By: Zwiener H.B. No. 112

A BILL TO BE ENTITLED

AN ACT

relating to emergency response planning and emergency preparedness of youth camps and campus programs for minors.

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

SECTION 1. Subchapter Z, Chapter 51, Government Code, is amended by adding Section Sec. 51.988, to read as follows:

Sec. 51.988. EMERGENCY PLAN FOR CAMPUS PROGRAMS FOR MINORS. Notwithstanding any other statute, the program operator of a campus program for minors, as those terms are defined by Sec. 51.976, Education Code, shall prepare an emergency plan as defined by Sec. 141.0091, Health and Safety Code, and shall comply with the requirements of Sec. 141.0092, Health and Safety Code, as if the campus program for minors were a youth camp, as defined by Sec. 141.002(5), Health and Safety Code.

SECTION 2. Chapter 418, Government Code, is amended by adding Section 418.059 to read as follows:

Sec. 418.059. EMERGENCY PLAN REVIEW FOR YOUTH CAMPS, CAMPUS PROGRAMS FOR MINORS. (a) The division, in consultation with either the Department of State Health Services or the relevant Institution of Higher Education, and local governmental entities responsible for emergency response and disaster relief, shall review emergency plans submitted under Sec. 51.988, Education Code or Sec. 141.0091, Health and Safety Code.

(b) In reviewing emergency plans under this Section, the

division shall consider:

(1) The presence of components of the plan as required by Sec. 141.0091(c), 141.0092(c), or 141.0093(b) and (c), Health and Safety Code;

(2) the plan's ability to provide for prompt and effective response to a disaster;

(3) the plan's ability to facilitate and provide efficient and effective communication between campers, staff, camp or program operators, and emergency responders;

(4) the plan's ability to effectively reduce risks to campers from a disaster; and

(5) the plan's ability to reduce risks to camp or program facilities from a disaster.

(c) Within 30 days of the receipt of the camp's emergency plan, the division may make amendments to the plan, and the camp or program operator shall address the department's changes and provide the department with a revised copy of the emergency plan.

(d) If the camp is a youth camp, the division shall provide a copy of the youth camp's emergency plan to the Department of State Health Services under Chapter 141, Local Government Code, and shall notify the department of the division's approval or amendment of a youth camp emergency plan.

(e) The division shall adopt rules necessary to implement this section.

SECTION 3. Section 141.009, Health and Safety Code, is amended to read as follows:

Sec. 141.009. STANDARDS. The executive commissioner by

rule shall establish health and safety standards for youth camps. The standards may relate to:

(1) adequate and proper supervision at all times of camp activities;

(2) qualifications for directors, supervisors, and staff and sufficient numbers of those persons;

(3) proper safeguards for sanitation and public health;

(4) adequate medical services for personal health and first aid;

(5) proper procedures for food preparation, handling, and mass feeding;

(6) healthful and sufficient water supply;

(7) proper waste disposal;

(8) proper water safety procedures for swimming pools, lakes, and waterways;

(9) safe boating equipment;

(10) proper maintenance and safe use of motor vehicles;

(11) safe buildings and physical facilities;

(12) proper fire and flood precautions;

(13) safe and proper recreational and other equipment;

(14) proper regard for density and use of the premises; [~~and~~]

(15) records of criminal convictions of camp personnel; and [~~.~~]

(16) emergency response and evacuation planning.

Chapter 149, Health and Safety Code is amended by adding Section 141.0091, to read as follows:

Sec. 141.0091. EMERGENCY PLANS. (a) For the purposes of this chapter:

(1) "emergency plan" means a written plan of procedures to be implemented in case of a disaster, serious accident, epidemic, or fatality; and

(2) "division" means the Texas Division of Emergency Management.

(b) Each youth camp operator shall submit to the division a copy of the youth camp's emergency plan on an annual basis, and amend the plan if required by the division, per Sec. 418.059, Government Code. Each emergency plan shall be posted in the camp's administrative on-site office or location, and in each permanent and semi-permanent occupied building.

(c) Each emergency plan shall include:

(1) procedures for emergency shelter;

(2) evacuation and transportation procedures for the evacuation of each occupied building and the facility, including evacuation routes in the event of an evacuation order;

(3) muster points for campers and staff to gather;

(4) the location and proper use of emergency equipment, including:

(A) items for extinguishing fires;

(B) beacons;

(C) flotation devices;

(D) any other emergency equipment required by

division or department rules;

(5) protocols for notifying local emergency service providers; and

(6) if applicable, information and procedures regarding a camp's emergency warning system.

(d) Campers shall be instructed as to their actions in the event of fire, flood, disaster, or the need to evacuate. These procedures shall be reviewed by the staff with specific assignments made to each staff member and counselor. All camp staff and volunteers shall be made aware of this plan during the staff-training program or volunteer briefing. Documentation of this training shall be kept at the camp's administrative on-site office or location, and submitted to the department within 10 business days of training.

(g) The youth camp operator shall provide a copy of the youth camp's emergency plan to each parent of a camper, and shall go over the youth camp's emergency plan and conduct safety drills upon the arrival of each cohort of campers.

Sec. 141.0092. COMPLIANCE WITH EMERGENCY WARNINGS. (a) "Floodway" is defined for the purposes of this chapter as an area that is identified on the flood insurance rate map as a regulatory floodway, which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved for the discharge of a base flood, also referred to as a 100-year flood, without cumulatively increasing the water surface elevation more than a designated height.

(b) In the event the National Weather Service, an agency of

this state, or a political subdivision of this state issues a flood warning, the youth camp operator within the affected area shall immediately evacuate any floodway where campers are present.

(c) Each youth camp operator that operates within a floodway shall include within their emergency plan, procedures and processes for evacuating a floodway in the event of a flood warning.

Sec. 141.0093. SAFE ACCESS TO YOUTH CAMPS. (a) "Low-water crossing" means a bridge or roadway that is passable when dry, but during heavy rainfall events are designed to flood, posing a danger to passage by car, truck, or foot during rainfall or flash flood events.

(b) Except as provided for by Subsection (c), the department shall not license or permit a youth camp to operate within a 100-year or 200-year floodplain that is only accessible through a low-water crossing.

(c) The department may grant a waiver from the requirements of this Section to a program that has been in operation prior to the effective date of this act and includes within their emergency plan, strategies and mechanisms the youth camp will take to mitigate the risks associated with low-water crossings. These strategies and mechanisms may include, but are not limited to:

(1) regular maintenance and repair or design changes to improve drainage;

(2) structural changes including elevating low-water crossings; or

(3) post-construction flood mitigation strategies including the installment of automated gates or gauges.

SECTION 4. As soon as possible after the effective date of this Act, the division shall adopt rules as necessary to implement Section 418.059, Government Code, as added by this Act.

SECTION 5. As soon as possible after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement Section 141.009, Health and Safety Code, as amended by this Act, and Sections 141.0091, 141.0092, and 141.0093, Health and Safety Code, as added by this Act.

SECTION 6. This Act takes effect on the 91st day after the last day of the legislative session.