

**SUBSTITUTE FOR
SENATE BILL NO. 578**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 72114, 72115, and
72116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 72114. (1) WITHIN 1 YEAR AFTER RECEIVING RECOMMENDATIONS**
2 **FROM THE MICHIGAN SNOWMOBILE AND TRAILS ADVISORY COUNCIL, THE**
3 **COMMISSION SHALL ADOPT A PLAN FOR A STATEWIDE TRAILWAY NETWORK THAT**
4 **INCLUDES MICHIGAN TRAILWAYS, PACK AND SADDLE TRAILWAYS, AND OTHER**
5 **RECREATIONAL USE TRAILWAYS. THE PLAN FOR A STATEWIDE TRAILWAY**
6 **NETWORK SHALL BE DESIGNED TO ACCOMMODATE A VARIETY OF PUBLIC**
7 **RECREATION USES AND SHALL SPECIFY THE TYPES OF USES THAT ARE**
8 **ALLOWED ON EACH TRAILWAY SEGMENT. FOLLOWING ADOPTION OF THE PLAN**

1 FOR A STATEWIDE TRAILWAY NETWORK, IF THE COMMISSION DETERMINES, AT
2 A MEETING OF THE COMMISSION, THAT ADDITIONAL TRAILWAYS SHOULD BE
3 ADDED TO THE PLAN, THAT THE PLAN SHOULD BE MODIFIED TO INCLUDE
4 ADDITIONAL MICHIGAN TRAILWAYS OR PACK AND SADDLE TRAILWAYS, OR THAT
5 USES ON PARTICULAR TRAILWAY SEGMENTS AS PROVIDED IN THE PLAN SHOULD
6 BE MODIFIED, THE COMMISSION MAY UPDATE THE PLAN FOR A STATEWIDE
7 TRAILWAY NETWORK.

8 (2) UPON ADOPTION OF A PLAN FOR A STATEWIDE TRAILWAY NETWORK
9 UNDER SUBSECTION (1), THE DEPARTMENT SHALL MAKE THE PLAN AVAILABLE
10 ON THE DEPARTMENT'S WEBSITE.

11 (3) WITHIN 1 YEAR AFTER RECEIVING RECOMMENDATIONS FROM THE
12 EQUINE TRAILWAYS ADVISORY COUNCIL UNDER SECTION 72116, THE MICHIGAN
13 SNOWMOBILE AND TRAILS ADVISORY COUNCIL SHALL REVIEW RECOMMENDATIONS
14 FROM THE EQUINE TRAILWAYS ADVISORY COUNCIL AS WELL AS OTHER
15 INTERESTED TRAILWAY USERS AND SHALL MAKE RECOMMENDATIONS TO THE
16 COMMISSION FOR THE ESTABLISHMENT OF A PLAN FOR A STATEWIDE TRAILWAY
17 NETWORK UNDER SUBSECTION (1).

18 (4) IF THE MICHIGAN SNOWMOBILE AND TRAILS ADVISORY COUNCIL
19 DOES NOT SUBMIT RECOMMENDATIONS TO THE COMMISSION AS PROVIDED FOR
20 IN SUBSECTION (3), WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL REVIEW
22 THE RECOMMENDATIONS OF THE EQUINE TRAILWAYS ADVISORY COUNCIL OR THE
23 DEPARTMENT UNDER SECTION 72116 AND RECOMMENDATIONS OF OTHER
24 INTERESTED TRAILWAY USERS AND SHALL ADOPT A PLAN FOR A STATEWIDE
25 TRAILWAY NETWORK AS PROVIDED FOR IN SUBSECTION (1).

26 SEC. 72115. (1) PACK AND SADDLE ANIMALS SHALL NOT BE
27 RESTRICTED FROM ACCESS TO PUBLIC LAND OWNED, MANAGED, OR FUNDED BY

1 THE STATE ON PACK AND SADDLE TRAILWAYS THAT HAVE PREVIOUSLY BEEN
2 OPEN FOR USE BY PACK AND SADDLE ANIMALS AT ANY TIME. HOWEVER,
3 ACCESS MAY BE RESTRICTED ON THESE LANDS IF CONDITIONS ARE NOT
4 SUITABLE FOR PACK AND SADDLE ANIMALS BECAUSE OF PUBLIC SAFETY
5 CONCERNS, NECESSARY MAINTENANCE, OR FOR REASONS RELATED TO THE
6 MISSION OF THE DEPARTMENT IF THE RESTRICTION IS BASED ON SOUND
7 SCIENCE, TO THE GREATEST EXTENT PRACTICABLE, AND VALIDATED WITH
8 DOCUMENTATION THAT IS MADE AVAILABLE TO THE PUBLIC. PRIOR TO
9 DETERMINING THAT ACCESS BY PACK AND SADDLE ANIMALS BE RESTRICTED,
10 THE DEPARTMENT SHALL MAKE EVERY EFFORT TO RESOLVE ANY PUBLIC SAFETY
11 OR MAINTENANCE CONCERNS. SUBJECT TO SUBSECTION (2), THE DEPARTMENT
12 SHALL NOT RESTRICT PACK AND SADDLE ANIMALS FROM LANDS DESCRIBED IN
13 THIS SUBSECTION UNLESS ALL OF THE FOLLOWING CONDITIONS ARE MET:

14 (A) THE COMMISSION, UPON REQUEST OF THE DEPARTMENT, HOLDS A
15 PUBLIC MEETING ON A PROPOSAL TO RESTRICT ACCESS BY PACK AND SADDLE
16 ANIMALS ON TRAILWAYS AND EQUINE ACCESS LOCATIONS TO RECEIVE
17 TESTIMONY FROM THE GENERAL PUBLIC. THE COMMISSION SHALL INVITE THE
18 ADVISORY COUNCIL, THE EQUINE TRAILWAYS ADVISORY COUNCIL, AND THE
19 MICHIGAN HORSE COUNCIL TO ATTEND THE MEETING.

20 (B) THE DEPARTMENT, AFTER CONSIDERING TESTIMONY AT THE
21 COMMISSION MEETING UNDER SUBDIVISION (A), PROVIDES A SPECIFIC
22 RATIONALE FOR ITS DETERMINATION TO RESTRICT ACCESS BY PACK AND
23 SADDLE ANIMALS.

24 (C) ANY DECISION BY THE DEPARTMENT TO RESTRICT ACCESS BY PACK
25 AND SADDLE ANIMALS SHALL NOT TAKE EFFECT FOR A PERIOD OF TIME SET
26 BY THE DEPARTMENT, BUT NOT LESS THAN 60 DAYS. HOWEVER, IF THE
27 DIRECTOR DETERMINES THAT A RESTRICTION MUST BE IMPOSED BECAUSE OF

1 AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, WELFARE, OR THE
2 ENVIRONMENT, THE DIRECTOR MAY ISSUE A TEMPORARY ORDER RESTRICTING
3 ACCESS BY PACK AND SADDLE ANIMALS FOR 30 DAYS OR UNTIL THE THREAT
4 IS ABATED. A TEMPORARY ORDER UNDER THIS SUBDIVISION MAY BE REISSUED
5 IF THE THREAT PERSISTS.

6 (D) A WRITTEN STATEMENT SHALL BE POSTED AT THE TRAILHEAD IN
7 WHICH THE RESTRICTION IS IMPOSED STATING THE CAUSE AND ESTIMATED
8 DURATION OF THE CLOSURE.

9 (E) A LIST OF PACK AND SADDLE TRAILWAYS ON WHICH THE
10 DEPARTMENT HAS RESTRICTED ACCESS FOR PACK AND SADDLE ANIMALS SHALL
11 BE POSTED ON THE DEPARTMENT'S WEBSITE AND NOTIFICATION SHALL BE
12 PROVIDED TO THE EQUINE TRAILWAYS ADVISORY COUNCIL CREATED IN
13 SECTION 72116.

14 (2) RESTRICTIONS ON ACCESS BY PACK AND SADDLE ANIMALS THAT
15 WERE IN EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
16 ADDED THIS SECTION SHALL REMAIN IN EFFECT UNTIL THOSE RESTRICTIONS
17 ARE REVIEWED USING THE PROCESS OUTLINED IN SUBSECTION (1). THE
18 COMMISSION SHALL REVIEW THE RESTRICTIONS ON ACCESS BY PACK AND
19 SADDLE ANIMALS PREVIOUSLY IMPOSED BY THE DEPARTMENT IN THE
20 FOLLOWING AREAS ACCORDING TO THE FOLLOWING TIMELINES:

21 (A) NOT LATER THAN MAY 15, 2010, THE PIGEON RIVER COUNTRY
22 STATE FOREST.

23 (B) NOT LATER THAN JANUARY 1, 2011, THE LAPEER STATE GAME AREA
24 AND THE GLADWIN STATE GAME AREA.

25 (C) NOT LATER THAN JANUARY 1, 2012, THE LOST NATION STATE GAME
26 AREA AND THE BLUEBERRY RIDGE PATHWAY.

27 (3) THIS SECTION DOES NOT REQUIRE PACK AND SADDLE ANIMALS TO

1 BE EXCLUDED FROM NEW TRAILWAYS ON PUBLIC LANDS UNLESS RESTRICTED BY
2 THE COMMISSION AS PROVIDED IN SUBSECTION (1).

3 (4) A PERSON SHALL NOT USE PACK AND SADDLE ANIMALS ON STATE
4 OWNED LAND EXCEPT ON PACK AND SADDLE TRAILWAYS THAT ARE OPEN FOR
5 ACCESS BY PACK AND SADDLE ANIMALS.

6 SEC. 72116. (1) THE EQUINE TRAILWAYS ADVISORY COUNCIL IS
7 CREATED WITHIN THE DEPARTMENT. THE DEPARTMENT MAY PROVIDE STAFFING
8 AND ADMINISTRATIVE SUPPORT TO THE EQUINE TRAILWAYS ADVISORY
9 COUNCIL. THE EQUINE TRAILWAYS ADVISORY COUNCIL MAY ALSO BE STAFFED
10 AND FUNDED BY USER GROUPS AND OTHER INTERESTED PERSONS.

11 (2) THE EQUINE TRAILWAYS ADVISORY COUNCIL SHALL CONSIST OF THE
12 DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE AND THE FOLLOWING
13 MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF
14 THE SENATE:

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

16 (B) FIVE INDIVIDUALS REPRESENTING THE EQUINE INDUSTRY AS
17 FOLLOWS:

18 (i) ONE INDIVIDUAL FROM THE UPPER PENINSULA.

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

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

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

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

23 (3) THE MEMBERS FIRST APPOINTED TO THE EQUINE TRAILWAYS
24 ADVISORY COUNCIL SHALL BE APPOINTED WITHIN 60 DAYS AFTER THE
25 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

26 (4) MEMBERS OF THE EQUINE TRAILWAYS ADVISORY COUNCIL SHALL
27 SERVE FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED,

1 WHICHEVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED 2
2 SHALL SERVE FOR 2 YEARS, 2 SHALL SERVE FOR 3 YEARS, AND 3 SHALL
3 SERVE FOR 4 YEARS.

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

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

10 (7) THE FIRST MEETING OF THE EQUINE TRAILWAYS ADVISORY COUNCIL
11 SHALL BE CALLED BY THE DIRECTOR WITHIN 30 DAYS AFTER THE
12 APPOINTMENTS HAVE BEEN MADE. AT THE FIRST MEETING, THE EQUINE
13 TRAILWAYS ADVISORY COUNCIL SHALL ELECT FROM AMONG ITS MEMBERS A
14 CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR
15 APPROPRIATE. AFTER THE FIRST MEETING, THE EQUINE TRAILWAYS ADVISORY
16 COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE
17 CALL OF THE CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

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

23 (9) THE BUSINESS THAT THE EQUINE TRAILWAYS ADVISORY COUNCIL
24 MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE EQUINE
25 TRAILWAYS ADVISORY COUNCIL HELD IN COMPLIANCE WITH THE OPEN
26 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

27 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR

1 RETAINED BY THE EQUINE TRAILWAYS ADVISORY COUNCIL IN THE
2 PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF
3 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

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

9 (12) THE EQUINE TRAILWAYS ADVISORY COUNCIL SHALL DO ALL OF THE
10 FOLLOWING:

11 (A) WITHIN 1 YEAR AFTER THE APPOINTMENT OF ITS MEMBERS,
12 PREPARE AND SUBMIT TO THE MICHIGAN SNOWMOBILE AND TRAILS ADVISORY
13 COUNCIL A RECOMMENDED PLAN FOR A STATEWIDE NETWORK OF PACK AND
14 SADDLE TRAILWAYS. THE RECOMMENDED PLAN FOR A STATEWIDE PACK AND
15 SADDLE TRAILWAYS NETWORK SHALL INCLUDE BOTH OF THE FOLLOWING:

16 (i) ALL PACK AND SADDLE TRAILWAYS ON STATE OWNED LAND THAT HAVE
17 PREVIOUSLY BEEN OPEN FOR USE BY PACK AND SADDLE ANIMALS AT ANY TIME
18 AND THAT THE EQUINE TRAILWAYS ADVISORY COUNCIL DETERMINES ARE
19 APPROPRIATE FOR PACK AND SADDLE TRAILWAYS.

20 (ii) ALL ADDITIONAL STATE LANDS THAT THE EQUINE TRAILWAYS
21 ADVISORY COUNCIL DETERMINES WOULD BE APPROPRIATE FOR PACK AND
22 SADDLE ANIMALS AND WOULD CONTRIBUTE TO A STATEWIDE NETWORK OF PACK
23 AND SADDLE TRAILWAYS.

24 (B) ADVISE THE COMMISSION AND THE DEPARTMENT ON THE
25 DEVELOPMENT AND USE OF THE PACK AND SADDLE TRAILWAYS NETWORK.

26 (C) ADVISE THE COMMISSION AND THE DEPARTMENT ON OTHER MATTERS
27 RELATED TO THE PROMOTION OF THE STATE'S EQUINE INDUSTRY.

1 (D) ADVISE THE COMMISSION AND THE DEPARTMENT ON FUNDING TO
2 CONDUCT PACK AND SADDLE TRAILWAY REVIEWS UNDER SECTION 72115 AND TO
3 PROVIDE FOR THE REOPENING OF PREVIOUSLY CLOSED PACK AND SADDLE
4 TRAILWAYS, THE PRESERVATION OF EXISTING PACK AND SADDLE TRAILWAYS,
5 AND THE DEVELOPMENT OF NEW PACK AND SADDLE TRAILWAYS ACROSS THE
6 STATE.

7 (13) IF THE EQUINE TRAILWAYS ADVISORY COUNCIL IS NOT APPOINTED
8 AS PROVIDED FOR IN THIS SECTION, THE DEPARTMENT SHALL, WITHIN 2
9 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
10 THIS SECTION, WORK WITH THE EQUINE INDUSTRY TO DEVELOP A PLAN FOR A
11 STATEWIDE NETWORK OF PACK AND SADDLE TRAILWAYS AND SHALL SUBMIT
12 THAT PLAN TO THE COMMISSION.

13 Enacting section 1. This amendatory act does not take effect
14 unless House Bill No. 4610 of the 95th Legislature is enacted into
15 law.