

## **BILL ANALYSIS**

Senate Research Center  
82R26989 JTS-D

C.S.H.B. 218  
By: Gallego (Uresti)  
Natural Resources  
5/20/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recreational water activities in Texas are becoming hazardous due to increased litter around state-owned riverbeds. If not properly disposed of, glass containers pollute river beds and put swimmers, anglers, paddlers, and campers at risk of suffering an injury caused by broken glass.

C.S.H.B. 218 amends current law relating to possessing a glass container within the boundaries of certain riverbeds and provides a criminal penalties.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 365, Health and Safety Code, by adding Section 365.035, as follows:

Sec. 365.035. PROHIBITION ON POSSESSING GLASS CONTAINERS WITHIN BOUNDARY OF STATE-OWNED RIVERBED; PENALTIES. (a) Defines, in this section, "glass container."

(b) Provides that a person commits an offense if the person knowingly possesses a glass container within the boundaries of a state-owned riverbed in a county that is located within 85 miles of an international border, and in which at least four rivers are located.

(c) Provides that an offense under this section is a Class C misdemeanor.

(d) Provides that it is a defense to prosecution under Subsection (b) that the person who possessed the glass container:

(1) did not transport the glass container into the boundaries of the riverbed;

(2) possessed the glass container only for the purpose of lawfully disposing of the glass container in a designated waste receptacle; or

(3) is the owner of property adjacent to the section of the riverbed in which the person possessed the glass container.

(e) Provides that it is an exception to the application of Subsection (b) that the person possessed the glass container only for the purpose of water sampling or conducting scientific research as authorized by:

(1) a governmental entity;

- (2) a utility as defined by Section 11.004 (Definition of Utility), Utilities Code;
- (3) a retail public utility as defined by Section 13.002 (Definitions), Water Code;
- (4) a power generation company as defined by Section 31.002 (Definitions), Utilities Code;
- (5) a surface coal mining and reclamation operation, as defined by Section 134.004 (Definitions), Natural Resources Code; or
- (6) a school-sponsored or university-sponsored educational activity.

SECTION 2. Effective date: September 1, 2011.