

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 1003

By: Allen

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5  
6 AS INTRODUCED

7 An Act relating to environment and natural resources;  
8 creating the Oklahoma Environmental, Health and  
9 Safety Audit Privilege Act; stating purpose of act;  
10 defining terms; establishing applicability of act;  
11 providing for codification; and providing an  
12 effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1-4-110 of Title 27A, unless  
16 there is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Oklahoma  
18 Environmental, Health and Safety Audit Privilege Act".

19 SECTION 2. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-4-111 of Title 27A, unless  
21 there is created a duplication in numbering, reads as follows:

22 The purpose of this act is to encourage voluntary compliance  
23 with environmental and occupational health and safety laws.

24 A regulatory agency in this state shall not adopt a rule or  
25 impose a condition that circumvents the purpose of this act.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-4-112 of Title 27A, unless  
3 there is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Acquisition closing date" means the date on which ownership  
6 of, or a direct or indirect majority interest in the ownership of, a  
7 regulated facility or operation is acquired in an asset purchase,  
8 equity purchase, merger or similar transaction;

9 2. "Audit report" means the final report in a written document  
10 which contains the comments and recommendations of the auditor;

11 3. "Environmental or health and safety audit" or "audit" means  
12 a systematic voluntary evaluation, review or assessment of  
13 compliance with environmental or health and safety laws or with any  
14 permit issued under an environmental or health and safety law  
15 conducted by an owner or operator, an employee of an owner or  
16 operator, a person, including an employee or independent contractor  
17 of the person, that is considering the acquisition of a regulated  
18 facility or operation or an independent contractor of:

19 a. a regulated facility or operation, or

20 b. an activity at a regulated facility or operation;

21 4. "Environmental or health and safety law" means:

22 a. a federal or state environmental or occupational  
23 health and safety law, or

1           b. a rule, regulation or regional or local law adopted in  
2                    conjunction with a law described by subparagraph a of  
3                    this paragraph;

4           5. "Owner or operator" means a person who owns or operates a  
5 regulated facility or operation;

6           6. "Penalty" means an administrative, civil or criminal  
7 sanction imposed by the state to punish a person for a violation of  
8 a statute or rule. The term does not include a technical or  
9 remedial provision ordered by a regulatory authority; and

10          7. "Regulated facility or operation" means a facility or  
11 operation that is regulated under an environmental or health and  
12 safety law.

13          B. To fully implement the privilege established by this act,  
14 the term "environmental or health and safety law" shall be construed  
15 broadly.

16          SECTION 4.        NEW LAW        A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-4-113 of Title 27A, unless  
18 there is created a duplication in numbering, reads as follows:

19           The provisions established in this act apply to environmental or  
20 health and safety audits that are conducted on or after the  
21 effective date of this act.

22          SECTION 5.        NEW LAW        A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-4-114 of Title 27A, unless  
24 there is created a duplication in numbering, reads as follows:

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This act shall not limit, waive or abrogate the scope or nature of any statutory or common law privilege, including the work product doctrine and the attorney-client privilege.

SECTION 6. This act shall become effective November 1, 2019.

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