and other vital infrastructure to electromagnetic pulse (EMP) and geomagnetic storms. The bill directs the commission to take into account

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

the progress of similar efforts at the federal and regional level and to estimate the costs and effects, both statewide and regionally, of the adoption of any potential mitigation measures.

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

2           **SECTION 1.** In Colorado Revised Statutes, 40-1-102, **add** (7.5),  
3 (8.3), and (8.7) as follows:

4           **40-1-102. Definitions.** As used in articles 1 to 7 of this title,  
5 unless the context otherwise requires:

6           (7.5) "ELECTROMAGNETIC PULSE" OR "EMP" MEANS ONE OR MORE  
7 PULSES OF ELECTROMAGNETIC ENERGY CAPABLE OF DISABLING,  
8 DISRUPTING, OR DESTROYING LIFELINE INFRASTRUCTURE.

9           (8.3) "GEOMAGNETIC STORM" MEANS A TEMPORARY DISTURBANCE  
10 OF THE EARTH'S MAGNETIC FIELD RESULTING FROM SOLAR ACTIVITY.

11           (8.7) "LIFELINE INFRASTRUCTURE" MEANS AN ELECTRIC  
12 GENERATION, TRANSMISSION, OR DISTRIBUTION SYSTEM AND ANY OTHER  
13 SYSTEM FOR THE PRODUCTION, TRANSMISSION, OR DISTRIBUTION OF  
14 PUBLIC UTILITY SERVICE IN COLORADO. THE TERM INCLUDES THE  
15 ELECTRIC GRID, WATER AND GAS PIPELINES, IRRIGATION SYSTEMS,  
16 TELECOMMUNICATION NETWORKS, AND THE ELECTRONIC OR  
17 ELECTROMECHANICAL CONTROL OR ROUTING COMPONENTS OF ANY SUCH  
18 SYSTEM OR NETWORK.

19           **SECTION 2.** In Colorado Revised Statutes, **add** 40-4-120 as  
20 follows:

21           **40-4-120. EMP-resistant transmission and distribution**  
22 **facilities - review by commission - rules - report to general assembly.**

23 (1) BY JANUARY 20, 2016, THE COMMISSION SHALL:

24           (a) EXAMINE THE VULNERABILITIES OF THE STATE'S ELECTRIC

1 GENERATION, TRANSMISSION, AND DISTRIBUTION SYSTEMS AND OTHER  
2 LIFELINE INFRASTRUCTURE TO THE POTENTIAL NEGATIVE IMPACTS OF A  
3 GEOMAGNETIC STORM OR ELECTROMAGNETIC PULSE; AND

4 (b) REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE  
5 GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 24-1-136(9), C.R.S.,  
6 AND THE GOVERNOR.

7 (2) IN CONDUCTING ITS EXAMINATION UNDER THIS SECTION, THE  
8 COMMISSION SHALL:

9 (a) IDENTIFY THE MOST VULNERABLE COMPONENTS OF THE STATE'S  
10 LIFELINE INFRASTRUCTURE;

11 (b) IDENTIFY POTENTIAL MITIGATION MEASURES TO DECREASE THE  
12 NEGATIVE IMPACTS OF A GEOMAGNETIC STORM OR ELECTROMAGNETIC  
13 PULSE ON THESE COMPONENTS;

14 (c) ESTIMATE THE COSTS OF POTENTIAL MITIGATION MEASURES  
15 AND DEVELOP OPTIONS FOR LOW-COST, MID-COST, AND HIGH-COST  
16 MITIGATION MEASURES;

17 (d) EXAMINE THE POSITIVE AND NEGATIVE EFFECTS OF REQUIRING  
18 UTILITIES TO INCORPORATE MITIGATION MEASURES INTO THE  
19 CONSTRUCTION OF NEW FACILITIES, RETROFIT EXISTING FACILITIES, OR  
20 BOTH, INCLUDING AN ASSESSMENT OF ANY POTENTIAL EFFECTS THAT  
21 THESE REQUIREMENTS MAY HAVE ON THE ELECTRIC GRID OUTSIDE OF  
22 COLORADO;

23 (e) PROPOSE A TIME FRAME FOR ADOPTING ANY RECOMMENDED  
24 MITIGATION MEASURES;

25 (f) PROPOSE APPROPRIATE FUNDING SOURCES AND APPROPRIATE  
26 METHODS OF ALLOCATING THE COSTS INCURRED BY COLORADO PUBLIC  
27 UTILITIES IN IMPLEMENTING ANY RECOMMENDED MITIGATION MEASURES;

1 AND

2 (g) IDENTIFY POTENTIAL SOURCES OF ADDITIONAL FUNDING  
3 THROUGH FEDERAL AGENCIES.

4 (3) IN CONDUCTING ITS EXAMINATION AND MAKING ITS REPORT  
5 UNDER THIS SECTION, THE COMMISSION:

6 (a) MAY, BUT NEED NOT, CONFER WITH:

7 (I) THE COLORADO SMART GRID TASK FORCE CREATED IN SECTION  
8 40-4-118;

9 (II) THE COLORADO NATIONAL GUARD;

10 (III) THE COLORADO DEPARTMENT OF PUBLIC SAFETY;

11 (IV) THE FEDERAL DEPARTMENT OF HOMELAND SECURITY; AND

12 (V) OTHER PUBLIC AND PRIVATE INDIVIDUALS AND ENTITIES WITH  
13 RELEVANT EXPERTISE; AND

14 (b) SHALL ACTIVELY MONITOR THE EFFORTS BY THE FEDERAL  
15 ENERGY REGULATORY COMMISSION, THE NORTH AMERICAN ELECTRIC  
16 RELIABILITY CORPORATION, ISO NEW ENGLAND, AND OTHER REGIONAL  
17 AND FEDERAL ORGANIZATIONS TO DEVELOP RELIABILITY STANDARDS  
18 RELATED TO GEOMAGNETIC DISTURBANCES AND EMP.

19 (4) (a) THE COMMISSION'S REPORT MAY BE REDACTED OR  
20 OTHERWISE EDITED TO OMIT TRADE SECRETS, INFORMATION ABOUT THE  
21 SPECIFIC VULNERABILITIES OF IDENTIFIED SYSTEMS, AND OTHER  
22 INFORMATION THAT THE COMMISSION DETERMINES SHOULD NOT BE  
23 PUBLICLY DISSEMINATED DUE TO PRIVACY OR SECURITY CONCERNS.  
24 UNPUBLISHED DRAFTS OF THE COMMISSION'S REPORT AND ALL DATA  
25 COLLECTED BY THE COMMISSION PURSUANT TO THIS SECTION ARE HEREBY  
26 DECLARED EXEMPT FROM DISCLOSURE UNDER THE "COLORADO OPEN  
27 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.; EXCEPT THAT

1 INFORMATION THAT WOULD OTHERWISE BE AVAILABLE OR DISCOVERABLE  
2 IS NOT RENDERED UNAVAILABLE OR UNDISCOVERABLE SOLELY BECAUSE  
3 IT IS FURNISHED TO THE COMMISSION PURSUANT TO THIS SECTION.

4 (b) THE COMMISSION MAY EMPLOY ONE OR MORE PERSONS WITH  
5 SPECIAL EXPERTISE IN DATA SECURITY TO ASSIST IN THE PREPARATION OF  
6 THE REPORT.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.