

HOUSE BILL No. 4781

May 28, 2003, Introduced by Rep. Rivet and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 81119 and 82107 (MCL 324.81119 and
324.82107), as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81119. (1) Not less than ~~40%~~ 50% of the revenue in
2 the ORV trail improvement fund ~~through March 31, 1996, and not~~
3 ~~less than 50% beginning April 1, 1996,~~ shall be distributed each
4 year in the form of grants for the purpose of planning,
5 improving, constructing, signing, and maintaining ORV trails,
6 areas, and routes and access to those trails, areas, and routes,
7 the leasing of land, the acquisition of easements, permits, or
8 other agreements for the use of land for ORV trails, areas, and
9 routes, to public agencies and nonprofit incorporated clubs and
10 organizations.

1 (2) An application by a public agency or a nonprofit
2 incorporated club or organization shall include a plan for
3 restoration of any of the natural resources of this state on
4 public land that are damaged due to ORV use. The public agencies
5 or nonprofit incorporated clubs or organizations shall indicate
6 on their application that their use of grant money is consistent
7 with, and meets the requirements of, the plan developed by the
8 department pursuant to section 81123, and the trail, route, or
9 area is available to the public. The department shall not
10 approve a grant unless the application meets the requirements of
11 the plan. The department shall make application forms available
12 and consider grant requests on a yearly basis in consultation
13 with the ORV trails advisory committee created in section 81125.

14 (3) A grant shall not be made for a trail, route, or area
15 unless the trail, route, or area is available for ORV use and is
16 approved by the department. A grant for the cost of leasing of
17 land and the acquisition of easements, permits, or other
18 agreements may equal 100% of incurred expense. Specifications
19 shall be prescribed by the department.

20 (4) Not less than ~~30%~~ **31-1/4%** of the revenue in the fund
21 ~~through March 31, 1996, and not less than 31-1/4% beginning~~
22 ~~April 1, 1996,~~ shall be used each year for enforcement of this
23 part or the purchase of any necessary equipment used for
24 enforcement of this part. Of this amount available for
25 enforcement, the department shall make ~~available~~ **24% of the**
26 funds **available** for distribution in the form of grants by the
27 department to the county sheriffs' departments. ~~in the following~~

1 ~~percentage amounts: 60% of the funds available for the first~~
2 ~~year of operation of the fund; 50% of the funds available in the~~
3 ~~second year; 40% of the funds available through March 31, 1996;~~
4 ~~and 24% of the funds beginning April 1, 1996 and thereafter.~~ The
5 balance of the funds available shall be used by the department
6 for the enforcement of this part or for the purchase of any
7 necessary equipment used for the enforcement of this part. In
8 making grants available for distribution under this subsection,
9 the department shall consider the following factors:

10 (a) The number of miles of ORV trails, routes, or areas
11 within the county.

12 (b) The number of sheriff's department employees available
13 for enforcement of this part.

14 (c) The estimated number of ORVs within the county and that
15 are brought into the county for ORV use.

16 (d) The estimated number of days that ORVs may be used within
17 that county.

18 (e) Any other factors considered appropriate by the
19 department. **The department shall also consider those counties**
20 **that do not have designated trails, routes, or areas but that**
21 **border or are adjacent to 1 of the Great Lakes, Saginaw bay, or**
22 **Lake St. Clair.** The department shall require a county sheriff
23 receiving a grant under this subsection to maintain records and
24 submit an annual report to verify expenditure of grant money
25 received. **As used in this subdivision, "Great Lakes" means Lake**
26 **Superior, Lake Michigan, Lake Huron, and Lake Erie.**

27 (5) Not less than ~~20%~~ **12-1/2%** of the revenue in the ORV

1 trail improvement fund ~~through March 31, 1996, and not less than~~
2 ~~12-1/2% beginning April 1, 1996,~~ shall be distributed each year
3 in the form of grants to public agencies and nonprofit
4 incorporated clubs and organizations for the restoration of
5 damage that is caused by ORV use to natural resources on public
6 land. A grant under this subsection may be in addition to a
7 grant under subsection (1). An application for a grant under
8 this subsection shall comply with subsection (2).

9 (6) Not more than 3-1/8% of the revenue in the fund in any
10 year shall be used for administration of this part. The
11 department may use revenue from the funds for personnel to
12 operate the program under this part.

13 (7) The remaining 3-1/8% of the revenue in the fund may be
14 used for the purposes described in subsections (1) and (4),
15 except that 25 cents of each fee for a license sold by a dealer
16 shall be retained by the dealer as a commission for services
17 rendered. If the remainder of the fund is used for the purposes
18 described in subsection (4), it shall be allocated as provided in
19 subsection (4).

20 (8) Grants under this section shall remain available until
21 expended once a contract or commitment has been entered into
22 under this section. A contract shall be for a period of not more
23 than 2 years. A grant not expended within the contract period
24 may be renewed by the department by entering into a new
25 contract.

26 Sec. 82107. (1) The annual budget request of the department
27 shall include an amount for enforcement of this part, for

1 snowmobile safety education and training programs, and for a
2 state financial assistance program provided for under this
3 section.

4 (2) Each county of the state shall be entitled to receive
5 financial assistance from the state as provided in this section.
6 Each county in this state shall be encouraged to develop a
7 snowmobile safety education and training program based on the
8 criteria set forth in section 82108. A county board of
9 commissioners desiring to conduct a snowmobile program shall
10 submit to the department by November 30 of each year an estimate
11 of authorized expenditures for the following calendar year, in a
12 form and containing the information which the department
13 requires. The department shall review the entire request and may
14 approve the county request for financial assistance. The
15 department shall annually survey the state financial assistance
16 program to assist in determining the amount of financial
17 assistance to be allocated to a county for its snowmobile
18 program. **The department shall also consider those counties that**
19 **do not have designated trails or areas but that border or are**
20 **adjacent to 1 of the Great Lakes, Saginaw bay, or Lake**
21 **St. Clair. As used in this subsection, "Great Lakes" means Lake**
22 **Superior, Lake Michigan, Lake Huron, and Lake Erie.**

23 (3) The amount of financial assistance from the state to be
24 allocated to a county ~~pursuant to~~ **under** this section shall be
25 determined by the department. The department shall evaluate each
26 request from a county for financial assistance and may give
27 priority to counties where, in the determination of the

1 department, a greater need for financial assistance exists. The
2 department shall review the county's statement of authorized
3 expenditures actually incurred and if satisfied shall provide
4 financial assistance in an amount not to exceed 75% of the
5 county's estimated authorized expenditures for the past calendar
6 year. If the county's authorized expenditures actually incurred
7 for the past calendar year exceeded the county's estimated
8 authorized expenditures, the department may provide financial
9 assistance in excess of 75% of the county's estimated authorized
10 expenditures but not in excess of 75% of the county's authorized
11 expenditures actually incurred. Financial assistance allocated
12 to a county under this section shall be used exclusively for the
13 conduct of the county snowmobile program as provided by this part
14 and the rules promulgated under this part. Within 90 days after
15 the close of each calendar year, a county board of commissioners
16 shall submit to the department a statement of authorized
17 expenditures actually incurred, on a form and containing the
18 information the department requires. A county submitting a
19 statement or supplement to the statement that is received
20 subsequent to the 90-day period shall not be eligible for
21 financial assistance.

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

1 to the department the amount of the refund due the state, which
2 the department shall return to the state treasury.

3 (5) The department and the county sheriffs shall cooperate in
4 the conduct of the program. The county sheriffs shall maintain
5 records and submit reports in form and containing information as
6 the department may require.

7 (6) The department may promulgate rules to implement this
8 section.