

SENATE BILL NO. 1191

September 28, 2022, Introduced by Senator RUNESTAD and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72101, 72110a, and 72115 (MCL 324.72101, 324.72110a, and 324.72115), sections 72101 and 72115 as amended by 2016 PA 288 and section 72110a as amended by 2014 PA 213.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 72101. As used in this part:
- 2 (a) "Advisory council" means the Michigan trails advisory
- 3 council created in section 72110.

1 (b) "Council" means a trail management council established
2 pursuant to section 72106.

3 (c) "Department" means the department of natural resources.

4 (d) "Director" means the director of the department or his or
5 her designee.

6 ~~(e) "Equine access locations" means open access roads,~~
7 ~~management roads, forestry access roads, 2-track and single-track~~
8 ~~trails that are not wildlife paths, staging areas for pack and~~
9 ~~saddle animals to be dropped off or picked up, and associated~~
10 ~~wilderness campsites.~~

11 (e) ~~(f)~~ "Forest road" means that term as defined in section
12 81101.

13 (f) ~~(g)~~ "Fund" means the Pure Michigan Trails fund created in
14 section 72109.

15 (g) ~~(h)~~ "Governmental agency" means the federal government, a
16 county, city, village, or township, or a combination of any of
17 these entities.

18 ~~(i) "Pack and saddle trails" means trails and equine access~~
19 ~~locations that may be used by pack and saddle animals.~~

20 (h) ~~(j)~~ "Pure Michigan Trail" means a trail designated as a
21 "Pure Michigan Trail" under section 72103.

22 (i) ~~(k)~~ "Pure Michigan Water Trail" means a water trail
23 designated as a "Pure Michigan Water Trail" under section 72103.

24 (j) ~~(l)~~ "Pure Michigan Trail Town" means a "Pure Michigan Trail
25 Town" designated under section 72104.

26 (k) ~~(m)~~ "Rail-trail" means a former railroad bed that is in
27 public ownership and used as a trail.

28 (l) ~~(n)~~ "Statewide trail network" means the statewide trail
29 network established in section 72114.

1 (m) ~~(e)~~ "Trail" means a right-of-way adapted to foot,
2 horseback, ~~motorized, equestrian,~~ or other nonmotorized travel **or**
3 **to motorized travel**. Trail also includes a water trail.

4 (n) ~~(p)~~ "Water trail" means a designated route on a body of
5 water.

6 Sec. 72110a. (1) The equine trails subcommittee is created as
7 a subcommittee of the advisory council. **The equine trails**
8 **subcommittee is renamed the equestrian trails subcommittee.** The
9 department may provide staffing and administrative support to the
10 ~~equine equestrian~~ trails subcommittee. The ~~equine equestrian~~ trails
11 subcommittee may also be staffed and funded by user groups and
12 other interested persons.

13 (2) Subject to subsection (3), the ~~equine equestrian~~ trails
14 subcommittee shall consist of the following **5 members representing**
15 **the equine industry and** appointed by the director:

16 ~~(a) One individual representing the state's tourism industry.~~

17 ~~(b) Five individuals representing the equine industry as~~
18 ~~follows:~~

19 (a) ~~(i)~~ One individual from the Upper Peninsula.

20 (b) ~~(ii)~~ One individual from the northern Lower Peninsula.

21 (c) ~~(iii)~~ One individual from the central Lower Peninsula.

22 (d) ~~(iv)~~ One individual from the southeastern Lower Peninsula.

23 (e) ~~(v)~~ One individual from the southwestern Lower Peninsula.

24 (3) The senate majority leader and the speaker of the house of
25 representatives shall each submit a list of 3 persons to the
26 director. The director shall appoint at least 1 person from each of
27 those lists to the ~~equine equestrian~~ trails subcommittee.

28 (4) Members of the ~~equine equestrian~~ trails subcommittee shall
29 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 2 shall
 3 serve for 4 years.

4 (5) If a vacancy occurs on the ~~equine~~**equestrian** trails
 5 subcommittee, an appointment for the unexpired term shall be made
 6 in the same manner as the original appointment.

7 (6) A member of the ~~equine~~**equestrian** trails subcommittee may
 8 be 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~~**equestrian** trails
 11 subcommittee shall be called by the department within 30 days after
 12 the appointments have been made. At the first meeting, the ~~equine~~
 13 **equestrian** trails subcommittee 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~~**equestrian** trails
 16 subcommittee shall meet at least quarterly, or more frequently at
 17 the call of the chairperson or if requested by 3 or more members.

18 (8) A majority of the members of the ~~equine~~**equestrian** trails
 19 subcommittee constitute a quorum for the transaction of business at
 20 a meeting of the ~~equine~~**equestrian** trails subcommittee. A majority
 21 of the members present and serving are required for official action
 22 of the ~~equine~~**equestrian** trails subcommittee.

23 ~~(9) The business that the equine trails subcommittee may~~
 24 ~~perform shall be conducted at a public meeting of the equine trails~~
 25 ~~subcommittee held in compliance with the open meetings act, 1976 PA~~
 26 ~~267, MCL 15.261 to 15.275.~~

27 (9) ~~(10)~~A writing prepared, owned, used, in the possession
 28 of, or retained by the ~~equine~~**equestrian** trails subcommittee in the
 29 performance of an official function is subject to the freedom of

1 information act, 1976 PA 442, MCL 15.231 to 15.246.

2 (10) ~~(11)~~ Members of the ~~equine~~ **equestrian** trails subcommittee
3 shall serve without compensation. However, subject to the
4 availability of funding, members of the ~~equine~~ **equestrian** trails
5 subcommittee may be reimbursed for their actual and necessary
6 expenses incurred in the performance of their official duties as
7 members of the ~~equine~~ **equestrian** trails subcommittee.

8 (11) ~~(12)~~ The ~~equine~~ **equestrian** trails subcommittee shall ~~do~~
9 ~~all of the following:~~

10 ~~(a) Prepare and submit to the advisory council a recommended~~
11 ~~plan for a statewide network of pack and saddle trails. The~~
12 ~~recommended plan for a statewide pack and saddle trails network~~
13 ~~shall include both of the following:~~

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

18 ~~(ii) All additional state lands that the equine trails~~
19 ~~subcommittee determines would be appropriate for pack and saddle~~
20 ~~animals and would contribute to a statewide network of pack and~~
21 ~~saddle trails.~~

22 ~~(b) Advise~~ **advise** the advisory council and the department on
23 **all of the following:**

24 (a) **The** development and use of the ~~pack and saddle~~ **equestrian**
25 trails network.

26 ~~(c) Advise the advisory council and the department on other~~

27 (b) **Other** matters related to the promotion of the state's
28 equine industry.

29 ~~(d) Advise the advisory council and the department on funding~~

1 ~~to conduct pack and saddle trail reviews under section 72115 and to~~
 2 ~~provide~~

3 **(c) Funding** for the reopening of previously closed ~~pack and~~
 4 ~~saddle~~ **equestrian** trails, the preservation of existing ~~pack and~~
 5 ~~saddle~~ **equestrian** trails, and the development of new ~~pack and~~
 6 ~~saddle~~ **equestrian** trails across this state.

7 Sec. 72115. **(1) An individual shall not use an equine on**
 8 **state-owned land except where authorized. However, an individual**
 9 **may use an equine in an area in which public hunting is permitted**
 10 **to retrieve legally harvested deer, bear, or elk using the most**
 11 **direct route that does not enter a stream, river, or wetland except**
 12 **over a bridge, culvert, or similar structure.**

13 **(2) ~~(1)~~ Subject to subsections ~~(2) and (3) and (4), pack and~~**
 14 **~~saddle animals shall be allowed to access pack and saddle trails on~~**
 15 **~~public land managed by the department as follows:~~**all of the****
 16 **following apply to equestrian use of trails:**

17 (a) ~~Access~~ **It is authorized** on land of the state forest system
 18 ~~is allowed unless restricted~~ **prohibited** by statute, deed
 19 restriction, land use order, or other legal mechanism ~~in effect~~
 20 on April 2, 2010.

21 (b) ~~Access~~ **It is prohibited** on land of the state park system
 22 or state game area system ~~is prohibited~~ unless authorized by land
 23 use order or other legal mechanism in effect on April 2, 2010.

24 (c) ~~Access on~~ **On** other land managed by the department, **it is**
 25 ~~allowed according~~ **subject** to the specific authorization or
 26 ~~restriction~~ **prohibition** applicable to the land.

27 **(3) ~~(2)~~ Access by pack and saddle animals may only be**
 28 **~~restricted on lands described in subsection (1) after April 2, 2010~~**
 29 **The department may prohibit equestrian use otherwise authorized**

1 **under subsection (2)** if conditions are not suitable for ~~pack and~~
 2 ~~saddle animals equestrian use~~ because of public safety ~~concerns,~~
 3 **issues**, necessary maintenance, or ~~for~~ reasons related to the
 4 mission of the department. ~~Restrictions~~ **A prohibition** related to
 5 the mission of the department ~~shall~~ **must** be supported, to the
 6 greatest extent practicable, by a written science-based rationale
 7 that is supported with documentation ~~that is~~ made available to the
 8 public. ~~Prior to~~ **Before** determining that ~~access by pack and saddle~~
 9 ~~animals equestrian use~~ be ~~restricted,~~ **prohibited under this**
 10 **subsection**, the department ~~shall~~ **must** make every effort to resolve
 11 any public safety or maintenance ~~concerns~~ **issues or other issues**
 12 **related to the mission of the department**. Subject to subsection
 13 ~~(3), (4)~~, the department shall not ~~restrict pack and saddle animals~~
 14 ~~from lands described in subsection (1)~~ **prohibit equestrian use of**
 15 **trails under this subsection** unless all of the following conditions
 16 are met:

17 (a) The department holds a public meeting on ~~a~~ **the** proposal ~~to~~
 18 ~~restrict access by pack and saddle animals on pack and saddle~~
 19 ~~trails~~ to receive testimony from the general public. The department
 20 shall invite the advisory council and the ~~equine~~ **equestrian** trails
 21 subcommittee ~~created in section 72110a~~ to attend the meeting.

22 (b) The department ~~,~~ **makes its determination** after considering
 23 testimony at the meeting under subdivision (a) ~~,~~ **and** provides a
 24 specific rationale for ~~its~~ **the** determination to ~~restrict access by~~
 25 ~~pack and saddle animals~~ **prohibit equestrian use**.

26 (c) ~~Any decision by the department to restrict access by pack~~
 27 ~~and saddle animals shall not take effect for a~~ **A** period of time set
 28 by the department, but not less than 60 days, **elapses since the**
 29 **department determined to prohibit equestrian use**. However, if the

1 director determines that a ~~restriction~~**prohibition** must be imposed
2 because of user conflicts or ~~due to~~ an imminent threat to public
3 health, safety, welfare, or to natural resources or the
4 environment, the director may issue a temporary order ~~restricting~~
5 ~~access by pack and saddle animals~~ **that takes immediate effect and**
6 **prohibits equestrian use** for 30 days or until the threat or user
7 conflict is abated, **whichever occurs first**. A temporary order under
8 this subdivision may be reissued if the threat or user conflict
9 persists.

10 (d) A written statement ~~shall be~~**is** posted at the trailhead ~~in~~
11 **of the trail for** which the ~~restriction~~**prohibition** is imposed
12 stating the ~~cause~~**reason for** and estimated duration of the
13 ~~closure~~**prohibition**.

14 (e) A list of ~~pack and saddle~~ trails on which the department
15 has, ~~restricted access for pack and saddle animals, including~~
16 ~~temporary orders,~~ **shall be by temporary or permanent order,**
17 **prohibited equestrian use under this subsection is** posted on the
18 department's website and notification ~~shall be~~ **of the prohibition**
19 **is** provided to the equine ~~equestrian~~ trails subcommittee. ~~created~~
20 ~~in section 72110a.~~

21 ~~(3) Any restrictions described in subsection (1) on access by~~
22 ~~pack and saddle animals that were in effect on April 2, 2010 shall~~
23 ~~remain in effect until those restrictions are reviewed using the~~
24 ~~process under subsection (2).~~

25 ~~(4) An individual shall not use pack and saddle animals on~~
26 ~~state-owned land except on pack and saddle trails that are open for~~
27 ~~access by pack and saddle animals. However, an individual may use a~~
28 ~~pack and saddle animal in an area in which public hunting is~~
29 ~~permitted to retrieve legally harvested deer, bear, or elk using~~

1 ~~the most direct route that does not enter a stream, river, or~~
2 ~~wetland except over a bridge, culvert, or similar structure.~~

3 (4) If, as of the effective date of the amendatory act that
4 added subsection (5), a trail was posted by the department for
5 equestrian use or for equestrian use and hiking, and if the trail
6 was not posted for bicycling, then, unless the department provides
7 otherwise by land use order, both of the following apply:

8 (a) Only equestrian use or equestrian use and hiking,
9 respectively, are authorized on the trail.

10 (b) The department shall post at each trailhead of the trail a
11 sign or placard that provides notice that use of the trail by
12 bicyclists is prohibited.

13 (5) If, as of the date of introduction of the bill whose
14 enactment added subsection (5), a trail was posted by the
15 department for equestrian use, hiking, and bicycling, the
16 department may, by land use order, authorize only equestrian use or
17 equestrian use and hiking on the trail. In that case, the
18 department shall post at each trailhead of the trail a sign or
19 placard that provides notice that use of the trail by bicyclists is
20 prohibited. (6) If equestrian use of a campground or part of a
21 campground on land of the state park system or state game area
22 system is authorized as described in subsection (2) (b), the
23 department shall post at the campground or part of the campground
24 where equestrian use is authorized a sign or placard that provides
25 notice of the authorization.