

1-1 By: Hartnett (Senate Sponsor - Carona) H.B. No. 4127  
1-2 (In the Senate - Received from the House May 1, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on Health  
1-4 and Human Services; May 14, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9,  
1-6 Nays 0; May 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4127 By: Shapleigh

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the expenditure of public funds for certain playground  
1-11 facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 756.061(a) and (b), Health and Safety  
1-14 Code, are amended to read as follows:

1-15 (a) Notwithstanding any other rule or statute, and except  
1-16 [Except] as provided by Subsection (b), on or after September 1,  
1-17 2009 [1997], public funds may not be used:

1-18 (1) to purchase playground equipment that:

1-19 (A) does not [substantially] comply with each  
1-20 applicable provision of ASTM Standard F1487-07a e1, "Consumer  
1-21 Safety Performance Specification for Playground Equipment for  
1-22 Public Use" [the Handbook for Public Playground Safety] published  
1-23 [in 1994] by ASTM International; or

1-24 (B) has a horizontal bare metal platform or a  
1-25 bare metal step or slide, unless the bare metal is shielded from  
1-26 direct sun by a covering provided with the equipment or by a shaded  
1-27 area in the location where the equipment is installed [the United  
1-28 States Consumer Product Safety Commission (Publication No. 325)];

1-29 (2) to purchase surfacing for the area under and  
1-30 around playground equipment if the surfacing will not  
1-31 [substantially] comply, on completion of installation of the  
1-32 surfacing, with each applicable provision of ASTM Standard  
1-33 F2223-04 e1, "Standard Guide for ASTM Standards on Playground  
1-34 Surfacing" published by ASTM International [the handbook described  
1-35 by Subdivision (1)]; or

1-36 (3) to pay for installation of playground equipment or  
1-37 surfacing if the installation will not [substantially] comply, on  
1-38 completion of the installation, with each applicable provision of  
1-39 the specifications [handbook] described by Subdivision (1) or (2),  
1-40 as applicable.

1-41 (b) Public funds may be used for maintenance of playground  
1-42 equipment or surfacing for the area under and around playground  
1-43 equipment that was purchased before September 1, 2009 [1997], even  
1-44 if the equipment or surfacing does not [substantially] comply, on  
1-45 completion of the maintenance, with each applicable provision of  
1-46 the specifications [handbook] described by Subsections  
1-47 [Subsection] (a)(1) and (a)(2).

1-48 SECTION 2. This Act takes effect September 1, 2009.

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