

Act No. 210
Public Acts of 2014
Approved by the Governor
June 26, 2014
Filed with the Secretary of State
June 26, 2014
EFFECTIVE DATE: September 25, 2014

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Senators Moolenaar, Hansen, Casperson, Meekhof, Green and Booher

ENROLLED SENATE BILL No. 873

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 72103, 72104, 72112, and 72114 (MCL 324.72103, 324.72104, 324.72112, and 324.72114), sections 72103, 72104, and 72112 as added by 1995 PA 58 and section 72114 as added by 2010 PA 45; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 72103. (1) The director may designate a trail in this state located on land as a “Pure Michigan Trail”. A person may request that the director designate a trail as a Pure Michigan Trail. The director shall not designate a trail as a Pure Michigan Trail unless it meets, or will meet when completed, all of the following requirements:

(a) The trail is a model trail for its designated uses and the designation of the trail as a Pure Michigan Trail contributes to a statewide trail network that promotes healthy lifestyles, economic development, recreation, and conservation of the natural and cultural resources of this state.

(b) The land on which the trail is located is owned by this state or a governmental agency, or otherwise is under the long-term control of this state or a governmental agency through a lease, easement, or other arrangement. If the land is owned by a governmental agency, the director shall obtain the consent of the governmental agency before designating the land as part of a Pure Michigan Trail.

(c) The design and maintenance of the trail and its related facilities meet generally accepted standards of public safety.

(d) The trail meets appropriate standards for its designated recreation uses.

(e) The trail is available for designated recreation uses on a nondiscriminatory basis.

(f) The trail is, or has potential to be, a segment of a statewide network of trails, or it attracts a substantial share of its users from beyond the local area.

(g) The trail is marked with an official Pure Michigan Trail sign and logo at major access points.

(h) Where feasible, the trail offers adequate support facilities for the public, including parking, sanitary facilities, and emergency telephones, that are accessible to people with disabilities and are at reasonable frequency along the trail.

(i) Potential negative impacts of trail development on owners or residents of adjacent property are minimized through all of the following:

(i) Adequate enforcement of trail rules and regulations.

(ii) Continuation of access for trail crossings for agricultural and other purposes.

(iii) Construction and maintenance of fencing, where necessary, by the owner or operator of the trail.

(iv) Other means as considered appropriate by the director.

(j) A trademark license is obtained by the department from the Michigan economic development corporation for use of the words “Pure Michigan”.

(k) Other conditions required by the director.

(2) In designating trails as Pure Michigan Trails under subsection (1), the director shall consider all forms of permissible recreation uses equally in order to develop a Pure Michigan Trails network that is representative of the various trail uses.

(3) The director may designate a water trail as a “Pure Michigan Water Trail”. A person may request that the director designate a trail as a Pure Michigan Water Trail. The director shall not designate a trail as a Pure Michigan Water Trail unless it meets, or will meet when completed, all of the following requirements:

(a) The trail and its access points are open to public use and are designed, constructed, and maintained according to best management practices.

(b) The trail is located on a contiguous waterway or a series of waterways that are contiguous or are connected by portages.

(c) The trail is consistent with applicable land use plans and environmental laws.

(d) The trail meets the criteria of subsection (1)(a), (c), (d), (e), (f), (g), (h), (i)(i) and (iv), and (k).

(e) A trademark license is obtained by the department from the Michigan economic development corporation for use of the words “Pure Michigan”.

(4) Prior to designating a Pure Michigan Trail under subsection (1) or a Pure Michigan Water Trail under subsection (3), the director shall refer the proposed designation to the natural resources commission, which shall hold a public hearing on the proposed designation. Within 90 days after receiving the referral under this subsection, the natural resources commission shall provide the director with its recommendation regarding the designation.

(5) The director may revoke a Pure Michigan Trail or a Pure Michigan Water Trail designation if he or she determines that a trail fails to meet the requirements of this section. Before revoking a Pure Michigan Trail or a Pure Michigan Water Trail designation, the director shall provide notice to all entities involved in the management of the trail. If the trail is brought into compliance with this section within 90 days after providing this notice, the director shall not revoke the designation.

Sec. 72104. (1) The director, upon petition by a person, may designate a city, village, or township as a “Pure Michigan Trail Town” if the director determines that the following conditions have been met:

(a) The city, village, or township is easily accessible to users of a Pure Michigan Trail or a Pure Michigan Water Trail.

(b) The city, village, or township has adopted a resolution in support of the designation.

(c) The city, village, or township has adopted a plan for providing support services to trail users such as parking, sanitary facilities, restaurants, accommodations, grocery stores, bike shops, boat docks, or other services that may be needed or desired by trail users.

(d) The petitioner demonstrates at least 3 of the following:

(i) There is community support for the designation as evidenced by creation of an advisory committee.

(ii) There has been an annual trail-related project or event within the city, village, or township.

(iii) A school board within the city, village, or township has endorsed a trail-based service learning educational component within its schools.

(iv) Land use plans, planning tools, ordinances, or guidelines are in place that recognize the relationship between the trail and other community assets, or that there is support to amend, change, or add these provisions.

(e) A trademark license is obtained by the department from the Michigan economic development corporation for use of the words “Pure Michigan”.

(2) Upon designation of a city, village, or township as a Pure Michigan Trail Town, the city, village, or township may erect and maintain along the Pure Michigan Trail or Pure Michigan Water Trail at a junction with the city, village, or township an official Pure Michigan Trail Town sign and logo designed by the department. The department shall only provide for the erection and maintenance of an official Pure Michigan Trail Town sign and logo when sufficient private contributions are received to pay for the cost of erecting and maintaining the sign and logo.

(3) The director may revoke a Pure Michigan Trail Town designation if he or she determines that the city, village, or township has failed to meet the requirements of this section. Before revoking a Pure Michigan Trail Town designation, the director shall provide notice to the city, village, or township. If the city, village, or township is brought into compliance with this section within 90 days after providing this notice, the director shall not revoke the designation.

Sec. 72112. The department may promulgate rules as it considers necessary to implement this part.

Sec. 72114. (1) The department shall establish a statewide trail network that includes Pure Michigan Trails, Pure Michigan Water Trails, and other recreational use trails. The statewide trail network shall be designed to accommodate

a variety of public recreation uses and shall specify the types of uses that are allowed on each trail segment. The statewide trail network shall be in conformance with section 72115 and the determinations made under section 72115. Prior to the department establishing the statewide trail network, the department shall hold a public meeting to receive testimony from the general public.

(2) After the statewide trail network is established, if the department is informed that additional trails should be added to the statewide trail network or that uses on particular trail segments should be modified, the department shall modify the statewide trail network to include additional trails or to modify the uses on particular trails as the department determines appropriate. However, any modifications shall be in conformance with section 72115 and determinations made under section 72115.

(3) Upon establishment of the statewide trail network, the department shall make the statewide trail network available on the department's website. If the department modifies the statewide trail network, the department shall make the updated statewide trail network available on the department's website.

(4) Within 1 year after receiving recommendations from the equine trails subcommittee under section 72110a, the advisory council shall review recommendations from the equine trails subcommittee as well as other interested trail users and shall make recommendations to the department for the establishment of the statewide trail network.

(5) The department shall work in cooperation with interested parties to facilitate the creation and maintenance of a current database of trail maps for all trails within the statewide trail network on the department's internet website. The database of trail maps shall specifically designate which of the trails are Pure Michigan Trails or Pure Michigan Water Trails. The database of trail maps shall allow trail users to download or print trail maps. In addition, the department shall work in cooperation with interested parties to facilitate the development and maintenance of a mobile software application of trail maps and other information related to specific trails that may be downloaded onto smartphones, tablet computers, and other portable electronic devices. The department shall work in cooperation with these interested parties to assure that the software application is updated to reflect current information from the database of trail maps.

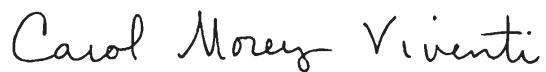
Enacting section 1. Section 72113 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.72113, is repealed.

Enacting section 2. This amendatory act takes effect upon the expiration of 90 days after the date it is enacted into law.

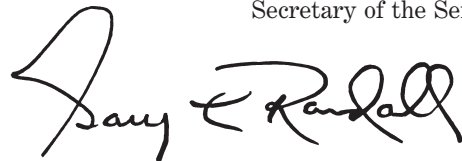
Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

- (a) Senate Bill No. 875.
- (b) Senate Bill No. 876.
- (c) Senate Bill No. 877.
- (d) House Bill No. 5553.
- (e) House Bill No. 5559.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor