

By: Hilderbran

H.B. No. 2075

Substitute the following for H.B. No. 2075:

By: Zedler

C.S.H.B. No. 2075

A BILL TO BE ENTITLED

AN ACT

relating to regulating health and safety conditions at youth camps.

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

SECTION 1. Section 141.007, Health and Safety Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) An employee or agent of the department who enters a youth camp to investigate and inspect conditions shall:

(1) notify the person in charge of the camp or the person's designee of any violations as they are discovered; and

(2) allow the camp to correct the violations while the investigation and inspection is occurring.

(e) The department may not extend or delay an investigation or inspection to allow the youth camp to correct a violation under Subsection (d)(2).

(f) An employee or agent of the department performing an investigation and inspection under this section may not report a violation that is significant under the department's rules if the violation is corrected during the investigation and inspection.

(g) A penalty may not be imposed on a youth camp for a violation that is significant under the department's rules if the violation is corrected during an investigation and inspection under this section.

SECTION 2. Section 141.008(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) The board may adopt rules to implement this chapter.  
3 Before adopting a rule under this chapter or readopting a rule under  
4 Section 2001.039, Government Code [In developing the rules], the  
5 board shall:

6 (1) consult parents, youth camp operators, and  
7 appropriate public and private officials and organizations;

8 (2) make findings, based on empirical data, that the  
9 rule is needed; and

10 (3) forward a copy of the findings and the proposed  
11 rule to the appropriate standing committees of the legislature.

12 SECTION 3. Section 141.010, Health and Safety Code, is  
13 amended to read as follows:

14 Sec. 141.010. ADVISORY COMMITTEE. (a) The board shall  
15 appoint a committee to advise the board in the development of  
16 standards and procedures, make recommendations to the board  
17 regarding the content of the rules adopted to implement this Act,  
18 and perform any other functions requested by the board in the  
19 implementation and administration of the Act.

20 (b) The advisory committee may not exceed nine members, at  
21 least two of whom shall be members of the general public. The other  
22 members should be experienced camping professionals who represent  
23 the camping communities of the state. In making the appointments,  
24 the board shall attempt to reflect the geographic diversity of the  
25 state in proportion to the number of camps licensed by the  
26 department in each geographic area of the state.

27 ~~[(c) A person is not eligible to be appointed and serve as a~~

1 ~~public member of an advisory committee if the person or the person's~~  
2 ~~spouse;~~

3 ~~[(1) is licensed by an occupational regulatory agency~~  
4 ~~in the health care field;~~

5 ~~[(2) is employed by a health care facility,~~  
6 ~~corporation, or agency or by a corporation authorized to underwrite~~  
7 ~~health care insurance;~~

8 ~~[(3) governs or administers a health care facility,~~  
9 ~~corporation, or agency;~~

10 ~~[(4) has a financial interest, other than a consumer's~~  
11 ~~interest, in a health care facility, corporation, or agency; or~~

12 ~~[(5) is a youth camp operator; is employed by a youth~~  
13 ~~camp facility or a youth camp operator; governs or administers a~~  
14 ~~youth camp facility, corporation, or agency; or has a financial~~  
15 ~~interest, other than a consumer's interest, in a youth camp~~  
16 ~~facility, corporation, or agency.]~~

17 (c) Advisory committee members serve for staggered six-year  
18 terms, with the terms of three members expiring on August 31 of each  
19 odd-numbered year.

20 (d) A vacancy on the advisory committee is filled by the  
21 board in the same manner as other appointments to the advisory  
22 committee.

23 (e) The advisory committee will meet annually and at the  
24 call of the commissioner.

25 (f) ~~[A member of the advisory committee is entitled to~~  
26 ~~reimbursement for expenses incurred in performing duties under this~~  
27 ~~Act. The reimbursement may not exceed the amount specified in the~~

1 ~~General Appropriations Act for travel and per diem allowances for~~  
2 ~~state employees.~~

3 [~~(g)~~] The advisory committee may elect a chairperson,  
4 vice-chairperson, and secretary from among its members and may  
5 adopt rules for the conduct of its own activities.

6 SECTION 4. Section 141.016(c), Health and Safety Code, is  
7 amended to read as follows:

8 (c) The penalty may not exceed \$1,000 [~~\$2,000~~] a day for  
9 each violation.

10 SECTION 5. Subsections (d), (e), (f), and (g), Section  
11 141.007, Health and Safety Code, as added by Section 1 of this Act,  
12 apply only to an investigation and inspection of a youth camp that  
13 occurs on or after the effective date of Section 1 of this Act. An  
14 investigation and inspection that occurred before the effective  
15 date of Section 1 of this Act is governed by the law in effect on the  
16 date the investigation and inspection occurred, and the former law  
17 is continued in effect for that purpose.

18 SECTION 6. This Act takes effect September 1, 2003.