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House Bill 5462 (Substitute H-4 as passed by the House)
Sponsor: Representative Jerry O. Kooiman
House Committee: Commerce
Senate Committee: Health Policy

Date Completed: 3-18-02

CONTENT

The bill would amend the Public Health Code to specify that an administrative rule governing swimming pool starting platforms (R 325.2135) would not apply to a public swimming pool constructed before the bill's effective date. The owner of a public swimming pool constructed on or after that date would have to comply with the rule.

Rule 325.2135 (Rule 35) was promulgated by the Department of Environmental Quality (DEQ) and took effect in February 2001. If starting platforms are provided at a swimming pool, the pool owner must ensure that they comply with the rule's water depth requirements. Starting platforms may not be installed for water depths less than 79 inches (6 feet, 7 inches), and a starting platform must not be higher than 30 inches above the water for depths of 79 inches or more. Starting platforms also must conform to the rule's installation requirements. For starting platforms installed before February 6, 2001, with water depths less than 60 inches, the rule requires the platforms to be brought into compliance or permanently removed. (Under Rule 325.2114, however, the DEQ may grant a variance from its pool construction rules if the Department determines that the variance will not affect the safe and healthful operation of the swimming pool and that strict compliance will cause unusual practical difficulties and hardships or will conflict with a special purpose intended for the pool.)

Under the Code's definition of "public swimming pool", the term includes pools "which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, mobile home parks, subdivisions, and the like".

MCL 333.12522

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State government but could have a fiscal impact on local units of government (such as school districts, community colleges, or municipalities), State universities, and independent colleges that have starting platforms for swimming pools that are less than 79 inches deep. The bill would allow owners of public pools to avoid the costs of renovating or building new swimming pools, or to avoid the elimination of competitive swimming programs.

There are two public universities with pools that are four feet deep: Grand Valley State University and Northern Michigan University. Grand Valley estimates that renovation costs would be \$1.5 million and Northern estimates costs of \$0.5 million, if they were to comply with the five foot depth requirement of Rule 35. In addition to the two public universities, there are at least two private colleges, Albion and Calvin, that have pools with a depth of less than five

feet. There are approximately 14 public community colleges and many public high schools with swimming pools that may be subject to Rule 35.

Fiscal Analyst: Ellen Jeffries