

**NOTE: As provided in LFC policy, this report is intended for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.**

**Only the most recent FIR version, excluding attachments, is available on the Intranet. Previously issued FIRs and attachments may be obtained from the LFC office in Suite 101 of the State Capitol Building North.**

## FISCAL IMPACT REPORT

SPONSOR: Gubbels DATE TYPED: 02/06/01 HB 536  
 SHORT TITLE: Business Sensitive Information Confidential SB \_\_\_\_\_  
 ANALYST: Belmares

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Department of Environment  
 Energy, Minerals, and Natural Resources Department

### SUMMARY

#### Synopsis of Bill

House Bill 536 authorizes the Department of Environment to develop and administer a pollution prevention program known as “Green Zia.” House Bill 256 also establishes that information provided to the Department of Environment in accordance with the Green Zia program may be subject to confidentiality if the person furnishing the information demonstrates to the Department of Environment that the information would divulge confidential business record, methods, or processes entitled to protection as trade secrets.

#### Significant Issues

The Department of Environment operates the Green Zia program as a pollution prevention initiative. The Green Zia program is a voluntary recognition program used to provide technical assistance, training and assessment tools to assist organizations in developing pollution prevention programs. The program is applicable to small and large businesses and facilities as well as federal facilities.

The Green Zia program is voluntary and participating organizations submit applications to the Department of Environment. Specific business information included in applications to the Green Zia program such as production information, waste information or business processes may be deemed business sensitive or a trade secret and may be held in confidence by the department. The Cabinet Secretary of the Department of Environment makes the determination of confidentiality on a case-by-case basis.

## **House Bill 536 -- Page 2**

House Bill 536 establishes a process by which the Cabinet Secretary of the Department of Environment would promulgate a determination of confidentiality with an order of confidentiality. House Bill 536 prohibits confidential information from being disclosed to persons other than employees or authorized representatives of the Department of Environment.

EB/ar