

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 877

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 72110, 72110a, and 72115 (MCL 324.72110,
324.72110a, and 324.72115), section 72110 as amended by 2013 PA
248, section 72110a as added by 2010 PA 46, and section 72115 as
added by 2010 PA 45.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72110. (1) The Michigan ~~snowmobile and~~ trails advisory
2 council is created within the department.
3 (2) The advisory council shall advise the director ~~of the~~
4 ~~department~~ and the governor on the creation, development,
5 operation, and maintenance of motorized and nonmotorized trails in
6 this state, including, but not limited to, snowmobile, biking,
7 equestrian, hiking, off-road vehicle, ~~and~~ skiing trails, **AND WATER**
8 **TRAILS**. In advising the director and the governor on the creation

1 and development of motorized and nonmotorized trails in this state,
2 the advisory council shall seek to have the trails linked wherever
3 possible. The advisory council may perform additional related
4 duties as provided by this part, other law, or as requested by the
5 director or the governor.

6 (3) The advisory council shall consist of 11 members appointed
7 by the governor. Members of the advisory council shall be appointed
8 for a term of 4 years. A vacancy on the advisory council occurring
9 other than by expiration of a term shall be filled by the governor
10 in the same manner as the original appointment for the balance of
11 the unexpired term. A vacancy ~~shall~~**DOES** not affect the power of
12 the remaining members to exercise the duties of the advisory
13 council.

14 (4) ~~Not fewer than~~**AT LEAST** 5 members of the advisory council
15 shall be an owner of an ORV licensed under section ~~81115~~**81116** or
16 an owner of a snowmobile registered under section 82105. ~~Not fewer~~
17 ~~than~~**AT LEAST** 3 members of the advisory council shall be ~~an owner~~
18 **OWNERS** of a snowmobile registered under section 82105. ~~Not fewer~~
19 ~~than~~**AT LEAST** 1 member of the advisory council shall possess
20 experience as an instructor in a snowmobile safety education and
21 training program or an ORV safety education course. ~~Not fewer than~~
22 ~~1 member~~**AT LEAST 2 MEMBERS** of the advisory council shall be a
23 ~~resident~~**RESIDENTS** of the Upper Peninsula of this state. ~~Not fewer~~
24 ~~than~~**AT LEAST** 2 members of the advisory council shall be members of
25 the equine trailways subcommittee created in section 72110a.

26 (5) The governor shall designate a member of the advisory
27 council to serve as the chairperson of the advisory council at the

1 pleasure of the governor. The advisory council may select a member
2 of the advisory council to serve as vice-chairperson of the
3 advisory council.

4 (6) The advisory council shall be staffed and assisted by
5 personnel from the department, subject to available funding. Any
6 budgeting, procurement, or related management functions of the
7 advisory council shall be performed under the direction and
8 supervision of the director. ~~of the department.~~

9 (7) The advisory council shall adopt procedures consistent
10 with this section and other applicable state law governing its
11 organization and operations.

12 (8) A majority of the members of the advisory council serving
13 constitute a quorum for the transaction of the advisory council's
14 business. The advisory council shall act by a majority vote of its
15 serving members.

16 (9) The advisory council shall meet at the call of the
17 chairperson and as may be provided in procedures adopted by the
18 advisory council.

19 (10) The advisory council may, as appropriate, make inquiries,
20 studies, investigations, hold hearings, and receive comments from
21 the public. The advisory council may also consult with outside
22 experts in order to perform its duties, including, but not limited
23 to, experts in the private sector, government agencies, and
24 institutions of higher education. **THE ADVISORY COUNCIL SHALL**
25 **CONSULT WITH ORGANIZATIONS INVOLVED WITH EXPANDING TRAIL ACCESS FOR**
26 **PERSONS WITH DISABILITIES.**

27 (11) The advisory council may establish advisory workgroups,

1 including, but not limited to, an advisory workgroup on
2 snowmobiles, as considered necessary by the advisory council to
3 assist the advisory council in performing the duties and
4 responsibilities of the advisory council. In addition, the equine
5 trailways subcommittee created in section 72110a as a subcommittee
6 of the advisory council shall serve as advisory to the advisory
7 council.

8 (12) Members of the advisory council shall serve without
9 compensation. Members of the advisory council may receive
10 reimbursement for necessary travel and expenses consistent with
11 relevant statutes and the rules and procedures of the civil service
12 commission and the department of technology, management, and
13 budget, subject to available funding.

14 (13) The advisory council may hire or retain contractors,
15 subcontractors, advisors, consultants, and agents, and may make and
16 enter into contracts necessary or incidental to the exercise of the
17 powers of the advisory council and the performance of its duties as
18 the director ~~of the department~~ considers advisable and necessary,
19 in accordance with this part, other applicable law, and the rules
20 and procedures of the civil service commission and the department
21 of technology, management, and budget, subject to available
22 funding.

23 (14) The advisory council may accept donations of labor,
24 services, or other things of value from any public or private
25 agency or person.

26 (15) Members of the advisory council shall refer all legal,
27 legislative, and media contacts to the department.

(16) In addition to the responsibilities provided in this section and otherwise provided by law, the advisory council shall do both of the following:

(a) Make recommendations to the ~~commission and the department~~ **DIRECTOR** on the expenditure of money in the fund.

(b) Advise the ~~commission and the department~~ **DIRECTOR** on the implementation of this part and the establishment and operation of **PURE Michigan ~~trailways~~ TRAILS AND PURE MICHIGAN WATER TRAILS.**

Sec. 72110a. (1) The equine ~~trailways~~ **TRAILS** subcommittee is created as a subcommittee of the advisory council. The department may provide staffing and administrative support to the equine ~~trailways~~ **TRAILS** subcommittee. The equine ~~trailways~~ **TRAILS** subcommittee may also be staffed and funded by user groups and other interested persons.

(2) Subject to subsection (3), the equine ~~trailways~~ **TRAILS** subcommittee shall consist of the following members appointed by the director: ~~of the department.~~

(a) One individual representing the state's tourism industry.

(b) Five individuals representing the equine industry as follows:

(i) One individual from the Upper Peninsula.

(ii) One individual from the northern Lower Peninsula.

(iii) One individual from the central Lower Peninsula.

(iv) One individual from the southeastern Lower Peninsula.

(v) One individual from the southwestern Lower Peninsula.

(3) The senate majority leader and the speaker of the house of representatives shall each submit a list of 3 persons to the

1 director. ~~of the department.~~ The director shall appoint at least 1
2 person from each of those lists to the equine ~~trailways~~ **TRAILS**
3 subcommittee. ~~The members first appointed to the equine trailways~~
4 ~~subcommittee shall be appointed within 60 days after the effective~~
5 ~~date of the amendatory act that added this section.~~

6 (4) Members of the equine ~~trailways~~ **TRAILS** subcommittee shall
7 serve for terms of 4 years or until a successor is appointed,
8 whichever is later, except that of the members first appointed 2
9 shall serve for 2 years, 2 shall serve for 3 years, and 2 shall
10 serve for 4 years.

11 (5) If a vacancy occurs on the equine ~~trailways~~ **TRAILS**
12 subcommittee, an appointment for the unexpired term shall be made
13 in the same manner as the original appointment.

14 (6) A member of the equine ~~trailways~~ **TRAILS** subcommittee may
15 be removed for incompetency, dereliction of duty, malfeasance,
16 misfeasance, or nonfeasance in office, or any other good cause.

17 (7) The first meeting of the equine ~~trailways~~ **TRAILS**
18 subcommittee shall be called by the department within 30 days after
19 the appointments have been made. At the first meeting, the equine
20 ~~trailways~~ **TRAILS** subcommittee shall elect from among its members a
21 chairperson and other officers as it considers necessary or
22 appropriate. After the first meeting, the equine ~~trailways~~ **TRAILS**
23 subcommittee shall meet at least quarterly, or more frequently at
24 the call of the chairperson or if requested by 3 or more members.

25 (8) A majority of the members of the equine ~~trailways~~ **TRAILS**
26 subcommittee constitute a quorum for the transaction of business at
27 a meeting of the equine ~~trailways~~ **TRAILS** subcommittee. A majority

1 of the members present and serving are required for official action
2 of the equine ~~trailways~~-**TRAILS** subcommittee.

3 (9) The business that the equine ~~trailways~~-**TRAILS** subcommittee
4 may perform shall be conducted at a public meeting of the equine
5 ~~trailways~~-**TRAILS** subcommittee held in compliance with the open
6 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

7 (10) A writing prepared, owned, used, in the possession of, or
8 retained by the equine ~~trailways~~-**TRAILS** subcommittee in the
9 performance of an official function is subject to the freedom of
10 information act, 1976 PA 442, MCL 15.231 to 15.246.

11 (11) Members of the equine ~~trailways~~-**TRAILS** subcommittee shall
12 serve without compensation. However, subject to the availability of
13 funding, members of the equine ~~trailways~~-**TRAILS** subcommittee may be
14 reimbursed for their actual and necessary expenses incurred in the
15 performance of their official duties as members of the equine
16 ~~trailways~~-**TRAILS** subcommittee.

17 (12) The equine ~~trailways~~-**TRAILS** subcommittee shall do all of
18 the following:

19 (a) ~~Within 1 year after the appointment of its members,~~
20 ~~prepare~~-**PREPARE** and submit to the advisory council a recommended
21 plan for a statewide network of pack and saddle ~~trailways~~-**TRAILS**.
22 The recommended plan for a statewide pack and saddle ~~trailways~~
23 **TRAILS** network shall include both of the following:

24 (i) All pack and saddle ~~trailways~~-**TRAILS** on state owned land
25 that have previously been open for use by pack and saddle animals
26 at any time and that the equine ~~trailways~~-**TRAILS** subcommittee
27 determines are appropriate for pack and saddle ~~trailways~~-**TRAILS**.

(ii) All additional state lands that the equine ~~trailways~~
TRAILS subcommittee determines would be appropriate for pack and
 saddle animals and would contribute to a statewide network of pack
 and saddle ~~trailways~~. **TRAILS**.

(b) Advise the advisory council and the department on the
 development and use of the pack and saddle ~~trailways~~ **TRAILS**
 network.

(c) Advise the advisory council and the department on other
 matters related to the promotion of the state's equine industry.

(d) Advise the advisory council and the department on funding
 to conduct pack and saddle ~~trailway~~ **TRAIL** reviews under section
 72115 and to provide for the reopening of previously closed pack
 and saddle ~~trailways~~, **TRAILS**, the preservation of existing pack and
 saddle ~~trailways~~, **TRAILS**, and the development of new pack and
 saddle ~~trailways~~ **TRAILS** across the ~~the~~ **THIS** state.

~~—— (13) If the equine trailways subcommittee is not appointed as
 provided for in this section, the department shall, within 2 years
 after the effective date of the amendatory act that added this
 section, work with the equine industry to develop a plan for a
 statewide network of pack and saddle trailways.~~

Sec. 72115. (1) Subject to subsections (2) and (3), pack and
 saddle animals shall be allowed to access pack and saddle ~~trailways~~
TRAILS on public land managed by the department as follows:

(a) Access on land of the state forest system is allowed
 unless restricted by statute, deed restriction, land use order, or
 other legal mechanism, in effect on ~~the effective date of the~~
~~amendatory act that added this section.~~ **APRIL 2, 2010.**

(b) Access on land of the state park system or state game area system is prohibited unless authorized by land use order or other legal mechanism in effect on ~~the effective date of the amendatory act that added this section~~. **APRIL 2, 2010.**

(c) Access on other land managed by the department is allowed according to the specific authorization or restriction applicable to the land.

(2) Access by pack and saddle animals may only be restricted on lands described in subsection (1) after ~~the effective date of the amendatory act that added this section~~ **APRIL 2, 2010** if conditions are not suitable for pack and saddle animals because of public safety concerns, necessary maintenance, or for reasons related to the mission of the department. Restrictions related to the mission of the department shall be supported, to the greatest extent practicable, by a written science-based rationale that is supported with documentation that is made available to the public. Prior to determining that access by pack and saddle animals be restricted, the department shall make every effort to resolve any public safety or maintenance concerns. Subject to subsection (3), the department shall not restrict pack and saddle animals from lands described in subsection (1) unless all of the following conditions are met:

(a) The ~~commission, upon request of the department,~~ holds a public meeting on a proposal to restrict access by pack and saddle animals on pack and saddle ~~trailways~~ **TRAILS** to receive testimony from the general public. The ~~commission~~ **DEPARTMENT** shall invite the advisory council ~~,~~ **AND** the equine ~~trailways~~ **TRAILS** subcommittee

1 created in section 72110a ~~, and the Michigan horse council to~~
2 attend the meeting.

3 (b) The department, after considering testimony at the
4 ~~commission~~ meeting under subdivision (a), provides a specific
5 rationale for its determination to restrict access by pack and
6 saddle animals.

7 (c) Any decision by the department to restrict access by pack
8 and saddle animals shall not take effect for a period of time set
9 by the department, but not less than 60 days. However, if the
10 director determines that a restriction must be imposed because of
11 user conflicts or due to an imminent threat to public health,
12 safety, welfare, or to natural resources or the environment, the
13 director may issue a temporary order restricting access by pack and
14 saddle animals for 30 days or until the threat or user conflict is
15 abated. A temporary order under this subdivision may be reissued if
16 the threat or user conflict persists.

17 (d) A written statement shall be posted at the trailhead in
18 which the restriction is imposed stating the cause and estimated
19 duration of the closure.

20 (e) A list of pack and saddle ~~trailways~~ **TRAILS** on which the
21 department has restricted access for pack and saddle animals,
22 including temporary orders, shall be posted on the department's
23 website and notification shall be provided to the equine ~~trailways~~
24 **TRAILS** subcommittee created in section 72110a.

25 (3) Any restrictions described in subsection (1) on access by
26 pack and saddle animals that were in effect on ~~the effective date~~
27 ~~of the amendatory act that added this section~~ **APRIL 2, 2010** shall

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remain in effect until those restrictions are reviewed using the process outlined in subsection (2). ~~For the following areas, the department shall review the restrictions on access by pack and saddle animals previously imposed by the department according to the following timelines:~~

~~—— (a) Not later than June 15, 2010, the Pigeon river country state forest.~~

~~—— (b) Not later than January 1, 2011, the Lapeer state game area and the Gladwin field trial area.~~

~~—— (c) Not later than January 1, 2012, the Lost Nation state game area and the Blueberry Ridge pathway.~~

(4) A person shall not use pack and saddle animals on state-owned land except on pack and saddle ~~trailways~~ **TRAILS** that are open for access by pack and saddle animals.

[Enacting section 1. This amendatory act takes effect upon the expiration of 90 days after the date it is enacted into law.]

Enacting section [2]. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

(a) Senate Bill No. 873.

(b) Senate Bill No. 875.

(c) Senate Bill No. 876.

(d) House Bill No. 5553.

(e) House Bill No. 5559.