

# SENATE BILL No. 596

September 28, 2017, Introduced by Senators HANSEN, PROOS, NOFS, STAMAS, BOOHER, BIEDA and SCHMIDT 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 72103, 72105, and 72106 (MCL 324.72103, 324.72105, and 324.72106), section 72103 as amended by 2014 PA 210 and sections 72105 and 72106 as amended by 2014 PA 212, and by adding section 72103a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7       (a) The trail is a model trail for its designated uses and the

1 designation of the trail as a Pure Michigan Trail contributes to a  
2 statewide trail network that promotes healthy lifestyles, economic  
3 development, recreation, and conservation of the natural and  
4 cultural resources of this state.

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

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

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

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

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

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

23 (h) Where feasible, the trail offers adequate support  
24 facilities for the public, including parking, sanitary facilities,  
25 and emergency telephones, that are accessible to people with  
26 disabilities and are at reasonable frequency along the trail. **THE**  
27 **TRAIL MAY INCLUDE AMENITIES RELATED TO TRAIL USAGE SUCH AS**

1 CONNECTORS AND ACCESS TO REST AREAS, LODGING, AND EATING  
2 FACILITIES, AS WELL AS PARK BENCHES AND SIGNAGE. SUPPORT FACILITIES  
3 AND TRAIL AMENITIES DESCRIBED IN THIS SUBDIVISION ARE PUBLIC GOODS.

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

7 (i) Adequate enforcement of trail rules and regulations.

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

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

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

13 (j) A trademark license is obtained by the department from the  
14 Michigan economic development corporation for use of the words  
15 "Pure Michigan".

16 (k) Other conditions required by the director.

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

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

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

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

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

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

10 (e) A trademark license is obtained by the department from the  
11 Michigan economic development corporation for use of the words  
12 "Pure Michigan".

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

21 (5) The director may revoke a Pure Michigan Trail or a Pure  
22 Michigan Water Trail designation if he or she determines that a  
23 trail fails to meet the requirements of this section. Before  
24 revoking a Pure Michigan Trail or a Pure Michigan Water Trail  
25 designation, the director shall provide notice to all entities  
26 involved in the management of the trail. If the trail is brought  
27 into compliance with this section within 90 days after providing

1 this notice, the director shall not revoke the designation.

2       **SEC. 72103A. THE DEPARTMENT MAY DEVELOP RECOMMENDATIONS FOR**  
3 **LOCAL TRAIL MANAGERS ON RESEARCHING AND PROVIDING HISTORICAL OR**  
4 **CULTURAL INFORMATION RELATED TO THE AREA THAT A TRAIL TRAVERSES**  
5 **USING INTERPRETIVE SIGNAGE, ONLINE MATERIAL, OR OTHER APPROPRIATE**  
6 **MEANS.**

7       Sec. 72105. The department may operate and maintain a trail  
8 that is located on state owned land or may enter into an agreement  
9 with a council or 1 or more governmental agencies to provide for  
10 the operation and maintenance of the trail. An agreement entered  
11 into under this subsection may include provisions for any of the  
12 following:

13       (a) Construction, maintenance, and operation of the trail,  
14 **INCLUDING AMENITIES RELATED TO TRAIL USAGE SUCH AS CONNECTORS AND**  
15 **ACCESS TO REST AREAS, LODGING, AND EATING FACILITIES, AS WELL AS**  
16 **PARK BENCHES AND SIGNAGE.**

17       (b) Enforcement of trail rules and regulations including  
18 permitted uses of the trail.

19       (c) Other provisions consistent with this part.

20       Sec. 72106. (1) Two or more governmental agencies may  
21 establish a trail management council for the development and  
22 management of a trail pursuant to the urban cooperation act of  
23 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

24       (2) Upon formation, a council shall adopt operating procedures  
25 and shall elect officers as the council considers appropriate.

26       (3) A council may do 1 or more of the following as authorized  
27 in an interlocal agreement entered into pursuant to the urban

1 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to  
2 124.512:

3 (a) Operate and maintain that portion of 1 or more trails that  
4 are owned or under the control of the governmental agencies  
5 establishing the council.

6 (b) Pursuant to an agreement under section 72105, operate and  
7 maintain that portion of 1 or more trails that are located on state  
8 owned land.

9 (C) REVIEW AND CONSIDER CURRENT AND POTENTIAL PERMITTED USES  
10 OF EACH TRAIL AND TRAIL SEGMENT AND PROVIDE AN EASILY UNDERSTOOD  
11 PLAN FOR TRAIL USERS.

12 (D) ESTABLISH PROTOCOLS FOR THE DEVELOPMENT AND MANAGEMENT OF  
13 A TRAIL, WHICH MAY INCLUDE ANY OF THE FOLLOWING:

14 (i) SIGNAGE.

15 (ii) A HISTORICAL AND CULTURAL INTERPRETIVE PLAN.

16 (iii) A FORMULA FOR SHARING COSTS OF MAINTENANCE.

17 (iv) A PLAN FOR LINKING THE TRAIL TO NEARBY WATER TRAILS,  
18 WHERE APPROPRIATE.

19 (E) ~~(e)~~Coordinate the enforcement of trail rules and  
20 regulations and other applicable laws and ordinances, including  
21 permitted uses of the trail on trails owned or under the control of  
22 the governmental agencies establishing the council or, pursuant to  
23 an agreement under section 72105, trails that are located on state  
24 owned land.

25 (F) ~~(d)~~Receive any grant made from the fund or other funding  
26 related to that portion of a trail within its jurisdiction.

27 (G) ~~(e)~~Acquire or hold real property for the purpose of

1 operating a trail.

2 (H) ~~(f)~~—Perform other functions consistent with this part.

3 (4) A COUNCIL MAY HOLD 1 OR MORE PUBLIC HEARINGS TO RECEIVE  
4 INPUT AND PROVIDE INFORMATION ON THE DEVELOPMENT AND MANAGEMENT OF  
5 A TRAIL.

6 (5) ~~(4)~~—A council may be dissolved by the governmental  
7 agencies that participated in creating the council. However, if a  
8 council has entered into an agreement with the department under  
9 section 72105, the agreement shall specify how the council may be  
10 dissolved.

11 Enacting section 1. This amendatory act takes effect 90 days  
12 after the date it is enacted into law.