

Amend CSSB 1952 (Senate committee printing) Article 28 by adding new SECTION 28.04 and renumber subsequent sections accordingly:

SECTION 28.04. Section 7.0025, Water Code, is amended to read as follows:

Sec. 7.0025. INITIATION OF ENFORCEMENT ACTION USING INFORMATION PROVIDED BY PRIVATE INDIVIDUAL. (a) The commission may initiate an enforcement action on a matter under its jurisdiction under this code or the Health and Safety Code based on a combination of information the commission [~~it~~] receives from a private individual and information developed by the commission if that combined information, in the commission's judgment, is of sufficient value and credibility to warrant the initiation of an enforcement action.

(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) the individual providing the information must be 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; and

(2) if the executive director relies on any physical or sampling data submitted by an individual to prove one or more elements of an enforcement case, the individual submitting the physical or sampling data must submit a sworn affidavit that the individual followed relevant commission protocols when collecting the data.

(c) The commission by rule may adopt additional criteria for the executive director to use in evaluating the value and

credibility of information received from a private individual and for use of that information in an enforcement action.

(d) A private individual who submits information on which the commission relies for all or part of an enforcement case may be called to testify in the enforcement proceedings and is subject to all sanctions under law for knowingly falsifying evidence. If the commission relies on the information submitted by a private individual to prove an enforcement case, any physical or sampling data must have been collected or gathered in accordance with commission protocols. The commission is not required to call a private individual who provides information on which the commission relies unless doing so is essential to the enforcement action.

(e) The commission may not use information provided by a private individual if the information was obtained by trespass or another illegal act.

(f) Information provided by a private individual that is used in an enforcement action is subject to the rules of evidence.