

60-3336. Same; information not subject to privilege; agreement to conduct environmental audit; disclosure of environmental audit report. (a) The privilege recognized in K.S.A. 60-3333 shall not extend to:

(1) Documents, communications, data, reports or other information required to be collected, developed, maintained or reported to a regulatory agency pursuant to federal, state or local statute, ordinance, resolution, rule and regulation, permit, approval or order;

(2) information obtained by observation, sampling or monitoring by any regulatory agency or its authorized designee;

(3) information obtained from a source not involved in the preparation of the environmental audit report;

(4) information that existed before the initiation and independent of the environmental audit;

(5) information prepared after the completion and independent of the environmental audit; or

(6) any information, not otherwise privileged, that is developed or maintained in the course of regularly conducted business activity or regular practice.

(b) This section does not limit the right of a person to agree to conduct an environmental audit and disclose an environmental audit report.

History: L. 1995, ch. 204, § 5; L. 2006, ch. 30, § 5; July 1.