

HOUSE BILL No. 5027

August 13, 2003, Introduced by Rep. Pastor and referred to the Committee on Great Lakes and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 82106, 82109, 82110, and 82118 (MCL
324.82106, 324.82109, 324.82110, and 324.82118), section 82106 as
amended by 1998 PA 297, section 82109 as added by 1995 PA 58,
section 82110 as amended by 2001 PA 16, and section 82118 as
amended by 2001 PA 15.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82106. (1) Except as otherwise provided in this part,
2 \$17.00 of the revenue received from the registration fee under
3 this part shall be deposited in the snowmobile registration fee
4 fund. From the revenues deposited in the snowmobile registration
5 fee fund under this part, the legislature shall make an annual
6 appropriation ~~of not~~ **in the following manner:**

7 **(a) Not** more than \$3.00 from each registration fee collected

1 during each fiscal year to the department of state for
2 administration of the registration provisions of this part. ~~and~~
3 ~~an annual appropriation to the department of not~~ Any money not
4 required for administration of the registration provisions of
5 this part shall be credited each year to the recreational
6 snowmobile trail improvement fund.

7 (b) Not less than \$14.00 from each registration fee
8 collected during each fiscal year for purposes set forth in
9 section 82107, \$2.00 of which shall be used for the state
10 financial assistance program for counties described in section
11 82107 and \$7.00 of which shall be used to provide trail
12 enforcement grants to counties or other local groups for
13 enforcement of this part. ~~Any money not required for~~
14 ~~administration of the registration provisions of this part shall~~
15 ~~be credited each year to the recreational snowmobile trail~~
16 ~~improvement fund.~~ Not more than \$1,000,000.00 from the
17 registration fees collected during each fiscal year for purposes
18 set forth in section 82107 shall be used for the state financial
19 assistance program for counties described in section 82107 and
20 for trail enforcement grants to counties or other local groups
21 for enforcement of this part. Any excess funds remaining from
22 this portion of the registration fees collected shall be
23 deposited in the recreational snowmobile trail improvement fund
24 at the end of the fiscal year and used as provided in this
25 subsection.

26 (c) Five dollars from each registration fee collected during
27 each fiscal year shall be deposited in the recreational

1 snowmobile trail improvement fund and shall be administered by
2 the department for the purposes of planning, construction,
3 maintenance, and acquisition of trails and areas for the use of
4 snowmobiles, or access to those trails and areas, and basic
5 snowmobile facilities. Consideration shall be given in planning
6 the expenditures of the funds to providing recreational
7 opportunities for bicyclists, hikers, equestrians, and other
8 nonconflicting recreational trail users as ancillary benefits of
9 the program.

10 (2) The department shall designate a state recreational trail
11 coordinator and shall maintain a comprehensive plan for
12 implementing a statewide recreational and snowmobile trails
13 system. The comprehensive plan shall be reviewed and updated
14 each year by the department.

15 (3) The money appropriated under this section to the
16 department for snowmobile trails and areas, for access to those
17 trails or areas, and for basic snowmobile facilities may be
18 expended for the acquisition, development, and maintenance on any
19 land in the state. The money may be used to purchase lands or
20 secure easements, leases, permits, or other appropriate
21 agreements permitting use of private property for snowmobile
22 trails, basic facilities, and areas which may be used by
23 bicyclists, hikers, equestrians, and other nonconflicting
24 off-season recreational trail users, if the easements, leases,
25 permits, or other agreements provide public access to the trail,
26 use areas, and support facilities.

27 (4) Recreational trail facilities or major improvements shall

1 not be constructed on private land unless a written agreement in
2 the form of an easement, lease, or permit for a public trail
3 right-of-way having a term of not less than 5 years is made
4 between the owner of the land and the department.

5 (5) The money shall be expended in a manner and as part of
6 the overall plan of the department for an interconnecting network
7 of statewide snowmobile trails and use areas giving consideration
8 to expected snowfall and availability for use with adequate snow
9 cover. Consideration shall be given in the plan for alternative
10 nonconflicting off-season recreational trail uses.

11 Sec. 82109. (1) From the money appropriated to the
12 department from the recreational snowmobile trail improvement
13 fund for the purpose of planning, constructing, maintaining, and
14 acquiring trails and areas for the use of snowmobiles, or access
15 to those trails and areas, and basic snowmobile facilities, an
16 amount of not less than ~~40%~~ 60% but not more than ~~80%~~ 90%
17 shall be allocated upon application to local units of government
18 and nonprofit incorporated snowmobile clubs and organizations
19 considered eligible by the department because of the interest of
20 the nonprofit incorporated club or association in snowmobile
21 activities, under rules promulgated by the department.

22 (2) Allocations for snowmobile trail maintenance costs shall
23 be according to a formula promulgated by the state recreational
24 trail coordinator which shall provide an amount up to 100% of the
25 actual cost of maintaining the trail per year. An allocation
26 shall not be made for a trail unless the trail is available for
27 snowmobile use and is approved by the department. An allocation

1 for the cost of leasing of land and the acquisition of easements,
2 permits, or other agreements, and for trail liability insurance
3 may equal 100% of incurred expense. Money available for
4 development shall be distributed on a 100% grant basis, 75% at
5 the time of approval but not later than April 1 of the year of
6 development and 25% upon completion of the development. A
7 development shall be commenced the same year the funds are
8 distributed. An application may include a request for leasing
9 land or acquiring easements, permits, or other agreements for the
10 use of land, and for funds for development or maintenance of
11 trails. Trail specifications shall be prescribed by the
12 department.

13 (3) Signs shall not be provided under this section unless the
14 snowmobile trails meet minimum state snowmobile trail
15 construction standards and are funded for snowmobile season
16 maintenance. A snowmobile organization or association may apply
17 to the department on forms prescribed by the department for signs
18 or funds for signs on or before a date determined by the
19 department.

20 (4) Upon application by a local unit of government or
21 nonprofit incorporated snowmobile clubs and organizations, the
22 department may allocate up to 100% of the cost of initial signs
23 of snowmobile routes that connect authorized trails or that offer
24 entrance to or exit from trails leading to the local unit of
25 government. An application shall be submitted to the department
26 on a form prescribed by the department.

27 (5) Allocations under this section shall remain available

1 until expended if a contract or commitment has been entered into
2 under this section.

3 (6) The department of state and the department shall include
4 in their annual budget requests information detailing their
5 snowmobile programs.

6 Sec. 82110. (1) The recreational snowmobile trail
7 improvement fund is created in the state treasury. The fund
8 shall receive money as provided by law and from any gifts or
9 contributions to the fund. The state treasurer shall direct the
10 investment of the fund. Interest and earnings from the fund
11 shall be credited to the fund. The fund shall be administered by
12 the department and shall be used solely for the improvement of
13 snowmobile trails and other nonconflicting recreational
14 purposes.

15 (2) Five dollars of each fee collected under section 82105, a
16 portion of each ~~trail~~ permit fee collected as provided under
17 section 82118, and not less than 80% of the revenue from the fees
18 collected under sections 82114 and 82115 shall be deposited in
19 the fund.

20 (3) The department shall promulgate rules for the
21 administration of the fund.

22 (4) All funds allocated under this part shall be for projects
23 that are open to the public.

24 (5) Any money remaining in the recreational snowmobile trail
25 improvement fund at the end of a fiscal year shall not be
26 credited to or revert to the general fund but shall remain in the
27 fund and shall be carried over in the fund to the next and

1 succeeding fiscal years and shall only be used for the purposes
2 stated in this section.

3 Sec. 82118. (1) In addition to registration of a snowmobile
4 pursuant to section 82105 or registration in another state or
5 province, beginning October 1, 1994, except as otherwise provided
6 in this section, a person who desires to operate a snowmobile in
7 this state shall purchase a Michigan snowmobile ~~trail~~ permit
8 sticker. The Michigan snowmobile ~~trail~~ permit issued under
9 this section shall be valid for a period of 1 year which begins
10 on October 1 and ends on the following September 30. The fee for
11 the permit shall be the following amount for the periods
12 indicated:

13 ~~(a) \$10.00 until June 30, 2001.~~

14 **(a)** ~~—(b)—~~ \$20.00 beginning June 30, 2001 through June 30,
15 2004.

16 **(b)** ~~—(c)—~~ \$25.00 beginning July 1, 2004.

17 (2) Revenue from the ~~trail~~ permit fee shall be allocated
18 as follows:

19 ~~(a) Until June 30, 2001:~~

20 ~~—— (i) \$9.00 to the recreational snowmobile trail improvement~~
21 ~~fund.~~

22 ~~—— (ii) 50 cents shall be retained by the department for~~
23 ~~administrative costs.~~

24 ~~—— (iii) 50 cents shall be retained by the agent selling the~~
25 ~~permit.~~

26 **(a)** ~~—(b)—~~ Beginning June 30, 2001 through June 30, 2004:

27 (i) \$18.75 to the recreational snowmobile trail improvement

1 fund.

2 (ii) 50 cents shall be retained by the department for
3 administrative costs.

4 (iii) 75 cents shall be retained by the agent selling the
5 permit.

6 (b) ~~-(e)-~~ Beginning July 1, 2004:

7 (i) \$23.50 to the recreational snowmobile trail improvement
8 fund.

9 (ii) 50 cents shall be retained by the department for
10 administrative costs.

11 (iii) \$1.00 shall be retained by the agent selling the
12 permit.

13 (3) Beginning October 1, 2001, the department shall make the
14 sale of ~~trail~~ permits available on its website. For each
15 ~~trail~~ permit sold through the website, the amount otherwise
16 credited to an agent under subsection (2) shall instead be
17 credited to the recreational snowmobile trail improvement fund.

18 (4) The ~~trail~~ permit sticker shall be permanently affixed
19 to the forward half of the snowmobile directly above or below the
20 headlight of the snowmobile.

21 (5) The department may contract with a person to act as an
22 agent for the purpose of issuing Michigan snowmobile ~~trail~~
23 permits. The department shall sell the permits to agents in
24 bulk. Agents may obtain a refund from the department for any
25 permits that are not sold.

26 (6) An agent who uses or allows the use of a permit by
27 anyone except the snowmobile user to whom the permit is sold is

1 guilty of a misdemeanor, punishable by a fine of \$50.00 for each
2 instance of such use or allowed use.

3 (7) The department of state may suspend a certificate of
4 registration when the department of state determines that the
5 required fee has not been paid and remains unpaid after
6 reasonable notice or demand. In addition to the required fee, a
7 \$10.00 penalty shall be assessed and collected against any person
8 who tenders an insufficient check or draft in payment of the
9 fee.

10 (8) A snowmobile used solely for transportation on the
11 frozen surface of public waters for the purpose of ice fishing is
12 exempt from the requirement of purchasing and displaying a
13 snowmobile ~~trail~~ permit sticker under this section.

14 (9) A person shall not charge a fee for a snowmobile ~~trail~~
15 permit in an amount that is greater than the fee printed on the
16 face of the permit.

17 (10) To obtain a snowmobile ~~trail~~ permit, an applicant
18 must provide all information required on the permit application.

19 (11) A person who fails to secure a permit under this
20 section or who violates subsection (4) is responsible for a state
21 civil infraction and may be ordered to pay a civil fine of not
22 more than \$100.00.

23 (12) The department of natural resources shall, by June 1 of
24 each year, report to the members of the appropriate standing
25 committee and appropriations subcommittees of the house and
26 senate, a detailed expenditure plan pertaining to the additional
27 funds generated by this act. The plan shall include information

1 as to how funds were expended in the prior year.