

1 AN ACT relating to solid waste management service companies.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 109.045 is amended to read as follows:

4 (1) As used in this section, "confidential business information" means the following
5 information relating to ~~privately~~ contracted solid waste management services ~~that~~
6 ~~are not being provided pursuant to a franchise agreement~~:

7 (a) Commercial or residential customer service prices; ~~or~~

8 (b) Commercial or residential customer lists; ***and***

9 ***(c) Any other proprietary or sensitive business information of a service***
10 ***company or its customers.***

11 (2) Notwithstanding any provision of law to the contrary, unless by order of a court of
12 competent jurisdiction, a county or waste management district, or ***any of*** its agents,
13 officials, ~~or~~ employees, ***contractors, consultants, or other persons acting on its***
14 ***behalf or for its benefit,*** shall not compel the production or submission of, ***or***
15 ***otherwise request, acquire, receive, review, or possess*** confidential business
16 information from a service company or its customers ***by any means, including but***
17 ***not limited to requests made to other public agencies that may cause the release***
18 ***of confidential business information*** ~~to any county or waste management district~~.

19 ***(3) Notwithstanding any provision of law to the contrary, confidential business***
20 ***information shall be exempt from disclosure under the requirements of KRS***
21 ***61.870 to 61.884.***

22 ***(4) If any confidential business information is obtained in violation of this section,***
23 ***the county or waste management district shall:***

24 ***(a) Immediately secure the information to prevent further access or***
25 ***dissemination;***

26 ***(b) Require the return or certified destruction of the confidential business***
27 ***information; and***

- 1 (c) Document all corrective action taken.
- 2 (5) This section shall not prohibit payment for work that a contractor can
- 3 demonstrate is uninfluenced by and independent from confidential business
- 4 information.