

By: Staples

S.B. No. 1361

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the purposes for which citizen evidence may be used by
3 the Texas Commission on Environmental Quality.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 7.0025(c) and (d), Water Code, are
6 amended to read as follows:

7 (c) The commission by rule may adopt criteria for the
8 executive director to use in evaluating the value and credibility
9 of information received from a private individual [~~and for use of~~
10 ~~that information in an enforcement action~~].

11 (d) The commission may not use information received from a
12 private individual or testimony by the private individual regarding
13 that information as evidence in an enforcement action [~~A private~~
14 ~~individual who submits information on which the commission relies~~
15 ~~for all or part of an enforcement case may be called to testify in~~
16 ~~the enforcement proceedings and is subject to all sanctions under~~
17 ~~law for knowingly falsifying evidence. If the commission relies on~~
18 ~~the information submitted by a private individual to prove an~~
19 ~~enforcement case, any physical or sampling data must have been~~
20 ~~collected or gathered in accordance with commission protocols~~].

21 SECTION 2. (a) This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate

1 effect, this Act takes effect September 1, 2003.

2 (b) The change in law made by this Act to Sections 7.0025(c)
3 and (d), Water Code, as amended by this Act, applies only to an
4 enforcement action initiated by the Texas Commission on
5 Environmental Quality on or after the effective date of this Act.
6 An enforcement action initiated by the commission before the
7 effective date of this Act is governed by the law in effect on the
8 date the action is initiated, and the former law is continued in
9 effect for that purpose.