

All Published Pre-filed Amendments for HB 19

Darby

Barcode

Amendment

891559

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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: DARBY

1 Amend H.B. No. 19 (house committee report) by striking all
2 below the enacting clause and substituting the following:

3 SECTION 1. Chapter 141, Health and Safety Code, is amended
4 by adding Section 141.0096 to read as follows:

5 Sec. 141.0096. REQUIRED FLOOD DISASTER PLAN FOR RESIDENT
6 YOUTH CAMP; DEPARTMENT APPROVAL; CIVIL PENALTY. (a) In this
7 section, "resident youth camp operator" means a person who owns,
8 operates, controls, or supervises a resident youth camp, regardless
9 of profit.

10 (b) A resident youth camp operator shall for each resident
11 youth camp owned or operated by the operator:

12 (1) develop, adopt, and annually update a written
13 flood disaster plan;

14 (2) designate in the plan a flood preparedness
15 supervisor for the camp; and

16 (3) annually submit the plan to the department in the
17 form and manner the department prescribes.

18 (c) If the department determines a submitted flood disaster
19 plan does not meet the minimum standards prescribed by department
20 rule, the resident youth camp operator shall revise and resubmit
21 the plan not later than the 90th day after the date the operator
22 receives notice from the department of the plan's deficiencies.

23 (d) The department may provide recommendations for a
24 resident youth camp operator to implement in the next annual update
25 to a flood disaster plan for a resident youth camp.

26 (e) A resident youth camp operator for each resident youth
27 camp shall:

28 (1) make available the camp's approved flood disaster
29 plan to each camper and a parent or legal guardian of each camper;

1 (2) instruct campers at the beginning of each camp
2 session on the actions the camper is to perform in the event of a
3 flood and the name and contact information of the flood
4 preparedness supervisor;

5 (3) provide a copy of the plan to each camp staff
6 member; and

7 (4) provide to the relevant emergency services
8 district or county in which the camp is located:

9 (A) a copy of the plan; and

10 (B) a list of the campers occupying the camp in a
11 camp session on or before the first day of the session.

12 (f) The executive commissioner, in coordination with the
13 Texas Division of Emergency Management, by rule shall prescribe:

14 (1) the information to be included in a resident youth
15 camp operator's flood disaster plan for each resident youth camp;

16 (2) the form and manner for submission of the plan to
17 the department; and

18 (3) the department's procedures for determining
19 whether the plan meets the minimum standards prescribed by
20 department rule.

21 (g) In adopting rules under this section, the executive
22 commissioner:

23 (1) shall require the department in the department's
24 determination on whether a submitted flood disaster plan meets the
25 prescribed minimum standards to consider the financial hardship
26 placed on a resident youth camp operator to implement a recommended
27 plan revision; and

28 (2) may exempt a resident youth camp operator from
29 compliance with this section if the department determines the
30 resident youth camp is not at risk of a flooding event.

31 (h) The attorney general may bring an action to impose a

1 civil penalty against a resident youth camp operator who violates
2 this section and rules adopted under this section in an amount not
3 to exceed \$1,000 for each violation. Each day a violation continues
4 is a separate violation for purposes of imposing a civil penalty
5 under this section. The attorney general may recover reasonable
6 expenses incurred in bringing an action under this section,
7 including court costs, reasonable attorney's fees, investigative
8 costs, witness fees, and deposition costs.

9 (i) A civil penalty collected under Subsection (h) shall be
10 remitted to the department to offset department costs in
11 administering this section.

12 SECTION 2. Not later than March 1, 2026, the executive
13 commissioner of the Health and Human Services Commission shall
14 adopt the rules required by Section 141.0096, Health and Safety
15 Code, as added by this Act.

16 SECTION 3. Notwithstanding Section 141.0096, Health and
17 Safety Code, as added by this Act, a resident youth camp operator is
18 not required to submit the flood disaster plan to the Department of
19 State Health Services until May 1, 2026.

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect on the 91st day after the last day of the
25 legislative session.