

**SUBSTITUTE FOR
HOUSE BILL NO. 5027**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 82101, 82106, 82107, and 82109
(MCL 324.82101, 324.82106, 324.82107, and 324.82109), section
82101 as amended by 2003 PA 43, section 82106 as amended by 1998
PA 297, and sections 82107 and 82109 as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82101. As used in this part:

2 (a) "Conviction" means a final conviction, the payment of a
3 fine, a plea of guilty or nolo contendere if accepted by the
4 court, or a finding of guilt or probate court disposition on a
5 violation of this part, regardless of whether the penalty is
6 rebated or suspended.

7 (b) "Dealer" means any person engaged in the sale, lease, or
8 rental of snowmobiles as a regular business.

1 (c) "Former section 15a" means section 15a of former 1968 PA
2 74, as constituted prior to May 1, 1994.

3 (d) "Highly restricted personal information" means an
4 individual's photograph or image, social security number,
5 digitized signature, and medical and disability information.

6 (e) "Highway or street" means the entire width between the
7 boundary lines of every way publicly maintained if any part
8 thereof is open to the use of the public for purposes of
9 vehicular travel.

10 (f) **"In-kind contributions" means services and goods as**
11 **approved by the department that are provided by a grant recipient**
12 **toward completion of a department-approved local snowmobile**
13 **program under section 82107.**

14 (g) ~~-(f)-~~ "Law of another state" means a law or ordinance
15 enacted by another state or by a local unit of government in
16 another state.

17 (h) ~~-(g)-~~ "Long-term incapacitating injury" means an injury
18 that causes a person to be in a comatose, quadriplegic,
19 hemiplegic, or paraplegic state, which state is likely to
20 continue for 1 year or more.

21 (i) ~~-(h)-~~ "Operate" means to ride in or on and be in actual
22 physical control of the operation of a snowmobile.

23 (j) ~~-(i)-~~ "Operator" means any person who operates ~~or is in~~
24 ~~actual physical control of~~ a snowmobile.

25 (k) ~~-(j)-~~ "Owner" means any of the following:

26 (i) A person who holds the legal title to a snowmobile.

27 (ii) A vendee or lessee of a snowmobile that is the subject

1 of an agreement for conditional sale or lease with the right of
2 purchase upon performance of the conditions stated in the
3 agreement and with an immediate right of possession vested in the
4 conditional vendee or lessee.

5 (iii) A person renting a snowmobile or having the exclusive
6 use of a snowmobile for more than 30 days.

7 (l) ~~(k)~~ "Peace officer" means any of the following:

8 (i) A sheriff.

9 (ii) A sheriff's deputy.

10 (iii) A deputy who is authorized by a sheriff to enforce this
11 part and who has satisfactorily completed at least 40 hours of
12 law enforcement training, including training specific to this
13 part.

14 (iv) A village or township marshal.

15 (v) An officer of the police department of any municipality.

16 (vi) An officer of the Michigan state police.

17 (vii) The director and conservation officers employed by the
18 department.

19 (viii) A law enforcement officer who is certified pursuant to
20 the commission on law enforcement standards act, 1965 PA 203, MCL
21 28.601 to 28.616, as long as that officer is policing within his
22 or her jurisdiction.

23 (m) ~~(l)~~ "Personal information" means information that
24 identifies an individual, including an individual's driver
25 identification number, name, address not including zip code, and
26 telephone number, but does not include information on snowmobile
27 operation or equipment-related violations or civil infractions,

1 operator or snowmobile registration status, accidents, or other
2 behaviorally-related information.

3 **(n)** ~~—(m)—~~ "Probate court or family division disposition"
4 means the entry of a probate court order of disposition or family
5 division order of disposition for a child found to be within the
6 provisions of chapter XIIIA of **the probate code of 1939**, 1939 PA
7 288, MCL 712A.1 to 712A.32.

8 **(o)** ~~—(n)—~~ "Prosecuting attorney", except as the context
9 requires otherwise, means the attorney general, the prosecuting
10 attorney of a county, or the attorney representing a local unit
11 of government.

12 **(p)** ~~—(o)—~~ "Right-of-way" means that portion of a highway or
13 street less the roadway and any shoulder.

14 **(q)** ~~—(p)—~~ "Roadway" means that portion of a highway or street
15 improved, designated, or ordinarily used for vehicular travel.
16 If a highway or street includes 2 or more separate roadways, the
17 term roadway refers to any such roadway separately, but not to
18 all such roadways collectively.

19 **(r)** ~~—(q)—~~ "Shoulder" means that portion of a highway or
20 street on either side of the roadway that is normally snowplowed
21 for the safety and convenience of vehicular traffic.

22 **(s)** ~~—(r)—~~ "Snowmobile" means any motor-driven vehicle
23 designed for travel primarily on snow or ice of a type that
24 utilizes sled-type runners or skis, an endless belt tread, or any
25 combination of these or other similar means of contact with the
26 surface upon which it is operated, but is not a vehicle that must
27 be registered under the Michigan vehicle code, 1949 PA 300, MCL

1 257.1 to 257.923.

2 (t) ~~(s)~~ "Zone 1" means all of the Upper Peninsula.

3 (u) ~~(t)~~ "Zone 2" means all of that part of the Lower
4 Peninsula north of a line beginning at and drawn from a point on
5 the Michigan-Wisconsin boundary line due west of the westerly
6 terminus of river road in Muskegon county; thence due east to the
7 westerly terminus of river road; thence north and east along the
8 center line of the river road to its intersection with highway
9 M-120; thence northeasterly and easterly along the center line of
10 highway M-120 to the junction of highway M-20; thence easterly
11 along the center line of M-20 to its junction with US-10 at the
12 Midland-Bay county line; thence easterly along the center line of
13 the "business route" of highway US-10 to the intersection of
14 Garfield road in Bay county; thence north along the center line
15 of Garfield road to the intersection of the Pinconning road;
16 thence east along the center line of Pinconning road to the
17 intersection of the Seven Mile road; thence north along the
18 center of the Seven Mile road to the Bay-Arenac county line;
19 thence north along the center line of the Lincoln School road
20 (county road 25) in Arenac county to the intersection of highway
21 M-61; thence east along the center line of highway M-61 to the
22 junction of highway US-23; thence northerly and easterly along
23 the center line of highway US-23 to the center line of the Au
24 Gres river; thence southerly along the center line of the river
25 to its junction with Saginaw Bay of Lake Huron; thence north 78°
26 east to the international boundary line between the United States
27 and the Dominion of Canada.

1 (v) ~~(u)~~ "Zone 3" means all of that part of the Lower
2 Peninsula south of the line described in subdivision ~~(t)~~ (u).

3 Sec. 82106. (1) Except as otherwise provided in this part,
4 ~~\$17.00 of the~~ revenue received from the registration ~~fee fees~~
5 under this part shall be deposited ~~in~~ as follows:

6 (a) **Seventeen dollars of each registration fee shall be**
7 **deposited into** the snowmobile registration fee fund. **However, if**
8 **the balance of the snowmobile registration fee fund exceeds**
9 **\$1,600,000.00 at any time, the state treasurer shall transfer all**
10 **amounts in excess of \$1,600,000.00 to the recreational snowmobile**
11 **trail improvement fund.** From the ~~revenues~~ revenue deposited in
12 the snowmobile registration fee fund under this part, the
13 legislature shall make an annual appropriation ~~of net~~ as
14 follows:

15 (i) **Not** more than \$3.00 from each registration fee collected
16 during each fiscal year **shall be appropriated** to the department
17 of state for administration of the registration provisions of
18 this part. ~~and an annual appropriation to the department of not~~
19 ~~less than \$14.00.~~ **At the close of each state fiscal year, any**
20 **funds appropriated under this subparagraph but not expended shall**
21 **be credited to the recreational snowmobile trail improvement**
22 **fund. Additionally, if less than \$3.00 from each registration**
23 **fee is appropriated to the department of state, the state**
24 **treasurer shall transfer the difference between \$3.00 and the**
25 **amount appropriated from each registration fee to the**
26 **recreational snowmobile trail improvement fund.**

27 (ii) **Fourteen dollars** from each registration fee collected

1 during each fiscal year **shall be appropriated to the department**
2 for purposes set forth in section 82107, ~~-\$2.00 of which shall be~~
3 ~~used for the state financial assistance program for counties~~
4 ~~described in section 82107 and \$7.00 of which shall be used to~~
5 ~~provide trail enforcement grants to counties or other local~~
6 ~~groups for enforcement of this part including financial~~
7 **assistance to county sheriff departments and local law**
8 **enforcement agencies for local snowmobile programs.** ~~Any money~~
9 ~~not required for administration of the registration provisions of~~
10 ~~this part shall be credited each year to the recreational~~
11 ~~snowmobile trail improvement fund.~~ **Any money appropriated but**
12 **not expended under this subparagraph shall be credited each year**
13 **to the snowmobile registration fee fund.**

14 (b) Five dollars from each registration fee ~~collected during~~
15 ~~each fiscal year~~ shall be deposited in the recreational
16 snowmobile trail improvement fund and shall be administered by
17 the department for the purposes of planning, construction,
18 maintenance, and acquisition of trails and areas for the use of
19 snowmobiles, or access to those trails and areas, and basic
20 snowmobile facilities. Consideration shall be given in planning
21 the expenditures of the funds to providing recreational
22 opportunities for bicyclists, hikers, equestrians, and other
23 nonconflicting recreational trail users as ancillary benefits of
24 the program.

25 (2) The department shall designate a state recreational trail
26 coordinator and shall maintain a comprehensive plan for
27 implementing a statewide recreational and snowmobile trails

1 system. The comprehensive plan shall be reviewed and updated
2 each year by the department.

3 (3) The money appropriated under this section to the
4 department for snowmobile trails and areas, for access to those
5 trails or areas, and for basic snowmobile facilities may be
6 expended for the acquisition, development, and maintenance on any
7 land in the state. ~~The~~ **This** money may be used to purchase
8 lands or secure easements, leases, permits, or other appropriate
9 agreements permitting use of private property for snowmobile
10 trails, basic facilities, and areas which may be used by
11 bicyclists, hikers, equestrians, and other nonconflicting
12 off-season recreational trail users, if the easements, leases,
13 permits, or other agreements provide public access to the trail,
14 use areas, and support facilities.

15 (4) Recreational trail facilities or major improvements shall
16 not be constructed on private land unless a written agreement in
17 the form of an easement, lease, or permit for a public trail
18 right-of-way having a term of not less than 5 years is made
19 between the owner of the land and the department.

20 (5) The money **appropriated under this section** shall be
21 expended in a manner and as part of the overall plan of the
22 department for an interconnecting network of statewide snowmobile
23 trails and use areas giving consideration to expected snowfall
24 and availability for use with adequate snow cover. Consideration
25 shall be given in the plan for alternative nonconflicting
26 off-season recreational trail uses.

27 Sec. 82107. (1) The annual budget request of the department

1 shall include an amount for **department** enforcement of this part,
2 for **department administration of the programs provided for in**
3 **this part, and for local snowmobile ~~safety education and~~**
4 **training programs** ~~, and for a state financial assistance~~
5 ~~program~~ provided for under this section. **In preparing its**
6 **annual budget for snowmobile registration fee funds, the**
7 **department shall do both of the following:**

8 (a) **Seek input from the snowmobile advisory committee**
9 **created under section 82102a.**

10 (b) **To the degree feasible, give priority to use of the**
11 **funds for enforcement efforts under local snowmobile programs.**

12 (2) ~~Each county of the state shall be entitled to receive~~
13 ~~financial assistance from the state as provided in this section.~~
14 ~~Each county in this state shall be encouraged to develop~~ **The**
15 **department shall provide for an annual program of financial**
16 **assistance to county sheriff departments and local law**
17 **enforcement agencies for local snowmobile programs that shall**
18 **include enforcement of this part and may also include, at the**
19 **discretion of the department, a snowmobile safety education and**
20 **training program based on the criteria set forth in section**
21 **82108. A county ~~board of commissioners~~ **sheriff department or****
22 **local law enforcement agency** desiring to conduct a **local**
23 **snowmobile program shall submit to the department by**
24 **November ~~30~~ 1 of each year an estimate of authorized**
25 **expenditures for the following calendar year, in a form and**
26 **containing the information which the department requires. The**
27 **department shall review the entire request and may approve ~~the~~**

1 ~~county~~ a request for financial assistance **in part or in whole.**

2 ~~The department shall annually survey the state financial~~
3 ~~assistance program to assist in determining the amount of~~
4 ~~financial assistance to be allocated to a county for its~~
5 ~~snowmobile program.~~

6 (3) The amount of financial assistance ~~from the state~~ to be
7 allocated to a county **sheriff department or local law enforcement**
8 **agency** pursuant to this section shall be determined by the
9 department. ~~The department shall evaluate each request from a~~
10 ~~county for financial assistance and may give priority to counties~~
11 ~~where, in the determination of the department, a greater need for~~
12 ~~financial assistance exists. The department shall review the~~
13 ~~county's statement of authorized expenditures actually incurred~~
14 ~~and if satisfied shall provide financial assistance in an amount~~
15 ~~not to exceed 75% of the county's estimated authorized~~
16 ~~expenditures for the past calendar year. If the county's~~
17 ~~authorized expenditures actually incurred for the past calendar~~
18 ~~year exceeded the county's estimated authorized expenditures, the~~
19 ~~department may provide financial assistance in excess of 75% of~~
20 ~~the county's estimated authorized expenditures but not in excess~~
21 ~~of 75% of the county's authorized expenditures actually~~
22 ~~incurred.~~ **In determining the amount of financial assistance**
23 **provided to each county sheriff or local law enforcement agency,**
24 **the department shall give priority to law enforcement activities**
25 **and may give priority to locations where, in the determination of**
26 **the department, a greater need for a local snowmobile program**
27 **exists.**

1 (4) Upon approval by the department, a county sheriff
2 department or local law enforcement agency may use in-kind
3 contributions in calculating its authorized expenditures not to
4 exceed 15% of the total authorized expenditures.

5 (5) The department shall not provide financial assistance to
6 a county sheriff department or local law enforcement agency in
7 excess of 85% of the authorized expenditure documented by the
8 county or local agency and approved by the department.

9 (6) Financial assistance allocated to a county sheriff
10 department or local law enforcement agency under this section
11 shall be used exclusively for the conduct of ~~the county~~ a local
12 snowmobile program as provided by this part and the rules
13 promulgated under this part. ~~Within 90 days after the close of~~
14 ~~each calendar year, a county board of commissioners shall submit~~
15 ~~to the department a statement of authorized expenditures actually~~
16 ~~incurred, on a form and containing the information the department~~
17 ~~requires. A county submitting a statement or supplement to the~~
18 ~~statement that is received subsequent to the 90 day period shall~~
19 ~~not be eligible for financial assistance.~~

20 ~~(4) The department of treasury shall periodically audit the~~
21 ~~county records pertaining to this program to assure the proper~~
22 ~~disposition of the money in accordance with this section and~~
23 ~~rules promulgated under this section. If the audit discloses a~~
24 ~~refund of state aid money is due the state, the county treasurer,~~
25 ~~within 30 days of the completion of the audit, shall send to the~~
26 ~~department the amount of the refund due the state, which the~~
27 ~~department shall return to the state treasury.~~

1 (7) County sheriff departments and local law enforcement
2 agencies that receive financial assistance under this section
3 shall maintain records of activities, expenditures, and in-kind
4 contributions and shall submit documentation and reports to the
5 department by deadlines, in form, and containing information as
6 the department requires.

7 (8) ~~—(5)—~~ The department ~~and the county sheriffs shall~~
8 ~~cooperate in the conduct of the program. The county sheriffs~~
9 ~~shall maintain records and submit reports in form and containing~~
10 ~~information as the department may require~~ shall cooperate with
11 county sheriff departments and local law enforcement departments
12 that are operating local snowmobile programs that are funded
13 under this section.

14 (9) ~~—(6)—~~ The department may promulgate rules to implement
15 this section.

16 Sec. 82109. (1) ~~From the money~~ **Money** appropriated to the
17 department from the recreational snowmobile trail improvement
18 fund ~~for the purpose of planning~~ shall be used for 1 or more of
19 the following:

20 (a) **Planning**, constructing, maintaining, and acquiring
21 trails and areas for the use of snowmobiles, or access to those
22 trails and areas, and basic snowmobile facilities. ~~—, an amount~~
23 ~~of not less than 40% but not more than 80% shall be allocated~~
24 ~~upon application~~

25 (b) **Financial assistance** to local units of government and
26 nonprofit incorporated snowmobile clubs ~~and~~ or organizations
27 considered eligible by the department. ~~because of the interest~~

1 ~~of the nonprofit incorporated club or association in snowmobile~~
2 ~~activities, under rules promulgated by the department.~~

3 **(c) The department's administration of subdivisions (a) and**
4 **(b) .**

5 ~~(2) Allocations for snowmobile trail maintenance costs shall~~
6 ~~be according to a formula promulgated by the state recreational~~
7 ~~trail coordinator which shall provide an amount up to 100% of the~~
8 ~~actual cost of maintaining the trail per year. An allocation~~
9 ~~shall not be made for a trail unless the trail is available for~~
10 ~~snowmobile use and is approved by the department. An allocation~~
11 ~~for the cost of leasing of land and the acquisition of easements,~~
12 ~~permits, or other agreements, and for trail liability insurance~~
13 ~~may equal 100% of incurred expense. Money available for~~
14 ~~development shall be distributed on a 100% grant basis, 75% at~~
15 ~~the time of approval but not later than April 1 of the year of~~
16 ~~development and 25% upon completion of the development. A~~
17 ~~development shall be commenced the same year the funds are~~
18 ~~distributed. An application may include a request for leasing~~
19 ~~land or acquiring easements, permits, or other agreements for the~~
20 ~~use of land, and for funds for development or maintenance of~~
21 ~~trails. Trail specifications shall be prescribed by the~~
22 ~~department.~~

23 ~~—— (3) Signs shall not be provided under this section unless the~~
24 ~~snowmobile trails meet minimum state snowmobile trail~~
25 ~~construction standards and are funded for snowmobile season~~
26 ~~maintenance. A snowmobile organization or association may apply~~
27 ~~to the department on forms prescribed by the department for signs~~

1 ~~or funds for signs on or before a date determined by the~~
2 ~~department.~~

3 ~~—— (4) Upon application by a local unit of government or~~
4 ~~nonprofit incorporated snowmobile clubs and organizations, the~~
5 ~~department may allocate up to 100% of the cost of initial signs~~
6 ~~of snowmobile routes that connect authorized trails or that offer~~
7 ~~entrance to or exit from trails leading to the local unit of~~
8 ~~government. An application shall be submitted to the department~~
9 ~~on a form prescribed by the department.~~

10 ~~—— (5) Allocations under this section shall remain available~~
11 ~~until expended if a contract or commitment has been entered into~~
12 ~~under this section.~~

13 (2) In preparing its annual budget for recreational
14 snowmobile trail improvement funds and determining the allocation
15 of funds as provided for in subsection (1), the department shall
16 do both of the following:

17 (a) Seek input from the snowmobile advisory committee created
18 under section 82102a.

19 (b) To the degree feasible, give priority to use of the funds
20 for financial assistance to local units of government and
21 nonprofit incorporated snowmobile clubs or organizations.

22 (3) A portion of the funds appropriated to the department
23 each year shall be used to provide financial assistance to local
24 units of government and nonprofit incorporated snowmobile clubs
25 or organizations in the form of grants or contract payments for
26 annual snowmobile trail maintenance costs, including signage and
27 liability insurance. The department may also issue grants or

1 enter into contracts for 1 or more of the following additional
2 activities:

3 (a) Maintenance equipment.

4 (b) Repair or new development of snowmobile trails or related
5 facilities, including the costs of designing and engineering for
6 grant-funded improvements.

7 (c) Acquisition of land or rights in lands for snowmobile
8 trails or related facilities, costs of leases, permits,
9 easements, or other agreements that allow for use of private
10 lands for public access to snowmobile trails and related
11 facilities, or development of new snowmobile trails and related
12 facilities.

13 (4) Financial assistance shall not be made under this section
14 unless the costs are for a trail that is available for public
15 snowmobile use and is approved by the department.

16 (5) Financial assistance shall be allocated as follows:

17 (a) Assistance for snowmobile trail maintenance costs,
18 excluding signage and liability insurance, shall be according to
19 a formula promulgated by the state recreational trail
20 coordinator, which shall provide an amount up to 100% of the
21 actual, eligible expense of maintaining the trail per year
22 incurred and documented by the grant recipient or contractor and
23 approved by the department.

24 (b) Assistance for the cost of land acquisition, leasing,
25 permits, or other agreements may equal 100% of the actual,
26 eligible expenses incurred and documented by the grant recipient
27 or contractor and approved by the department.

1 (c) Assistance for signage may equal 100% of the actual,
2 eligible costs incurred and documented by the grant recipient or
3 contractor and approved by the department. In lieu of financial
4 assistance for signage, the department may choose to use
5 recreational snowmobile trail improvement funds to purchase signs
6 and provide them to grant recipients or contractors. Financial
7 assistance for signs shall not be provided under this section
8 unless the snowmobile trails meet minimum state snowmobile trail
9 construction standards and are funded for snowmobile season
10 maintenance.

11 (d) Assistance for trail insurance may equal 100% of the
12 actual, eligible costs incurred and documented by the grant
13 recipient or contractor and approved by the department.

14 (e) Assistance for repair or the development of new trails or
15 trail facilities shall equal 100% of the actual, eligible costs
16 incurred and documented by the grant recipient or contractor and
17 approved by the department.

18 (f) The department may also assist in a portion of the costs
19 of acquiring grooming equipment. The department shall determine
20 the available grant or contract percentage for eligible grooming
21 equipment costs on an annual basis and publish the percentage
22 prior to the application deadline. Assistance for acquiring
23 grooming equipment shall be based on actual, eligible costs
24 incurred and documented by the grant recipient or contractor and
25 approved by the department.

26 (6) To be considered for financial assistance, a local unit
27 of government or nonprofit incorporated snowmobile club or

1 organization must submit an application on a form provided by the
2 department and by a deadline established by the department. An
3 application shall include a proposed budget and the amount of
4 financial assistance requested for each of the activities for
5 which assistance is requested.

6 (7) To receive financial assistance under this section, a
7 local unit of government or nonprofit incorporated snowmobile
8 club or organization must enter into a grant agreement or
9 contract with the department that specifies the obligations of
10 the grant recipient or contractor. The grant agreement or
11 contract shall include provisions as determined by the
12 department, including, but not limited to, requirements that the
13 grant recipient or contractor maintain records and submit
14 documentation and reports to the department to verify expenditure
15 of money received. The grant agreement or contract shall also
16 require a grant recipient or contractor to adhere to trail
17 specifications prescribed by the department.

18 (8) Upon execution of a grant agreement or contract, the
19 department may, at its discretion, provide an advanced payment
20 for a portion of the projected cost for 1 or more of the approved
21 activities. The department shall make final payment upon
22 completion of the project as determined by the department and
23 department approval of cost documentation submitted by the grant
24 recipient or contractor.

25 (9) A grant agreement or contract shall include a specified
26 term for which the grant agreement or contract is valid. Grant
27 or contract funds shall be encumbered upon execution of the grant

1 agreement or contract and remain available for the specified
2 term. Grant or contract funds not expended by a grant recipient
3 or contractor within the specified term may, at the department's
4 discretion, be reallocated to the grant recipient or contractor
5 as part of a new grant agreement or contract.

6 (10) ~~—(6)—~~ The department of state and the department shall
7 include in their annual budget requests information detailing
8 their snowmobile programs.

9 (11) Beginning March 31, 2004, the department shall provide a
10 biannual report to the commission of its expenditures under this
11 section for the prior 2 fiscal years.