

Amend CSHB 2877 in SECTION 3 of the bill, in amended Section 7.0025, Water Code, by striking amended Subsections (b) and (c) (Senate committee printing page 2, lines 6-35) and substituting the following:

(b) The commission may initiate an enforcement action on a matter under its jurisdiction under this code or the Health and Safety Code based on any credible evidence, including information the commission ~~[it]~~ receives from a private individual if that information, by itself or in combination with the commission's evidence, in the commission's judgment, is of sufficient value and credibility to warrant the initiation of an enforcement action.

(c) ~~[(b)]~~ The executive director or the executive director's designated representative may evaluate the value and credibility of information received from a private individual and the merits of any proposed enforcement action based on that information. In evaluating information under this subsection, the executive director or the executive director's designated representative shall consider the following criteria:

(1) whether the individual providing the information is willing to:

(A) submit a sworn affidavit attesting to the facts that constitute the alleged violation and authenticating any writings, recordings, or photographs provided by the individual; and

(B) testify in any enforcement proceedings regarding the alleged violation;

(2) whether any physical or sampling data submitted by an individual to prove one or more elements of an enforcement case was collected or gathered in accordance with relevant commission protocols; and

(3) whether the individual submitting the physical or sampling data is willing to submit a sworn affidavit that the relevant commission protocols were followed when collecting the data.