

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Gallego

H.B. No. 218

## A BILL TO BE ENTITLED

### 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. 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) 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

1 the riverbed in which the person possessed the glass container.

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

6 (1) a governmental entity;

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

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

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

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

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

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

ADOPTED

MAY 25 2011

*Letay Spaul*  
Secretary of the Senate

By: *C. Phasti*

H.B. No. 218

Substitute the following for H.B. No. 218:

By: *C. Phasti*

C.S. H.B. No. 218

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3 certain riverbeds; providing criminal penalties.

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

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

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

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

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

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

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

18 (d) It is a defense to prosecution under Subsection (b) that  
19 the person who possessed the glass container:

20 (1) did not transport the glass container into the  
21 boundaries of the riverbed;

22 (2) possessed the glass container only for the purpose  
23 of lawfully disposing of the glass container in a designated waste  
24 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.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 26, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB218** by Gallego (Relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would prohibit the possession of glass containers within the boundaries of state-owned riverbeds in a county that is located within 85 miles of an international border; and in which at least four rivers are located. A violation would be a Class C misdemeanor.

Punishment for a Class C misdemeanor is a fine not to exceed \$500. It is anticipated that costs of enforcement and revenue gain from collection of related fines would not have a significant fiscal impact.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SD, SZ, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 20, 2011**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB218** by Gallego (Relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SZ, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 21, 2011**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB218** by Gallego (Relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would prohibit most possession of glass containers within the boundaries of state-owned riverbeds. A violation would be a Class C misdemeanor for a first offense, and a Class B misdemeanor for subsequent offenses.

Punishment for a Class C misdemeanor is a fine not to exceed \$500. Punishment for a Class B misdemeanor is a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. It is anticipated that costs of enforcement and revenue gain from collection of related fines would not have a significant fiscal impact.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SZ, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 21, 2011**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB218** by Gallego (Relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties. ), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SZ, TP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**February 24, 2011**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB218** by Gallego (Relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would prohibit most possession of glass containers within the boundaries of state-owned riverbeds. A violation would be a Class C misdemeanor for a first offense, and a Class B misdemeanor for subsequent offenses.

Punishment for a Class C misdemeanor is a fine not to exceed \$500. Punishment for a Class B misdemeanor is a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. It is anticipated that costs of enforcement and revenue gain from collection of related fines would not have a significant fiscal impact.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SZ, TP