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BILL ANALYSIS



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House Bill 4610 (Substitute H-1 as passed by the House)
Sponsor: Representative Tim Moore
House Committee: Tourism, Outdoor Recreation and Natural Resources
Senate Committee: Agriculture and Bioeconomy

Date Completed: 12-2-09

CONTENT

The bill would amend Part 721 (Michigan Trailways) of the Natural Resources and Environmental Protection Act to do the following:

- **Require the Department of Natural Resources (DNR) to preserve and facilitate the continued use and access of pack and saddle animals on all areas of State-owned land that had been open for that use since January 1, 1999.**
- **Create the Equine Trailways Advisory Council.**
- **Require the Council to advise the Natural Resources Commission (NRC) and the DNR on the State's network of trailways that could be used by pack and saddle animals and other matters related to the promotion of the State's equine industry.**
- **Require the NRC, by July 31, 2010, in consultation with the Equine Trailways Advisory Council, to establish a network of trailways on State-owned land that could be used by pack and saddle animals.**
- **Revise the membership of the Michigan Trailways Advisory Council.**
- **Include a legislative finding that the use of trailways and equine access locations by pack and saddle animals was compatible with the management of land for the conservation of fish and wildlife.**

Pack & Saddle Animals

Under the bill, the DNR would have to preserve and facilitate the continued use and access of pack and saddle animals on all trailways and equine access locations on State-owned land that had been open for use by pack and saddle animals since January 1, 1999. Additionally, all trailways and equine access locations on State-owned land that were available for use by pack and saddle animals on that date and subsequently were closed would have to be reopened and made accessible for use by pack and saddle animals.

("Equine access locations" would mean open access roads, management roads, forestry access roads, established two-track and single-track trails, staging areas for pack and saddle animals to be dropped off or picked up, and associated wilderness campsites.)

By July 31, 2010, the NRC, in consultation with the proposed Equine Trailways Advisory Council, would have to establish a network of pack and saddle trailways on State-owned land that could be used by pack and saddle animals. The network would have to include

those trailways and equine access locations on State-owned land that had been open for use by pack and saddle animals at any time since January 1, 1999.

The designation of a trailway for pack and saddle animals would not preclude the use of the trailway for other uses as designated by the NRC.

In consultation with the Equine Trailways Advisory Council, the NRC also would have to facilitate the inclusion of other public and private land within a statewide network of pack and saddle trailways to provide for a comprehensive network throughout the State.

A person could not use pack and saddle animals on State-owned land except on trailways and equine access locations that were open for that use.

Equine Trailways Advisory Council

The bill would create the Council within the DNR. The Council would have to consist of the following members, appointed jointly by the Governor, the Senate Majority Leader, and the Speaker of the House of Representatives:

- One individual representing the State's tourism industry.
- One individual representing businesses that support the equine industry.
- Five individuals representing the equine industry.

One individual representing the equine industry would have to come from the Upper Peninsula. The others would have to come from the northern, central, southeastern, and southwestern Lower Peninsula.

The members would have to be appointed within 90 days after the bill took effect. Members would serve four-year terms, except, of the first appointed members, two would serve for two years and two for three years.

A Council member could be removed for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

The DNR Director would have to call the first meeting of the Council. At that meeting, the Council would have to elect from among its members a chairperson and other officers as it considered necessary or appropriate. After the first meeting, the Council would have to meet at least quarterly, or more frequently at the call of the chairperson or if requested by at least three members.

The Council would be subject to the Freedom of Information Act and the Open Meetings Act.

Council members would serve without compensation, but could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

The Council would have to advise the NRC and the DNR on the State's network of trailways that could be used by pack and saddle animals, and on other matters related to the promotion of the State's equine industry.

Michigan Trailways Advisory Council

The Michigan Trailways Advisory Council exists within the DNR and consists of the following members appointed by the NRC:

- One person who is involved with the establishment or operation of a multiple use trailway.

- Two people who represent Michigan trailway user groups.
- One local government official from a governmental agency in which a multiple-use trailway is located.
- One member of the general public.

The bill would increase from two to three the number of members representing trailway user groups, and would add one individual who was a member of the Equine Trailways Advisory Council. The additional members would have to be appointed within 90 days after the bill took effect.

Members of the Michigan Trailways Advisory Council serve for four-year staggered terms. The additional member first appointed would have to serve for four years and the other would have to serve for three years.

Part 721 requires the Council to meet at least annually, or more frequently at the call of the chairperson or if requested by at least three members. Under the bill, the Council would have to meet more frequently if requested by at least four members.

Legislative Findings

Part 721 contains specific legislative findings. The bill would include a finding that, "The use of trailways and equine access locations by pack and saddle animals is compatible with the management of land for the conservation of fish and wildlife."

MCL 324.72101 et al.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Allowing horseback riders to use existing trails alongside other users of those trails should result in minimal costs to the Department, generally.

The bill would allow pack and saddle animals on State land where they might be currently restricted for various reasons. Since the bill would not authorize the Department or the Natural Resources Commission to restrict use of these areas by pack and saddle animals, the Department could be found in diversion of the Game and Fish Fund, which is to be specifically used for the purchase and management of land for the purposes of the conservation of fish and wildlife and the facilitation of hunting opportunities. In an April 2009 letter to Ms. Rebecca Humphries, Director of the Department of Natural Resources, from the U.S. Fish and Wildlife Service (USFWS), it was related that the use of the Pigeon River Country as an unrestricted horseback destination, as it was being used at that time, was not compatible with the purposes for which Game and Fish Fund money is to be used, putting the State in diversion of those funds. Had action not been taken, Michigan could have lost up to \$24.8 million annually in Federal funds. This bill would allow the Pigeon River Country and other similar areas to be used as unrestricted horseback destinations, which the USFWS has found to be incompatible with the preservation of fish and wildlife habitats. This could result in the annual loss of \$24.8 million in Federal funds.

Additionally, the Equine Trailways Advisory Council would be created. The Council members would serve uncompensated, but their expenses could be reimbursed. This reimbursement would involve some unknown cost.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.