

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

1 insufficient, the campground entity shall make necessary changes
2 and resubmit the plan not later than the 90th day after the date the
3 campground entity receives notice from the division of the
4 division's determination the submitted plan is insufficient.

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

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

9 (2) fails to meet basic safety standards.

10 (d) The campground entity must:

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

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

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

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

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

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

27 (2) the form and manner for a campground entity to

1 submit the plan to the division; and

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

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

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

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

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

19 SECTION 2. Not later than March 1, 2026, the Texas Division
20 of Emergency Management shall adopt the rules required by Chapter
21 761, Health and Safety Code, as added by this Act.

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

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect on the 91st day after the last day of the
4 legislative session.