

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 240, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be **AMENDED** as follows:

- 1 Page 1, delete lines 9 through 11.
- 2 Page 2, line 21, strike "subsection (b)," and insert "**subsections (b)**
- 3 **and (c),**".
- 4 Page 2, line 27, reset in roman "may submit".
- 5 Page 2, line 27, delete "that submits".
- 6 Page 2, line 28, reset in roman "as a confidential document under
- 7 IC 5-14-3 without".
- 8 Page 2, line 29, reset in roman "waiving a".
- 9 Page 2, line 29, delete "waives any".
- 10 Page 2, line 30, delete "If the department determines under".
- 11 Page 2, delete lines 31 through 42, begin a new paragraph and
- 12 insert:
- 13 "**(c) When the department or a prosecuting attorney obtains,**
- 14 **reviews, or uses an audit report in a criminal proceeding, the**
- 15 **administrative or civil evidentiary privilege created by this chapter**
- 16 **is not waived or eliminated for any other purpose.**
- 17 SECTION 5. IC 13-28-4-11 IS ADDED TO THE INDIANA CODE
- 18 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: **Sec. 11. (a) The department shall propose an**
2 **enforcement policy that provides relief from civil penalties for a**
3 **voluntary disclosure that results from an internal environmental**
4 **audit. The penalty relief provided by the policy must be**
5 **commensurate with the relief provided under similar policies**
6 **implemented by:**
7 (1) the United States Environmental Protection Agency; and
8 (2) states adjoining Indiana.
9 (b) Not later than September 1, 1999, the department shall
10 present the policy to the environmental quality service council for
11 discussion.
12 (c) Not later than November 1, 1999, the department shall
13 publish the policy.
14 (d) The department shall report annually to the environmental
15 quality service council on the use and effectiveness of the policy."
16 Page 3, delete lines 1 through 16.
(Reference is to SB 240 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 4, Nays 3.

Senator Gard, Chairperson