

# SENATE BILL No. 877

March 13, 2014, Introduced by Senators CASPERSON, HANSEN, MOOLENAAR, MEEKHOF, 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 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**

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

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

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

27 (5) The governor shall designate a member of the advisory

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

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

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

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

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

20 (10) The advisory council may, as appropriate, make inquiries,  
21 studies, investigations, hold hearings, and receive comments from  
22 the public. The advisory council may also consult with outside  
23 experts in order to perform its duties, including, but not limited  
24 to, experts in the private sector, government agencies, and  
25 institutions of higher education.

26 (11) The advisory council may establish advisory workgroups,  
27 including, but not limited to, an advisory workgroup on

1 snowmobiles, as considered necessary by the advisory council to  
2 assist the advisory council in performing the duties and  
3 responsibilities of the advisory council. In addition, the equine  
4 trailways subcommittee created in section 72110a as a subcommittee  
5 of the advisory council shall serve as advisory to the advisory  
6 council.

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

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

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

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

27 (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 director. ~~of the department.~~ The director shall appoint at least 1

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

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

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

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

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

24 (8) A majority of the members of the equine ~~trailways~~ **TRAILS**  
25 subcommittee constitute a quorum for the transaction of business at  
26 a meeting of the equine ~~trailways~~ **TRAILS** subcommittee. A majority  
27 of the members present and serving are required for official action

1 of the equine ~~trailways~~-**TRAILS** subcommittee.

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

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

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

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

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

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

27 (ii) All additional state lands that the equine ~~trailways~~

1 **TRAILS** subcommittee determines would be appropriate for pack and  
 2 saddle animals and would contribute to a statewide network of pack  
 3 and saddle ~~trailways~~. **TRAILS**.

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

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

9 (d) Advise the advisory council and the department on funding  
 10 to conduct pack and saddle ~~trailway~~ **TRAIL** reviews under section  
 11 72115 and to provide for the reopening of previously closed pack  
 12 and saddle ~~trailways~~, **TRAILS**, the preservation of existing pack and  
 13 saddle ~~trailways~~, **TRAILS**, and the development of new pack and  
 14 saddle ~~trailways~~ **TRAILS** across the ~~THIS~~ state.

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

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

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

27 (b) Access on land of the state park system or state game area



1 system is prohibited unless authorized by land use order or other  
2 legal mechanism in effect on ~~the effective date of the amendatory~~  
3 ~~act that added this section.~~**APRIL 2, 2010.**

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

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

22 (a) The ~~commission, upon request of the department,~~ holds a  
23 public meeting on a proposal to restrict access by pack and saddle  
24 animals on pack and saddle ~~trailways~~**TRAILS** to receive testimony  
25 from the general public. The ~~commission~~**DEPARTMENT** shall invite the  
26 advisory council, the equine ~~trailways~~**TRAILS** subcommittee created  
27 in section 72110a, and the Michigan horse council to attend the

1 meeting.

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

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

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

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

24 (3) Any restrictions described in subsection (1) on access by  
25 pack and saddle animals that were in effect on ~~the effective date~~  
26 ~~of the amendatory act that added this section~~ **APRIL 2, 2010** shall  
27 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 does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

(a) Senate Bill No. 875

.

(b) Senate Bill No. 873

.

(c) Senate Bill No. 876

.

(d) Senate Bill No. 874

.