

BILL ANALYSIS

C.S.H.B. 2684
By: Gallego
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Swimmers, anglers, and campers are potentially at risk from an injury from broken glass that may be in the state's riverbeds. These containers also pollute our rivers if they are not properly disposed of in trash bins. CSHB 2684 prohibits the possession of glass containers within certain riverbed boundaries.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

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

Sec. 365.035. PROHIBITION ON GLASS CONTAINERS WITHIN BOUNDARIES OF STATE-OWNED RIVERBED; PENALTIES. (a) Provides that a person commits an offense if the person 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.

(b) Provides that it is a defense to prosecution under Subsection (a) that the person who possessed the glass container (1) did not transport the glass container into the boundaries of the riverbed; or (2) possessed the glass container only for the purpose of lawfully disposing of the glass container in a designated waste receptacle.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute strikes Subsection (3) of Section 365.035(b) that was in the introduced version and adds Subsection (c) which holds that it is an exception to the application of Subsection (a) if the person possessed the glass container only for the purpose of water sampling or conducting scientific research as authorized by a governmental entity; a utility as defined by Section 11.004, Utilities Code; or a retail public utility as defined by Section 13.002, Water Code.