

Session 113 - (1999-2000)

H*4618 (Rat #0292, Act #0270 of 2000) General Bill, By Sharpe, Davenport and Wilkes

Summary: Environmental audit privilege, voluntary disclosure; information privileged, exception; Courts, Conservation, DHEC

A BILL TO AMEND CHAPTER 57, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENVIRONMENTAL AUDIT PRIVILEGES AND VOLUNTARY DISCLOSURE, SO AS TO PROVIDE THAT AN ENVIRONMENTAL AUDIT REPORT IS PRIVILEGED, IMMUNE FROM DISCOVERY, AND INADMISSIBLE IN CERTAIN CIVIL OR ADMINISTRATIVE PENALTY ACTIONS AND THAT NO PRIVILEGE APPLIES IN CRIMINAL INVESTIGATIONS OR PROCEEDINGS; TO CLARIFY ADDITIONAL DOCUMENTS AND INFORMATION THAT ARE NOT SUBJECT TO THE PRIVILEGE; TO PROVIDE THAT THE PRIVILEGE CONTINUES FOR CIVIL AND ADMINISTRATIVE PROCEEDINGS WHEN AN AUDIT HAS BEEN OBTAINED OR USED IN A CRIMINAL PROCEEDING; TO CLARIFY AUDIT NOTIFICATION REQUIREMENTS; TO REQUIRE A PERSON CLAIMING IMMUNITY BECAUSE OF A VOLUNTARY DISCLOSURE OF AN ENVIRONMENTAL VIOLATION TO PROVE SPECIFIC ELEMENTS IN ORDER TO BE ENTITLED TO IMMUNITY AND FOR THE BURDENS OF PROOF IN THIS REGARD; AND TO PROVIDE ADDITIONAL CIRCUMSTANCES UNDER WHICH A DISCLOSURE IS NOT VOLUNTARY.

02/15/00 House Introduced and read first time HJ-25

02/15/00 House Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-25

04/05/00 House Committee report: Favorable Agriculture, Natural Resources and Environmental Affairs HJ-6

04/11/00 House Read second time HJ-24

04/12/00 House Read third time and sent to Senate HJ-33

04/13/00 Senate Introduced, read first time, placed on calendar without reference SJ-13

04/19/00 Senate Read second time SJ-37

04/20/00 Senate Read third time and enrolled SJ-16

04/26/00 Ratified R 292

05/01/00 Signed By Governor

05/01/00 Effective date 05/01/00

05/15/00 Copies available

05/16/00 Act No. 270