

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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.

ADOPTED

MAY 21 2009

*Antony D. Spaw*  
Secretary of the Senate

By: *Carmon*

H.B. No. 4127

Substitute the following for H.B. No. 4127:

By: *Shupe*

C.S. H.B. No. 4127

A BILL TO BE ENTITLED

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

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

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6 Code, are amended to read as follows:

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8 ~~[Except]~~ as provided by Subsection (b), on or after September 1,  
9 2009 ~~[1997]~~, public funds may not be used:

10 (1) to purchase playground equipment that:  
11 (A) does not [substantially] comply with each  
12 applicable provision of ASTM Standard F1487-07ae1, "Consumer  
13 Safety Performance Specification for Playground Equipment for  
14 Public Use" ~~[the Handbook for Public Playground Safety]~~ published  
15 ~~[in 1994]~~ by ASTM International; or

16 (B) has a horizontal bare metal platform or a  
17 bare metal step or slide, unless the bare metal is shielded from  
18 direct sun by a covering provided with the equipment or by a shaded  
19 area in the location where the equipment is installed ~~[the United~~  
20 ~~States Consumer Product Safety Commission (Publication No. 325)]~~;

21 (2) to purchase surfacing for the area under and  
22 around playground equipment if the surfacing will not  
23 [substantially] comply, on completion of installation of the  
24 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.

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4127** by Hartnett (Relating to the expenditure of public funds for certain playground facilities.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SD, CL, DB

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**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 13, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4127** by Hartnett (Relating to the expenditure of public funds for certain playground facilities.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, CL, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 8, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4127** by Hartnett (Relating to the expenditure of public funds for certain playground facilities.), As Engrossed

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, CL, MN, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 17, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4127** by Hartnett (Relating to the expenditure of public funds for certain playground facilities.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 6, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4127** by Hartnett (Relating to the expenditure of public funds for certain playground facilities.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, DB