

Legislative Analysis



LEAD POISONING PREVENTION

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Senate Bill 753 (Substitute H-1)

Sponsor: Sen. Martha G. Scott

Senate Bill 756 (Substitute H-1)

Sponsor: Sen. Bill Hardiman

Senate Committee: Families and Human Services

House Committee: Health Policy

Addendum to SFA Analysis (3-24-04)

ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 753 AND SENATE BILL 756 DATED 1-28-04:

HOUSE COMMITTEE ACTION:

The House Committee on Health Policy adopted substitutes for both bills. A description of the significant changes follows.

Senate Bill 753. The Senate-passed version would have allowed the governor to establish a Childhood Lead Poisoning Prevention and Control Commission. The House-substitute would allow the governor to either establish the commission or instead designate an existing organization or statewide childhood lead poisoning prevention coalition to serve as the commission if it could fulfill the bill's requirements.

The Senate-passed version would have allowed the commission to establish an advisory committee for the purpose of advising the commission on matters pertaining to lead poisoning prevention and control. It would require, at a minimum, representatives from a long list of public, industry, and community-based agencies, programs, and organizations. The House substitute instead would require the commission to seek input from those representatives at public hearings and would eliminate some of the listed organizations and add others.

Further, the due date for the required report submitted by the commission to the legislature and the governor would be changed from March 31, 2004 to January 1, 2005, and the sunset date for the bill would be changed from 18 months after the bill's effective date to July 1, 2007. Lastly, the House substitute would delete the requirement for a representative of the Department of Community Health to summarize the commission's findings and recommendations to the legislative committees with jurisdiction over issues pertaining to public health and children. Instead, it would require the commission to continue to monitor and evaluate the state's lead poisoning prevention program and the

progress in implementing the commission's recommendations. The commission could also hold additional public hearings as deemed necessary or appropriated to carry out its duties under the bill.

Senate Bill 756. The House substitute would, in the Lead Safe Housing Registry, list residential and multifamily dwellings and child-occupied facilities that have been abated of lead-based paint hazards or have had interim controls performed to control lead-based paint hazards as determined through a lead-based paint investigation performed by a certified risk assessor certified under the Public Health Code. (The Senate-passed version would have listed residences and facilities that had been inspected and certified as lead free or lead safe following an abatement to control or eliminate lead-based paint hazards.)

The substitute would require a rented or leased residence or child-occupied facility to register that property if the property had been abated of lead-based paint hazards or had had interim controls performed to control the lead-based paint hazards. Further, the bill would delete a provision requiring the Department of Community Health to publish the registry in a newspaper with statewide circulation 30 days before the start of each new school year. Instead, the bill would allow the department to charge a reasonable, cost-based fee for providing copies of the registry.

[The Senate Fiscal Analysis of an earlier version of these bills can be found on the Michigan Legislature web site.]

FISCAL IMPACT:

Senate Bill 753. There will be costs to the Department of Community Health (DCH) associated with the establishment, operations, public hearings, and reporting of a new commission, with subsequent ongoing costs through July 1, 2007. Additional costs will depend on the ability of the commission to utilize existing departmental resources. Utilizing an existing organization or coalition may be less costly than establishing a new commission, as some initial costs would be bypassed. The bill provides that members of the commission serve without compensation but may be reimbursed for expenses subject to appropriations.

As a comparison, DCH has previously estimated a cost of \$265,000 for a bill which established a similarly formatted new commission responsible for addressing its topic over a 12-18 month period. The 1998-2000 Long-Term Care Work Group coordinated by DCH utilized existing staff, resources, and existing funds of approximately \$147,000 for contractual services.

Senate Bill 756. The bill establishes that three state agencies cooperate in the development and maintenance of this registry. There will be modest costs associated with the creation and continued operation of this function, including data collection, preservation, and protection, public web site access, public awareness, forms, requests and fee processing.

The bill has modest revenue implications as it provides that a fee be collected by the Department of Community Health for certain facilities offered for rent or lease that an owner chooses to register. The bill also provides that the Department may charge a cost-based fee for a copy of the registry.

POSITIONS:

A representative of the Department of Community Health testified in support of the bills. (3-23-04)

A representative of the Rental Property Owners Association testified in opposition to Senate Bill 756. (3-24-04)

The Jackson Area Landlords Association opposes Senate Bill 756. (3-24-04)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.