

BILL ANALYSIS

H.B. 19
By: Darby
Disaster Preparedness & Flooding, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that the July 4, 2025, flooding along the Guadalupe River that killed over 100 people, including more than two dozen young girls and counselors at Camp Mystic in Kerr County, has exposed critical safety gaps in campground emergency preparedness. The bill author has further informed the committee that while Camp Mystic passed a state inspection on July 2 by technically meeting the loose regulatory requirements for emergency plans, these plans were clearly inadequate for the flood risk posed by the camp's location along the Guadalupe River and the flooding event that caused the river to rise rapidly. H.B. 19 seeks to address campground safety by requiring all campground entities to develop, adopt, and annually update written flood disaster plans, providing for Texas Division of Emergency Management (TDEM) review of the plans, and requiring TDEM-approved plans to be posted publicly and provided to all staff and campers before employment or camping sessions begin.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 1 of this bill.

ANALYSIS

H.B. 19 amends the Health and Safety Code to require a campground entity to develop, adopt, and annually update a written flood disaster plan for each of the entity's campgrounds and to annually submit the plan to the Texas Division of Emergency Management (TDEM) in the form and manner TDEM prescribes. The bill establishes that a campground entity is not required to submit the entity's flood disaster plan to TDEM until May 1, 2026, and defines the following terms for purposes of its provisions:

- "campground" as a public or private property designed to provide cabins for transient guest use or areas for locating a tent, tent trailer, pickup camper, recreational vehicle, trailer, or other equipment designed for camping for transient guest use; and
- "campground entity" as a person engaged in the business of owning or operating a campground.

H.B. 19 requires a campground entity, if TDEM determines a submitted plan is insufficient, to make necessary changes and resubmit the plan not later than the 90th day after the date the

campground entity receives notice from TDEM of that determination. TDEM may determine a submitted flood disaster plan is insufficient only if TDEM determines the plan:

- will likely fail or poses a danger to campers in an emergency; or
- fails to meet basic safety standards.

H.B. 19 requires a campground entity to do the following with respect to an approved flood disaster plan:

- post the plan in a conspicuous place at the campground or publish the plan on the campground's website; and
- provide a copy of the plan to the following:
 - each staff member and camper before employment or a camping session begins; and
 - the relevant emergency services district or county in which the campground is located.

The bill authorizes TDEM to provide recommendations for a campground entity to implement for the campground's next annual flood disaster plan update.

H.B. 19 requires TDEM, not later than March 1, 2026, to adopt rules prescribing the following:

- the information to be included in a campground entity's flood disaster plan;
- the form and manner for a campground entity to submit the plan to TDEM; and
- TDEM's procedures for determining the plan is insufficient.

In adopting rules regarding a TDEM determination of insufficiency for a submitted flood disaster plan, TDEM must consider the financial hardship placed on a campground entity to implement a recommended plan revision.

H.B. 19 authorizes the attorney general to bring an action for a civil penalty against a campground entity that violates the bill's provisions. The bill caps the amount of a civil penalty assessed under the bill at \$1,000 for each violation and establishes that each day a violation continues is a separate violation for purposes of imposing such a civil penalty. The bill authorizes the attorney general to recover reasonable expenses incurred in bringing an action under the bill, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, on the 91st day after the last day of the legislative session.