
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4102 (Substitute H-2 as passed by the House)

Sponsor: Representative Beverly Hammerstrom

House Committee: Regulatory Affairs

Senate Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 4-23-97

CONTENT

The bill would create the "Playground Equipment Safety Act" to regulate the manufacture and assembly of "public playground equipment". "Public playground equipment" would mean "apparatus, including but not limited to slides, climbers, seesaws, and swings, designed for the recreational use of children and located on grounds open to the public".

The bill would take effect on September 1, 1997, and is tie-barred to House Bill 4101. That bill would amend Public Act 249 of 1982, which created the Children's Trust Fund, to specify that amounts received from civil fines imposed under the proposed Playground Equipment Safety Act would be credited to the Children's Trust Fund.

Manufacture and Assembly Standards

Any time that a person was engaged in the manufacture or assembly of public playground equipment in Michigan, that person would have to comply with the following standards:

- The "handbook for public playground safety" published for the U.S. Consumer Products Safety Commission, which is based upon recommendations provided to the Commission by the COMSIS Corporation in March 1990 in "development of human factors criteria for playground equipment safety" by Donna Rattle, Melanie Morrison, and Neil Lerner.
- The "standard consumer safety performance specification for playground equipment for public use, ASTM F1487-93", published by the American Society for Testing and Materials.

The bill would incorporate both of those documents by reference.

A local unit of government or school district in which public playground equipment was located would be responsible for its maintenance, repair, and upkeep.

Violations: Civil Fines

A person who violated the bill in the manufacture of public playground equipment would be responsible for the payment of a civil fine of up to \$10,000. A person who, for monetary compensation, assembled public playground equipment and violated the bill would be responsible for the payment of a civil fine of up to \$1,000. A default in the payment of a civil fine or costs ordered under the bill or an installment of a fine or costs could be remedied by any means authorized under the Revised Judicature Act.

Except as provided below, money collected under the bill from the assessment of civil fines would have to be deposited into the Children's Trust Fund. One-half of the money collected from the assessment of civil fines would have to be deposited into the general fund of the local unit of government responsible for the inspection and enforcement of the bill in the assembly and manufacture of public playground equipment.

Legislative Analyst: P. Affholter

FISCAL IMPACT

State Impact

It appears that the bill would have an indeterminate fiscal impact on State government. 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. Primarily, the programs attempt to prevent a breakdown in parent-child relationships that may lead to abuse and neglect. The program intervention occurs before involvement with the Family Independence Agency's protective services becomes necessary. 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.

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.