

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:

(A) does not ~~[substantially]~~ comply with each applicable provision of ASTM Standard F1487-07a e1, "Consumer Safety Performance Specification for Playground Equipment for Public Use" ~~[the Handbook for Public Playground Safety]~~ published ~~[in 1994]~~ by ASTM International; or

(B) has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed ~~[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

1 F2223-04e1, "Standard Guide for ASTM Standards on Playground
2 Surfacing" published by ASTM International [~~the handbook described~~
3 ~~by Subdivision (1)~~]; or

4 (3) to pay for installation of playground equipment or
5 surfacing if the installation will not [~~substantially~~] comply, on
6 completion of the installation, with each applicable provision of
7 the specifications [~~handbook~~] described by Subdivision (1) or (2),
8 as applicable.

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 4127 was passed by the House on April 30, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4127 on May 23, 2009, by the following vote: Yeas 137, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4127 was passed by the Senate, with amendments, on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor