

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.