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HOUSE BILL 270

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Pauline K. Gubbels

AN ACT

RELATING TO THE ENVIRONMENT; AUTHORIZING THE DEPARTMENT OF ENVIRONMENT TO DEVELOP AND ADMINISTER A POLLUTION PREVENTION PROGRAM.

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:

"[NEW MATERIAL] DEPARTMENT AUTHORIZED TO DEVELOP AND ADMINISTER A POLLUTION PREVENTION PROGRAM--SECRETARY TO ADOPT RULES--CONFIDENTIAL NATURE OF CERTAIN INFORMATION OBTAINED.--

A. The department may develop and administer a pollution prevention program. To implement this authority the department may enter into contracts with the federal government, develop proposed rules and take other actions appropriate and necessary to produce an efficient and effective program.

.130366.2

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1           B. The secretary shall promulgate rules to carry  
2 out the purposes of a pollution prevention program developed  
3 pursuant to this section.

4           C. Records, reports or information obtained by the  
5 department pursuant to its administration of a pollution  
6 prevention program shall be generally available to the  
7 public. Records, reports or information or particular parts  
8 of the records, reports or information shall be held  
9 confidential if the person furnishing the records, reports or  
10 information requests that status and can demonstrate to the  
11 department that the records, reports or information or  
12 particular parts of the records, reports or information, if  
13 made public, would divulge confidential business records or  
14 methods or processes entitled to protection as trade secrets.  
15 The secretary shall promulgate a written determination of  
16 confidentiality. A record, report or information determined  
17 to be confidential may be disclosed to officers, employees or  
18 authorized representatives of the department concerned with  
19 carrying out the purposes and provisions of this section.

20           D. The secretary shall promulgate rules to  
21 implement the provisions of Subsection C of this section, and  
22 those rules shall specify business records entitled to  
23 protection as confidential.

24           E. An officer, employee or authorized  
25 representative of the department who knowingly or willfully  
publishes, divulges, discloses or makes known any information  
that is required to be determined confidential pursuant to

underscoring material = new  
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1 this section is guilty of a misdemeanor and shall be  
2 sentenced in accordance with Section 31-19-1 NMSA 1978."

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