

Legislative Analysis



STRATIFIED RANDOM SAMPLING PROCESS FOR ROUTINE INSPECTIONS UNDER NREPA

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House Bill 4017

Sponsor: Rep. Dave Agema

Committee: Regulatory Reform

Complete to 3-15-11

A SUMMARY OF HOUSE BILL 4017 AS INTRODUCED 1-13-11

The bill would require that state departments performing routine inspections under provisions of the Natural Resources and Environmental Protection Act select candidates for inspection using a stratified random sampling process. The bill would also define "stratified random sampling process," require annual reports by the inspecting department be submitted to the Legislature, and provide exemptions.

The Natural Resources and Environmental Protection Act (NREPA) requires multiple state departments to provide oversight and regulation of a number of programs and activities that include municipal sewage systems, endangered species protection, watercraft, motor vehicle fleets, and the use and handling of pesticides.

House Bill 4017 would add a new section to NREPA, Article I (General Provisions), Part 5 (Enforcement). Under the bill, the Department of Natural Resources and Environment (DNRE) or any other state department performing routine inspections under provisions of NREPA would be required to use a stratified random sampling process to select persons to inspect. (Executive Order No. 2011-1, which took effect March 13, 2011, abolished the DNRE and separated the agencies into the Department of Natural Resources and the Department of Environmental Quality.)

Definition. "Stratified random sampling process" would mean a process that (1) divided the state's population into distinct nonoverlapping subgroups based on important characteristics; (2) selected a sample from each subgroup through a process in which each person in a subgroup had an equal chance of being selected; and (3) the size of the sample from each subgroup was proportional to the size of the subgroup.

Exemptions. The bill would not apply to an inspection performed in response to a complaint from a third party, performed in response to evidence that a violation had occurred, or to a follow-up inspection to determine whether violations identified in previous inspections had been corrected.

Annual report. An annual report would have to be submitted to the Legislature by each department performing routine inspections that included the methods used to comply with the requirement, the number of routine and non-routine inspections performed during the prior year, and the location of the inspections.

FISCAL IMPACT:

House Bill 4017 would have an indeterminate fiscal impact on the Department of Environmental Quality. Any increased costs to the Department would be related to additional administrative workload from the bill's provisions that the Department use a stratified random sampling process when choosing persons for all routine inspections and from the requirement for a detailed annual report. Similar costs would likely be incurred by other departments that are subject to the bill's requirements.

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