Ohio Legislative Service Commission

Sara D. Anderson

Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 33 of the 128th G.A. (LSC 128 0035-9) **Date**: May 18, 2010

Status: In House Public Safety & Homeland Security **Sponsor**: Rep. Dyer

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Methamphetamine laboratory reporting requirements

State Fiscal Highlights

STATE FUND	FY 2011	FY 2012 – FUTURE YEARS
Office of the Attorney General		
Revenues	- 0 -	- 0 -
Expenditures	Minimal increase to make the existing database public and searchable	Potential increase for system maintenance, not likely to exceed minimal
Department of Health		
Revenues	- 0 -	- 0 -
Expenditures	Increase of up to $80,000 for initial development and implementation	Increase of up to $18,000 annually for ongoing evaluation and review
Department of Commerce		
Revenues	- 0 -	- 0 -
Expenditures	Potential increase to change property disclosure forms, not likely to exceed negligible	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2011 is July 1, 2010 – June 30, 2011.

- **Office of the Attorney General.** According to the Office of the Attorney General, the provision requiring the Bureau of Criminal Identification and Investigation (BCII) to develop and maintain a searchable database on the Attorney General's web site of properties and motor vehicles where illegal methamphetamine laboratories have been found would be unlikely to have more than a minimal impact on its expenditures since it already has such a database in place. It would just have to be made public and searchable.
- **Department of Health.** According to the Department of Health, it could see an increase in expenditures of up to $80,000 in the first year after the bill's effective date for the initial development and implementation. After the first year, the Department anticipates an increase in expenditures of up to $18,000 for ongoing yearly evaluation and review.

- **Department of Commerce.** The bill requires the Director of Commerce to revise the property disclosure form to require disclosure of information concerning any illegal methamphetamine manufacturing laboratory that has been discovered on real property and whether that property is included in the database maintained by BCII. This provision would have no more than a negligible cost for the Department of Commerce as they would only have to modify the existing property disclosure form.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2010 – FUTURE YEARS
Courts of Common Pleas	
Revenues	- 0 -
Expenditures	Potential increase, of uncertain magnitude, for clerks of county courts of common pleas to note on a title for a motor vehicle that it has been included on the illegal methamphetamine database under certain circumstances
Local Law Enforcement	
Revenues	- 0 -
Expenditures	Potential increase, not more than negligible, for local law enforcement who are required to report the location of a methamphetamine laboratory to the Bureau of Criminal Identification and Investigation

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Courts of common pleas.** The bill requires the clerk of a court of common pleas to record on the title for a motor vehicle the information regarding the inclusion of the motor vehicle on the illegal methamphetamine database when the clerk issues a certificate of title to a law enforcement agency that has seized the vehicle and the clerk is informed by the agency that the vehicle is listed on the database. This could result in an increase in expenditures for the courts, but it is unlikely to exceed minimal.
- **Local law enforcement.** The bill requires law enforcement agencies to report to the Bureau of Criminal Identification and Investigation (BCII) the location of any real property on which, or the vehicle identification number of any motor vehicle in which, an illegal methamphetamine manufacturing laboratory has been discovered. Generally, local law enforcement already reports this information to BCII, so any increases in expenditures related to the reporting requirements are unlikely to be more than negligible.

Detailed Fiscal Analysis

Overview

From a fiscal perspective, the bill most notably:

- Requires law enforcement agencies to report to the Bureau of Criminal Identification and Investigation (BCII) the location of any real property or the vehicle identification number where an illegal methamphetamine laboratory has been discovered;
- Requires BCII to maintain a database on the Attorney General's web site with the information mentioned in the above bullet point;
- Authorizes the Department of Health to adopt rules that establish guidelines for the removal of methamphetamine residue from real property, but not motor vehicles, on which an illegal methamphetamine manufacturing laboratory has been discovered;
- Requires the Director of Commerce to revise the property disclosure form to require disclosure of information concerning an illegal methamphetamine manufacturing laboratory that has been discovered on real property and is included in the database maintained by BCII; and
- Requires the clerk of a court of common pleas to record on the title for a motor vehicle the information regarding the inclusion of the motor vehicle on the illegal methamphetamine database.

State fiscal effects

Office of the Attorney General

The bill requires BCII to develop and maintain a searchable database on the Attorney General's web site of properties and motor vehicles where illegal methamphetamine laboratories have been found. According to the Office of the Attorney General, this provision would be unlikely to have more than a minimal impact on its expenditures since it already has such a database in place. The database would only need to be made public and searchable.

Department of Health

The bill authorizes the Director of Health to adopt rules that establish guidelines for the removal of methamphetamine residue from real property on which an illegal methamphetamine manufacturing laboratory has been discovered. According to the Department, during the first six months after the bill's effective date, they could see an increase in expenditures of up to $71,000 for the initial development and implementation of the rules. In the next six months, the Department anticipates an additional $9,000 in expenditures for ongoing evaluation and review. Subsequent to the

first year, the Department has stated that they expect an annual increase in expenditures of up to $18,000 for the ongoing yearly evaluation and review.

Department of Commerce

The bill requires the Director of Commerce to revise the property disclosure form to require disclosure of information concerning any illegal methamphetamine manufacturing laboratory that has been discovered on real property and whether that property is included in the database maintained by BCII. This provision would have no more than a negligible cost for the Department of Commerce as they would only have to modify the existing property disclosure form.

Local fiscal effects

Courts of common pleas

The bill requires the clerk of a court of common pleas to record on the title for a motor vehicle the information regarding the inclusion of the motor vehicle on the illegal methamphetamine database when the clerk issues a certificate of title to a law enforcement agency that has seized the vehicle and the clerk is informed by the agency that the vehicle is listed on the database. This could result in an increase in expenditures for the courts, but it is unlikely to exceed minimal.

Local law enforcement

The bill requires law enforcement agencies to report to BCII the location of any real property on which and the vehicle identification number of any motor vehicle in which an illegal methamphetamine manufacturing laboratory has been discovered. According to a representative of the Buckeye State Sheriff's Association, local law enforcement already reports this information to BCII, so this requirement simply codifies current practice and, as such, any expenditures would likely be no more than negligible.

Synopsis of Fiscal Changes

Changes in state fiscal effects

- In the As Introduced version of the bill, the Department of Public Safety was tasked with developing and maintaining the database. Public Safety estimated that this would result in an increase in expenditures of approximately $145,000 in the initial year for development of the system and then an additional $25,000 each subsequent year for maintenance, administration, and licensing.
- The substitute bill assigns the database task to the Attorney General's Office, which has estimated that the same tasks would result in only a minimal increase in expenditures, in part because BCII already has a database in place; it just needs to be made public and searchable.
- In the As Introduced version of the bill, the Environmental Protection Agency (EPA) had a very active role in certifying that a motor vehicle or piece of property that had previously been used as an illegal methamphetamine laboratory. The EPA estimated that the total cost of the provisions of the bill would be approximately $1,500,000 per year.
- The substitute bill eliminates the involvement of the EPA and, instead, authorizes the Department of Health to adopt rules that establish guidelines for the removal of methamphetamine residue from real property. The department estimates that this will cost approximately $80,000 in the first year and then $18,000 in each subsequent year.
- The substitute version of the bill also adds a provision requiring the Department of Commerce to revise the property disclosure form to require disclosure of information concerning any illegal methamphetamine manufacturing laboratory that has been discovered on the property and, subsequently, included in the database established under the bill. It is unlikely that this provision will result in any additional expenditures that amount to more than negligible.

Changes in local fiscal effects

- The As Introduced version of the bill contained a provision permitting a county recorder to record an instrument that identifies any property that has been included in the database and to provide a way for an owner of a property or a motor vehicle included in that database to receive certification that the property or motor vehicle has been cleared of any methamphetamine residue. This provision has been removed from the substitute bill, and any potential savings is uncertain.
- The substitute version of the bill includes a new provision requiring the clerk of a court of common pleas to record on the title for a motor vehicle the information regarding the inclusion of the motor vehicle on the illegal

methamphetamine database when the clerk issues a certificate of title to a law enforcement agency that has seized the vehicle and the clerk is informed by the agency that the vehicle is listed on the database. This could result in an increase in expenditures for the courts, but it is unlikely to exceed minimal.

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