

Brian McCullough

1/24/2005

HB 60

Contamination of Property – Test must be completed before any property is placed on a list of contaminated property.

Proof of contamination must be timely – Residential rental property is a business. Tests for contamination must be completed timely. Timely would be 7 business days after a governmental entity including law enforcement suspects that a property may be contaminated.

Contamination – What level of contamination is serious. 2nd hand smoke is life threatening and should also be part of any legislation like this. 2nd hand smoke has been proven in Montana to cause heart attacks. Property that has had a meth Lab in it has not been proven to have life threatening contamination after the property has been ventilated and the meth lab and ingredients have been removed, that I am aware of.

Meth Watch Partnership – Law enforcement says they are a partner with property owners but law enforcement does not want to share the proceeds from the sale of confiscated property that could be used to pay for testing and or rehabilitation if a property is found to be contaminated. Law enforcements actions on this issue do not support their words.

Contaminated property list – If a list of contaminated properties is maintained by a state agency, once the property has been found to no longer be reported to anyone as ever being contaminated.

Liability – If any local government or governmental agency publicizes or informs anyone that a property is contaminated when it is not or does not provide timely testing to identify whether a property is contaminated, that governmental entity is liable for all damages incurred by the property owner and for attorney fees incurred to enforce the remedy.