89S10612 MCF-D

By:  Darby, Barry, et al. H.B. No. 19

A BILL TO BE ENTITLED

AN ACT

relating to required flood disaster plans for campgrounds; authorizing a civil penalty.

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

SECTION 1.  Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 761 to read as follows:

CHAPTER 761. CAMPGROUND SAFETY

Sec. 761.001.  DEFINITIONS. In this chapter:

(1)  "Campground" means 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.

(2)  "Campground entity" means a person engaged in the business of owning or operating a campground.

(3)  "Division" means the Texas Division of Emergency Management.

Sec. 761.002.  REQUIRED FLOOD DISASTER PLAN. (a) A campground entity shall:

(1)  develop, adopt, and annually update a written flood disaster plan for each of the entity's campgrounds; and

(2)  annually submit the plan to the division in the form and manner the division prescribes.

(b)  If the division determines a submitted plan is insufficient, the campground entity shall make necessary changes and resubmit the plan not later than the 90th day after the date the campground entity receives notice from the division of the division's determination the submitted plan is insufficient.

(c)  The division may determine a submitted flood disaster plan is insufficient only if the division determines the plan:

(1)  will likely fail or poses a danger to campers in an emergency; or

(2)  fails to meet basic safety standards.

(d)  The campground entity must:

(1)  post the approved flood disaster plan in a conspicuous place at the campground or publish the approved plan on the campground's Internet website;

(2)  provide a copy of the approved plan to each staff member and camper before employment or a camping session begins; and

(3)  provide a copy of the approved plan to the relevant emergency services district or county in which the campground is located.

(e)  The division may provide recommendations for a campground entity to implement for the campground's next annual flood disaster plan update.

Sec. 761.003.  RULES. (a) The division shall adopt rules prescribing:

(1)  the information to be included in a campground entity's flood disaster plan;

(2)  the form and manner for a campground entity to submit the plan to the division; and

(3)  the division's procedures for determining the plan is insufficient.

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

Sec. 761.004.  CIVIL PENALTY. (a) The attorney general may bring an action for a civil penalty against a campground entity that violates Section 761.002. A civil penalty assessed under this section must be in an amount not to exceed $1,000 for each violation.

(b)  Each day a violation continues is a separate violation for purposes of imposing a civil penalty under this section.

(c)  The attorney general may recover reasonable expenses incurred in bringing an action under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

SECTION 2.  Not later than March 1, 2026, the Texas Division of Emergency Management shall adopt the rules required by Chapter 761, Health and Safety Code, as added by this Act.

SECTION 3.  Notwithstanding Section 761.002, Health and Safety Code, as added by this Act, a campground entity is not required to submit the entity's flood disaster plan to the Texas Division of Emergency Management until May 1, 2026.

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