

Act No. 230
Public Acts of 2003
Approved by the Governor
December 17, 2003
Filed with the Secretary of State
December 18, 2003
EFFECTIVE DATE: December 18, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Pastor, Hardman, McConico, Stewart, DeRossett, Richardville, Bisbee, Voorhees, Julian, Vander Veen, Sheltroun, Adamini, Brown, Palmer, Paletko, LaJoy, Law, Acciavatti, Taub, Stakoe, Hune, Gleason, Caswell, Wenke, Ward, Sak, Stahl, Huizenga, Farhat, Elkins, Moolenaar, Gillard, Casperson and Mortimer

ENROLLED HOUSE BILL No. 5027

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," 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:

Sec. 82101. As used in this part:

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

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

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

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

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

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

(g) "Law of another state" means a law or ordinance enacted by another state or by a local unit of government in another state.

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

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

(j) "Operator" means any person who operates a snowmobile.

(k) "Owner" means any of the following:

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

(ii) A vendee or lessee of a snowmobile that is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.

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

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

(i) A sheriff.

(ii) A sheriff's deputy.

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

(iv) A village or township marshal.

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

(vi) An officer of the Michigan state police.

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

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

(m) "Personal information" means information that identifies an individual, including an individual's driver identification number, name, address not including zip code, and telephone number, but does not include information on snowmobile operation or equipment-related violations or civil infractions, operator or snowmobile registration status, accidents, or other behaviorally-related information.

(n) "Probate court or family division disposition" means the entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(o) "Prosecuting attorney", except as the context requires otherwise, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.

(p) "Right-of-way" means that portion of a highway or street less the roadway and any shoulder.

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

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

(s) "Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

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

(u) "Zone 2" means all of that part of the Lower Peninsula north of a line beginning at and drawn from a point on the Michigan-Wisconsin boundary line due west of the westerly terminus of River road in Muskegon county; thence due east to the westerly terminus of River road; thence north and east along the center line of the River road to its intersection with highway M-120; thence northeasterly and easterly along the center line of highway M-120 to the junction of highway M-20; thence easterly along the center line of M-20 to its junction with US-10 at the Midland-Bay county line; thence easterly along the center line of the "business route" of highway US-10 to the intersection of Garfield road in Bay county; thence north along the center line of Garfield road to the intersection of the Pinconning road; thence east along the center line of Pinconning road to the intersection of the Seven Mile road; thence north along the center of the Seven Mile road to the Bay-Arenac county line; thence north along the center line of the Lincoln School road (county road 25) in Arenac county to the intersection of highway M-61; thence east along the center line of highway M-61 to the junction of highway US-23; thence northerly and easterly along the center line of highway US-23 to the center line of the Au Gres river; thence southerly along the center line of the river to its junction with Saginaw Bay of Lake Huron; thence north 78° east to the international boundary line between the United States and the Dominion of Canada.

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

Sec. 82106. (1) Except as otherwise provided in this part, revenue received from the registration fees under this part shall be deposited as follows:

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

(i) Not more than \$3.00 from each registration fee collected during each fiscal year shall be appropriated to the department of state for administration of the registration provisions of this part. At the close of each state fiscal year, any funds appropriated under this subparagraph but not expended shall be credited to the recreational snowmobile trail improvement fund. Additionally, if less than \$3.00 from each registration fee is appropriated to the department of state, the state treasurer shall transfer the difference between \$3.00 and the amount appropriated from each registration fee to the recreational snowmobile trail improvement fund.

(ii) Fourteen dollars from each registration fee collected during each fiscal year shall be appropriated to the department for purposes set forth in section 82107, including financial assistance to county sheriff departments and local law enforcement agencies for local snowmobile programs. Any money appropriated but not expended under this subparagraph shall be credited each year to the snowmobile registration fee fund.

(b) Five dollars from each registration fee shall be deposited in the recreational snowmobile trail improvement fund and shall be administered by the department for the purposes of planning, construction, maintenance, and acquisition of trails and areas for the use of snowmobiles, or access to those trails and areas, and basic snowmobile facilities. Consideration shall be given in planning the expenditures of the funds to providing recreational opportunities for bicyclists, hikers, equestrians, and other nonconflicting recreational trail users as ancillary benefits of the program.

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

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

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

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

Sec. 82107. (1) The annual budget request of the department shall include an amount for department enforcement of this part, for department administration of the programs provided for in this part, and for local snowmobile programs provided for under this section. In preparing its annual budget for snowmobile registration fee funds, the department shall do both of the following:

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

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

(2) The department shall provide for an annual program of financial assistance to county sheriff departments and local law enforcement agencies for local snowmobile programs that shall include enforcement of this part and may also include, at the discretion of the department, a snowmobile safety education and training program based on the criteria set forth in section 82108. A county sheriff department or local law enforcement agency desiring to conduct a local snowmobile program shall submit to the department by November 1 of each year an estimate of authorized expenditures for the following calendar year, in a form and containing the information which the department requires. The department shall review the entire request and may approve a request for financial assistance in part or in whole.

(3) The amount of financial assistance to be allocated to a county sheriff department or local law enforcement agency pursuant to this section shall be determined by the department. In determining the amount of financial assistance provided to each county sheriff or local law enforcement agency, the department shall give priority to law enforcement activities and may give priority to locations where, in the determination of the department, a greater need for a local snowmobile program exists.

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

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

(6) Financial assistance allocated to a county sheriff department or local law enforcement agency under this section shall be used exclusively for the conduct of a local snowmobile program as provided by this part and the rules promulgated under this part.

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

(8) The department shall cooperate with county sheriff departments and local law enforcement departments that are operating local snowmobile programs that are funded under this section.

(9) The department may promulgate rules to implement this section.

Sec. 82109. (1) Money appropriated to the department from the recreational snowmobile trail improvement fund shall be used for 1 or more of the following:

(a) Planning, constructing, maintaining, and acquiring trails and areas for the use of snowmobiles, or access to those trails and areas, and basic snowmobile facilities.

(b) Financial assistance to local units of government and nonprofit incorporated snowmobile clubs or organizations considered eligible by the department.

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

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

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

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

(3) A portion of the funds appropriated to the department each year shall be used to provide financial assistance to local units of government and nonprofit incorporated snowmobile clubs or organizations in the form of grants or contract payments for annual snowmobile trail maintenance costs, including signage and liability insurance. The department may also issue grants or enter into contracts for 1 or more of the following additional activities:

(a) Maintenance equipment.

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

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

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

(5) Financial assistance shall be allocated as follows:

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

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

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

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

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

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

(6) To be considered for financial assistance, a local unit of government or nonprofit incorporated snowmobile club or organization must submit an application on a form provided by the department and by a deadline established by the department. An application shall include a proposed budget and the amount of financial assistance requested for each of the activities for which assistance is requested.

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

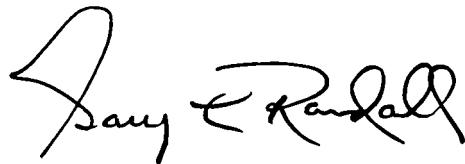
(8) Upon execution of a grant agreement or contract, the department may, at its discretion, provide an advanced payment for a portion of the projected cost for 1 or more of the approved activities. The department shall make final payment upon completion of the project as determined by the department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

(9) A grant agreement or contract shall include a specified term for which the grant agreement or contract is valid. Grant or contract funds shall be encumbered upon execution of the grant agreement or contract and remain available for the specified term. Grant or contract funds not expended by a grant recipient or contractor within the specified term may, at the department's discretion, be reallocated to the grant recipient or contractor as part of a new grant agreement or contract.

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor