COMMITTEE REPORT

March 21, 2012

**H. 4739**

Introduced by Reps. Henderson and Stavrinakis

S. Printed 3/21/12--H.

Read the first time February 7, 2012.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4739) to amend the Code of Laws of South Carolina, 1976, by adding Section 44‑1‑157 so as to specify the number of lifeguards, based on the square, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑157. (A) All Type A public swimming pools, as a condition of obtaining and maintaining an operating permit shall provide lifeguards, as defined in Regulation 61‑51, in accordance with the following:

(1) A public swimming pool of three thousand square feet or fewer must have:

(a) one lifeguard for one to twenty five patrons;

(b) two lifeguards for twenty‑six through fifty patrons;

(c) three lifeguards for fifty‑one through one hundred fifty patrons;

(d) four lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(2) A public swimming pool of three thousand one square feet through six thousand square feet must have:

(a) two lifeguards for one to twenty five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) four lifeguards for fifty‑one through one hundred fifty patrons;

(d) five lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(3) A public swimming pool of six thousand one square feet through nine thousand square feet must have:

(a) two lifeguards for one to twenty five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) five lifeguards for fifty‑one through one hundred fifty patrons;

(d) six lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(4) A public swimming pool of greater than nine thousand square feet must have:

(a) three lifeguards for one to twenty five patrons;

(b) four lifeguards for twenty‑six through fifty patrons;

(c) six lifeguards for fifty‑one through one hundred fifty patrons;

(d) seven lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(B) A public swimming pool required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.”

(C) All Type E public swimming pools, as defined in Regulation R.61‑51, shall submit to the Department of Health and Environmental Control a lifeguard coverage plan. Upon approval by the Department of Health and Environmental Control, Type E public swimming pools must provide lifeguards in accordance with their approved plan.”

(D) Any request for a variance from these provisions must be made in writing and must include a site‑specific evaluation that demonstrates proof of equivalency with these provisions. The Department of Health and Environmental Control will consider the variance request and will provide written notice of its decision.”

SECTION 2. This act takes effect upon the approval by the Governor . /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

A Cost to Federal and/or Other Funds (See Below)

**EXPLANATION OF IMPACT:**

Commission on Higher Education

Based on the colleges’ and universities’ individual responses to the Commission on Higher Education survey, the legislation would impact general, federal and other funds. Recurring costs reported averaged $47,365 per institution (ranging from $2,500 to $100,000) and are associated with hiring additional staff required to meet the lifeguard-patron ratio at the various institutions. Non-recurring costs, associated with guard and rescue equipment purchases, are estimated at an additional $2,000 per institution.

Department of Parks, Recreation and Tourism (PRT)

The department operates one swimming pool regulated by DHEC at Hickory Knob State Park from May 1st to September 30th. The provisions of this bill would require PRT to hire three temporary lifeguards during the season. The department estimates the cost at $34,910 annually ($33,910 for salaries and $1,000 for safety equipment). However, *as the agency is attempting to have the Park system become self-supporting, in the face of increased operating costs* the agency would likely close the facility and fill-in the pool at an estimated *one-time* cost of $7,500.

Department of Health & Environmental Control (DHEC)

The department reports that this bill impacts pool owners. There is no impact on agency operations, the state general fund or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

Pursuant to Section 2-7-76 of the Code of Laws of South Carolina, 1976, the State Budget Division has surveyed members of the FIST Network. The responses will be forwarded upon receipt.

**SPECIAL NOTES:**

*The italicized portion of this impact indicates the items that have been revised. For this impact, the revised constitutes information that was not available in the original impact.*

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑157 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE AND NUMBER OF PATRONS, A PUBLIC SWIMMING POOL OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT; AND TO EXCLUDE TYPE E FACILITIES FROM THESE REQUIREMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑157. (A) All public swimming pools, excluding Type E facilities, as defined in Regulation 61-51, operated by the State, or a political subdivision of the State, as a condition of obtaining and maintaining an operating permit shall provide lifeguards in accordance with the following:

(1) A public swimming pool of three thousand square feet or fewer must have:

(a) one lifeguard for twenty‑five or fewer patrons;

(b) two lifeguards for twenty‑six through fifty patrons;

(c) three lifeguards for fifty‑one through one hundred fifty patrons;

(d) four lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(2) A public swimming pool of three thousand one square feet through six thousand square feet must have:

(a) two lifeguards for twenty‑five or fewer patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) four lifeguards for fifty‑one through one hundred fifty patrons;

(d) five lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(3) A public swimming pool of six thousand one square feet through nine thousand square feet must have:

(a) two lifeguards for twenty‑five or fewer patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) five lifeguards for fifty‑one through one hundred fifty patrons;

(d) six lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(4) A public swimming pool of greater than nine thousand square feet must have:

(a) three lifeguards for twenty‑five or fewer patrons;

(b) four lifeguards for twenty‑six through fifty patrons;

(c) six lifeguards for fifty‑one through one hundred fifty patrons;

(d) seven lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(B) A public swimming pool required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.”

SECTION 2. This act takes effect July 1, 2012.

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