

CREATE PURE MICHIGAN TRAILS DESIGNATION

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Senate Bill 873 (Substitute S-1)
Sponsor: Sen. John Moolenaar

Senate Bill 877 (Substitute S-2)
Sponsor: Sen. Tom Casperson

Senate Bill 875 without amendment
Sponsor: Sen. Dave Hildenbrand

House Bill 5553 as introduced
Sponsor: Rep. Ray A. Franz

Senate Bill 876 (Substitute S-1)
Sponsor: Sen. Goeff Hansen

House Bill 5559 as introduced
Sponsor: Rep. Dave Pagel

House Committee: Tourism
Senate Committee: Outdoor Recreation and Tourism

Complete to 5-14-14

A SUMMARY OF SENATE BILLS 873 & 875-877 AS PASSED BY THE SENATE 4-23-14 AND HOUSE BILLS 5553 & 5559 AS INTRODUCED 5-8-14

Each of the bills would amend Part 721 of the Natural Resources and Environmental Protection Act (NREPA), which deals with trails and trailways. In general, among other things, the bills would replace references to Michigan trailways with references to Pure Michigan Trails and water trails.

Senate Bill 873 would allow 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 designation 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 bill would rewrite the criteria for designating trails and add one notable criterion: that a trail be a model trail for its designated uses and that its designation contributes to a statewide trail network that promotes healthy lifestyles, economic development, recreation, and conservation of the state's resources.

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.

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 would also do the following:

- Delete provisions allowing the Natural Resources Commission to designate routes that do not meet the requirements for a Michigan railway designation "Michigan railway connectors."
- Authorize 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 need to have adopted a plan for providing support services to trail users, among other things.
- Transfer from the NRC to the DNR the authority to promulgate rules considered necessary to implement Part 721.
- Require 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.
- Repeal a section providing for a Michigan Heritage Water Trail Program.

House Bill 5553 (which is similar to Senate Bill 874) would:

- Replace references to "Michigan railway" and "railway" with "trail."
- Eliminate fees collected from users of railways on state forest lands as a revenue source for the Michigan Trailways Fund.
- Rename the Michigan Trailways Fund as the Pure Michigan Trails Fund.
- Eliminate the list of items the department is to consider in making expenditures from the fund but leave 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 would add grants to and contracts with nonprofit organizations and private sector entities.

House Bill 5559 would amend a general definitions section by referring to use permits for a Pure Michigan Trail (rather than a railway) and would give the Department of Natural Resources certain authority that in statute is now granted to the Natural Resources Commission related to the trails system (such as granting easements and use permits, entering contracts, and leasing land).

Senate Bill 875 would amend the definitions section to delete the definition of "railway," and add definitions of the terms "Pure Michigan Trail," "Pure Michigan Water Trail," "Pure Michigan Trail Town," and "water trail."

Senate Bill 876 would use the generic term "trails" to replace railways, 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 would:

- Refer to the Michigan Trails Advisory Council, rather than the Michigan Snowmobile and Trailways Advisory Council.
- Include water trails among the types of trails on which the Advisory Council must advise the DNR and the Governor.
- Require at least two members of the Advisory Council, rather than one member, to be Upper Peninsula residents.
- Require the Advisory Council to consult with organizations involved with expanding trail access for people with disabilities.
- Require the Advisory Council to make certain recommendations to the DNR director, rather than to the NRC and the department.
- Refer to Pure Michigan trails and water trails rather than Michigan trailways in provisions regarding the Advisory Council's recommendations.
- Refer to trails rather than trailways in a number of provisions regarding the Equine Trailways Subcommittee and pack and saddle trailways.
- Require 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 to 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.

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