

Act No. 213
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 Casperson, Hansen, Moolenaar, Meekhof, Kowall, Green and Booher

ENROLLED SENATE BILL No. 877

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 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:

Sec. 72110. (1) The Michigan trails advisory council is created within the department.

(2) The advisory council shall advise the director and the governor on the creation, development, operation, and maintenance of motorized and nonmotorized trails in this state, including, but not limited to, snowmobile, biking, equestrian, hiking, off-road vehicle, skiing trails, and water trails. In advising the director and the governor on the creation and development of motorized and nonmotorized trails in this state, the advisory council shall seek to have the trails linked wherever possible. The advisory council may perform additional related duties as provided by this part, other law, or as requested by the director or the governor.

(3) The advisory council shall consist of 11 members appointed by the governor. Subject to subsection (4), a member of the advisory council shall be appointed for a term of 4 years.

(4) All of the following apply to the first advisory council appointed after the effective date of the amendatory act that added this subsection:

(a) 2 members shall serve for 1 year.

(b) 3 members shall serve for 2 years.

(c) 3 members shall serve for 3 years.

(d) 3 members, not fewer than 2 of whom shall be members of the equine trailways subcommittee created under section 72110a, shall serve for 4 years.

(5) A vacancy on the advisory council occurring other than by expiration of a term shall be filled by the governor in the same manner as the original appointment for the balance of the unexpired term. A vacancy does not affect the power of the remaining members to exercise the duties of the advisory council.

(6) At least 5 members of the advisory council shall be an owner of an ORV licensed as required under section 81116 or an owner of a snowmobile registered under section 82105. At least 3 members of the advisory council shall be owners of a snowmobile registered under section 82105. At least 1 member of the advisory council shall possess experience as an instructor in a snowmobile safety education and training program or an ORV safety education course. At least 2 members of the advisory council shall be residents of the Upper Peninsula of this state. At least 2 members of the advisory council shall be members of the equine trailways subcommittee created in section 72110a.

(7) The governor shall designate a member of the advisory council to serve as the chairperson of the advisory council at the pleasure of the governor. The advisory council may select a member of the advisory council to serve as vice-chairperson of the advisory council.

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

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

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

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

(12) The advisory council may, as appropriate, make inquiries, conduct studies and investigations, hold hearings, and receive comments from the public. The advisory council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and institutions of higher education. The advisory council shall consult with organizations involved with expanding trail access for persons with disabilities.

(13) The advisory council may establish advisory workgroups, including, but not limited to, an advisory workgroup on snowmobiles, as considered necessary by the advisory council to assist the advisory council in performing the duties and responsibilities of the advisory council. In addition, the equine trailways subcommittee created in section 72110a as a subcommittee of the advisory council shall advise the advisory council.

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

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

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

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

(18) 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 director on the expenditure of money in the fund.

(b) Advise the director on the implementation of this part and the establishment and operation of Pure Michigan Trails and Pure Michigan Water Trails.

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

(2) Subject to subsection (3), the equine trails subcommittee shall consist of the following members appointed by the director:

(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. The director shall appoint at least 1 person from each of those lists to the equine trails subcommittee.

(4) Members of the equine trails subcommittee shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the members first appointed 2 shall serve for 2 years, 2 shall serve for 3 years, and 2 shall serve for 4 years.

(5) If a vacancy occurs on the equine trails subcommittee, an appointment for the unexpired term shall be made in the same manner as the original appointment.

(6) A member of the equine trails subcommittee may be removed for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

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

(8) A majority of the members of the equine trails subcommittee constitute a quorum for the transaction of business at a meeting of the equine trails subcommittee. A majority of the members present and serving are required for official action of the equine trails subcommittee.

(9) The business that the equine trails subcommittee may perform shall be conducted at a public meeting of the equine trails subcommittee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A writing prepared, owned, used, in the possession of, or retained by the equine trails subcommittee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(11) Members of the equine trails subcommittee shall serve without compensation. However, subject to the availability of funding, members of the equine trails subcommittee may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the equine trails subcommittee.

(12) The equine trails subcommittee shall do all of the following:

(a) Prepare and submit to the advisory council a recommended plan for a statewide network of pack and saddle trails. The recommended plan for a statewide pack and saddle trails network shall include both of the following:

(i) All pack and saddle trails on state owned land that have previously been open for use by pack and saddle animals at any time and that the equine trails subcommittee determines are appropriate for pack and saddle trails.

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

(b) Advise the advisory council and the department on the development and use of the pack and saddle 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 trail reviews under section 72115 and to provide for the reopening of previously closed pack and saddle trails, the preservation of existing pack and saddle trails, and the development of new pack and saddle trails across this state.

Sec. 72115. (1) Subject to subsections (2) and (3), pack and saddle animals shall be allowed to access pack and saddle 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 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 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 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 department holds a public meeting on a proposal to restrict access by pack and saddle animals on pack and saddle trails to receive testimony from the general public. The department shall invite the advisory council and the equine trails subcommittee created in section 72110a to attend the meeting.

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

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

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

(e) A list of pack and saddle trails on which the department has restricted access for pack and saddle animals, including temporary orders, shall be posted on the department's website and notification shall be provided to the equine trails subcommittee created in section 72110a.

(3) Any restrictions described in subsection (1) on access by pack and saddle animals that were in effect on April 2, 2010 shall remain in effect until those restrictions are reviewed using the process outlined in subsection (2).

(4) A person shall not use pack and saddle animals on state-owned land except on pack and saddle 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.

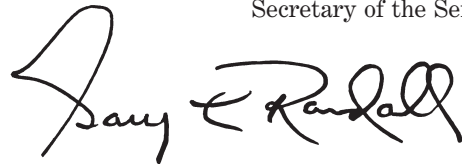
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

- (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.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor