

## CREATE PURE MICHIGAN TRAILS DESIGNATION

Mary Ann Cleary, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 873**  
**Public Act 210 of 2014**  
**Sponsor: Sen. John Moolenaar**

**Senate Bill 877**  
**Public Act 213 of 2014**  
**Sponsor: Sen. Tom Casperson**

**Senate Bill 875**  
**Public Act 211 of 2014**  
**Sponsor: Sen. Dave Hildenbrand**

**House Bill 5553**  
**Public Act 214 of 2014**  
**Sponsor: Rep. Ray A. Franz**

**Senate Bill 876**  
**Public Act 212 of 2014**  
**Sponsor: Sen. Goeff Hansen**

**House Bill 5559**  
**Public Act 215 of 2014**  
**Sponsor: Rep. Dave Pagel**

**House Committee: Tourism**  
**Senate Committee: Outdoor Recreation and Tourism**

**Complete to 7-17-14**

## **A SUMMARY OF HOUSE BILLS 5553 & 5559 AND SENATE BILLS 873 & 875-877 AS ENACTED**

Each of the bills amends Part 721 of the Natural Resources and Environmental Protection Act (NREPA), which deals with trails and trailways. In general, the bills replace references to Michigan trailways with references to Pure Michigan Trails and water trails. All of the bills addressed by this summary were tie-barred to one another, and go into effect September 25, 2014 (90 days after being enacted into law).

Senate Bill 873 allows the director of the Department of Natural Resources, rather than the Natural Resources Commission, to designate a trail as a Pure Michigan Trail. The bill also allows a person to request that the director make such a designation (rather than having to petition the commission). In designating trails, the director would have to consider all forms of permissible recreation uses equally in order to develop a Michigan Trails Network that is representative of the various uses.

The director could also designate a water trail as a Pure Michigan Water Trail, in consultation with the Office of the Great Lakes, and a person could request the director to make such a designation. The bill provides criteria for making such a designation.

The bill rewrites the criteria for designating trails and adds one notable criterion: that a trail be a "model trail" for its designated uses and that its designation contribute to a statewide trail network that promotes healthy lifestyles, economic development, recreation, and conservation of the state's resources.

Prior to designating a Pure Michigan Trail or a Pure Michigan Water Trail, the department director would refer the proposed designation to the Natural Resources Commission, which would hold a public hearing on the proposal and then provide a recommendation.

Senate Bill 873 also does the following:

- Deletes provisions allowing the Natural Resources Commission to designate routes that do not meet the requirements for a Michigan trailway designation "Michigan trailway connectors."
- Authorizes the DNR Director to designate, upon request, a city, village, or township meeting certain criteria as a "Pure Michigan trail town." Such a locality would have to be easily accessible to users of a Pure Michigan Trail or Pure Michigan Water Trail and must have adopted a plan for providing support services to trail users, among other things.
- Transfers from the NRC to the DNR the authority to promulgate rules considered necessary to implement Part 721.
- Requires the DNR to work in cooperation with interested parties to develop an online database of Michigan trail maps that users could download and print, as well as a mobile software application of trail maps and other information related to specific trails.
- Repeals a section providing for a Michigan Heritage Water Trail Program.

House Bill 5553 does the following:

- Replaces references to "Michigan trailway" and "trailway" with "trail."
- Eliminates fees collected from users of trailways on state forest lands as a revenue source for the Michigan Trailways Fund.
- Adds nonprofit organizations and private sector entities to a list of groups that can receive grants or enter into contracts with the department in order to operate and maintain segments of Pure Michigan trails and enforce trail rules and regulations.
- Renames the Michigan Trailways Fund as the Pure Michigan Trails Fund.
- Eliminates the list of items the department is to consider in making expenditures from the fund but leaves in place the general purposes for which funds can be spent. Currently money can be used to make grants to or contracts with councils or governmental agencies to operate and maintain segments of the Pure Michigan Trails; the bill adds grants to and contracts with nonprofit organizations and private sector entities.

(Note: Senate Bill 874 in the Senate package of bills was the counterpart to House Bill 5553, which was enacted instead.)

House Bill 5559 amends a general definitions section by referring to use permits for a Pure Michigan Trail (rather than a trailway) and gives the Department of Natural Resources certain statutory authority relating to the trails system that, prior to the act, had

been granted to the Natural Resources Commission (such as granting easements and use permits, entering contracts, and leasing land).

Senate Bill 875 amends the definitions section to delete the definition of "trailway," and adds definitions of the terms "Pure Michigan Trail," "Pure Michigan Water Trail," "Pure Michigan Trail Town," and "water trail."

Senate Bill 876 uses the generic term "trails" to replace trailways, pack and saddle trails, and rail trails in the Adopt-a-Trail Program. The bill also includes "trail enhancement" among the activities an adopt-a-trail volunteer group may choose to carry out, and requires the DNR to coordinate volunteer programs operated in the vicinity of an adopted trail.

Senate Bill 877 does the following:

- Refers to the Michigan Trails Advisory Council, rather than the Michigan Snowmobile and Trailways Advisory Council.
- Includes water trails among the types of trails on which the Advisory Council must advise the DNR and the Governor.
- Requires at least two members of the Advisory Council, rather than one member, to be Upper Peninsula residents.
- Requires the Advisory Council to consult with organizations involved with expanding trail access for people with disabilities.
- Requires the Advisory Council to make certain recommendations to the DNR director, rather than to the NRC and the department.
- Refers to Pure Michigan trails and water trails rather than Michigan trailways in provisions regarding the Advisory Council's recommendations.
- Refers to trails rather than trailways in a number of provisions regarding the Equine Trailways Subcommittee and pack and saddle trailways.
- Requires the DNR, rather than the NRC, to hold a public meeting on a proposal to restrict access to certain land by pack and saddle animals, and eliminate a requirement that the Michigan Horse Council be invited to attend the meeting. (The Advisory Council and the Equine Trails Subcommittee would still specifically be invited.)

## **FISCAL IMPACT:**

The bills would have no significant fiscal impact on the Department of Natural Resources or local units of government. The bills authorize the Director of the Department to establish criteria to rename state trails as Pure Michigan Trails and designate Pure Michigan Water Trails. Currently, the Natural Resource Commission is authorized to designate state trails. The department may incur additional costs related to any new trail signage that might be needed throughout the trail system to reflect the name change to Pure Michigan Trails. House Bill 5553 would change the name of the Michigan Trailways Fund to the Pure Michigan Trails Fund and eliminate language that requires that fees collected from state forest land trailways be deposited into the Fund. However,

since no fees are currently collected on these trails, the elimination of this language would have no fiscal impact on the department.

Legislative Analyst: Josh Roesner  
Fiscal Analyst: Viola Bay Wild

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.