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House Bill 4299 (Substitute H-2 as passed by the House)
Sponsor: Representative Jon Bumsted
House Committee: Tourism
Senate Committee: Natural Resources, Environment and Great Lakes

Date Completed: 6-3-13

CONTENT

The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to do the following:

- **Authorize a county, rather than an "eligible county", to adopt an ordinance permitting the use of off-road recreation vehicles (ORVs) on the maintained portion of a road in the county.**
- **Include a municipality (a city or village) in provisions that allow a township to adopt a similar ordinance and to close roads to ORV operation otherwise allowed by a county ordinance.**
- **Allow a village to adopt an ordinance to close roads to ORV operation otherwise allowed by a township ordinance.**
- **Allow a municipality, rather than a municipality in an eligible county, to adopt an ordinance authorizing the operation of ORVs on streets within the municipality.**

County Ordinance

Part 811 allows the county board of commissioners of an eligible county to adopt an ordinance authorizing the operation of ORVs on the maintained portion of one or more roads located within the county.

("Eligible county" means any of the following:

- Ocean, Newaygo, Montcalm, Gratiot, Saginaw, Tuscola, or Sanilac County, or a county lying north of those counties, including all of the counties of the Upper Peninsula.
- St. Clair County.

"Road" means a county primary road or county local road.)

The bill would eliminate the reference to an eligible county, thus authorizing the board of commissioners of any county to adopt such an ordinance.

At least 45 days before a public hearing on a county ORV ordinance, the county clerk must send notice of the hearing to the county road commission and, if State forestland is located within the county, to the Department of Natural Resources (DNR). Under the bill, the notice also would have to be sent to the legislative body of each township and municipality located within the county.

The bill would retain a provision allowing the board of county commissioners to close a road to the operation of ORVs to protect the environment or if ORV operation poses a particular and demonstrable threat to public safety.

Township & Municipal Ordinance

Part 811 allows the township board of a township located in an eligible county to adopt an ordinance authorizing the operation of ORVs on the maintained portion of one or more roads within the township. At least 28 days before a public hearing on a proposed ORV ordinance, the township clerk must send notice to the county road commission and, if State forestland is located within the township, to the DNR.

The bill would eliminate the reference to an eligible county. In addition, the bill would extend the authorization to adopt such an ordinance to the legislative body of a municipality, and would require the city or village clerk to send the required notice to the legislative body of every other township and municipality located within the county.

These provisions would not apply to a township or municipality until one year after the bill first authorized the county where it is located to adopt an ORV ordinance.

Part 811 allows the board of a township located in an eligible county to adopt an ordinance to close a road to the operation of ORVs. The bill would eliminate the reference to an "eligible" county, and extend this provision to the legislative body of a municipality. Also, the bill would allow the legislative body of a village to adopt an ordinance to close a road located in the village to the operation of ORVs otherwise authorized by a township ordinance.

In addition, part 811 allows the legislative body of a municipality to adopt an ordinance authorizing the operation of ORVs on the maintained portion of one or more streets within the municipality. The bill would eliminate the reference to an eligible county. ("Street" means a city or village major street or city or village local street.)

MCL 324.81131

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on the State.

The bill would have an indeterminate fiscal impact on local units of government. A local unit could incur additional expenses associated with enforcement of the proposed ordinance if adopted by the local unit's governing body. Also, the local unit could receive additional fine revenue from the enforcement of the new ordinance. Fines of up to \$500 per infraction could increase the local unit's revenue; however, under the statute, 50% of fine revenue would go to the county sheriff or police department to offset the costs associated with enforcement and training regarding the ORV ordinance and 50% of the revenue would go to the county road commission or the department responsible for street maintenance. The amount of potential additional enforcement costs or additional revenue would depend on whether a county or municipality ultimately decided to adopt an ordinance.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.