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BILL ANALYSIS

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Senate Bill 1112 (Substitute S-1 as reported)
Sponsor: Senator Patricia L. Birkholz
Committee: Health Policy

CONTENT

The bill would amend the Housing Law of Michigan to transfer from the Department of Environmental Quality (DEQ) to the Department of Community Health (DCH) responsibilities regarding potential contamination of property that was the site of illegal drug manufacturing.

Under the Law, a State or local law enforcement agency must notify the enforcing agency and the DEQ regarding the potential contamination of any property or dwelling that is or has been the site of illegal drug manufacturing. Within 14 days after receiving the notification or as soon thereafter as is practically possible, the DEQ, in cooperation with the enforcing agency, must review the information received from the law enforcement agency, emergency first responders, or hazardous materials team that was called to the site and make a determination regarding whether the premises are likely to be contaminated and whether that contamination may constitute a hazard to the health or safety of those who may occupy the premises.

The bill would refer to the DCH, rather than the DEQ, in these provisions. The bill also would require a law enforcement agency to give notice of potential contamination to the local health department, if it were not the enforcing agency.

MCL 125.485a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The Department of Community Health has indicated that it currently does not have staff with the expertise to make the determinations required in the bill. The DEQ, which currently provides guidance to local governments on likely contaminated sites, reports that it does not have staff or resources that could be transferred to the DCH if responsibility for these determinations were shifted. This suggests that the State would see an indeterminate increase in administrative cost associated with the hiring or training of staff and the promulgation of rules and procedures to comply with the bill. The extent of the increase in cost would be primarily influenced by the number of employees needed to provide local governments with determinations of whether sites that had been used for the manufacture of illegal drugs were likely contaminated.

Local health departments that are not currently providing guidance to law enforcement related to illegal drug sites also would see an indeterminate increase in cost from complying with the bill.

Date Completed: 3-23-06

Fiscal Analyst: David Fosdick

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Analysis available @ <http://www.michiganlegislature.org>

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