



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 755 (Substitute S-1 as reported)
Senate Bill 756 (Substitute S-1 as reported)
Senate Bill 757 (Substitute S-1 as reported)
Sponsor: Senator Bev Hammerstrom (S.B. 755)
 Senator Bill Hardiman (S.B. 756)
 Senator Hansen Clarke (S.B. 757)
Committee: Families and Human Services

CONTENT

Senate Bill 755 (S-1) would amend the Public Health Code to require a clinical laboratory that analyzed a blood sample for lead to report the results to the Department of Community Health (DCH) in a DCH-prescribed electronic format within 5 days after the analysis was completed. The DCH would have to mail notice of the bill's reporting requirements to each licensed clinical laboratory by January 1, 2004. Clinical labs would have to comply with the reporting requirements beginning October 1, 2005.

Senate Bill 756 (S-1) would amend the Lead Abatement Act (Part 54A of the Public Health Code) to require the DCH, in cooperation with the Family Independence Agency and the Michigan State Housing Development Authority, to establish and maintain a public listing, called the Lead Safe Housing Registry, of residential and multifamily dwellings and child-occupied 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 owner of target housing that was offered for rent or lease as a residence would have to register that property with the DCH free of charge.

The owner of any other residential or multifamily dwelling that was offered for rent or lease as a residence, or the owner of a child-occupied facility could register that property with the DCH, which would have to include that property on the registry. A person who wished to register would have to execute and return the application with payment of a registration fee in an amount to be prescribed by the DCH.

The DCH would have to publish the registry on its website and provide a copy to a person upon request.

("Target housing" means housing constructed before 1978, except a) housing for the elderly or persons with disabilities, unless one or more children age six or younger reside or are expected to reside in the housing; b) a zero-bedroom dwelling; or c) an unoccupied dwelling unit pending demolition, provided the unit remains unoccupied until demolition.)

Senate Bill 757 (S-1) would amend the Lead Abatement Act to prohibit a rental agent, landlord, or owner of a rental unit from renting or leasing a unit to another person for residential purposes if either of the following applied:

- The rental agent, landlord, or owner had prior actual knowledge that the unit contained a lead-based paint hazard.
- The rental agent, landlord, or owner discovered or was notified of the existence of a lead-

based paint hazard during the rental period and 30 days had passed since the discovery or notification date and the person had not acted in good faith to abate the hazard.

A person who violated the prohibition would be guilty of a misdemeanor punishable by a maximum fine of \$5,000. For a subsequent violation, the person would be guilty of a misdemeanor punishable by up to 90 days' imprisonment or a maximum fine of \$10,000, or both. Additionally, a violator would have to be ordered to return all rental payments made for the exposure period.

Under the bill, "lead-based paint hazard" would mean the existence of lead-based paint in sufficient quantity that if consumed by a child six years old or younger would cause a level of 10 micrograms of lead per deciliter of venous blood or more.

The bill would take effect 90 days after it was enacted.

Proposed MCL 333.20531 (S.B. 755)
Proposed MCL 333.5474b (S.B. 756)
Proposed MCL 333.5475a (S.B. 757)

Legislative Analyst: Julie Koval

FISCAL IMPACT

Senate Bills 755 (S-1) and 756 (S-1) would have an indeterminate, but likely nominal, fiscal impact on State government. A system for the electronic reporting of blood lead analysis by clinical labs is already in place, so Senate Bill 755 (S-1) would not result in any additional costs for implementing that system. This bill could potentially result in a small amount of savings for the Department because it would no longer have to process paper reports. (The majority of labs already report electronically; however, a small number still report on paper.) The Department states that costs anticipated for establishing, maintaining, and publishing the lead safe housing registry proposed by Senate Bill 756 (S-1) would be covered by the fees prescribed in the bill.

Senate Bill 757 (S-1) would have no fiscal impact on the State and an indeterminate fiscal impact on local units of government.

There are no data to indicate how many offenders would be convicted of the proposed misdemeanor offense. Local units of government would incur the costs of both probation and incarceration, which vary by county. Public libraries would benefit from any additional penal fine revenue raised due to the proposed penalty.

Date Completed: 12-18-03

Fiscal Analyst: Dana Patterson
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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.