

BILL ANALYSIS

Senate Research Center
82R12285 JTS-F

H.B. 218
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Natural Resources
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Engrossed

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.

H.B. 218 amends current law relating to possessing a glass container within the boundaries of certain riverbeds and provides 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. Provides that an offense under this section is a Class C misdemeanor unless it is shown on the trial of the defendant that the defendant has previously been convicted of an offense under this section, in which case the offense is a Class B misdemeanor.

(c) 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.

(d) 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- or university-sponsored educational activity.

SECTION 2. Effective date: September 1, 2011.