

HOUSE BILL No. 4299

February 17, 2011, Introduced by Reps. Lindberg and Slavens and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 72101 (MCL 324.72101), as amended by 2010 PA
46, and by adding sections 72121, 72122, 72123, 72124, and 72125.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72101. As used in this part:

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

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

6 (C) "CROSS-COUNTRY SKI TRAIL" MEANS A TRAILWAY SUITABLE FOR
7 CROSS-COUNTRY SKIING.

8 (D) "CROSS-COUNTRY SKIING" MEANS TRAVELING OVER SNOW BY HUMAN
9 POWER ON SKIS. CROSS-COUNTRY SKIING DOES NOT REQUIRE THE USE OF

LIFTS, TOWS, OR OTHER MECHANICAL DEVICES.

(E) ~~(e)~~—"Department" means the department of natural resources and environment.

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

(G) ~~(e)~~—"Fund" means the Michigan trailways fund created in section 72109.

(H) ~~(f)~~—"Governmental agency" means the federal government, a county, city, village, or township, or a combination of any of these entities.

(I) "MICHIGAN SKIWAY" MEANS A CROSS-COUNTRY SKI TRAIL DESIGNATED BY THE COMMISSION UNDER SECTION 72121.

(J) ~~(g)~~—"Michigan trailway" means a trailway designated by the commission pursuant to section 72103.

(K) ~~(h)~~—"Pack and saddle trailways" means trailways and equine access locations that may be used by pack and saddle animals.

(L) ~~(i)~~—"Rail-trail" means a former railroad bed that is in public ownership and used as a trailway.

(M) ~~(j)~~—"Trail" means a right-of-way adapted to foot, horseback, motorized, or other nonmotorized travel.

(N) ~~(k)~~—"Trailway" means a trail or other land corridor that features a broad trail capable of accommodating a variety of public recreation uses.

SEC. 72121. (1) THE COMMISSION SHALL ESTABLISH A NETWORK OF

1 MICHIGAN SKIWAYS IN THE STATE. MICHIGAN SKIWAYS MAY BE LOCATED ON
2 MICHIGAN TRAILWAYS, ON TRAILWAYS ON STATE OWNED LAND, OR ON OTHER
3 PUBLIC OR PRIVATE LAND UNDER AGREEMENT BETWEEN THE DEPARTMENT AND
4 THE LANDOWNER.

5 (2) WHILE SKIING ON A MICHIGAN SKIWAY, A PERSON 16 YEARS OF
6 AGE OR OLDER SHALL CARRY IN HIS OR HER IMMEDIATE POSSESSION A
7 VALID, SIGNED CROSS-COUNTRY SKI PASS. A CROSS-COUNTRY SKI PASS MUST
8 BE SIGNED BY THE SKIER ACROSS THE FRONT OF THE PASS TO BE VALID AND
9 BECOMES NONTRANSFERABLE UPON SIGNING. THE SKI PASS SHALL BE
10 AVAILABLE FOR INSPECTION BY ANY PEACE OFFICER. A LANDOWNER WHO
11 GRANTS AN EASEMENT FOR A MICHIGAN SKIWAY IS NOT REQUIRED TO POSSESS
12 A SKI PASS WHEN SKIING ON THE LANDOWNER'S PROPERTY.

13 (3) A PARTICIPANT IN A CROSS-COUNTRY SKI RACE OR AN OFFICIAL
14 SCHOOL ACTIVITY IS NOT REQUIRED TO BE IN POSSESSION OF A CROSS-
15 COUNTRY SKI PASS IF A SPECIAL USE PERMIT AUTHORIZING THE EVENT HAS
16 BEEN OBTAINED BY THE ORGANIZERS OF THE EVENT OR THOSE IN AN
17 OFFICIAL CAPACITY FROM THE DEPARTMENT OR OTHER AGENCY WITH
18 JURISDICTION OVER THE MICHIGAN SKIWAY. A PERMIT ISSUED UNDER THIS
19 SUBSECTION SHALL REQUIRE THAT THE PERMIT HOLDER RETURN THE TRAILWAY
20 AND ANY ASSOCIATED FACILITY TO ITS ORIGINAL CONDITION IF ANY DAMAGE
21 IS DONE BY THE PERMITTEE. LIMITED PERMITS FOR SPECIAL EVENTS MAY BE
22 ISSUED AND SHALL REQUIRE THE REMOVAL OF ANY TRAIL MARKERS, BANNERS,
23 AND OTHER MATERIAL USED IN CONNECTION WITH THE SPECIAL EVENT.

24 (4) AS USED IN THIS SECTION, "CROSS-COUNTRY SKI RACE" MEANS A
25 TIMED SKIING EVENT ORGANIZED FOR THE PARTICIPATION OF A LARGE
26 NUMBER OF SKIERS AT 1 TIME OVER A COURSE PREPARED SPECIFICALLY FOR
27 A SKI RACE.

1 SEC. 72122. (1) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL MAKE
3 AVAILABLE FOR SALE CROSS-COUNTRY SKI PASSES FOR USE ON MICHIGAN
4 SKIWAYS. THE DEPARTMENT MAY APPOINT AGENTS TO ISSUE AND SELL CROSS-
5 COUNTRY SKI PASSES. THE DEPARTMENT MAY REVOKE THE APPOINTMENT OF AN
6 AGENT ANY TIME. AN AGENT SHALL OBSERVE ALL PROCEDURES ESTABLISHED
7 BY THE DEPARTMENT FOR THE ACCOUNTING AND HANDLING OF CROSS-COUNTRY
8 SKI PASSES.

9 (2) THE COST OF A CROSS-COUNTRY SKI PASS IS AS FOLLOWS:

10 (A) FIVE DOLLARS FOR A DAILY PERMIT.

11 (B) TWENTY DOLLARS FOR A YEARLY PERMIT.

12 (C) FORTY DOLLARS FOR A PERMIT THAT IS VALID FOR 3 YEARS.

13 (3) IN ADDITION TO THE FEE FOR A CROSS-COUNTRY SKI PASS, AN
14 ISSUING FEE OF \$1.00 SHALL BE CHARGED BY AN AGENT SELLING THE
15 CROSS-COUNTRY SKI PASS.

16 (4) AN AGENT SHALL PROMPTLY REMIT ALL MONEY RECEIVED FROM THE
17 SALE OF CROSS-COUNTRY SKI PASSES, EXCEPT ISSUING FEES, TO THE
18 DEPARTMENT. THE DEPARTMENT SHALL FORWARD ALL MONEY RECEIVED UNDER
19 THIS SECTION TO THE STATE TREASURER FOR DEPOSIT INTO THE MICHIGAN
20 SKIWAYS FUND CREATED IN SECTION 72123.

21 SEC. 72123. (1) THE MICHIGAN SKIWAYS FUND IS CREATED WITHIN
22 THE STATE TREASURY.

23 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
24 ANY SOURCE FOR DEPOSIT INTO THE MICHIGAN SKIWAYS FUND. THE STATE
25 TREASURER SHALL DIRECT THE INVESTMENT OF THE MICHIGAN SKIWAYS FUND.
26 THE STATE TREASURER SHALL CREDIT TO THE MICHIGAN SKIWAYS FUND
27 INTEREST AND EARNINGS FROM FUND INVESTMENTS.

1 (3) MONEY IN THE MICHIGAN SKIWAYS FUND AT THE CLOSE OF THE
2 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE
3 GENERAL FUND.

4 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE MICHIGAN
5 SKIWAYS FUND FOR AUDITING PURPOSES.

6 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE MICHIGAN
7 SKIWAYS FUND, UPON APPROPRIATION, ONLY FOR 1 OR MORE OF THE
8 FOLLOWING PURPOSES:

9 (A) ISSUING CROSS-COUNTRY SKI PASSES.

10 (B) MAINTAINING, GROOMING, AND IMPROVING MICHIGAN SKIWAYS.

11 (C) GRANTS FOR MICHIGAN SKIWAYS SPONSORED BY LOCAL UNITS OF
12 GOVERNMENT.

13 SEC. 72124. THE DEPARTMENT SHALL ESTABLISH A GRANT PROGRAM FOR
14 LOCAL UNITS OF GOVERNMENT FOR THE ACQUISITION, DEVELOPMENT, AND
15 MAINTENANCE OF MICHIGAN SKIWAYS. GRANTS SHALL BE AVAILABLE FOR
16 ACQUISITION OF TRAILWAY EASEMENTS BUT SHALL NOT BE USED TO ACQUIRE
17 ANY LAND IN FEE TITLE. A LOCAL UNIT OF GOVERNMENT APPLYING FOR AND
18 RECEIVING A GRANT UNDER THIS SECTION SHALL OPERATE THE MICHIGAN
19 SKIWAY FOR 1 YEAR FOLLOWING THE EXPIRATION OF ITS LAST GRANT. THE
20 DEPARTMENT SHALL ISSUE GRANTS FOR MICHIGAN SKIWAYS SPONSORED BY
21 LOCAL UNITS OF GOVERNMENT BASED UPON CRITERIA ESTABLISHED BY THE
22 DEPARTMENT.

23 SEC. 72125. (1) A PERSON WHO VIOLATES SECTION 72121(2) IS
24 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY
25 A CIVIL FINE OF NOT MORE THAN \$50.00.

26 (2) A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IN AN
27 APPLICATION FOR A CROSS-COUNTRY SKI PASS IS RESPONSIBLE FOR A STATE

1 CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE
2 THAN \$50.00.