

BILL ANALYSIS

Senate Research Center
76R13353 SMH-D

H.B. 3281
By: Maxey (Brown)
Natural Resources
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Engrossed

DIGEST

Texas is one of 25 states that has enacted some form of environmental audit privilege or immunity legislation. State audit policies encourage the use of audits and disclosure of violations discovered during an audit. Organizations use them to measure compliance with environmental regulations, identify problems early, and improve the overall environmental program by making it more proactive. Unique to the Texas Environment Health, and Safety Audit Privilege Act, is the statutory provision requiring advance notification that an audit is about to begin. The provision has allowed the Texas Natural Resource Conservation Commission to track the audit activity and violation disclosures since the implementation of the statute in 1995. H.B. 3281 would establish the authority of a state agency to report to a regulated entity on violations of certain environmental or health and safety laws in order to help prevent future violations.

PURPOSE

As proposed, H.B. 3281 establishes the authority of a state agency to report to a regulated entity on violations of certain environmental or health and safety laws in order to help prevent future violations.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4447cc, V.T.C.S. (Texas Environmental, Health, and Safety Audit Privilege Act), by adding Section 14, as follows:

Sec. 14. **AUTHORITY OF STATE AGENCY TO REPORT TO REGULATED ENTITY ON VIOLATIONS.** Authorizes a state agency to which violations of environmental or health and safety laws are disclosed, upon request, to provide a regulated entity or an entity representing regulated entities a summary of common and significant violations of those laws by regulated entities on order to help prevent future violations. Provides that a summary of violations is not required to include any violation disclosed to the agency before September 1, 1999. Establishes that this section does not authorize a state agency to disclose information that would permit identification of a violation by any particular person.

SECTION 2. Amend Chapter 1, Title 71, V.T.C.S., by adding Article 4447dd, as follows:

Art. 4447dd. **AUTHORITY OF STATE AGENCY TO REPORT TO REGULATED ENTITIES ON VIOLATIONS.** Authorizes a state agency to provide to regulated entities summaries of common and significant violations of environmental laws, other than violations disclosed to the agency in order to help prevent future violations. Provides that a summary of violations is not required to include any violation that came to the agency's attention before September 1, 1999.

SECTION 3. Emergency clause.
Effective date: upon passage.