

AN ACT

relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 365, Health and Safety Code, is amended by adding Section 365.035 to read as follows:

Sec. 365.035. PROHIBITION ON POSSESSING GLASS CONTAINERS WITHIN BOUNDARY OF STATE-OWNED RIVERBED; PENALTIES. (a) In this section, "glass container" means a glass container designed to contain a beverage, including a bottle or jar.

(b) A person commits an offense if the person knowingly possesses a glass container within the boundaries of a state-owned riverbed in a county:

(1) that is located within 85 miles of an international border; and

(2) in which at least four rivers are located.

(c) An offense under this section is a Class C misdemeanor.

(d) 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

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

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

7 (1) a governmental entity;

8 (2) a utility as defined by Section 11.004, Utilities
9 Code;

10 (3) a retail public utility as defined by Section
11 13.002, Water Code;

12 (4) a power generation company as defined by Section
13 31.002, Utilities Code;

14 (5) a surface coal mining and reclamation operation,
15 as defined by Section 134.004, Natural Resources Code; or

16 (6) a school-sponsored or university-sponsored
17 educational activity.

18 SECTION 2. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 218 was passed by the House on April 8, 2011, by the following vote: Yeas 123, Nays 11, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 218 on May 27, 2011, by the following vote: Yeas 134, Nays 6, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 218 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor