

HOUSE BILL No. 6126

May 4, 2010, Introduced by Reps. Lindberg, Roy Schmidt, McDowell, Lahti and Liss and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72101 and 72110 (MCL 324.72101 and 324.72110), section 72101 as amended by 1997 PA 129 and section 72110 as added by 1995 PA 58, and by adding sections 72121, 72122, 72123, 72124, and 72125.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72101. As used in this part:

2 (a) "Advisory council" means the Michigan ~~trailways~~**SNOWMOBILE**
3 **AND TRAILS** advisory council created in ~~section 72110~~**2009 EXECUTIVE**
4 **REORGANIZATION ORDER NO. 31, MCL 324.99919, AND 2009 EXECUTIVE**
5 **REORGANIZATION ORDER NO. 38, MCL 324.99920.**

6 (b) "Council" means a Michigan trailway management council

1 established pursuant to section 72106.

2 (C) "CROSS-COUNTRY SKI TRAIL" MEANS A TRAILWAY SUITABLE FOR
3 CROSS-COUNTRY SKIING.

4 (D) "CROSS-COUNTRY SKIING" MEANS TRAVELING ACROSS COUNTRY OVER
5 SNOW BY HUMAN POWER ON SKIS. CROSS-COUNTRY SKIING DOES NOT REQUIRE
6 THE USE OF LIFTS, TOWS, OR OTHER MECHANICAL DEVICES.

7 (E) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES AND
8 ENVIRONMENT.

9 (F) ~~(e)~~—"Fund" means the Michigan trailways fund created in
10 section 72109.

11 (G) ~~(d)~~—"Governmental agency" means the federal government, a
12 county, city, village, or township, or a combination of any of
13 these entities.

14 (H) ~~(e)~~—"Michigan trailway" means a trailway designated by the
15 commission pursuant to section 72103.

16 (I) "MICHIGAN SKIWAY" MEANS A CROSS-COUNTRY SKI TRAIL
17 DESIGNATED BY THE COMMISSION UNDER SECTION 72121.

18 (J) ~~(f)~~—"Rail-trail" means a former railroad bed that is in
19 public ownership and used as a trailway.

20 (K) ~~(g)~~—"Trailway" means a land corridor that features a broad
21 trail capable of accommodating a variety of public recreation uses.

22 Sec. 72110. ~~(1) The Michigan trailways advisory council is
23 created within the department of natural resources.~~

24 ~~—(2) The advisory council shall consist of the following
25 members appointed by the commission:~~

26 ~~—(a) One individual who is involved with the establishment or
27 operation of a multiple use trailway.~~

1 ~~—— (b) Two individuals who represent Michigan railway user~~
2 ~~groups.~~

3 ~~—— (c) One local government official from a governmental agency~~
4 ~~in which a multiple use railway is located.~~

5 ~~—— (d) One member of the general public.~~

6 ~~—— (3) The members first appointed to the commission shall be~~
7 ~~appointed within 90 days after April 21, 1993.~~

8 ~~—— (4) Members of the advisory council shall serve for terms of 4~~
9 ~~years, or until a successor is appointed, whichever is later,~~
10 ~~except that of the members first appointed, 2 shall serve for 1~~
11 ~~year, 1 shall serve for 2 years, and 1 shall serve for 3 years.~~

12 ~~—— (5) If a vacancy occurs on the advisory council, the~~
13 ~~commission shall make an appointment for the unexpired term in the~~
14 ~~same manner as the original appointment.~~

15 ~~—— (6) The commission may remove a member of the advisory council~~
16 ~~for incompetency, dereliction of duty, malfeasance, misfeasance, or~~
17 ~~nonfeasance in office, or any other good cause.~~

18 ~~—— (7) The first meeting of the advisory council shall be called~~
19 ~~by the commission. At the first meeting the advisory council shall~~
20 ~~elect from among its members a chairperson and other officers as it~~
21 ~~considers necessary or appropriate. After the first meeting, the~~
22 ~~advisory council shall meet at least annually or more frequently at~~
23 ~~the call of the chairperson or if requested by 3 or more members.~~

24 ~~—— (8) A majority of the members of the advisory council~~
25 ~~constitutes a quorum for the transaction of business at a meeting~~
26 ~~of the advisory council. A majority of the members present and~~
27 ~~serving is required for official action of the advisory council.~~

1 ~~—— (9) The business the advisory council may perform shall be~~
2 ~~conducted at a public meeting of the advisory council held in~~
3 ~~compliance with the open meetings act, Act No. 267 of the Public~~
4 ~~Acts of 1976, being sections 15.261 to 15.275 of the Michigan~~
5 ~~Compiled Laws.~~

6 ~~—— (10) A writing prepared, owned, used, in possession of, or~~
7 ~~retained by the advisory council in the performance of an official~~
8 ~~function is subject to the freedom of information act, Act No. 442~~
9 ~~of the Public Acts of 1976, being sections 15.231 to 15.246 of the~~
10 ~~Michigan Compiled Laws.~~

11 ~~—— (11) Members of the advisory council shall serve without~~
12 ~~compensation. However, members of the advisory council may be~~
13 ~~reimbursed for their actual and necessary expenses incurred in the~~
14 ~~performance of their official duties as members of the advisory~~
15 ~~council.~~

16 ~~—— (12) The **MICHIGAN SNOWMOBILE AND TRAILS** advisory council shall~~
17 ~~do both of the following:~~

18 (a) Make recommendations to the commission and the department
19 on the expenditure of money in the fund.

20 (b) Advise the commission and the department on the
21 implementation of this act and the establishment and operation of
22 Michigan trailways.

23 **SEC. 72121. (1) THE COMMISSION SHALL ESTABLISH A NETWORK OF**
24 **MICHIGAN SKIWAYS IN THE STATE. MICHIGAN SKIWAYS MAY BE LOCATED ON**
25 **MICHIGAN TRAILWAYS, ON TRAILWAYS ON STATE OWNED LAND, OR ON OTHER**
26 **PUBLIC OR PRIVATE LAND UNDER AGREEMENT BETWEEN THE DEPARTMENT AND**
27 **THE LANDOWNER.**

1 (2) WHILE SKIING ON A MICHIGAN SKIWAY, A PERSON 16 YEARS OF
2 AGE OR OLDER SHALL CARRY IN IMMEDIATE POSSESSION A VALID, SIGNED
3 CROSS-COUNTRY SKI PASS. A CROSS-COUNTRY SKI PASS MUST BE SIGNED BY
4 THE SKIER ACROSS THE FRONT OF THE PASS TO BE VALID AND BECOMES
5 NONTRANSFERABLE UPON SIGNING. THE SKI PASS SHALL BE AVAILABLE FOR
6 INSPECTION BY ANY PEACE OFFICER OR CONSERVATION OFFICER. A
7 LANDOWNER WHO GRANTS AN EASEMENT FOR A GRANT-IN-AID SKI TRAIL IS
8 NOT REQUIRED TO POSSESS A SKI PASS WHEN SKIING ON THE LANDOWNER'S
9 PROPERTY.

10 (3) A PARTICIPANT IN A CROSS-COUNTRY SKI RACE OR OTHER
11 OFFICIAL SCHOOL ACTIVITY IS NOT REQUIRED TO BE IN POSSESSION OF A
12 CROSS-COUNTRY SKI PASS IF A SPECIAL USE PERMIT HAS BEEN OBTAINED BY
13 THE ORGANIZERS OF THE EVENT OR THOSE IN AN OFFICIAL CAPACITY, IN
14 ADVANCE, FROM THE DEPARTMENT OR OTHER AGENCY WITH JURISDICTION OVER
15 THE MICHIGAN SKIWAY. A PERMIT ISSUED UNDER THIS SUBSECTION SHALL
16 REQUIRE THAT THE PERMIT HOLDER RETURN THE TRAILWAY AND ANY
17 ASSOCIATED FACILITY TO ITS ORIGINAL CONDITION IF ANY DAMAGE IS DONE
18 BY THE PERMITTEE. LIMITED PERMITS FOR SPECIAL EVENTS MAY BE ISSUED
19 AND SHALL REQUIRE THE REMOVAL OF ANY TRAIL MARKERS, BANNERS, AND
20 OTHER MATERIAL USED IN CONNECTION WITH THE SPECIAL EVENT.

21 (4) AS USED IN THIS SECTION, "CROSS-COUNTRY SKI RACE" MEANS A
22 TIMED SKIING EVENT ORGANIZED FOR THE PARTICIPATION OF A LARGE
23 NUMBER OF SKIERS AT 1 TIME OVER A COURSE PREPARED SPECIFICALLY FOR
24 A SKI RACE.

25 SEC. 72122. (1) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF
26 THIS SECTION, THE DEPARTMENT SHALL MAKE AVAILABLE FOR SALE CROSS-
27 COUNTRY SKI PASSES FOR USE ON MICHIGAN SKIWAYS. THE DEPARTMENT MAY

1 APPOINT AGENTS TO ISSUE AND SELL CROSS-COUNTRY SKI PASSES. THE
2 DEPARTMENT MAY REVOKE THE APPOINTMENT OF AN AGENT ANY TIME. AN
3 AGENT SHALL OBSERVE ALL RULES FOR THE ACCOUNTING AND HANDLING OF
4 LICENSES.

5 (2) THE COST OF A CROSS-COUNTRY SKI PASS IS AS FOLLOWS:

6 (A) FIVE DOLLARS FOR A DAILY PERMIT.

7 (B) TWENTY DOLLARS FOR A YEARLY PERMIT.

8 (C) FORTY DOLLARS FOR A PERMIT THAT IS VALID FOR 3 YEARS.

9 (3) IN ADDITION TO THE FEE FOR A CROSS-COUNTRY SKI PASS, AN
10 ISSUING FEE OF \$1.00 SHALL BE CHARGED BY AN AGENT SELLING THE
11 CROSS-COUNTRY SKI PASS.

12 (4) AN AGENT SHALL PROMPTLY REMIT ALL MONEY RECEIVED FROM THE
13 SALE OF CROSS-COUNTRY SKI PASSES, EXCEPT ISSUING FEES, TO THE
14 DEPARTMENT. THE DEPARTMENT SHALL FORWARD ALL MONEY RECEIVED UNDER
15 THIS SECTION TO THE STATE TREASURER FOR DEPOSIT INTO THE MICHIGAN
16 SKIWAYS FUND CREATED IN SECTION 72123.

17 SEC. 72123. (1) THE MICHIGAN SKIWAYS FUND IS CREATED WITHIN
18 THE STATE TREASURY.

19 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
20 ANY SOURCE FOR DEPOSIT INTO THE MICHIGAN SKIWAYS FUND. THE STATE
21 TREASURER SHALL DIRECT THE INVESTMENT OF THE MICHIGAN SKIWAYS FUND.
22 THE STATE TREASURER SHALL CREDIT TO THE MICHIGAN SKIWAYS FUND
23 INTEREST AND EARNINGS FROM FUND INVESTMENTS.

24 (3) MONEY IN THE MICHIGAN SKIWAYS FUND AT THE CLOSE OF THE
25 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE
26 GENERAL FUND.

27 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE MICHIGAN

1 SKIWAYS FUND FOR AUDITING PURPOSES.

2 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE MICHIGAN
3 SKIWAYS FUND, UPON APPROPRIATION, ONLY FOR 1 OR MORE OF THE
4 FOLLOWING PURPOSES:

5 (A) ISSUING CROSS-COUNTRY SKI PASSES.

6 (B) MAINTAINING, GROOMING, AND IMPROVING MICHIGAN SKIWAYS.

7 (C) GRANTS FOR MICHIGAN SKIWAYS SPONSORED BY LOCAL UNITS OF
8 GOVERNMENT.

9 SEC. 72124. THE DEPARTMENT SHALL ESTABLISH A GRANT PROGRAM FOR
10 LOCAL UNITS OF GOVERNMENT FOR THE ACQUISITION, DEVELOPMENT, AND
11 MAINTENANCE OF MICHIGAN SKIWAYS. GRANTS SHALL BE AVAILABLE FOR
12 ACQUISITION OF TRAILWAY EASEMENTS BUT SHALL NOT BE USED TO ACQUIRE
13 ANY LAND IN FEE TITLE. LOCAL UNITS OF GOVERNMENT APPLYING FOR AND
14 RECEIVING GRANTS UNDER THIS SECTION SHALL BE CONSIDERED TO HAVE
15 MICHIGAN SKIWAYS FOR 1 YEAR FOLLOWING THE EXPIRATION OF THEIR LAST
16 GRANT. THE DEPARTMENT SHALL ISSUE GRANTS FOR MICHIGAN SKIWAYS
17 SPONSORED BY LOCAL UNITS OF GOVERNMENT BASED UPON CRITERIA
18 ESTABLISHED BY THE DEPARTMENT.

19 SEC. 72125. (1) A PERSON WHO VIOLATES SECTION 72121(2) IS
20 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY
21 A CIVIL FINE OF NOT MORE THAN \$50.00.

22 (2) A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT RELATED TO
23 AN APPLICATION FOR A CROSS-COUNTRY SKI PASS IS RESPONSIBLE FOR A
24 STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF
25 NOT MORE THAN \$50.00.