

1-1 By: Staples S.B. No. 1361  
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 22, 2003, reported favorably by the following vote: Yeas 7,  
1-5 Nays 4; April 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the purposes for which citizen evidence may be used by  
1-9 the Texas Commission on Environmental Quality.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (c) and (d), Section 7.0025, Water  
1-12 Code, are amended to read as follows:

1-13 (c) The commission by rule may adopt criteria for the  
1-14 executive director to use in evaluating the value and credibility  
1-15 of information received from a private individual [~~and for use of~~  
1-16 ~~that information in an enforcement action~~].

1-17 (d) The commission may not use information received from a  
1-18 private individual or testimony by the private individual regarding  
1-19 that information as evidence in an enforcement action [~~A private~~  
1-20 ~~individual who submits information on which the commission relies~~  
1-21 ~~for all or part of an enforcement case may be called to testify in~~  
1-22 ~~the enforcement proceedings and is subject to all sanctions under~~  
1-23 ~~law for knowingly falsifying evidence. If the commission relies on~~  
1-24 ~~the information submitted by a private individual to prove an~~  
1-25 ~~enforcement case, any physical or sampling data must have been~~  
1-26 ~~collected or gathered in accordance with commission protocols~~].

1-27 SECTION 2. (a) This Act takes effect immediately if it  
1-28 receives a vote of two-thirds of all the members elected to each  
1-29 house, as provided by Section 39, Article III, Texas Constitution.  
1-30 If this Act does not receive the vote necessary for immediate  
1-31 effect, this Act takes effect September 1, 2003.

1-32 (b) The change in law made by this Act to Subsections (c) and  
1-33 (d), Section 7.0025, Water Code, as amended by this Act, applies  
1-34 only to an enforcement action initiated by the Texas Commission on  
1-35 Environmental Quality on or after the effective date of this Act.  
1-36 An enforcement action initiated by the commission before the  
1-37 effective date of this Act is governed by the law in effect on the  
1-38 date the action is initiated, and the former law is continued in  
1-39 effect for that purpose.

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