

- SUBJECT:** Prohibiting the possession of glass containers in state-owned riverbeds
- COMMITTEE:** Natural Resources — committee substitute recommended
- VOTE:** 9 ayes — Ritter, T. King, Beck, Creighton, Hopson, Keffer, Larson, Lucio, Price  
0 nays  
2 absent — Martinez Fischer, D. Miller
- WITNESSES:** For — *(Registered, but did not testify: Ken Kramer, Lone Star Chapter, Sierra Club; Matt Phillips, The Nature Conservancy)*  
Against — None  
On — Robert Goodrich, Texas Parks and Wildlife Department
- BACKGROUND:** The Texas Litter Abatement Act prohibits the disposal of glass into inland or coastal water of the state. It is not illegal to possess glass within state-owned riverbeds. Certain local ordinances do prohibit glass containers within riverbeds.
- DIGEST:** CSHB 218 would prohibit the possession of glass containers within state-owned riverbeds. “Glass container” would mean a container made of glass that was designed to hold a beverage, including a bottle or jar.  
It would be a defense to prosecution if the person who possessed the glass container:
- did not transport the glass container into the boundaries of the riverbed;
  - possessed the glass container only for the purpose of lawfully disposing of the glass container in a designated waste receptacle; or
  - was the owner of property adjacent to the section of the riverbed where the person possessed the glass container.

A person would be exempt if he or she possessed a glass container only for the purpose of water sampling or conducting scientific research authorized by:

- a government entity;
- an electric, public, or retail public utility;
- a power generation company;
- a surface coal mining and reclamation operation; or
- a school- or university-sponsored educational activity.

The offense would be a Class C misdemeanor (fine of up to \$500) unless it was shown that the defendant had been convicted of the offense previously, in which case it would be a Class B misdemeanor (fine of up to \$2,000 and/or jail term of up to 180 days).

CSHB 218 would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

Increased litter around state-owned riverbeds is making recreational activities more dangerous. When not disposed of properly, glass containers put swimmers, paddlers, and campers at risk of injury caused by broken glass. CSHB 218 would create a safer environment.

Glass containers that are improperly disposed of pollute riverbeds and harm the river's ecosystem, wildlife, and water quality. Polluted riverbeds deter tourists from visiting Texas rivers. CSHB 218 would keep Texas riverbeds clean and safe for local visitors and tourists.

The bill would not ban all beverage containers from riverbeds, only those made of glass that create a clear hazard. While many cities already have adopted ordinances banning glass containers from riverbeds, HB 218 would cover the entire state, including unincorporated areas.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The committee substitute differs from the original bill in creating an exemption for a person who possessed a glass container only for the purpose of water sampling or conducting scientific research authorized by a power generation company, a surface coal mining and reclamation operation, or a school- or university-sponsored educational activity.