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BILL ANALYSIS

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House Bill 4017 (Substitute H-1 as passed by the House)
Sponsor: Representative Dave Agema
House Committee: Regulatory Reform
Senate Committee: Economic Development

Date Completed: 11-1-11

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.**
- **Give a person certain information before conducting an inspection, and an opportunity to provide comments after an inspection.**
- **Report annually to the Legislature regarding the inspections.**

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.

Before conducting an inspection, the DEQ would have to give the person whose operation or facility would be inspected both of the following:

- An explanation of the person's rights and responsibilities with respect to the inspection.
- The reasons for conducting the inspection.

After conducting an inspection, the DEQ would have to give the person an opportunity to provide comments to the Department on the quality of the inspection and the professionalism of the inspector.

The DEQ would have to submit an annual report to the Legislature on the methods used to comply with the bill, and the number of inspections subject to the sampling process requirement and the number of inspections not subject to the requirement that the DEQ performed during the prior year.

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.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.