

Act No. 400
Public Acts of 2008
Approved by the Governor
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**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Senators Barcia and Allen

ENROLLED SENATE BILL No. 1490

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 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 section 82118 (MCL 324.82118), as amended by 2004 PA 587, and by adding section 82110a.

The People of the State of Michigan enact:

Sec. 82110a. (1) The permanent snowmobile trail easement subaccount is created as a subaccount of the snowmobile account.

(2) The state treasurer may receive money or other assets from any source for deposit into the permanent snowmobile trail easement subaccount. The state treasurer shall direct the investment of the subaccount. The state treasurer shall credit to the subaccount interest and earnings from subaccount investments. Money in the subaccount at the close of the fiscal year shall remain in the subaccount and shall not lapse to the snowmobile account or the general fund. The department shall be the administrator of the subaccount for auditing purposes.

(3) The department shall expend money from the permanent snowmobile trail easement subaccount, upon appropriation, only to purchase lands, or secure easements or other appropriate agreements allowing use of private property, for permanent snowmobile trails that are open to the public in this state or to make grants for those purposes. To be eligible for a grant, an entity shall be a local unit of government or be organized for educational and charitable purposes within the meaning of 26 USC 501(c)(3) that includes promoting and facilitating the expansion and improvement of the existing snowmobile trail system in this state with permanent snowmobile trails.

(4) If a recipient of a grant under subsection (3) ceases to exist, any interest allowing the use of private property to establish permanent snowmobile trails that was obtained by that grant recipient with grant money under subsection (3) shall vest in this state, subject to the terms of the instrument creating the interest, including, but not limited to, terms concerning the scope of the easement.

(5) The department of attorney general shall review grants and other instruments proposed to be utilized for the purposes of subsections (3) and (4).

(6) The department in consultation with the snowmobile advisory committee shall promulgate rules for the administration of the permanent snowmobile trail easement subaccount.

(7) Any proceeds from the sale of lands purchased under subsection (3) or the termination of easements or other agreements secured under subsection (3) shall be deposited into the permanent snowmobile trail easement subaccount.

(8) If, at any time after July 1, 2010, the Michigan snowmobile advisory committee, by the affirmative vote of at least 5 members, determines that the public snowmobile trail system in this state is fully developed and not capable of expansion by adding further permanent snowmobile trail easements, the advisory committee shall report its determination to the department. The department shall, within 60 days, submit to the senate and house appropriations committees and standing committees with primary responsibility for outdoor recreation issues a report setting forth the department's recommendations concerning dissolution of the permanent snowmobile trail easement subaccount, the disposition of revenue in that subaccount, and other relevant issues under this part.

Sec. 82118. (1) In addition to registration of a snowmobile pursuant to section 82105 or registration in another state or province, except as otherwise provided in this section, a person who desires to operate a snowmobile in this state shall purchase a Michigan snowmobile trail permit sticker. The Michigan snowmobile trail permit issued under this section shall be valid for a period of 1 year which begins on October 1 and ends on the following September 30. The fee for the permit shall be as follows:

(a) For permits valid for the 1-year period beginning October 1, 2009 or October 1, 2010, \$35.00.

(b) For permits valid for the 1-year period beginning October 1, 2011, 2012, 2013, 2014, or 2015, \$45.00.

(c) For permits valid for the 1-year period beginning October 1, 2016 and every fifth year thereafter, the state treasurer shall adjust the current permit fee by an amount determined by the state treasurer to reflect the cumulative percentage change in the consumer price index during the most recent 5-year period for which consumer price index statistics are available, rounded to the nearest dollar. A fee adjusted by the state treasurer under this subdivision shall remain in effect for 5 years. As used in this subdivision, "consumer price index" means the most comprehensive index of consumer prices available for this state from the bureau of labor statistics of the United States department of labor.

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

(a) 50 cents shall be retained by the department for administrative costs.

(b) \$1.00 shall be retained by the agent selling the permit.

(c) The balance shall be deposited in the recreational snowmobile trail improvement subaccount.

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

(4) The trail permit sticker shall be permanently affixed to the snowmobile directly above or below the headlight of the snowmobile.

(5) The department may contract with a person to act as an agent for the purpose of issuing Michigan snowmobile trail permits. The department shall sell the permits to agents in bulk. An agent may obtain a refund from the department for any permits that are not sold.

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

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

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

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

(10) To obtain a snowmobile trail permit, an applicant shall provide all information required on the permit application.

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

(12) The department shall, by June 1 of each year, report to the members of the appropriate standing committees and appropriations subcommittees of the house and senate, a detailed expenditure plan pertaining to the additional funds generated by this act. The plan shall include information as to how funds were expended in the prior year.

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

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor