

BILL ANALYSIS

C.S.H.B. 2075
By: Hilderbran
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently the Texas Department of Health (TDH) and Texas youth camps share the common goal of ensuring the health and safety of campers. While TDH is responsible for inspecting and setting health and safety standards for various industries throughout the state, the youth camp industry is unique in the sense that it operates on a seasonal basis. For this reason, the youth camp industry feels it should have a set of health and safety standards representative of their unique operation. CSHB 2075 addresses a camp industry concern by creating an immediate cure solution for infractions found during inspections which are easily corrected, such as lack of toilet paper at a certain location.

Various changes have been made in the past in regard to TDH's oversight of Texas's youth camps. For example, during the 77th Legislature the maximum fine assessed for an inspection violation was raised from \$100 a day to \$2,000 a day. The Advisory Committee, originally part of the Youth Camp Act and established to facilitate communication between TDH and youth camps, was abolished under sweeping sunset legislation because it had not met for several years. The bill seeks to remedy these changes by lowering the maximum fine a day to \$1000, and by reinstating the Advisory Committee.

The purpose of this bill is to streamline the implementation and enforcement of the Youth Camp Act in such a way that the Texas Department of Health and Texas youth camps can focus on the common goal of ensuring for the health and safety of campers, while making the legislature aware of any rule changes that may take place.

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

The bill amends the Health and Safety Code by allowing youth camps the opportunity to correct a violation while an employee or agent of the department is still performing the investigation or inspection. If the camp is able to correct the violation while the investigation or inspection is occurring, a penalty may not be imposed on the camp for the violation nor may a report of the violation be made.

This bill amends the Health and Safety Code, by requiring the board, before adopting a rule under this chapter or readopting a rule under Section 2001.039, Government Code, to make findings, based on empirical data, that the rule is needed and forward a copy of the findings and the proposed rule to the appropriate standing committees of the legislature.

In addition, the bill amends the Health and Safety Code by providing in addition to at least two members of the general public, the other members of the advisory committee should be experienced camping professionals who represent the camping communities of the state, and that in making the appointments, the board shall attempt to reflect the geographic diversity of the state in proportion to the number of camps licensed by the department in each geographic area of the state. CSHB 2075 also removes previous disqualifying language and removes the entitlement for reimbursement for expenses incurred in performing

duties of the advisory committee. The bill also amends the Health and Safety Code by reducing the maximum penalty for each violation from \$2000 to \$1000 a day.

In addition the bill provides that the changes to the Health Safety Code as added by Section 1 of this Act, apply only to an investigation and inspection of a youth camp that occurs on or after the effective date of Section 1 of this Act. An investigation and inspection that occurred before the effective date of Section 1 of this Act is governed by the law in effect on the date the investigation and inspection occurred, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2075 amends section 141.008(a) of the Health and Safety Code, by amending subsection (1) and adding subsections (2) and (3). Subsection (1) states that the board shall consult parents, youth camp operators, and appropriate public and private officials and organizations. Subsections (2) and (3) state that before adopting a rule under this chapter or readopting a rule under Sec. 2001.039, Government Code, the board must make findings, based on empirical data, that the rule is needed and forward a copy of the findings and the proposed rule to the appropriate standing committees of the legislature.

The substitute is amended by removing language and replacing it with language that relates to the appointment and makeup of the Advisory Committee. In addition Subsection (b) of section 141.010, Health and Safety Code is amended to require non-public members of the Committee should be experienced camping professionals who represent the camping communities of the state. It also provides that in making appointments, the board shall attempt to reflect the geographic diversity of the state in proportion to the number of camps licensed by the department in each geographic area of the state. In addition subsection (c) of Section 141.010, Health and Safety Code, relating to a public member's eligibility for appointment to the Advisory Committee is stricken.

The substitute also talks about the capacity in which members serve on the Committee.

The provision allowing a committee member to be entitled to reimbursements for expenses incurred has been struck. CSHB 2075 takes effect September 1, 2003, whereas the original provided for Section 3 to take effect immediately on receiving a vote of 2/3 of all members elected to both houses.