



# HOUSE BILL No. 5111

November 9, 1999, Introduced by Reps. Rivet and Callahan and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81119 and 82107 (MCL 324.81119 and 324.82107), as added by 1995 PA 58.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 81119. (1) Not less than ~~40%~~ 50% of the revenue in  
2 the ORV trail improvement fund ~~through March 31, 1996, and not~~  
3 ~~less than 50% beginning April 1, 1996,~~ shall be distributed each  
4 year in the form of grants for the purpose of planning, improv-  
5 ing, constructing, signing, and maintaining ORV trails, areas,  
6 and routes and access to those trails, areas, and routes, the  
7 leasing of land, the acquisition of easements, permits, or other  
8 agreements for the use of land for ORV trails, areas, and routes,  
9 to public agencies and nonprofit incorporated clubs and  
10 organizations.

1           (2) An application by a public agency or a nonprofit  
2 incorporated club or organization shall include a plan for resto-  
3 ration of any of the natural resources of this state on public  
4 land that are damaged due to ORV use. The public agencies or  
5 nonprofit incorporated clubs or organizations shall indicate on  
6 their application that their use of grant money is consistent  
7 with, and meets the requirements of, the plan developed by the  
8 department pursuant to section 81123, and the trail, route, or  
9 area is available to the public. The department shall not  
10 approve a grant unless the application meets the requirements of  
11 the plan. The department shall make application forms available  
12 and consider grant requests on a yearly basis in consultation  
13 with the ORV trails advisory committee created in section 81125.

14           (3) A grant shall not be made for a trail, route, or area  
15 unless the trail, route, or area is available for ORV use and is  
16 approved by the department. A grant for the cost of leasing of  
17 land and the acquisition of easements, permits, or other agree-  
18 ments may equal 100% of incurred expense. Specifications shall  
19 be prescribed by the department.

20           (4) Not less than ~~30%~~ 31-1/4% of the revenue in the fund  
21 ~~through March 31, 1996, and not less than 31-1/4% beginning~~  
22 ~~April 1, 1996,~~ shall be used each year for enforcement of this  
23 part or the purchase of any necessary equipment used for enforce-  
24 ment of this part. Of this amount available for enforcement, the  
25 department shall make ~~available~~ 24% OF THE funds AVAILABLE for  
26 distribution in the form of grants by the department to the  
27 county sheriffs' departments. ~~in the following percentage~~

~~1 amounts: 60% of the funds available for the first year of~~  
~~2 operation of the fund; 50% of the funds available in the second~~  
~~3 year; 40% of the funds available through March 31, 1996; and 24%~~  
~~4 of the funds beginning April 1, 1996 and thereafter.~~ The balance  
5 of the funds available shall be used by the department for the  
6 enforcement of this part or for the purchase of any necessary  
7 equipment used for the enforcement of this part. In making  
8 grants available for distribution under this subsection, the  
9 department shall consider the following factors:

10 (a) The number of miles of ORV trails, routes, or areas  
11 within the county.

12 (b) The number of sheriff's department employees available  
13 for enforcement of this part.

14 (c) The estimated number of ORVs within the county and that  
15 are brought into the county for ORV use.

16 (d) The estimated number of days that ORVs may be used  
17 within that county.

18 (e) Any other factors considered appropriate by the  
19 department. THE DEPARTMENT SHALL ALSO CONSIDER THOSE COUNTIES  
20 THAT DO NOT HAVE DESIGNATED TRAILS, ROUTES, OR AREAS BUT THAT  
21 BORDER OR ARE ADJACENT TO 1 OF THE GREAT LAKES, SAGINAW BAY, OR  
22 LAKE ST. CLAIR. The department shall require a county sheriff  
23 receiving a grant under this subsection to maintain records and  
24 submit an annual report to verify expenditure of grant money  
25 received. AS USED IN THIS SUBDIVISION, "GREAT LAKES" MEANS LAKE  
26 SUPERIOR, LAKE MICHIGAN, LAKE HURON, AND LAKE ERIE.

1           (5) Not less than ~~20%~~ 12-1/2% of the revenue in the ORV  
2 trail improvement fund ~~through March 31, 1996, and not less than~~  
3 ~~12-1/2% beginning April 1, 1996,~~ shall be distributed each year  
4 in the form of grants to public agencies and nonprofit incorpo-  
5 rated clubs and organizations for the restoration of damage that  
6 is caused by ORV use to natural resources on public land. A  
7 grant under this subsection may be in addition to a grant under  
8 subsection (1). An application for a grant under this subsection  
9 shall comply with subsection (2).

10           (6) Not more than 3-1/8% of the revenue in the fund in any  
11 year shall be used for administration of this part. The depart-  
12 ment may use revenue from the funds for personnel to operate the  
13 program under this part.

14           (7) The remaining 3-1/8% of the revenue in the fund may be  
15 used for the purposes described in subsections (1) and (4),  
16 except that 25 cents of each fee for a license sold by a dealer  
17 shall be retained by the dealer as a commission for services  
18 rendered. If the remainder of the fund is used for the purposes  
19 described in subsection (4), it shall be allocated as provided in  
20 subsection (4).

21           (8) Grants under this section shall remain available until  
22 expended once a contract or commitment has been entered into  
23 under this section. A contract shall be for a period of not more  
24 than 2 years. A grant not expended within the contract period  
25 may be renewed by the department by entering into a new  
26 contract.

1           Sec. 82107. (1) The annual budget request of the department  
2 shall include an amount for enforcement of this part, for  
3 snowmobile safety education and training programs, and for a  
4 state financial assistance program provided for under this  
5 section.

6           (2) Each county of the state shall be entitled to receive  
7 financial assistance from the state as provided in this section.  
8 Each county in this state shall be encouraged to develop a snow-  
9 mobile safety education and training program based on the cri-  
10 teria set forth in section 82108. A county board of commission-  
11 ers desiring to conduct a snowmobile program shall submit to the  
12 department by November 30 of each year an estimate of authorized  
13 expenditures for the following calendar year, in a form and con-  
14 taining the information which the department requires. The  
15 department shall review the entire request and may approve the  
16 county request for financial assistance. The department shall  
17 annually survey the state financial assistance program to assist  
18 in determining the amount of financial assistance to be allocated  
19 to a county for its snowmobile program. THE DEPARTMENT SHALL  
20 ALSO CONSIDER THOSE COUNTIES THAT DO NOT HAVE DESIGNATED TRAILS  
21 OR AREAS BUT THAT BORDER OR ARE ADJACENT TO 1 OF THE GREAT LAKES,  
22 SAGINAW BAY, OR LAKE ST. CLAIR. AS USED IN THIS SUBSECTION,  
23 "GREAT LAKES" MEANS LAKE SUPERIOR, LAKE MICHIGAN, LAKE HURON, AND  
24 LAKE ERIE.

25           (3) The amount of financial assistance from the state to be  
26 allocated to a county ~~pursuant to~~ UNDER this section shall be  
27 determined by the department. The department shall evaluate each

1 request from a county for financial assistance and may give  
2 priority to counties where, in the determination of the depart-  
3 ment, a greater need for financial assistance exists. The  
4 department shall review the county's statement of authorized  
5 expenditures actually incurred and if satisfied shall provide  
6 financial assistance in an amount not to exceed 75% of the  
7 county's estimated authorized expenditures for the past calendar  
8 year. If the county's authorized expenditures actually incurred  
9 for the past calendar year exceeded the county's estimated autho-  
10 rized expenditures, the department may provide financial assist-  
11 ance in excess of 75% of the county's estimated authorized expen-  
12 ditures but not in excess of 75% of the county's authorized  
13 expenditures actually incurred. Financial assistance allocated  
14 to a county under this section shall be used exclusively for the  
15 conduct of the county snowmobile program as provided by this part  
16 and the rules promulgated under this part. Within 90 days after  
17 the close of each calendar year, a county board of commissioners  
18 shall submit to the department a statement of authorized expendi-  
19 tures actually incurred, on a form and containing the information  
20 the department requires. A county submitting a statement or sup-  
21 plement to the statement that is received subsequent to the  
22 90-day period shall not be eligible for financial assistance.

23 (4) The department of treasury shall periodically audit the  
24 county records pertaining to this program to assure the proper  
25 disposition of the money in accordance with this section and  
26 rules promulgated under this section. If the audit discloses a  
27 refund of state aid money is due the state, the county treasurer,

1 within 30 days of the completion of the audit, shall send to the  
2 department the amount of the refund due the state, which the  
3 department shall return to the state treasury.

4 (5) The department and the county sheriffs shall cooperate  
5 in the conduct of the program. The county sheriffs shall main-  
6 tain records and submit reports in form and containing informa-  
7 tion as the department may require.

8 (6) The department may promulgate rules to implement this  
9 section.