

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.35901 Adopt-a-river program; administration; purpose; rules; agreements with volunteer groups to implement program.

Sec. 35901. (1) The department shall administer a program entitled the adopt-a-river program which shall be designed to remove litter from and to beautify the state's rivers and public land along the state's rivers. The program shall include public informational activities, but shall be directed primarily toward encouraging and facilitating the involvement of volunteer groups in litter cleanup work and assisting volunteer groups in selecting specific river or stream segments for cleanup activities.

(2) The department may promulgate rules as necessary to implement the adopt-a-river program. If the Michigan supreme court rules that sections 45 and 46 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional, and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, the department shall not promulgate rules under this part.

(3) The department may enter into agreements with volunteer groups to implement the adopt-a-river program. Agreements with volunteer groups shall include, but are not limited to, all of the following:

(a) Identification of the designated river or stream segment. The volunteer group may request a specific segment of the river or stream it wishes to adopt. In assisting volunteer groups in selecting sections of a river or stream, the department shall cooperate with affected federal, state, and local management agencies, nonprofit organizations, and private landowners.

(b) Specification of the duties of the volunteer group which shall involve the removal of litter along the designated river or stream segment at least once each year.

(c) Specification of the responsibilities of the volunteer group, including the volunteer group's agreement to abide by all rules related to the program that are adopted by the department.

(d) A specific designation of the length of time the volunteer group contracts to care for the designated river or stream segment, which shall be for a period of time of not less than 2 years.

History: Add. 1996, Act 88, Imd. Eff. Feb. 27, 1996.

Compiler's note: In separate opinions, the Michigan Supreme Court held that Section 45(8), (9), (10), and (12) and the second sentence of Section 46(1) ("An agency shall not file a rule ... until at least 10 days after the date of the certificate of approval by the committee or after the legislature adopts a concurrent resolution approving the rule.") of the Administrative Procedures Act of 1969, in providing for the Legislature's reservation of authority to approve or disapprove rules proposed by executive branch agencies, did not comply with the enactment and presentment requirements of Const 1963, Art 4, and violated the separation of powers provision of Const 1963, Art 3, and, therefore, were unconstitutional. These specified portions were declared to be severable with the remaining portions remaining effective. Blank v Department of Corrections, 462 Mich 103 (2000).

Popular name: Act 451

Popular name: NREPA