

SENATE BILL No. 874

March 13, 2014, Introduced by Senators MEEKHOF, HANSEN, MOOLENAAR, CASPERSON, KOWALL, GREEN and BOOHER and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 1301, 72107, 72108, and 72109 (MCL 324.1301, 324.72107, 324.72108, and 324.72109), section 1301 as amended by 2013 PA 87, sections 72107 and 72109 as added by 1995 PA 58, and section 72108 as amended by 2004 PA 325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1301. As used in this part:

(a) "Application period" means the period beginning when an application for a permit is received by the state and ending when the application is considered to be administratively complete under section 1305 and any applicable fee has been paid.

(b) "Department" means the department, agency, or officer authorized by this act to approve or deny an application for a

1 particular permit.

2 (c) "Director" means the director of the state department
3 authorized under this act to approve or deny an application for a
4 particular permit or the director's designee.

5 (d) "Permit" means a permit or operating license required by
6 any of the following sections or by rules promulgated thereunder,
7 or, in the case of section 9112, by an ordinance adopted
8 thereunder:

9 (i) Section 3104, floodplain alteration permit.

10 (ii) Section 3503, permit for use of water in mining iron ore.

11 (iii) Section 4105, sewerage system construction permit.

12 (iv) Section 6516, vehicle testing license.

13 (v) Section 6521, motor vehicle fleet testing permit.

14 (vi) Section 8310, restricted use pesticide dealer license.

15 (vii) Section 8310a, agricultural pesticide dealer license.

16 (viii) Section 8504, license to manufacture or distribute
17 fertilizer.

18 (ix) Section 9112, local soil erosion and sedimentation control
19 permit.

20 (x) Section 11509, solid waste disposal area construction
21 permit.

22 (xi) Section 11512, solid waste disposal area operating
23 license.

24 (xii) Section 11542, municipal solid waste incinerator ash
25 landfill operating license amendment.

26 (xiii) Section 11702, septage waste servicing license or septage
27 waste vehicle license.

1 (xiv) Section 11709, septage waste site permit.

2 (xv) Section 30104, inland lakes and streams project permit.

3 (xvi) Section 30304, state permit for dredging, filling, or
4 other activity in wetland. Permit includes an authorization for a
5 specific project to proceed under a general permit issued under
6 section 30312.

7 (xvii) Section 31509, dam construction, repair, or removal
8 permit.

9 (xviii) Section 32312, flood risk, high risk, or environmental
10 area permit.

11 (xix) Section 32512, permit for dredging and filling
12 bottomland.

13 (xx) Section 32603, permit for submerged log removal from Great
14 Lakes bottomlands.

15 (xxi) Section 35304, department permit for critical dune area
16 use.

17 (xxii) Section 36505, endangered species permit.

18 (xxiii) Section 41702, game bird hunting preserve license.

19 (xxiv) Section 42101, dog training area permit.

20 (xxv) Section 42501, fur dealer's license.

21 (xxvi) Section 42702, game dealer's license.

22 (xxvii) Section 44513, charter boat operating permit under
23 reciprocal agreement.

24 (xxviii) Section 44516, boat livery operating permit.

25 (xxix) Section 45503, permit to take frogs for scientific use.

26 (xxx) Section 45902, game fish propagation license.

27 (xxxi) Section 45906, game fish import license.

- 1 (xxxii) Section 61525, oil or gas well drilling permit.
- 2 (xxxiii) Section 62509, brine, storage, or waste disposal well
3 drilling or conversion permit or test well drilling permit.
- 4 (xxxiv) Section 63103a, ferrous mineral mining permit.
- 5 (xxxv) Section 63514 or 63525, surface coal mining and
6 reclamation permit or revision of the permit, respectively.
- 7 (xxxvi) Section 63704, sand dune mining permit.
- 8 (xxxvii) Section 72108, use permits for **A PURE** Michigan
9 ~~tr~~ailway.**TRAIL**.
- 10 (xxxviii) Section 76109, sunken aircraft or watercraft abandoned
11 property recovery permit.
- 12 (xxxix) Section 76504, Mackinac Island motor vehicle and land
13 use permits.
- 14 (xxxx) Section 80159, buoy or beacon permit.
- 15 (e) "Processing deadline" means the last day of the processing
16 period.
- 17 (f) "Processing period" means the following time period after
18 the close of the application period, for the following permit, as
19 applicable:
- 20 (i) Twenty days for a permit under section 61525 or 62509.
- 21 (ii) Thirty days for a permit under section 9112 or 44516.
- 22 (iii) Thirty days after the department consults with the
23 underwater salvage and preserve committee created under section
24 76103, for a permit under section 76109.
- 25 (iv) Sixty days, for a permit under section 30104 for a minor
26 project established under section 30105(7) or 32512a(1), or an
27 authorization for a specific project to proceed under a general

1 permit issued under section 30105(8) or 32512a(2), or for a permit
2 under section 32312.

3 (v) Sixty days or, if a hearing is held, 90 days for a permit
4 under section 35304.

5 (vi) Sixty days or, if a hearing is held, 120 days for a permit
6 under section 30104, other than a permit or authorization described
7 in subparagraph (ii) or (iv), or for a permit under section 31509.

8 (vii) Ninety days for a permit under section 11512, a revision
9 of a surface coal mining and reclamation permit under section
10 63525, or a permit under section 72108.

11 (viii) Ninety days or, if a hearing is held, 150 days for a
12 permit under section 3104 or 30304, or a permit under section 32512
13 other than a permit described in subparagraph (iv).

14 (ix) Ninety days after the close of the review or comment
15 period under section 32604, or if a public hearing is held, 90 days
16 after the date of the public hearing for a permit under section
17 32603.

18 (x) One hundred twenty days for a permit under section 11509,
19 11542, 63103a, 63514, or 63704.

20 (xi) One hundred fifty days for a permit under section 36505.
21 However, if a site inspection or federal approval is required, the
22 150-day period is tolled pending completion of the inspection or
23 receipt of the federal approval.

24 (xii) For any other permit, 150 days or, if a hearing is held,
25 90 days after the hearing, whichever is later.

26 Sec. 72107. In agricultural areas, a ~~Michigan railway~~ **TRAIL**
27 may be temporarily closed by the entity operating the ~~railway~~

1 **TRAIL** to allow pesticide application on lands adjoining the
 2 ~~trailway.~~**TRAIL**. The entity operating the ~~Michigan trailway~~**TRAIL**
 3 shall post the closure of the ~~trailway~~**TRAIL** or arrange with a
 4 landowner or other person for the posting of signs and the closure
 5 of the ~~trailway~~**TRAIL** during pesticide application and appropriate
 6 reentry periods.

7 Sec. 72108. (1) The ~~commission~~**DEPARTMENT** may do any of the
 8 following:

9 (a) Grant easements or, pursuant to part 13, use permits or
 10 lease land owned by the state that is being used for a **PURE**
 11 Michigan ~~trailway~~**TRAIL** for a use that is compatible with the use
 12 of the **PURE** Michigan ~~trailway~~**TRAIL**.

13 (b) Enter into contracts for concessions along a state owned
 14 **PURE** Michigan ~~trailway~~**TRAIL**.

15 (c) Lease land adjacent to a state owned **PURE** Michigan
 16 ~~trailway~~**TRAIL** for the operation of concessions.

17 (2) If the ~~commission approves of the acquisition of~~
 18 **DEPARTMENT ACQUIRES** land, ~~by the department, the commission~~
 19 **DIRECTOR** may state that the specified land is acquired for use as a
 20 **PURE** Michigan ~~trailway~~**TRAIL**. Following acquisition of land that
 21 the ~~commission~~**DIRECTOR** states is acquired for use as a **PURE**
 22 Michigan ~~trailway~~**TRAIL**, any revenue derived from that land
 23 pursuant to subsection (1), except as otherwise provided by law,
 24 shall be deposited into the fund.

25 Sec. 72109. (1) The **PURE** Michigan ~~trailways~~**TRAILS** fund is
 26 created within the state treasury.

27 (2) Except as otherwise provided by law, the state treasurer

1 may receive money or other assets from any of the following for
2 deposit into the fund:

3 ~~—— (a) Fees collected from users of trailways on state forest~~
4 ~~lands.~~

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

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

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

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

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

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

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

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

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

22 (a) The expenses of the department in operating and
23 maintaining the **PURE** Michigan ~~trailway~~ **TRAIL** system and enforcing
24 **PURE** Michigan ~~trailway~~ **TRAIL** rules and regulations.

25 (b) Grants to or contracts with councils, **NONPROFIT**
26 **ORGANIZATIONS**, or governmental agencies to operate and maintain
27 segments of **PURE** Michigan ~~trailways~~ **TRAILS** and to enforce **PURE**

1 Michigan ~~trailway~~ **TRAIL** rules and regulations.

2 (c) Funding **PURE** Michigan ~~trailway~~ **TRAIL** construction and
3 improvements.

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

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

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

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

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

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

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

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

22 (6) ~~(7)~~ The department shall submit a report to the
23 legislature on or before December 1 of each year describing the use
24 of money appropriated from the fund in the previous fiscal year.

25 Enacting section 1. This amendatory act does not take effect
26 unless all of the following bills of the 97th Legislature are
27 enacted into law:

- 1 (a) Senate Bill No. 875
- 2 .
- 3 (b) Senate Bill No. 873
- 4 .
- 5 (c) Senate Bill No. 876
- 6 .
- 7 (d) Senate Bill No. 877
- 8 .