

HOUSE BILL No. 5553

May 8, 2014, Introduced by Reps. Franz, Kelly, Pettalia, Pscholka, LaFontaine, Kivela, Rendon, Pagel, Johnson, McBroom, Outman and Foster and referred to the Committee on Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 72107 and 72109 (MCL 324.72107 and 324.72109),
as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72107. In agricultural areas, a ~~Michigan railway~~ **TRAIL**
2 may be temporarily closed by the entity operating the ~~railway~~
3 **TRAIL** to allow pesticide application on lands adjoining the
4 ~~railway~~. **TRAIL**. The entity operating the ~~Michigan railway~~ **TRAIL**
5 shall post the closure of the ~~railway~~ **TRAIL** or arrange with a
6 landowner or other person for the posting of signs and the closure
7 of the ~~railway~~ **TRAIL** during pesticide application and appropriate
8 reentry periods.

9 Sec. 72109. (1) The **PURE** Michigan ~~railways~~ **TRAILS** fund is

1 created within the state treasury.

2 (2) Except as otherwise provided by law, the state treasurer
3 may receive money or other assets from any of the following for
4 deposit into the fund:

5 ~~—— (a) Fees collected from users of railways on state forest~~
6 ~~lands.~~

7 (A) ~~(b)~~ Payments to the state for easements, use permits,
8 leases, or other use of state owned **PURE** Michigan ~~railway~~ **TRAIL**
9 property.

10 (B) ~~(c)~~ Payments to the state for concessions operated by
11 private vendors on state owned property located on or adjacent to a
12 **PURE** Michigan ~~railway~~ **TRAIL**.

13 (C) ~~(d)~~ Federal funds.

14 (D) ~~(e)~~ Gifts or bequests.

15 (E) ~~(f)~~ State appropriations.

16 (F) ~~(g)~~ Money or assets from other sources as provided by law.

17 (3) The state treasurer shall direct the investment of the
18 fund. The state treasurer shall credit to the fund interest and
19 earnings from fund investments.

20 (4) Money in the fund at the close of the fiscal year shall
21 remain in the fund and shall not lapse to the general fund.

22 (5) Money in the fund may be expended for any of the following
23 purposes:

24 (a) The expenses of the department in operating and
25 maintaining the **PURE** Michigan ~~railway~~ **TRAIL** system and enforcing
26 **PURE** Michigan ~~railway~~ **TRAIL** rules and regulations.

27 (b) Grants to or contracts with councils, **NONPROFIT**

House Bill No. 5553 as amended June 5, 2014

1 **ORGANIZATIONS, PRIVATE SECTOR ENTITIES**, or governmental agencies to
 2 operate and maintain segments of **PURE** Michigan ~~trailways~~**TRAILS** and
 3 to enforce **PURE** Michigan ~~trailway~~**TRAIL** rules and regulations.

4 (c) Funding **PURE** Michigan ~~trailway~~**TRAIL** construction and
 5 improvements.

6 (d) Acquisition of land or rights in land.

7 (e) Publications and promotions of the **PURE** Michigan ~~trailways~~
 8 **TRAILS** system.

9 ~~—— (6) In determining the expenditure of money in the fund, the~~
 10 ~~department shall consider all of the following:~~

11 ~~—— (a) The need for funding for each of the purposes listed in~~
 12 ~~subsection (5).~~

13 ~~—— (b) The estimated cost of Michigan trailway management for~~
 14 ~~each governmental agency that manages a Michigan trailway, based on~~
 15 ~~previous costs, trailway mileage, level of use, and other relevant~~
 16 ~~factors.~~

17 ~~—— (c) The need of each governmental agency that manages a~~
 18 ~~Michigan trailway for financial assistance in managing that~~
 19 ~~trailway, and the amount of money from the fund received by that~~
 20 ~~agency in the past.~~

21 ~~—— (d) The amount of revenue accruing to the fund that is~~
 22 ~~generated from each Michigan trailway.~~

23 ~~—— (e) Other factors considered appropriate by the department.~~

24 (6) ~~(7)~~The department shall submit a report to the
 25 legislature on or before December 1 of each year describing the use
 26 of money appropriated from the fund in the previous fiscal year.

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

27 Enacting section [2]. This amendatory act does not take effect

1 unless all of the following bills of the 97th Legislature are
2 enacted into law:

3 (a) Senate Bill No. 873.

4 (b) Senate Bill No. 875.

5 (c) Senate Bill No. 876.

6 (d) Senate Bill No. 877.

7 (e) House Bill No. 5559 (request no. H04013'13 *).