



HOUSE BILL No. 5155

October 19, 2017, Introduced by Reps. LaSata, Hoadley, Pagel, McCready, Lucido, Graves, Marino, Griffin and VanderWall and referred to the Committee on Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 35901 and 35903 (MCL 324.35901 and 324.35903), as added by 1996 PA 88; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 35901. **(1) AS USED IN THIS PART, "DEPARTMENT" MEANS THE**
2 **DEPARTMENT OF NATURAL RESOURCES.**

3 **(2)** ~~(1)~~The department shall administer ~~a program entitled the~~
4 **AN** adopt-a-river program ~~which shall be designed to remove litter~~
5 ~~from and to beautify the state's rivers and public land along the~~
6 ~~state's rivers~~ **AND RIVERBANKS WITHIN STATE PARKS AND STATE**
7 **RECREATION AREAS.** The program shall include public informational
8 activities, but shall be directed primarily toward encouraging and

1 facilitating the involvement of volunteer groups in litter cleanup
2 work and assisting volunteer groups in selecting specific river or
3 stream segments for cleanup activities.

4 (3) ~~(2)~~ The department may promulgate rules as necessary to
5 implement the adopt-a-river program. ~~If the Michigan supreme court~~
6 ~~rules that sections 45 and 46 of the administrative procedures act~~
7 ~~of 1969, Act No. 306 of the Public Acts of 1969, being sections~~
8 ~~24.245 and 24.246 of the Michigan Compiled Laws, are~~
9 ~~unconstitutional, and a statute requiring legislative review of~~
10 ~~administrative rules is not enacted within 90 days after the~~
11 ~~Michigan supreme court ruling, the department shall not promulgate~~
12 ~~rules under this part.~~

13 (4) ~~(3)~~ The department may enter into agreements with
14 volunteer groups to implement the adopt-a-river program. Agreements
15 with volunteer groups shall include, but are not limited to, all of
16 the following:

17 (a) Identification of the designated river or stream segment.
18 The volunteer group may request a specific segment of the river or
19 stream it wishes to adopt, **SUBJECT TO THE APPROVAL OF THE STATE**
20 **PARK OR RECREATION AREA MANAGER OR SUPERVISOR.** ~~In assisting THE~~
21 **DEPARTMENT SHALL ASSIST** volunteer groups ~~in selecting TO SELECT~~
22 sections of a river or stream, ~~the department shall cooperate AND~~
23 **TO IDENTIFY ANY NECESSARY PERMITS OR OTHER AUTHORIZATIONS, IN**
24 **COOPERATION** with affected federal, state, and local management
25 agencies, nonprofit organizations, and private landowners.

26 (b) Specification of the duties of the volunteer group, which
27 shall ~~involve the removal~~ **INCLUDE BOTH OF THE FOLLOWING:**

1 (i) **REMOVAL** of litter along the designated river or stream
2 segment at least once each year.

3 (ii) ~~(c) Specification of the responsibilities of the~~
4 ~~volunteer group, including the volunteer group's agreement to abide~~
5 ~~by all~~ **COMPLIANCE WITH ANY** rules related to the program that are
6 adopted by the department.

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

10 Sec. 35903. ~~(1) The department shall provide volunteer groups~~
11 ~~conducting litter cleanup efforts under this part with data~~
12 ~~information sheets and shall request that the volunteer groups~~
13 ~~record on the data information sheets the types of trash collected~~
14 ~~during the group's cleanup effort. The department shall request the~~
15 ~~data information to be forwarded to the department upon completion.~~

16 ~~(2) The department shall compile information obtained from the~~
17 ~~data information sheets received pursuant to subsection (1) and~~
18 ~~shall include this information in the report prepared under section~~
19 ~~35904.~~ **THIS PART OR AN AGREEMENT UNDER THIS PART SHALL NOT BE**
20 **CONSTRUED TO PROHIBIT A CLEANUP EFFORT FROM BEING CONDUCTED ON ANY**
21 **STATE LAND.**

22 Enacting section 1. Section 35904 of the natural resources and
23 environmental protection act, 1994 PA 451, MCL 324.35904, is
24 repealed.

25 Enacting section 2. This amendatory act takes effect 90 days
26 after the date it is enacted into law.