



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 628 (as reported without amendment)
Sponsor: Senator Ron Jelinek
Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend the Public Health Code to permit, rather than require, the owner or person in charge of a public bathing beach to provide and maintain suitable and adequate safety and rescue equipment and suitable and adequate means of communication with outside sources of assistance.

Currently, this equipment and means of communication must be available and accessible at the beach when it is open to bathers. Under the bill, that requirement would apply only if the owner or person in charge of the beach provided and maintained the equipment and means of communication. Additionally, the bill specifies that if the owner or person in charge provided and maintained the safety and rescue equipment and means of communication, that action would constitute the "exercise or discharge of a governmental function".

(Under the governmental immunity Act, a governmental agency and its officers, employees, and volunteers generally are immune from tort liability if engaged in the "exercise or discharge of a governmental function".)

MCL 333.12542

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. To the extent that State or local government entities would opt out of providing this equipment, they could realize minor costs savings. Additionally, by making the provision of the equipment a governmental function, the bill would shield the owner or person in charge of the beach from liability, which could result in additional savings. There are no data on the number of cases the bill would affect.

Date Completed: 10-12-07

Fiscal Analyst: Jessica Runnels