

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 F1487-07ae1, "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 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 surfacing if the installation will not [~~substantially~~] comply, on completion of the installation, with each applicable provision of the specifications [~~handbook~~] described by Subdivision (1) or (2), as applicable.

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

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