

Act No. 46
Public Acts of 2010
Approved by the Governor
April 1, 2010
Filed with the Secretary of State
April 2, 2010
EFFECTIVE DATE: April 2, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Reps. Moore, Sheltroun, Kurtz, Polidori, Elsenheimer, Stamas, Hildenbrand, Genetski, Bolger, Booher, Terry Brown, Calley, Caul, Crawford, Daley, DeShazor, Espinoza, Green, Hansen, Haveman, Horn, Huckleberry, Rick Jones, Robert Jones, Kowall, Lemmons, Mayes, Meekhof, Meltzer, Neumann, Opsommer, Pearce, Proos, Roy Schmidt, Schuitmaker, Paul Scott, Spade and Tyler

ENROLLED HOUSE BILL No. 4610

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 sections 72101, 72102, 72105a, and 72110 (MCL 324.72101, 324.72102, 324.72105a, and 324.72110), section 72101 as amended and section 72105a as added by 1997 PA 129 and sections 72102 and 72110 as added by 1995 PA 58, and by adding section 72110a.

The People of the State of Michigan enact:

Sec. 72101. As used in this part:

- (a) "Advisory council" means the Michigan snowmobile and trails advisory council created in section 72110.
- (b) "Council" means a Michigan trailway management council established pursuant to section 72106.
- (c) "Department" means the department of natural resources and environment.
- (d) "Equine access locations" means open access roads, management roads, forestry access roads, 2-track and single-track trails that are not wildlife paths, staging areas for pack and saddle animals to be dropped off or picked up, and associated wilderness campsites.
- (e) "Fund" means the Michigan trailways fund created in section 72109.
- (f) "Governmental agency" means the federal government, a county, city, village, or township, or a combination of any of these entities.

(g) "Michigan trailway" means a trailway designated by the commission pursuant to section 72103.

(h) "Pack and saddle trailways" means trailways and equine access locations that may be used by pack and saddle animals.

(i) "Rail-trail" means a former railroad bed that is in public ownership and used as a trailway.

(j) "Trail" means a right-of-way adapted to foot, horseback, motorized, or other nonmotorized travel.

(k) "Trailway" means a trail or other land corridor that features a broad trail capable of accommodating a variety of public recreation uses.

Sec. 72102. The legislature finds and declares that a statewide system of trails, trailways, and pack and saddle trailways will provide for public enjoyment, health, and fitness; encourage constructive leisure-time activities; protect open space, cultural and historical resources, and habitat for wildlife and plants; enhance the local and state economies; link communities, parks, and natural resources; create opportunities for rural-urban exchange, agricultural education, and the marketing of farm products; and preserve corridors for possible future use for other public purposes. Therefore, the planning, acquisition, development, operation, and maintenance of trails, trailways, and pack and saddle trailways are in the best interest of the state and are declared to be a public purpose.

Sec. 72105a. (1) The department shall establish an "adopt-a-trail" program that will allow volunteer groups to assist in maintaining and enhancing Michigan trailways, pack and saddle trailways, and rail-trails.

(2) Subject to subsection (3), volunteer groups in the adopt-a-trail program may adopt any available Michigan trailway, pack and saddle trailway, or rail-trail or Michigan trailway, pack and saddle trailway, or rail-trail segment and may choose any 1 or more of the following volunteer activities:

(a) Spring cleanups.

(b) Environmental activities.

(c) Accessibility projects.

(d) Special events.

(e) Trailway maintenance and development.

(f) Public information and assistance.

(g) Training.

(3) The department shall designate the activities to be performed by a volunteer group in the adopt-a-trail program. The department may provide for more than 1 volunteer group to adopt a Michigan trailway, pack and saddle trailway, or rail-trail or Michigan trailway, pack and saddle trailway, or rail-trail segment.

(4) A volunteer group that wishes to participate in the adopt-a-trail program shall submit an application to the department on a form provided by the department. Additionally, volunteer groups shall agree to the following:

(a) Volunteer groups shall participate in the program for at least a 2-year period.

(b) Volunteer groups shall consist of at least 6 people who are 18 years of age or older, unless the volunteer group is a school or scout organization, in which case the volunteers may be under 18 years of age.

(c) Volunteer groups shall contribute a total of at least 400 service hours over a 2-year period.

(d) Volunteer groups shall comply with other reasonable requirements of the department.

(5) A state park manager or a district forest manager may issue to volunteers who are actively working on adopt-a-trail projects that last more than 1 day free camping permits if campsites are available. A state park manager or a district forest manager may waive state park entry fees for volunteers entering state parks to work on adopt-a-trail projects.

(6) While a volunteer is working on an adopt-a-trail project, the volunteer has the same immunity from civil liability as a department employee and shall be treated in the same manner as an employee under section 8 of 1964 PA 170, MCL 691.1408.

(7) The department shall design and erect near the entrance of each Michigan trailway, pack and saddle trailway, or rail-trail in the adopt-a-trail program or along the trailway an adopt-a-trail program sign with the name of the volunteer group's sponsoring organization listed for each volunteer group that has contributed at least 100 service hours by volunteers.

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

(2) The advisory council shall advise the director of the department 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, and skiing 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. Members of the advisory council shall be appointed for a term of 4 years. 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 shall not affect the power of the remaining members to exercise the duties of the advisory council.

(4) Not fewer than 5 members of the advisory council shall be an owner of an ORV licensed under section 81115 or an owner of a snowmobile registered under section 82105. Not fewer than 3 members of the advisory council shall be an owner of a snowmobile registered under section 82105. Not fewer than 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. Not fewer than 1 member of the advisory council shall be a resident of the Upper Peninsula of this state. Not fewer than 2 members of the advisory council shall be members of the equine trailways subcommittee created in section 72110a.

(5) 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.

(6) 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 of the department.

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

(8) 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.

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

(10) The advisory council may, as appropriate, make inquiries, studies, 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.

(11) 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 serve as advisory to the advisory council.

(12) 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.

(13) 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 of the department 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.

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

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

(16) 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 commission and the department on the expenditure of money in the fund.

(b) Advise the commission and the department on the implementation of this part and the establishment and operation of Michigan trailways.

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

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

(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 of the department. The director shall appoint at least 1 person from each of those lists to the equine trailways subcommittee. The members first appointed to the equine trailways subcommittee shall be appointed within 60 days after the effective date of the amendatory act that added this section.

(4) Members of the equine trailways 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 trailways subcommittee, an appointment for the unexpired term shall be made in the same manner as the original appointment.

(6) A member of the equine trailways 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 trailways subcommittee shall be called by the department within 30 days after the appointments have been made. At the first meeting, the equine trailways subcommittee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the equine trailways 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 trailways subcommittee constitute a quorum for the transaction of business at a meeting of the equine trailways subcommittee. A majority of the members present and serving are required for official action of the equine trailways subcommittee.

(9) The business that the equine trailways subcommittee may perform shall be conducted at a public meeting of the equine trailways 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 trailways 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 trailways subcommittee shall serve without compensation. However, subject to the availability of funding, members of the equine trailways subcommittee may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the equine trailways subcommittee.

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

(a) Within 1 year after the appointment of its members, prepare and submit to the advisory council a recommended plan for a statewide network of pack and saddle trailways. The recommended plan for a statewide pack and saddle trailways network shall include both of the following:

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

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

(b) Advise the advisory council and the department on the development and use of the pack and saddle trailways network.

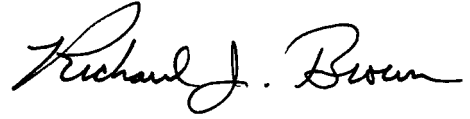
(c) Advise the advisory council and the department on other matters related to the promotion of the state's equine industry.

(d) Advise the advisory council and the department on funding to conduct pack and saddle trailway reviews under section 72115 and to provide for the reopening of previously closed pack and saddle trailways, the preservation of existing pack and saddle trailways, and the development of new pack and saddle trailways across the state.

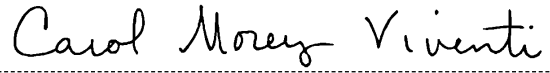
(13) If the equine trailways subcommittee is not appointed as provided for in this section, the department shall, within 2 years after the effective date of the amendatory act that added this section, work with the equine industry to develop a plan for a statewide network of pack and saddle trailways.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 578 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: Senate Bill No. 578, referred to in enacting section 1, was filed with the Secretary of State April 2, 2010, and became 2010 PA 45, Imd. Eff. Apr. 2, 2010.