Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1622
Bill #: SB 159 GA
Document ID #: 6056
Bill Subject/Title: AN ACT relating to the operation of splash pads.
Sponsor: Sen. Wil R. Schroder
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Parks and Recreation; fiscal court
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 159 GA requires the Cabinet for Health and Family Services to issue administrative regulations establishing operational and maintenance standards for splash pads; the regulations must be distinguishable from those required for swimming pools. The regulations must require that the water, if recirculated, be chemically treated, filtered, and monitored, but they must *not* require a ring buoy, life pole, Shepherd's crook, backboard, or telephone.

The fiscal impact of the bill is indeterminable to moderate, and could be either negative or positive. The bill gives broad authority to the cabinet to develop administrative regulations for operational and maintenance standards, which are to be distinguishable from swimming pools. Certain customary "poolside" devices need not be present. To the extent that the cabinet currently treats splash pads as swimming pools, then there is a possibility that regulations under this bill's authority would result in a cost savings to local governments that operate splash pads. Only *recirculated* water would need to be chemically treated and properly filtered and monitored. Because the current swimming

pool regulations require such items as a ring buoy, life pole, Shepherd's crook, backboard, or telephone, a bill that specifically exempts those items from any application to splash pads and that limits chemical treatment/monitoring to recirculated water would result in a cost savings to cities and counties *if all other requirements remain the same*.

It is not possible to determine the extent to which the cabinet might impose standards within the framework allowed. The idea of regulating splash pads is not new. Other states have imposed a variety of requirements for splash pads (also known by other terms such as interactive water play venues), including but not limited to enclosed bathrooms, an on-site attendant, or monitoring of chlorine levels multiple times per day. (Indiana requires bathrooms with diaper changing areas and drinking fountains. Ohio and Iowa must review plans prior to construction. Wisconsin requires at least one attendant on the premises if there is no fence around the splash pad, but indicates that a ring buoy and shepherd's crook are not required.)

The fiscal implications of SB 159 GA are directly tied to administrative regulations promulgated by the Cabinet for Health and Family Services. If those regulations are different than those for swimming pools but are nevertheless stringent, then SB 159 GA could have a negative fiscal impact on local governments. If those regulations are generally less stringent, then SB 159 GA could have a positive fiscal impact.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, relates to SB 159 GA. The fiscal mandate to local governments is unchanged from that of SB 159 SCS.

SB 159 SCS made only one change to SB 159 as introduced:

• required chemical treatment, filtering, and monitoring only if the water is *recirculated*. The introduced version did not limit this to just recirculated water.

Data Source(s): LRC Staff; Kentucky League of Cities;

https://www.in.gov/isdh/files/Interactive%20Water%20Fountains.pdf; https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/76.pdf; https://idph.iowa.gov/Portals/1/Files/SwimmingPoolsandSpas/641-%20Chapter%2015%20Swimming%20Pools%20and%20Spas.pdf

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 3/3/20