Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 476
Bill #: HB 109 GA
Document ID #:
Bill Title: AN ACT relating to swimming pools and declaring an emergency.
Sponsor: Representative Kevin Jackson
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: City parks and recreation facilities
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

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

HB 109 GA would establish a classification system for swimming pools as either Class A or Class B and would establish lifeguard requirements each class. Class A pools are those intended for or used by the general public for recreational use. Class B pools are those not open to the general public but open to limited groups and their invited guests. One lifeguard would be required for each 1 to 100 bathers if a pool of either Class:

- 1. Allows minors without a responsible adult; or
- 2. Contains a feature such as a wave pool or slides; or
- 3. Contains a diving board, platform, climbing wall or similar feature.

In addition, a Class A pool that does not meet any of the criteria 1-3, above, but has 2,000 square feet or more of water surface or has 100 or more bathers shall have one lifeguard for each 2,000 square feet and for each one hundred bathers. Under some circumstances a swimming coach or instructor may count as a lifeguard while acting as a coach or instructor. Class A and Class B pools may be allowed to submit an alternative lifeguard

staffing plan certified by a third-party compliance specialist. The bill would require Class A and Class B pools to have an emergency shut-off to disconnect power to processes involved with the water circulation system. The shut-off would be required to be located so as to be quickly accessible to pool staff but secure from the public.

Section 2 of the bill declares an emergency and that the Act would be effective on approval by the Governor or its otherwise becoming law.

HB 109 GA would have minimal fiscal impact on local governments that fund swimming facilities open to the general public or to a subset of the public. The requirements of the bill may result in hiring additional lifeguards and resulting wage, fringe benefits, and training expenses. Additional administrative costs to ensure compliance with the bill's requirements may be incurred by cities. However, many aquatic centers already employ lifeguards and so would not incur additional personnel costs. Lifeguards may also be seasonal or temporary labor and collect lower wages. As a result, the fiscal impact of HB 109 HCS 1 on local governments would be minimal.

Data Source(s): <u>Kentucky League of Cities; LRC staff</u>

Preparer: Mary Stephens (JB) **Reviewer:** KHC **Date:** 3/4/24