

HOUSE BILL No. 4922

June 7, 2001, Introduced by Reps. Rivet, Neumann, Bogardus and Lemmons 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.

02416'01

TJS

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~~ AFTER the completion of the audit, shall send
2 to the department the amount of the refund due the state, which
3 the 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.