

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

1 division shall consider:

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

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

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

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

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

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

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

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

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

27 Sec. 141.009. STANDARDS. The executive commissioner by rule

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

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

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

7 (3) proper safeguards for sanitation and public health;

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

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

12 (6) healthful and sufficient water supply;

13 (7) proper waste disposal;

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

16 (9) safe boating equipment;

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

18 (11) safe buildings and physical facilities;

19 (12) proper fire and flood precautions;

20 (13) safe and proper recreational and other equipment;

21 (14) proper regard for density and use of the premises;

22 [~~and~~]

23 (15) records of criminal convictions of camp personnel;

24 and [~~and~~]

25 (16) emergency response and evacuation planning.

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

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

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

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

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

14       (c) Each emergency plan shall include:

15               (1) procedures for emergency shelter;

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

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

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

22                       (A) items for extinguishing fires;

23                       (B) beacons;

24                       (C) flotation devices;

25                       (D) any other emergency equipment required by  
26 division or department rules;

27               (5) protocols for notifying local emergency service

1 providers; and

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

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

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

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

25 (b) In the event the National Weather Service, an agency of  
26 this state, or a political subdivision of this state issues a flood  
27 warning, the youth camp operator within the affected area shall

1 immediately evacuate any floodway where campers are present.

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

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

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

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

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

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

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

27 SECTION 4. As soon as possible after the effective date of

1    this Act, the division shall adopt rules as necessary to implement  
2    Section 418.059, Government Code, as added by this Act.

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

9           SECTION 6.  This Act takes effect on the 91<sup>st</sup> day after the  
10   last day of the legislative session.