



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 357 (as reported without amendment)
Sponsor: Senator Gilda Z. Jacobs
Committee: Education

Date Completed: 2-25-10

RATIONALE

In 2007, a flagpole broke and fell in a school courtyard in Ferndale, Michigan, killing a five-year-old girl. An investigation found that internal rust had eroded the flagpole, which was estimated to be at least 60 years old, and that high winds had snapped the pole in two, according to news reports. The corrosion reportedly was caused by water that had collected where two lamp brackets were attached. After the incident, school officials were criticized for not maintaining the flagpole properly. It has been suggested that measures should be put into place to prevent similar accidents in the future.

CONTENT

The bill would amend the Playground Equipment Safety Act to require replacement flagpoles on public playgrounds to be made of aluminum or other lightweight and high-strength material.

Under the Act, the local unit of government, school district, or governmental entity that owns public playground equipment is responsible for the maintenance, repair, and upkeep of that equipment according to certain standards.

"Public playground equipment" means apparatus, including slides, climbers, seesaws, and swings, designed for the recreational use of children and owned and operated by a local unit of government, school district, or any other governmental entity. The bill would add flagpoles to that definition.

The bill would require any replacement flagpoles to be made of aluminum or material that is considered by the industry to be high-strength and lightweight material.

MCL 380.1278b

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Act requires playground equipment to be inspected and maintained regularly, and the bill would extend that requirement to flagpoles. Investigations into the incident at Roosevelt Primary School in Ferndale found that the flagpole was corroded internally because of water damage that had occurred over a number of years. The bill would make schools responsible for the maintenance of flagpoles, to ensure that such structural deterioration did not go unnoticed in the future. While the incident in Ferndale was a rare occurrence, many other schools may have aged and deteriorated flagpoles that could pose a similar risk.

In addition, the bill would require flagpoles that were due for replacement to be replaced with poles made of aluminum or a lightweight, high-strength material, which would withstand high winds and be less susceptible to corrosion. Aluminum is strong, lightweight, and inexpensive, and unlike steel does not rust. Flagpoles would not have to be replaced immediately, but only as needed.

Response: An oversized flag also can place tremendous stress on a flagpole, particularly in windy conditions. There are guidelines specifying the proper size of the flag based on the height of the flagpole. School officials should be made aware of those standards, both for safety and out of respect for the flag.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Kathryn Summers

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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.