

AN ACT
RELATING TO THE ENVIRONMENT; AUTHORIZING A POLLUTION
PREVENTION PROGRAM; PROVIDING FOR CERTAIN BUSINESS SENSITIVE
INFORMATION TO BE CONFIDENTIAL AND NOT SUBJECT TO THE PUBLIC
RECORDS ACT; PROVIDING FOR A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Environmental
Improvement Act is enacted to read:

"GREEN ZIA PROGRAM - BUSINESS SENSITIVE INFORMATION
CONFIDENTIAL. - -

A. The department may develop and administer a
pollution prevention program to be known as the "green zia
program". The department may enter into contracts with the
federal government, promulgate rules and take other actions
appropriate and necessary to produce an efficient and
effective program.

B. Information provided to the department in
accordance with the green zia program may be subject to
confidentiality if the person furnishing the information
demonstrates to the department that the information would
divulge confidential methods or processes entitled to
protection as trade secrets. If the department determines
that the information is subject to confidentiality, the
secretary shall promulgate a determination of
confidentiality with an order of confidentiality.

Confidential information may be disclosed to employees or authorized representatives of the department, but they shall not disclose the information to any other person.

C. A person who violates an order of confidentiality by disclosing confidential information pursuant to this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) per violation or by imprisonment for a definite term of one year or both. "_____