

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1490

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 82118 (MCL 324.82118), as amended by 2004 PA
587, and by adding section 82110a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 82110A. (1) THE PERMANENT SNOWMOBILE TRAIL EASEMENT
2 SUBACCOUNT IS CREATED AS A SUBACCOUNT OF THE SNOWMOBILE ACCOUNT.
3 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
4 ANY SOURCE FOR DEPOSIT INTO THE PERMANENT SNOWMOBILE TRAIL EASEMENT
5 SUBACCOUNT. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
6 SUBACCOUNT. THE STATE TREASURER SHALL CREDIT TO THE SUBACCOUNT
7 INTEREST AND EARNINGS FROM SUBACCOUNT INVESTMENTS. MONEY IN THE
8 SUBACCOUNT AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE
9 SUBACCOUNT AND SHALL NOT LAPSE TO THE SNOWMOBILE ACCOUNT OR THE

1 GENERAL FUND. THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE
2 SUBACCOUNT FOR AUDITING PURPOSES.

3 (3) THE DEPARTMENT SHALL EXPEND MONEY FROM THE PERMANENT
4 SNOWMOBILE TRAIL EASEMENT SUBACCOUNT, UPON APPROPRIATION, ONLY TO
5 PURCHASE LANDS, OR SECURE EASEMENTS OR OTHER APPROPRIATE AGREEMENTS
6 ALLOWING USE OF PRIVATE PROPERTY, FOR PERMANENT SNOWMOBILE TRAILS
7 THAT ARE OPEN TO THE PUBLIC IN THIS STATE OR TO MAKE GRANTS FOR
8 THOSE PURPOSES. TO BE ELIGIBLE FOR A GRANT, AN ENTITY SHALL BE A
9 LOCAL UNIT OF GOVERNMENT OR BE ORGANIZED FOR EDUCATIONAL AND
10 CHARITABLE PURPOSES WITHIN THE MEANING OF 26 USC 501(C) (3) THAT
11 INCLUDES PROMOTING AND FACILITATING THE EXPANSION AND IMPROVEMENT
12 OF THE EXISTING SNOWMOBILE TRAIL SYSTEM IN THIS STATE WITH
13 PERMANENT SNOWMOBILE TRAILS.

14 (4) IF A RECIPIENT OF A GRANT UNDER SUBSECTION (3) CEASES TO
15 EXIST, ANY INTEREST ALLOWING THE USE OF PRIVATE PROPERTY TO
16 ESTABLISH PERMANENT SNOWMOBILE TRAILS THAT WAS OBTAINED BY THAT
17 GRANT RECIPIENT WITH GRANT MONEY UNDER SUBSECTION (3) SHALL VEST IN
18 THIS STATE, SUBJECT TO THE TERMS OF THE INSTRUMENT CREATING THE
19 INTEREST, INCLUDING, BUT NOT LIMITED TO, TERMS CONCERNING THE SCOPE
20 OF THE EASEMENT.

21 (5) THE DEPARTMENT OF ATTORNEY GENERAL SHALL REVIEW GRANTS AND
22 OTHER INSTRUMENTS PROPOSED TO BE UTILIZED FOR THE PURPOSES OF
23 SUBSECTIONS (3) AND (4).

24 (6) THE DEPARTMENT IN CONSULTATION WITH THE SNOWMOBILE
25 ADVISORY COMMITTEE SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF
26 THE PERMANENT SNOWMOBILE TRAIL EASEMENT SUBACCOUNT.

27 (7) ANY PROCEEDS FROM THE SALE OF LANDS PURCHASED UNDER

1 SUBSECTION (3) OR THE TERMINATION OF EASEMENTS OR OTHER AGREEMENTS
2 SECURED UNDER SUBSECTION (3) SHALL BE DEPOSITED INTO THE PERMANENT
3 SNOWMOBILE TRAIL EASEMENT SUBACCOUNT.

4 (8) IF, AT ANY TIME AFTER JULY 1, 2010, THE MICHIGAN
5 SNOWMOBILE ADVISORY COMMITTEE, BY THE AFFIRMATIVE VOTE OF AT LEAST
6 5 MEMBERS, DETERMINES THAT THE PUBLIC SNOWMOBILE TRAIL SYSTEM IN
7 THIS STATE IS FULLY DEVELOPED AND NOT CAPABLE OF EXPANSION BY
8 ADDING FURTHER PERMANENT SNOWMOBILE TRAIL EASEMENTS, THE ADVISORY
9 COMMITTEE SHALL REPORT ITS DETERMINATION TO THE DEPARTMENT. THE
10 DEPARTMENT SHALL, WITHIN 60 DAYS, SUBMIT TO THE SENATE AND HOUSE
11 APPROPRIATIONS COMMITTEES AND STANDING COMMITTEES WITH PRIMARY
12 RESPONSIBILITY FOR OUTDOOR RECREATION ISSUES A REPORT SETTING FORTH
13 THE DEPARTMENT'S RECOMMENDATIONS CONCERNING DISSOLUTION OF THE
14 PERMANENT SNOWMOBILE TRAIL EASEMENT SUBACCOUNT, THE DISPOSITION OF
15 REVENUE IN THAT SUBACCOUNT, AND OTHER RELEVANT ISSUES UNDER THIS
16 PART.

17 Sec. 82118. (1) In addition to registration of a snowmobile
18 pursuant to section 82105 or registration in another state or
19 province, except as otherwise provided in this section, a person
20 who desires to operate a snowmobile in this state shall purchase a
21 Michigan snowmobile trail permit sticker. The Michigan snowmobile
22 trail permit issued under this section shall be valid for a period
23 of 1 year which begins on October 1 and ends on the following
24 September 30. The fee for the permit shall be ~~\$25.00.~~ **AS FOLLOWS:**

25 (A) FOR PERMITS VALID FOR THE 1-YEAR PERIOD BEGINNING OCTOBER
26 1, 2009 OR OCTOBER 1, 2010, \$35.00

27 (B) FOR PERMITS VALID FOR THE 1-YEAR PERIOD BEGINNING OCTOBER

1 1, 2011, 2012, 2013, 2014, OR 2015, \$45.00.

2 (C) FOR PERMITS VALID FOR THE 1-YEAR PERIOD BEGINNING OCTOBER
3 1, 2016 AND EVERY FIFTH YEAR THEREAFTER, THE STATE TREASURER SHALL
4 ADJUST THE CURRENT PERMIT FEE BY AN AMOUNT DETERMINED BY THE STATE
5 TREASURER TO REFLECT THE CUMULATIVE PERCENTAGE CHANGE IN THE
6 CONSUMER PRICE INDEX DURING THE MOST RECENT 5-YEAR PERIOD FOR WHICH
7 CONSUMER PRICE INDEX STATISTICS ARE AVAILABLE, ROUNDED TO THE
8 NEAREST DOLLAR. A FEE ADJUSTED BY THE STATE TREASURER UNDER THIS
9 SUBDIVISION SHALL REMAIN IN EFFECT FOR 5 YEARS. AS USED IN THIS
10 SUBDIVISION, "CONSUMER PRICE INDEX" MEANS THE MOST COMPREHENSIVE
11 INDEX OF CONSUMER PRICES AVAILABLE FOR THIS STATE FROM THE BUREAU
12 OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR.

13 (2) Revenue from the trail permit fee shall be allocated as
14 follows:

15 ~~—— (a) \$23.50 to the recreational snowmobile trail improvement~~
16 ~~subaccount.~~

17 (A) ~~(b)~~ 50 cents shall be retained by the department for
18 administrative costs.

19 (B) ~~(c)~~ \$1.00 shall be retained by the agent selling the
20 permit.

21 (C) THE BALANCE SHALL BE DEPOSITED IN THE RECREATIONAL
22 SNOWMOBILE TRAIL IMPROVEMENT SUBACCOUNT.

23 (3) The department shall make the sale of trail permits
24 available on its website. For each trail permit sold through the
25 website, the amount otherwise credited to an agent under subsection
26 (2) shall instead be credited to the recreational snowmobile trail
27 improvement subaccount.

1 (4) The trail permit sticker shall be permanently affixed to
2 ~~the forward half of the~~ snowmobile directly above or below the
3 headlight of the snowmobile.

4 (5) The department may contract with a person to act as an
5 agent for the purpose of issuing Michigan snowmobile trail permits.
6 The department shall sell the permits to agents in bulk. ~~Agents~~**AN**
7 **AGENT** may obtain a refund from the department for any permits that
8 are not sold.

9 (6) An agent who uses or allows the use of a permit by anyone
10 except the snowmobile user to whom the permit is sold is guilty of
11 a misdemeanor, punishable by a fine of \$50.00 for each instance of
12 such use or allowed use.

13 (7) The department of state may suspend a certificate of
14 registration ~~when~~**IF** the department of state determines that the
15 required fee has not been paid and remains unpaid after reasonable
16 notice or demand. In addition to the required fee, a \$10.00 penalty
17 shall be assessed and collected against any person who tenders an
18 insufficient check or draft in payment of the fee.

19 (8) A snowmobile used solely for transportation on the frozen
20 surface of public waters for the purpose of ice fishing is exempt
21 from the requirement of purchasing and displaying a snowmobile
22 trail permit sticker under this section.

23 (9) A person shall not charge a fee for a snowmobile trail
24 permit in an amount that is greater than the fee printed on the
25 face of the permit.

26 (10) To obtain a snowmobile trail permit, an applicant ~~must~~
27 **SHALL** provide all information required on the permit application.

1 (11) A person who fails to secure a permit under this section
2 or who violates subsection (4) is responsible for a state civil
3 infraction and may be ordered to pay a civil fine of not more than
4 \$100.00.

5 (12) The department ~~of natural resources~~ shall, by June 1 of
6 each year, report to the members of the appropriate standing
7 ~~committee~~ **COMMITTEES** and appropriations subcommittees of the house
8 and senate, a detailed expenditure plan pertaining to the
9 additional funds generated by this act. The plan shall include
10 information as to how funds were expended in the prior year.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No. 1489 of the 94th Legislature is enacted into
13 law.