



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4017 (Substitute H-1 as reported without amendment)

Sponsor: Representative Dave Agema

House Committee: Regulatory Reform

Senate Committee: Economic Development

CONTENT

The bill would amend Part 15 (Enforcement) of the Natural Resources and Environmental Protection Act to require the Department of Environmental Quality (DEQ) to do the following:

- Use a fair and equitable sampling process in selecting operations or facilities to inspect, subject to exceptions.
- Before conducting an inspection, give a person the reasons for the inspection and an explanation of his or her rights and responsibilities with respect to the inspection.
- After an inspection, give a person an opportunity to provide comments on the quality of the inspection and the professionalism of the inspector.
- Report annually to the Legislature on the methods used to comply with these requirements, and on the number of inspections subject to the sampling process requirement, and the number not subject to the requirement, that the DEQ performed during the prior year.

The requirement to use a fair and equitable sampling process would not apply to any of the following:

- An inspection performed in response to a complaint from a third party.
- An inspection performed because the DEQ had evidence that a violation had occurred.
- A follow-up inspection to determine whether violations identified in a previous inspection had been corrected.
- An inspection required for the issuance of a permit.
- Any inspection otherwise required under State or Federal law.

Proposed MCL 324.1505

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would likely result in some small administrative costs for the Department related to the development of a fair and equitable sampling process to select facilities to inspect. Some of these costs also would be related to the preparation of an annual report to the Legislature.

Date Completed: 11-7-11

Fiscal Analyst: Josh Sefton