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TRANSFER LAND FROM DSS TO DSP JURISD'N.

House Bill 4766 as introduced
First Analysis (5-4-88)

Sponsor: Rep. Timothy L. Walberg
Committee: State Affairs

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THE APPARENT PROBLEM:

A state police post was established in Adrian Township in 1986 on state land which was, and still is, under the jurisdiction of the Department of Social Services (DSS). Since the land was state-owned at that time, there was no need for the state to acquire the land through land transfer legislation. However, in the past year and a half the DSS, as the state department having jurisdiction over the property, has been responsible for paying utility bills associated with the state police building. Utility bills for the Adrian State Police Post have averaged approximately \$6,000 per year. Further, if an injury were to occur on the state police post premises, currently both the DSS and the Department of State Police (DSP) could be liable in a lawsuit. The Department of Management and Budget has therefore requested that the land be transferred from the jurisdiction of the DSS to that of the DSP, in order to transfer responsibility for paying utility bills, as well as liability in the event of a lawsuit, to the proper state department.

THE CONTENT OF THE BILL:

The bill would authorize the state administrative board to transfer 1.7 acres of state-owned land in Adrian Township, on which the Adrian State Police Post has been established, from the DSS to the DSP. The transfer would be effective on the date of the resolution of the board approving the transfer.

FISCAL IMPLICATIONS:

According to the Department of Social Services, the bill would transfer responsibility for maintaining the building which houses the Adrian State Police Post from the DSS to the DSP, and therefore would not affect state expenditures. The department also said the bill could save the state money by reducing state liability costs in the event that a lawsuit for an injury occurring on the police post premises were to be filed against the state. (Currently, both the DSS and the DSP could be liable in such a lawsuit.) (5-3-88)

ARGUMENTS:

For:

Although the state owns the land on which the Adrian State Police Post now stands, state department jurisdiction belongs to the DSS rather than the DSP. The DSP — not the DSS — should be responsible for paying utility and other bills associated with maintaining the state police post. Also, both state departments could be liable if an injury occurs on the state police post premises and a lawsuit is filed. The bill would transfer departmental jurisdiction for the land to the DSP, and thus would alleviate both these problems.

POSITIONS:

The Department of Social Services supports the bill. (5-3-88)

The Department of State Police supports the bill. (5-3-88)

The Department of Management and Budget supports the bill. (10-19-87)

H.B. 4766 (5-4-88)