

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:

Sec. 756.061. COMPLIANCE WITH SAFETY STANDARDS. (a) Except as provided by Subsection (b), on or after September 1, ~~1997,~~ 2009, public funds may not be used:

(1) to purchase playground equipment that does not substantially comply with each applicable provision of the latest edition of ASTM F-1487 Standard Consumer Safety Performance Specification for Playground Equipment for Public Use or the latest issue of the Handbook for Public Playground Safety published ~~in~~ 1994 by 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 ~~[the handbook described by Subdivision (1)]~~ the latest edition of ASTM F-2223 Standard Guide for ASTM Standards on Playground Surfacing or the latest issue of the Handbook for Public Playground Safety published by the United States Consumer Product Safety Commission (Publication 325); or

1 (3) to pay for installation of playground equipment or
2 surfacing if the installation will not comply, on completion of the
3 installation, with each applicable provision of the [~~handbook~~]
4 specifications described by Subdivisions (1) and (2).

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, [~~1997~~] 2009, even
8 if the equipment or surfacing does not comply, on completion of the
9 maintenance, with each applicable provision of the [~~handbook~~]
10 specifications described by Subsections (a)(1) and (a)(2).

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