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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative McFarland to Engrossed House Bill No. 615 by Representative Bishop

1 AMENDMENT NO. 1

2 On page 3, between lines 6 and 7, insert the following:

3 "(3) A court or administrative hearings official with competent jurisdiction
4 may require disclosure of a portion of an voluntary environmental audit report in a
5 civil or administrative proceeding if the court or administrative hearings official
6 determines, after an in camera review consistent with the appropriate rules of
7 procedure, one or more of the following is proven by the party seeking the
8 disclosure:

9 (a) The privilege is asserted for a fraudulent purpose.

10 (b) The portion of the voluntary environmental audit report is not subject to
11 the privilege under this Subsection.

12 (c) The portion of the voluntary environmental audit report shows evidence
13 of noncompliance with an environmental or health and safety law and appropriate
14 efforts to achieve compliance with the law were not promptly initiated and pursued
15 with reasonable diligence after discovery of noncompliance."

16 AMENDMENT NO. 2

17 On page 3, at the beginning of line 7, change "(3)" to "(4)" and at the beginning of line 12,
18 change "(4)" to "(5)"

19 AMENDMENT NO. 3

20 Delete House Floor Amendment Nos. 5 and 6 by Rep. Connick (#2090) adopted by the
21 House on May 16, 2019