

SENATE BILL No. 1490

September 11, 2008, Introduced by Senators BARCIA and ALLEN and referred to the Committee on Hunting, Fishing and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82118 (MCL 324.82118), as amended by 2004 PA 587, and by adding section 82110a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 82110A. (1) THE PERMANENT SNOWMOBILE TRAIL EASEMENT
2 SUBACCOUNT IS CREATED AS A SUBACCOUNT OF THE SNOWMOBILE ACCOUNT.

3 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
4 ANY SOURCE FOR DEPOSIT INTO THE PERMANENT SNOWMOBILE TRAIL EASEMENT
5 SUBACCOUNT. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
6 SUBACCOUNT. THE STATE TREASURER SHALL CREDIT TO THE SUBACCOUNT
7 INTEREST AND EARNINGS FROM SUBACCOUNT INVESTMENTS. MONEY IN THE
8 SUBACCOUNT AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE
9 SUBACCOUNT AND SHALL NOT LAPSE TO THE SNOWMOBILE ACCOUNT OR THE
10 GENERAL FUND. THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE

1 SUBACCOUNT FOR AUDITING PURPOSES.

2 (3) THE DEPARTMENT SHALL EXPEND MONEY FROM THE PERMANENT
3 SNOWMOBILE TRAIL EASEMENT SUBACCOUNT, UPON APPROPRIATION, ONLY FOR
4 GRANTS FOR THE PURPOSE OF PURCHASING LANDS, OR SECURING EASEMENTS
5 OR OTHER APPROPRIATE AGREEMENTS ALLOWING USE OF PRIVATE PROPERTY,
6 TO ESTABLISH PERMANENT SNOWMOBILE TRAILS THAT ARE OPEN TO THE
7 PUBLIC IN THIS STATE. TO BE ELIGIBLE FOR A GRANT, AN ENTITY SHALL
8 HAVE BEEN ORGANIZED AT LEAST 3 YEARS BEFORE THE EFFECTIVE DATE OF
9 THIS SECTION FOR EDUCATIONAL AND CHARITABLE PURPOSES WITHIN THE
10 MEANING OF 26 USC 501(C)(3) THAT INCLUDES PROMOTING AND
11 FACILITATING THE EXPANSION AND IMPROVEMENT OF THE EXISTING
12 SNOWMOBILE TRAIL SYSTEM IN THIS STATE WITH PERMANENT SNOWMOBILE
13 TRAILS.

14 (4) THE DEPARTMENT IN CONSULTATION WITH THE SNOWMOBILE
15 ADVISORY COMMITTEE SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF
16 THE PERMANENT SNOWMOBILE TRAIL EASEMENT SUBACCOUNT.

17 (5) PROCEEDS FROM THE SALE OF LANDS PURCHASED UNDER SUBSECTION
18 (3) OR THE TERMINATION OF EASEMENTS OR OTHER AGREEMENTS SECURED
19 UNDER SUBSECTION (3) SHALL BE DEPOSITED INTO THE PERMANENT
20 SNOWMOBILE TRAIL EASEMENT SUBACCOUNT.

21 (6) IF, AT ANY TIME AFTER JULY 1, 2010, THE MICHIGAN
22 SNOWMOBILE ADVISORY COMMITTEE, BY THE AFFIRMATIVE VOTE OF AT LEAST
23 5 MEMBERS, DETERMINES THAT THE PUBLIC SNOWMOBILE TRAIL SYSTEM IN
24 THIS STATE IS FULLY DEVELOPED AND NOT CAPABLE OF EXPANSION BY
25 ADDING FURTHER PERMANENT SNOWMOBILE TRAIL EASEMENTS, ALL OF THE
26 FOLLOWING APPLY:

27 (A) ANY MONEY IN THE PERMANENT SNOWMOBILE TRAIL EASEMENT

1 SUBACCOUNT IS TRANSFERRED TO THE RECREATIONAL SNOWMOBILE TRAIL
2 IMPROVEMENT SUBACCOUNT CREATED IN SECTION 82110.

3 (B) THE PERMANENT SNOWMOBILE TRAIL EASEMENT SUBACCOUNT IS
4 DISSOLVED.

5 (C) ALL FUTURE REVENUE THAT WOULD OTHERWISE BE DEPOSITED IN
6 THE PERMANENT SNOWMOBILE TRAIL EASEMENT SUBACCOUNT SHALL BE
7 DEPOSITED IN THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT
8 SUBACCOUNT.

9 Sec. 82118. (1) In addition to registration of a snowmobile
10 pursuant to section 82105 or registration in another state or
11 province, except as otherwise provided in this section, a person
12 who desires to operate a snowmobile in this state shall purchase a
13 Michigan snowmobile trail permit sticker. The Michigan snowmobile
14 trail permit issued under this section shall be valid for a period
15 of 1 year which begins on October 1 and ends on the following
16 September 30. The fee for the permit shall be ~~\$25.00.~~ AS FOLLOWS:

17 (A) IN 2008 AND 2009, \$50.00, EXCEPT THAT THE FEE IS \$35.00 IF
18 PAID ON OR BEFORE NOVEMBER 15 OF THE RESPECTIVE YEAR.

19 (B) IN 2010, 2011, AND 2012, \$60.00, EXCEPT THAT THE FEE IS
20 \$45.00 IF PAID ON OR BEFORE NOVEMBER 15 OF THE RESPECTIVE YEAR.

21 (C) IN 2013 AND EACH YEAR THEREAFTER, \$75.00, EXCEPT THAT THE
22 FEE IS \$60.00 IF PAID ON OR BEFORE NOVEMBER 15 OF THE RESPECTIVE
23 YEAR.

24 (2) Revenue from the trail permit fee shall be allocated as
25 follows:

26 ~~—— (a) \$23.50 to the recreational snowmobile trail improvement~~
27 ~~subaccount.~~

1 (A) ~~(b)~~—50 cents shall be retained by the department for
2 administrative costs.

3 (B) ~~(c)~~—\$1.00 shall be retained by the agent selling the
4 permit.

5 (C) **THE BALANCE SHALL BE DEPOSITED IN THE RECREATIONAL**
6 **SNOWMOBILE TRAIL IMPROVEMENT SUBACCOUNT.**

7 (3) The department shall make the sale of trail permits
8 available on its website. For each trail permit sold through the
9 website, the amount otherwise credited to an agent under subsection
10 (2) shall instead be credited to the recreational snowmobile trail
11 improvement subaccount.

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

15 (5) The department may contract with a person to act as an
16 agent for the purpose of issuing Michigan snowmobile trail permits.
17 The department shall sell the permits to agents in bulk. ~~Agents—AN~~
18 **AGENT** may obtain a refund from the department for any permits that
19 are not sold.

20 (6) An agent who uses or allows the use of a permit by anyone
21 except the snowmobile user to whom the permit is sold is guilty of
22 a misdemeanor, punishable by a fine of \$50.00 for each instance of
23 such use or allowed use.

24 (7) The department of state may suspend a certificate of
25 registration ~~when—IF~~ the department of state determines that the
26 required fee has not been paid and remains unpaid after reasonable
27 notice or demand. In addition to the required fee, a \$10.00 penalty

1 shall be assessed and collected against any person who tenders an
2 insufficient check or draft in payment of the fee.

3 (8) A snowmobile used solely for transportation on the frozen
4 surface of public waters for the purpose of ice fishing is exempt
5 from the requirement of purchasing and displaying a snowmobile
6 trail permit sticker under this section.

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

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

12 (11) A person who fails to secure a permit under this section
13 or who violates subsection (4) is responsible for a state civil
14 infraction and may be ordered to pay a civil fine of not more than
15 \$100.00.

16 (12) The department ~~of natural resources~~ shall, by June 1 of
17 each year, report to the members of the appropriate standing
18 ~~committee~~ **COMMITTEES** and appropriations subcommittees of the house
19 and senate, a detailed expenditure plan pertaining to the
20 additional funds generated by this act. The plan shall include
21 information as to how funds were expended in the prior year.

22 Enacting section 1. This amendatory act takes effect October
23 1, 2008.

24 Enacting section 2. This amendatory act does not take effect
25 unless Senate Bill No. 1489

26 of the 94th Legislature is enacted into law.