

HOUSE BILL No. 5103

October 29, 2013, Introduced by Reps. Rendon, Outman, Kurtz, Victory, Pagel, McBroom, Johnson, Denby, Daley, Smiley, Hovey-Wright, Bumstead, Foster, Lyons, LaFontaine, Kivela, Goike, Dianda, Pettalia and Franz and referred to the Committee on Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 72110 (MCL 324.72110), as amended by 2010 PA
46.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72110. (1) The Michigan snowmobile and trails advisory
2 council is created within the department.

3 (2) The advisory council shall advise the director of the
4 department and the governor on the creation, development,
5 operation, and maintenance of motorized and nonmotorized trails in
6 this state, including, but not limited to, snowmobile, biking,
7 equestrian, hiking, off-road vehicle, and skiing trails. In
8 advising the director and the governor on the creation and
9 development of motorized and nonmotorized trails in this state, the

1 advisory council shall seek to have the trails linked wherever
 2 possible. The advisory council may perform additional related
 3 duties as provided by this part, other law, or as requested by the
 4 director or the governor.

5 (3) The advisory council shall consist of 11 members appointed
 6 by the governor. ~~Members~~**SUBJECT TO SUBSECTION (4), A MEMBER** of the
 7 advisory council shall be appointed for a term of 4 years.

8 (4) **ALL OF THE FOLLOWING APPLY TO THE FIRST ADVISORY COUNCIL**
 9 **APPOINTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
 10 **THIS SUBSECTION:**

11 (A) 2 MEMBERS SHALL SERVE FOR 1 YEAR.

12 (B) 3 MEMBERS SHALL SERVE FOR 2 YEARS.

13 (C) 3 MEMBERS SHALL SERVE FOR 3 YEARS.

14 (D) 3 MEMBERS, NOT FEWER THAN 2 OF WHOM SHALL BE MEMBERS OF
 15 THE EQUINE TRAILWAYS SUBCOMMITTEE CREATED UNDER SECTION 72110A,
 16 SHALL SERVE FOR 4 YEARS.

17 (5) A vacancy on the advisory council occurring other than by
 18 expiration of a term shall be filled by the governor in the same
 19 manner as the original appointment for the balance of the unexpired
 20 term. A vacancy shall not affect the power of the remaining members
 21 to exercise the duties of the advisory council.

22 (6) ~~(4)~~ Not fewer than 5 members of the advisory council shall
 23 be ~~an owner~~**OWNERS** of an ORV licensed **AS REQUIRED** under section
 24 81115 or an owner of a snowmobile registered under section 82105.
 25 Not fewer than 3 members of the advisory council shall be ~~an owner~~
 26 **OWNERS** of a snowmobile registered under section 82105. ~~Not fewer~~
 27 ~~than~~**AT LEAST** 1 member of the advisory council shall possess

1 experience as an instructor in a snowmobile safety education and
2 training program or an ORV safety education course. ~~Not fewer than~~
3 **AT LEAST** 1 member of the advisory council shall be a resident of
4 the Upper Peninsula of this state. Not fewer than 2 members of the
5 advisory council shall be members of the equine trailways
6 subcommittee created in section 72110a.

7 (7) ~~(5)~~—The governor shall designate a member of the advisory
8 council to serve as the chairperson of the advisory council at the
9 pleasure of the governor. The advisory council may select a member
10 of the advisory council to serve as vice-chairperson of the
11 advisory council.

12 (8) ~~(6)~~—The advisory council shall be staffed and assisted by
13 personnel from the department, subject to available funding. Any
14 budgeting, procurement, or related management functions of the
15 advisory council shall be performed under the direction and
16 supervision of the director of the department.

17 (9) ~~(7)~~—The advisory council shall adopt procedures consistent
18 with this section and other applicable state law governing its
19 organization and operations.

20 (10) ~~(8)~~—A majority of the members of the advisory council
21 serving constitute a quorum for the transaction of the advisory
22 council's business. The advisory council shall act by a majority
23 vote of its serving members.

24 (11) ~~(9)~~—The advisory council shall meet at the call of the
25 chairperson and as may be provided in procedures adopted by the
26 advisory council.

27 (12) ~~(10)~~—The advisory council may, as appropriate, make

1 inquiries, **CONDUCT** studies ~~—AND~~ investigations, hold hearings, and
2 receive comments from the public. The advisory council may also
3 consult with outside experts in order to perform its duties,
4 including, but not limited to, experts in the private sector,
5 government agencies, and institutions of higher education.

6 (13) ~~(11)~~—The advisory council may establish advisory
7 workgroups, including, but not limited to, an advisory workgroup on
8 snowmobiles, as considered necessary by the advisory council to
9 assist the advisory council in performing the duties and
10 responsibilities of the advisory council. In addition, the equine
11 trailways subcommittee created in section 72110a as a subcommittee
12 of the advisory council shall ~~serve as advisory to~~ **ADVISE** the
13 advisory council.

14 (14) ~~(12)~~—Members of the advisory council shall serve without
15 compensation. Members of the advisory council may receive
16 reimbursement for necessary travel and expenses consistent with
17 relevant statutes and the rules and procedures of the civil service
18 commission and the department of technology, management, and
19 budget, subject to available funding.

20 (15) ~~(13)~~—The advisory council may hire or retain contractors,
21 subcontractors, advisors, consultants, and agents, and may make and
22 enter into contracts necessary or incidental to the exercise of the
23 powers of the advisory council and the performance of its duties as
24 the director of the department considers advisable and necessary,
25 in accordance with this part, other applicable law, and the rules
26 and procedures of the civil service commission and the department
27 of technology, management, and budget, subject to available

1 funding.

2 (16) ~~(14)~~—The advisory council may accept donations of labor,
3 services, or other things of value from any public or private
4 agency or person.

5 (17) ~~(15)~~—Members of the advisory council shall refer all
6 legal, legislative, and media contacts to the department.

7 (18) ~~(16)~~—In addition to the responsibilities provided in this
8 section and otherwise provided by law, the advisory council shall
9 do both of the following:

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

12 (b) Advise the commission and the department on the
13 implementation of this part and the establishment and operation of
14 Michigan trailways.