

HB1363_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.HB15-1363 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 40-1-102, **add** (7.5),
4 (8.3), and (8.7) as follows:

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

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

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

12 (8.7) "LIFELINE INFRASTRUCTURE" MEANS AN ELECTRIC
13 GENERATION, TRANSMISSION, OR DISTRIBUTION SYSTEM OR ANY OTHER
14 SYSTEM FOR THE PRODUCTION, TRANSMISSION, OR DISTRIBUTION OF
15 ELECTRIC UTILITY SERVICE IN COLORADO.

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

18 **40-4-120. EMP-resistant transmission and distribution**
19 **facilities - review by commission - rules - report to general assembly.**

20 (1) SUBJECT TO SUBSECTION (5) OF THIS SECTION, BY JANUARY 20, 2016,
21 THE COMMISSION SHALL:

22 (a) EXAMINE THE VULNERABILITIES OF THE STATE'S ELECTRIC
23 GENERATION, TRANSMISSION, AND DISTRIBUTION SYSTEMS AND OTHER
24 LIFELINE INFRASTRUCTURE TO THE POTENTIAL NEGATIVE IMPACTS OF A
25 GEOMAGNETIC STORM OR ELECTROMAGNETIC PULSE; AND

26 (b) REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE
27 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE OF THE
28 SENATE AND THE TRANSPORTATION AND ENERGY COMMITTEE OF THE
29 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

30 (2) IN CONDUCTING ITS EXAMINATION UNDER THIS SECTION, THE
31 COMMISSION SHALL:

32 (a) IDENTIFY THE MOST VULNERABLE COMPONENTS OF THE STATE'S
33 LIFELINE INFRASTRUCTURE;

34 (b) IDENTIFY POTENTIAL MITIGATION MEASURES TO DECREASE THE
35 NEGATIVE IMPACTS OF A GEOMAGNETIC STORM OR ELECTROMAGNETIC
36 PULSE ON THESE COMPONENTS;

37 (c) ESTIMATE THE COSTS OF POTENTIAL MITIGATION MEASURES



1 AND DEVELOP OPTIONS FOR LOW-COST, MID-COST, AND HIGH-COST
2 MITIGATION MEASURES;

3 (d) EXAMINE THE POSITIVE AND NEGATIVE EFFECTS OF REQUIRING
4 UTILITIES TO INCORPORATE MITIGATION MEASURES INTO THE
5 CONSTRUCTION OF NEW FACILITIES, RETROFIT EXISTING FACILITIES, OR
6 BOTH, INCLUDING AN ASSESSMENT OF ANY POTENTIAL EFFECTS THAT
7 THESE REQUIREMENTS MAY HAVE ON THE ELECTRIC GRID OUTSIDE OF
8 COLORADO;

9 (e) PROPOSE A TIME FRAME FOR ADOPTING ANY RECOMMENDED
10 MITIGATION MEASURES;

11 (f) PROPOSE APPROPRIATE FUNDING SOURCES AND APPROPRIATE
12 METHODS OF ALLOCATING THE COSTS INCURRED BY COLORADO PUBLIC
13 UTILITIES IN IMPLEMENTING ANY RECOMMENDED MITIGATION MEASURES;
14 AND

15 (g) IDENTIFY POTENTIAL SOURCES OF ADDITIONAL FUNDING
16 THROUGH FEDERAL AGENCIES.

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

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

20 (I) THE COLORADO SMART GRID TASK FORCE CREATED IN SECTION
21 40-4-118;

22 (II) THE COLORADO NATIONAL GUARD;

23 (III) THE COLORADO DEPARTMENT OF PUBLIC SAFETY;

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

25 (V) OTHER PUBLIC AND PRIVATE INDIVIDUALS AND ENTITIES WITH
26 RELEVANT EXPERTISE, INCLUDING THE SCIENCE AND ENGINEERING
27 FACULTY AND RESEARCH STAFF AT COLORADO INSTITUTIONS OF HIGHER
28 EDUCATION;

29 (b) SHALL ACTIVELY MONITOR THE EFFORTS BY THE FEDERAL
30 ENERGY REGULATORY COMMISSION, THE NORTH AMERICAN ELECTRIC
31 RELIABILITY CORPORATION, ISO NEW ENGLAND, AND OTHER REGIONAL
32 AND FEDERAL ORGANIZATIONS TO DEVELOP RELIABILITY STANDARDS
33 RELATED TO GEOMAGNETIC DISTURBANCES AND EMP; AND

34 (c) IS ENCOURAGED TO:

35 (I) EMPLOY, FOR ESTABLISHMENT OF THE BASELINE EMP THREAT,
36 UNCLASSIFIED STUDIES BY THE CONGRESSIONAL EMP COMMISSION AND
37 BY OAK RIDGE NATIONAL LABORATORY AND META TECH, INC. OF ,
38 FOR THE UNITED STATES FEDERAL ENERGY REGULATORY COMMISSION;
39 AND

40 (II) FOR ANALYSIS AND DRAFTING OF THE REPORT, CONSULT WITH
41 NATIONALLY RECOGNIZED INDEPENDENT SUBJECT MATTER EXPERTS ON

1 ELECTROMAGNETIC THREATS TO LIFELINE INFRASTRUCTURES INCLUDING
2 EMP AND GEOMAGNETIC STORM.

3 (4) (a) THE COMMISSION'S REPORT MAY BE REDACTED OR
4 OTHERWISE EDITED TO OMIT TRADE SECRETS, INFORMATION ABOUT THE
5 SPECIFIC VULNERABILITIES OF IDENTIFIED SYSTEMS, AND OTHER
6 INFORMATION THAT THE COMMISSION DETERMINES SHOULD NOT BE
7 PUBLICLY DISSEMINATED DUE TO PRIVACY OR SECURITY CONCERNS.
8 HOWEVER, INsofar AS IS POSSIBLE WITHOUT COMPROMISING PRIVACY OR
9 SECURITY, THE GENERAL ASSEMBLY ENCOURAGES THE COMMISSION TO
10 PROMOTE TRANSPARENCY AND FRANK DISCUSSION OF THE GENERAL
11 NATURE, SCOPE, COSTS, AND BENEFITS OF IMPROVEMENTS TO COLORADO'S
12 LIFELINE INFRASTRUCTURE SO AS TO ENHANCE PUBLIC AWARENESS OF THE
13 ISSUES IDENTIFIED IN THE REPORT. UNPUBLISHED DRAFTS OF THE
14 COMMISSION'S REPORT AND ALL DATA COLLECTED BY THE COMMISSION
15 PURSUANT TO THIS SECTION ARE HEREBY DECLARED EXEMPT FROM
16 DISCLOSURE UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
17 ARTICLE 72 OF TITLE 24, C.R.S.; EXCEPT THAT INFORMATION THAT WOULD
18 OTHERWISE BE AVAILABLE OR DISCOVERABLE IS NOT RENDERED
19 UNAVAILABLE OR UNDISCOVERABLE SOLELY BECAUSE IT IS FURNISHED TO
20 THE COMMISSION PURSUANT TO THIS SECTION.

21 (b) THE COMMISSION MAY EMPLOY ONE OR MORE PERSONS WITH
22 SPECIAL EXPERTISE IN DATA SECURITY TO ASSIST IN THE PREPARATION OF
23 THE REPORT.

24 (5) **Funding.** (a) THE COMMISSION MAY ACCEPT GIFTS, GRANTS,
25 AND DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCE FOR THE PURPOSE
26 OF PREPARING ITS REPORT AS SPECIFIED IN THIS SECTION. ALL SUCH GIFTS,
27 GRANTS, AND DONATIONS SHALL BE HELD IN A SEPARATE ACCOUNT WITHIN
28 THE FIXED UTILITY FUND CREATED IN SECTION 40-2-114 AND ARE
29 AVAILABLE TO THE COMMISSION ONLY FOR THE PURPOSE OF CARRYING
30 OUT ITS DUTIES UNDER THIS SECTION. THE ACCOUNT ALSO CONSISTS OF
31 MONEYS APPROPRIATED AND TRANSFERRED TO THE ACCOUNT. ANY
32 UNEXPENDED OR UNENCUMBERED MONEYS REMAINING IN THE ACCOUNT
33 AS OF JULY 1, 2016, REVERT TO THE FIXED UTILITY FUND.

34 (b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
35 COMMISSION NOT BE REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS
36 FROM ANY SOURCE FOR THE PURPOSES OF THIS SECTION AND THAT NO
37 GENERAL FUND MONEYS BE USED TO PAY FOR THE REPORT UNDER THIS
38 SECTION.

39 (c) IF, BY SEPTEMBER 1, 2015, MONEYS IN THE ACCOUNT CREATED
40 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) HAVE NOT
41 REACHED AN AMOUNT SUFFICIENT TO PAY THE COMMISSION'S ESTIMATED

1 EXPENSES OF PRODUCING THE REPORT:
2 (I) THE COMMISSION SHALL NOT UNDERTAKE ANY DUTIES
3 PURSUANT TO THIS SECTION AND SHALL RETURN TO EACH GRANTOR OR
4 DONOR AN AMOUNT EQUAL TO THE GRANTOR'S OR DONOR'S
5 CONTRIBUTION; AND
6 (II) THE STATE TREASURER SHALL TRANSFER THE INTEREST, IF
7 ANY, EARNED FROM THE INVESTMENT OF MONEYS IN THE ACCOUNT TO THE
8 GENERAL FUND.
9 **SECTION 3. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety."

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