

SENATE BILL No. 438

April 2, 2009, Introduced by Senators RICHARDVILLE, PAPPAGEORGE, KUIPERS, SANBORN, GILBERT, CROPSEY, PATTERSON, JELINEK, BROWN, GEORGE, JANSEN, ALLEN and KAHN and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 1505.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1505. (1) THE DEPARTMENT, THE DEPARTMENT OF ENVIRONMENTAL
2 QUALITY, OR ANY OTHER STATE DEPARTMENT THAT PERFORMS ROUTINE
3 INSPECTIONS UNDER THIS ACT SHALL USE A STRATIFIED RANDOM SAMPLING
4 PROCESS TO SELECT PERSONS TO INSPECT.

5 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

6 (A) AN INSPECTION PERFORMED IN RESPONSE TO A COMPLAINT FROM A
7 THIRD PARTY.

8 (B) AN INSPECTION PERFORMED BECAUSE THE DEPARTMENT, THE
9 DEPARTMENT OF ENVIRONMENTAL QUALITY, OR ANY OTHER STATE DEPARTMENT
10 THAT PERFORMS ROUTINE INSPECTIONS UNDER THIS ACT HAS EVIDENCE THAT
11 A VIOLATION HAS OCCURRED.

12 (C) A FOLLOW-UP INSPECTION TO DETERMINE WHETHER VIOLATIONS
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1 IDENTIFIED IN A PREVIOUS INSPECTION HAVE BEEN CORRECTED.

2 (3) THE DEPARTMENT, THE DEPARTMENT OF ENVIRONMENTAL QUALITY,
3 OR ANY OTHER STATE DEPARTMENT THAT PERFORMS ROUTINE INSPECTIONS
4 UNDER THIS ACT SHALL ANNUALLY SUBMIT TO THE LEGISLATURE A REPORT ON
5 ALL OF THE FOLLOWING:

6 (A) THE METHODS USED TO COMPLY WITH THIS SECTION.

7 (B) THE NUMBER OF SUCH ROUTINE INSPECTIONS AND THE NUMBER OF
8 INSPECTIONS DESCRIBED IN SUBSECTION (2) THAT WERE PERFORMED BY THAT
9 ENTITY DURING THE PRIOR YEAR.

10 (C) THE LOCATION OF THE INSPECTIONS.

11 (4) AS USED IN THIS SECTION, "STRATIFIED RANDOM SAMPLING
12 PROCESS" MEANS A PROCESS THAT MEETS ALL OF THE FOLLOWING
13 REQUIREMENTS:

14 (A) THE POPULATION IS DIVIDED INTO DISTINCT NONOVERLAPPING
15 SUBGROUPS BASED ON IMPORTANT CHARACTERISTICS.

16 (B) A SAMPLE IS THEN SELECTED FROM EACH SUBGROUP THROUGH A
17 PROCESS IN WHICH EACH PERSON IN THAT SUBGROUP HAS AN EQUAL CHANCE
18 OF BEING SELECTED.

19 (C) THE SIZE OF THE SAMPLE FROM EACH SUBGROUP IS PROPORTIONAL TO
20 THE SIZE OF THE SUBGROUP.