
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4102 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Beverly Hammerstrom

House Committee: Regulatory Affairs

Senate Committee: Economic Development, International Trade and Regulatory Affairs

CONTENT

The bill would create the "Playground Equipment Safety Act" to regulate the manufacture and assembly of "public playground equipment", i.e., apparatus, including, but not limited to, slides, climbers, seesaws, and swings, designed for the recreational use of children and owned and operated by a local unit of government, school district, or any other governmental entity. The bill would take effect on May 1, 1998, and is tie-barred to House Bill 4101.

On and after May 1, 1998, a person who, for compensation, manufactured or assembled public playground equipment would have to comply with the following standards: the "handbook for public playground safety" published for the U.S. Consumer Products Safety Commission; and the "standard consumer safety performance specification for playground equipment for public use, ASTM F1487-93", published by the American Society for Testing and Materials. A manufacturing violation would be a State civil infraction subject to a civil fine of up to \$10,000. An assembly violation would be a State civil infraction subject to a civil fine of up to \$1,000. Money collected under the bill from fines and costs would have to be deposited into the Children's Trust Fund.

The bill would not affect governmental immunity from liability granted by law. A governmental entity that owned and operated public playground equipment would be responsible for its maintenance, repair, and upkeep. For equipment that existed before the bill's effective date, the standards would apply only to the extent that their application would be possible without requiring substantial alteration, removal, or replacement of the existing equipment.

Legislative Analyst: P. Affholter

FISCAL IMPACT

State Impact. It appears that the bill would have an indeterminate fiscal impact on the State. The civil fines collected and deposited in the Children's Trust Fund would increase available resources for child abuse and neglect prevention grants. The Children's Trust Fund for the Prevention of Child Abuse and Neglect, an independent nonprofit organization administered by the State Child Abuse and Prevention Board, distributes funds through local abuse and neglect councils for community-based, direct family service programs. In FY 1995-96 approximately 79 of Michigan's 83 counties received grants, which are matched with local funds. The Michigan yearly income tax check-off is the Fund's primary source of funding. Other funding sources include donations, fund-raising, interest from the trust account, and cash grants from the State and Federal government.

Local Impact. It appears that the bill could have an indeterminate fiscal impact on local government. Increased resources would be available for more local service programs. It could reduce local governments' expenditures by providing additional resources for needed programs.

Date Completed: 5-28-97

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.