

BILL ANALYSIS

C.S.H.B. 218
By: Gallego
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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 seeks to remedy this problem by establishing provisions relating to the possession of a glass container within the boundaries of certain riverbeds and providing criminal penalties in order to create a safer environment.

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

C.S.H.B. 218 amends the Health and Safety Code to make it a Class C misdemeanor to knowingly possess a glass container within the boundaries of a state-owned riverbed unless it is shown on the trial of the defendant that the defendant has previously been convicted of such an offense, in which case the offense is a Class B misdemeanor. The bill establishes a defense to prosecution that the person who possessed the glass container did not transport the glass container into 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 is the owner of property adjacent to the section of the riverbed in which the person possessed the glass container. The bill creates an exception to the application of the offense for a person who possessed the glass container only for the purpose of water sampling or conducting scientific research as authorized by a governmental entity, a utility, a retail public utility, a power generation company, a surface coal mining and reclamation operation, or a school- or university-sponsored educational activity. The bill defines "glass container."

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 218 contains a provision not in the original creating an exception to the application of the offense for a person who possessed a glass container only for the purpose of water sampling or conducting scientific research as authorized by a power generation company, a surface coal mining and reclamation operation, or a school- or university-sponsored educational activity.