

Act No. 235
Public Acts of 2011
Approved by the Governor
November 28, 2011
Filed with the Secretary of State
December 1, 2011
EFFECTIVE DATE: December 1, 2011

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Reps. Agema, Lori, Genetski, MacMaster, Knollenberg and Johnson

ENROLLED HOUSE BILL No. 4017

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 1505.

The People of the State of Michigan enact:

Sec. 1505. (1) The department shall use a fair and equitable sampling process to select persons whose operations or facilities will be inspected.

(2) Subsection (1) does not apply to any of the following:

- (a) An inspection performed in response to a complaint from a third party.
- (b) An inspection performed because the department has evidence that a violation has occurred.
- (c) A follow-up inspection to determine whether violations identified in a previous inspection have been corrected.
- (d) An inspection required for the issuance of a permit.
- (e) Any inspection otherwise required under state or federal law.

(3) The department shall annually submit to the legislature a report on all of the following:

- (a) The methods used to comply with this section.
- (b) The number of inspections subject to subsection (1) and the number of inspections described in subsection (2) that were performed by the department during the prior year.

(4) Before conducting an inspection under this act, the department shall provide the person whose operation or facility will be inspected with both of the following:

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

(5) After conducting an inspection under this act, the department shall give the person whose operation or facility was inspected an opportunity to provide comments to the department on the quality of the inspection and the professionalism of the inspector.

(6) As used in this section, "department" means the department of environmental quality.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor