

SB122\_L.001

## SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee\_\_\_\_\_  
DateCommittee on Local Government and Energy.

After consideration on the merits, the Committee recommends the following:

SB09-122 be amended as follows:

1 Amend printed bill, page 3, after line 1, insert the following:

2           "(b) (I) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE  
3 SAFETY SHALL COMPLY WITH ALL REQUIREMENTS OF 6 U.S.C. SEC. 101, ET.  
4 SEQ., AS AMENDED, THE IMPLEMENTING REGULATIONS THERETO, AS  
5 AMENDED, AND THE APPLICABLE PROCEDURES ESTABLISHED BY THE  
6 UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE RELEASE  
7 OF CRITICAL INFRASTRUCTURE INFORMATION.

8           (II) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY  
9 SHALL NOT RELEASE CRITICAL INFRASTRUCTURE INFORMATION UNLESS  
10 ALL PERSONS THAT WILL HAVE ACCESS TO THE INFORMATION REQUESTED  
11 HAVE A CURRENT AND ACCEPTABLE BACKGROUND INVESTIGATION  
12 CONDUCTED BY, AND AT THE EXPENSE OF, THE DEPARTMENT OF PUBLIC  
13 SAFETY. THE BACKGROUND INVESTIGATION SHALL INCLUDE A REFERENCE  
14 BACKGROUND CHECK, A FINGERPRINT CRIMINAL HISTORY BACKGROUND  
15 CHECK, AND A BACKGROUND INVESTIGATION THAT GOES BEYOND THE  
16 SCOPE OF A FINGERPRINT CRIMINAL HISTORY BACKGROUND CHECK.

17           (c) ANY RECIPIENT OF CRITICAL INFRASTRUCTURE INFORMATION  
18 PROVIDED BY THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY  
19 SHALL:

20           (I) ONLY USE THE CRITICAL INFRASTRUCTURE INFORMATION FOR  
21 THE PURPOSES SET FORTH IN 6 U.S.C. SEC. 101, ET. SEQ., AS AMENDED, THE  
22 IMPLEMENTING REGULATIONS THERETO, AS AMENDED, AND THE

1 APPLICABLE PROCEDURES ESTABLISHED BY THE UNITED STATES  
2 DEPARTMENT OF HOMELAND SECURITY FOR THE RELEASE OF CRITICAL  
3 INFRASTRUCTURE INFORMATION; AND

4 (II) ENTER INTO AN INDIVIDUAL NONDISCLOSURE AGREEMENT  
5 PROVIDED OR APPROVED BY THE OFFICE OF PREPAREDNESS, SECURITY, AND  
6 FIRE SAFETY.

7 (d) ANY PERSON WHO KNOWINGLY PUBLISHES, DIVULGES, OR  
8 MAKES KNOWN IN ANY MANNER OR TO ANY EXTENT NOT AUTHORIZED BY  
9 LAW ANY CRITICAL INFRASTRUCTURE INFORMATION PROTECTED FROM  
10 DISCLOSURE BY THIS SUBSECTION (2) SHALL BE GUILTY OF A CLASS 1  
11 MISDEMEANOR."

12 Renumber succeeding paragraph accordingly.

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