

SUBSTITUTE FOR
HOUSE BILL NO. 4610

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 72101, 72102, and 72110 (MCL 324.72101,
324.72102, and 324.72110), section 72101 as amended by 1997 PA 129
and sections 72102 and 72110 as added by 1995 PA 58, and by adding
sections 72114 and 72115.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72101. As used in this part:

2 (a) "Advisory council" means the Michigan trailways advisory
3 council created in section 72110.

4 (b) "Council" means a Michigan trailway management council
5 established pursuant to section 72106.

1 (C) "EQUINE ACCESS LOCATIONS" MEANS OPEN ACCESS ROADS,
2 MANAGEMENT ROADS, FORESTRY ACCESS ROADS, ESTABLISHED 2-TRACK AND
3 SINGLE-TRACK TRAILS, STAGING AREAS FOR PACK AND SADDLE ANIMALS TO
4 BE DROPPED OFF OR PICKED UP, AND ASSOCIATED WILDERNESS CAMPSITES.

5 (D) ~~(e)~~"Fund" means the Michigan trailways fund created in
6 section 72109.

7 (E) ~~(d)~~"Governmental agency" means the federal government, a
8 county, city, village, or township, or a combination of any of
9 these entities.

10 (F) ~~(e)~~"Michigan trailway" means a trailway designated by the
11 commission pursuant to section 72103.

12 (G) ~~(f)~~"Rail-trail" means a former railroad bed that is in
13 public ownership and used as a trailway.

14 (H) ~~(g)~~"Trailway" means a land corridor that features a broad
15 trail capable of accommodating a variety of public recreation uses.

16 Sec. 72102. The legislature finds and declares that: a

17 (A) A statewide system of trailways will provide for public
18 enjoyment, health, and fitness; encourage constructive leisure-time
19 activities; protect open space, cultural and historical resources,
20 and habitat for wildlife and plants; enhance the local and state
21 economies; link communities, parks, and natural resources; create
22 opportunities for rural-urban exchange, agricultural education, and
23 the marketing of farm products; and preserve corridors for possible
24 future use for other public purposes. Therefore, the planning,
25 acquisition, development, operation, and maintenance of Michigan
26 trailways is in the best interest of the state and is declared to
27 be a public purpose.

1 **(B) THE USE OF TRAILWAYS AND EQUINE ACCESS LOCATIONS BY PACK**
 2 **AND SADDLE ANIMALS IS COMPATIBLE WITH THE MANAGEMENT OF LAND FOR**
 3 **THE CONSERVATION OF FISH AND WILDLIFE.**

4 Sec. 72110. (1) The Michigan trailways advisory council is
 5 created within the department of natural resources.

6 (2) The advisory council shall consist of the following
 7 members appointed by the commission:

8 (a) One individual who is involved with the establishment or
 9 operation of a multiple use trailway.

10 (b) ~~Two~~**THREE** individuals who represent Michigan trailway user
 11 groups.

12 **(C) ONE INDIVIDUAL WHO IS A MEMBER OF THE EQUINE TRAILWAYS**
 13 **ADVISORY COUNCIL CREATED IN SECTION 72115.**

14 **(D) ~~(e)~~One** local government official from a governmental
 15 agency in which a multiple use trailway is located.

16 **(E) ~~(d)~~One** member of the general public.

17 (3) The **ADDITIONAL** members ~~first appointed to~~**OF** the
 18 ~~commission~~**ADVISORY COUNCIL AS PROVIDED FOR IN THE 2009 AMENDATORY**
 19 **ACT THAT AMENDED THIS SECTION** shall be appointed within 90 days
 20 ~~after April 21, 1993~~**AFTER THE EFFECTIVE DATE OF THE 2009**
 21 **AMENDATORY ACT THAT AMENDED THIS SECTION.**

22 (4) Members of the advisory council shall serve for terms of 4
 23 years, or until a successor is appointed, whichever is later,
 24 except that of the members first appointed, 2 shall serve for 1
 25 year, 1 shall serve for 2 years, and 1 shall serve for 3 years. **OF**
 26 **THE MEMBERS ADDED TO THE ADVISORY COUNCIL BY THE 2009 AMENDATORY**
 27 **ACT THAT AMENDED THIS SECTION, THE MEMBER FIRST APPOINTED UNDER**

1 **SUBSECTION (2) (C) SHALL SERVE FOR 4 YEARS AND THE ADDITIONAL MEMBER**
2 **FIRST APPOINTED UNDER SUBSECTION (2) (B) SHALL SERVE FOR 3 YEARS.**

3 (5) If a vacancy occurs on the advisory council, the
4 commission shall make an appointment for the unexpired term in the
5 same manner as the original appointment.

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

9 (7) The first meeting of the advisory council shall be called
10 by the commission. At the first meeting the advisory council shall
11 elect from among its members a chairperson and other officers as it
12 considers necessary or appropriate. After the first meeting, the
13 advisory council shall meet at least annually or more frequently at
14 the call of the chairperson or if requested by ~~3-4~~ or more members.

15 (8) A majority of the members of the advisory council
16 constitutes a quorum for the transaction of business at a meeting
17 of the advisory council. A majority of the members present and
18 serving is required for official action of the advisory council.

19 (9) The business the advisory council may perform shall be
20 conducted at a public meeting of the advisory council held in
21 compliance with the open meetings act, ~~Act No. 267 of the Public~~
22 ~~Acts of 1976, being sections 15.261 to 15.275 of the Michigan~~
23 ~~Compiled Laws 1976 PA 267, MCL 15.261 TO 15.275.~~

24 (10) A writing prepared, owned, used, in possession of, or
25 retained by the advisory council in the performance of an official
26 function is subject to the freedom of information act, ~~Act No. 442~~
27 ~~of the Public Acts of 1976, being sections 15.231 to 15.246 of the~~

1 ~~Michigan Compiled Laws 1976 PA 442, MCL 15.231 TO 15.246.~~

2 (11) Members of the advisory council shall serve without
3 compensation. However, members of the advisory council may be
4 reimbursed for their actual and necessary expenses incurred in the
5 performance of their official duties as members of the advisory
6 council.

7 (12) The advisory council shall do both of the following:

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

10 (b) Advise the commission and the department on the
11 implementation of this ~~act~~**PART** and the establishment and operation
12 of Michigan trailways.

13 **SEC. 72114. (1) THE DEPARTMENT SHALL PRESERVE AND FACILITATE**
14 **THE CONTINUED USE AND ACCESS OF PACK AND SADDLE ANIMALS ON ALL**
15 **TRAILWAYS AND EQUINE ACCESS LOCATIONS ON STATE OWNED LAND THAT HAVE**
16 **BEEN OPEN FOR USE BY PACK AND SADDLE ANIMALS SINCE JANUARY 1, 1999.**
17 **ADDITIONALLY, ALL TRAILWAYS AND EQUINE ACCESS LOCATIONS ON STATE**
18 **OWNED LAND THAT WERE AVAILABLE FOR USE BY PACK AND SADDLE ANIMALS**
19 **ON JANUARY 1, 1999 AND WERE SUBSEQUENTLY CLOSED SHALL BE REOPENED**
20 **AND MADE ACCESSIBLE FOR USE BY PACK AND SADDLE ANIMALS.**

21 (2) NOT LATER THAN JULY 31, 2010, THE COMMISSION, IN
22 CONSULTATION WITH THE EQUINE TRAILWAYS ADVISORY COUNCIL CREATED IN
23 SECTION 72115, SHALL ESTABLISH A NETWORK OF TRAILWAYS ON STATE
24 OWNED LAND THAT MAY BE USED BY PACK AND SADDLE ANIMALS. THE NETWORK
25 OF PACK AND SADDLE TRAILWAYS SHALL INCLUDE THOSE TRAILWAYS AND
26 EQUINE ACCESS LOCATIONS ON STATE OWNED LAND THAT HAVE BEEN OPEN FOR
27 USE BY PACK AND SADDLE ANIMALS AT ANY TIME SINCE JANUARY 1, 1999.

1 (3) THE DESIGNATION OF A TRAILWAY FOR PACK AND SADDLE ANIMALS
2 UNDER SUBSECTION (2) DOES NOT PRECLUDE THE USE OF THE TRAILWAY FOR
3 OTHER USES AS DESIGNATED BY THE COMMISSION.

4 (4) THE COMMISSION, IN CONSULTATION WITH THE EQUINE TRAILWAYS
5 ADVISORY COUNCIL CREATED IN SECTION 72115, SHALL FACILITATE THE
6 INCLUSION OF OTHER PUBLIC AND PRIVATE LANDS WITHIN A STATEWIDE
7 NETWORK OF PACK AND SADDLE TRAILWAYS TO PROVIDE FOR A COMPREHENSIVE
8 NETWORK OF PACK AND SADDLE TRAILWAYS THROUGHOUT THE STATE.

9 (5) A PERSON SHALL NOT USE PACK AND SADDLE ANIMALS ON STATE
10 OWNED LAND EXCEPT ON TRAILWAYS AND EQUINE ACCESS LOCATIONS THAT ARE
11 OPEN FOR USE BY PACK AND SADDLE ANIMALS.

12 SEC. 72115. (1) THE EQUINE TRAILWAYS ADVISORY COUNCIL IS
13 CREATED WITHIN THE DEPARTMENT.

14 (2) THE EQUINE TRAILWAYS ADVISORY COUNCIL SHALL CONSIST OF THE
15 FOLLOWING MEMBERS, APPOINTED JOINTLY BY THE GOVERNOR, THE SENATE
16 MAJORITY LEADER, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

17 (A) ONE INDIVIDUAL REPRESENTING THE STATE'S TOURISM INDUSTRY.

18 (B) ONE INDIVIDUAL REPRESENTING BUSINESSES THAT SUPPORT THE
19 EQUINE INDUSTRY.

20 (C) FIVE INDIVIDUALS REPRESENTING THE EQUINE INDUSTRY AS
21 FOLLOWS:

22 (i) ONE INDIVIDUAL FROM THE UPPER PENINSULA.

23 (ii) ONE INDIVIDUAL FROM THE NORTHERN LOWER PENINSULA.

24 (iii) ONE INDIVIDUAL FROM THE CENTRAL LOWER PENINSULA.

25 (iv) ONE INDIVIDUAL FROM THE SOUTHEASTERN LOWER PENINSULA.

26 (v) ONE INDIVIDUAL FROM THE SOUTHWESTERN LOWER PENINSULA.

27 (3) THE MEMBERS FIRST APPOINTED TO THE EQUINE TRAILWAYS

1 ADVISORY COUNCIL SHALL BE APPOINTED WITHIN 90 DAYS AFTER THE
2 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

3 (4) MEMBERS OF THE EQUINE TRAILWAYS ADVISORY COUNCIL SHALL
4 SERVE FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED,
5 WHICHEVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED 2
6 SHALL SERVE FOR 2 YEARS, 2 SHALL SERVE FOR 3 YEARS, AND 3 SHALL
7 SERVE FOR 4 YEARS.

8 (5) IF A VACANCY OCCURS ON THE EQUINE TRAILWAYS ADVISORY
9 COUNCIL, AN APPOINTMENT FOR THE UNEXPIRED TERM SHALL BE MADE IN THE
10 SAME MANNER AS THE ORIGINAL APPOINTMENT.

11 (6) A MEMBER OF THE EQUINE TRAILWAYS ADVISORY COUNCIL MAY BE
12 REMOVED FOR INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE,
13 MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

14 (7) THE FIRST MEETING OF THE EQUINE TRAILWAYS ADVISORY COUNCIL
15 SHALL BE CALLED BY THE DIRECTOR. AT THE FIRST MEETING, THE EQUINE
16 TRAILWAYS ADVISORY COUNCIL SHALL ELECT FROM AMONG ITS MEMBERS A
17 CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR
18 APPROPRIATE. AFTER THE FIRST MEETING, THE EQUINE TRAILWAYS ADVISORY
19 COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE
20 CALL OF THE CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

21 (8) A MAJORITY OF THE MEMBERS OF THE EQUINE TRAILWAYS ADVISORY
22 COUNCIL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A
23 MEETING OF THE EQUINE TRAILWAYS ADVISORY COUNCIL. A MAJORITY OF THE
24 MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE
25 EQUINE TRAILWAYS ADVISORY COUNCIL.

26 (9) THE BUSINESS THAT THE EQUINE TRAILWAYS ADVISORY COUNCIL
27 MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE EQUINE

1 TRAILWAYS ADVISORY COUNCIL HELD IN COMPLIANCE WITH THE OPEN
2 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

3 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
4 RETAINED BY THE EQUINE TRAILWAYS ADVISORY COUNCIL IN THE
5 PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF
6 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

7 (11) MEMBERS OF THE EQUINE TRAILWAYS ADVISORY COUNCIL SHALL
8 SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE EQUINE
9 TRAILWAYS ADVISORY COUNCIL MAY BE REIMBURSED FOR THEIR ACTUAL AND
10 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL
11 DUTIES AS MEMBERS OF THE EQUINE TRAILWAYS ADVISORY COUNCIL.

12 (12) THE EQUINE TRAILWAYS ADVISORY COUNCIL SHALL DO BOTH OF
13 THE FOLLOWING:

14 (A) ADVISE THE COMMISSION AND THE DEPARTMENT ON THE STATE'S
15 NETWORK OF TRAILWAYS THAT MAY BE USED BY PACK AND SADDLE ANIMALS.

16 (B) ADVISE THE COMMISSION AND THE DEPARTMENT ON OTHER MATTERS
17 RELATED TO THE PROMOTION OF THE STATE'S EQUINE INDUSTRY.