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BILL ANALYSIS



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Senate Bill 371 (Substitute S-2 as reported)  
Sponsor: Senator Darwin L. Booher  
Committee: Outdoor Recreation and Tourism

(as enrolled)

Date Completed: 6-2-11

**RATIONALE**

Public Act 240 of 2008 amended the Natural Resources and Environmental Protection Act to authorize local governments to adopt ordinances allowing the operation of off-road vehicles (ORVs) on road shoulders. The legislation applied to all the counties of the Upper Peninsula and to 28 counties in the northern Lower Peninsula. The measure was adopted to stimulate tourism in the eligible counties. Authorization to adopt ORV ordinances was extended to several counties in Michigan's "thumb" under Public Act 175 of 2009. Because of the economic benefits said to be associated with the ordinances, it has been suggested that several other counties be designated "eligible counties", and that a sunset on the authorization to adopt a local ORV ordinance be eliminated.

Part 811 allows the county board of commissioners of an eligible county, the township board of a township located in an eligible county, and the legislative body of a municipality (i.e., a city or village) located in 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, township, or municipality.

"Eligible county" means any of the following:

- Arenac, Bay, Clare, Gladwin, Lake, Mason, or Osceola County or a county lying north of those counties, including all of the counties of the Upper Peninsula.
- Gratiot, Huron, Montcalm, Saginaw, Sanilac, St. Clair, or Tuscola County.

**CONTENT**

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

- **Eliminate a July 16, 2013, sunset on provisions authorizing eligible counties, and townships and municipalities within those counties, to adopt an ordinance allowing the operation of ORVs on road shoulders.**
- **Authorize additional counties to adopt such an ordinance.**
- **Provide that a township ORV ordinance would not take effect until one year after the county in which it was located became an eligible county.**

The bill would include Isabella, Mecosta, Midland, Newaygo, and Oceana Counties as eligible counties.

Also, under the bill, the provisions authorizing a township ORV ordinance would not apply to a township until one year after the effective date of the legislation designating the county in which the township was located an "eligible county".

MCL 324.81131

**ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Recreational ORV use has increased in popularity in recent years, due partly to the expanded opportunities available under the local ordinances. In 2009, the State reportedly sold more ORV licenses than snowmobile permits. Users of these vehicles have a positive impact on the communities along the routes they travel, particularly small towns, by spending money on food, fuel, and hotels. Evidently, some local units of government have begun holding new community events in response to the increased traffic under the ORV ordinances. When the original legislation authorizing the ordinances was enacted, some people expressed concerns about potential safety hazards and damage to roads and natural resources from ORV use; since then, however, complaints have been minimal. Experience has shown that the benefits outweigh the drawbacks; thus, the sunset should be eliminated.

The additional eligible counties proposed by the bill could benefit from the recreational opportunities available to ORV users. Expanding ORV opportunities would give people from other parts of the State a reason to visit and spend money in these counties, and could increase real estate values by making property more attractive for vacation use. Additionally, residents of the specified counties could benefit from the creation of a more comprehensive ORV system. Many people who previously took advantage of the recreational opportunities in the eligible northern Michigan counties now cannot afford to do so. Extending eligibility to the counties specified in the bill would give those people more opportunities to use ORVs closer to home.

**Response:** The bill does not include some counties, such as Kent and Muskegon, that also could benefit from allowing ORV use along the roads. Perhaps the authorization to adopt ORV ordinances should be extended to these counties, or expanded statewide.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many individuals would be found responsible for violating an ORV ordinance. To the extent that the bill

resulted in an increase or decrease in adjudications of responsibility, local governments' costs of enforcement and fine revenue could be affected.

Fiscal Analyst: David Zin

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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.