

By: Hartnett

H.B. No. 4127

A BILL TO BE ENTITLED

AN ACT

relating to the expenditure of public funds for certain playground facilities.

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

SECTION 1. Sections 756.061(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Notwithstanding any other rule or statute, and except ~~[Except]~~ as provided by Subsection (b), on or after September 1, 2009 ~~[1997]~~, public funds may not be used:

(1) to purchase playground equipment that does not ~~[substantially]~~ comply with each applicable provision of ASTM Standard F1487-07ae, "Consumer Safety Performance Specification for Playground Equipment for Public Use" ~~[the Handbook for Public Playground Safety]~~ published ~~[in 1994]~~ by ASTM International ~~[the United States Consumer Product Safety Commission (Publication No. 325)]~~;

(2) to purchase surfacing for the area under and around playground equipment if the surfacing will not ~~[substantially]~~ comply, on completion of installation of the surfacing, with each applicable provision of ASTM Standard F2223-04e1, "Standard Guide for ASTM Standards on Playground Surfacing" published by ASTM International ~~[the handbook described by Subdivision (1)]~~; or

(3) to pay for installation of playground equipment or

1 surfacing if the installation will not [~~substantially~~] comply, on
2 completion of the installation, with each applicable provision of
3 the specifications [~~handbook~~] described by Subdivision (1) or (2),
4 as applicable.

5 (b) Public funds may be used for maintenance of playground
6 equipment or surfacing for the area under and around playground
7 equipment that was purchased before September 1, 2009 [~~1997~~], even
8 if the equipment or surfacing does not [~~substantially~~] comply, on
9 completion of the maintenance, with each applicable provision of
10 the specifications [~~handbook~~] described by Subsections
11 [~~Subsection~~] (a)(1) and (a)(2).

12 SECTION 2. This Act takes effect September 1, 2009.