



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 628 (as introduced 6-28-07)

Sponsor: Senator Ron Jelinek

Committee: Natural Resources and Environmental Affairs

Date Completed: 7-23-07

**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 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. The bill specifies that this provision 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 is 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.

Fiscal Analyst: Jessica Runnels

S0708\sb628sa

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.