

1-1 By: Gallego (Senate Sponsor - Uresti) H.B. No. 218
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Natural Resources; May 20, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 218 By: Uresti

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to possessing a glass container within the boundaries of
1-11 certain riverbeds; providing criminal penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 365, Health and Safety
1-14 Code, is amended by adding Section 365.035 to read as follows:

1-15 Sec. 365.035. PROHIBITION ON POSSESSING GLASS CONTAINERS
1-16 WITHIN BOUNDARY OF STATE-OWNED RIVERBED; PENALTIES. (a) In this
1-17 section, "glass container" means a glass container designed to
1-18 contain a beverage, including a bottle or jar.

1-19 (b) A person commits an offense if the person knowingly
1-20 possesses a glass container within the boundaries of a state-owned
1-21 riverbed in a county:

1-22 (1) that is located within 85 miles of an
1-23 international border; and

1-24 (2) in which at least four rivers are located.

1-25 (c) An offense under this section is a Class C misdemeanor.

1-26 (d) It is a defense to prosecution under Subsection (b) that
1-27 the person who possessed the glass container:

1-28 (1) did not transport the glass container into the
1-29 boundaries of the riverbed;

1-30 (2) possessed the glass container only for the purpose
1-31 of lawfully disposing of the glass container in a designated waste
1-32 receptacle; or

1-33 (3) is the owner of property adjacent to the section of
1-34 the riverbed in which the person possessed the glass container.

1-35 (e) It is an exception to the application of Subsection (b)
1-36 that the person possessed the glass container only for the purpose
1-37 of water sampling or conducting scientific research as authorized
1-38 by:

1-39 (1) a governmental entity;

1-40 (2) a utility as defined by Section 11.004, Utilities
1-41 Code;

1-42 (3) a retail public utility as defined by Section
1-43 13.002, Water Code;

1-44 (4) a power generation company as defined by Section
1-45 31.002, Utilities Code;

1-46 (5) a surface coal mining and reclamation operation,
1-47 as defined by Section 134.004, Natural Resources Code; or

1-48 (6) a school-sponsored or university-sponsored
1-49 educational activity.

1-50 SECTION 2. This Act takes effect September 1, 2011.

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