



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1112 (as introduced 3-2-06)
Sponsor: Senator Patricia L. Birkholz
Committee: Health Policy

Date Completed: 3-21-06

CONTENT

The bill would amend the Housing Law of Michigan to require a law enforcement agency to notify the Department of Community Health (DCH), instead of the Department of Environmental Quality (DEQ), regarding potential contamination of property or a dwelling that was the site of illegal drug manufacturing. The bill also would require the DCH, rather than the DEQ, to determine whether a site of illegal drug manufacturing was likely to be contaminated and pose a hazard to occupants.

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 State or local 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 fact that property or a dwelling has been used as a site for illegal drug manufacturing must be treated by the DEQ as prima facie evidence of likely contamination that may constitute a hazard to the health or safety of those who may occupy the premises.

The DEQ must promulgate rules and procedures necessary to implement this section of the law.

The bill would refer to the DCH, rather than the DEQ, in these provisions.

MCL 125.485a

Legislative Analyst: J.P. Finet

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 Senate Bill 1112. The Department of Environmental Quality, 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 meet the requirements of the bill. The extent of the increase in administrative cost would

be primarily influenced by the number of employees needed to provide local governments with determinations of whether sites that have been used for the manufacture of illegal drugs are likely contaminated.

Fiscal Analyst: David Fosdick

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