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BILL



ANALYSIS

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House Bill 4082 (Substitute H-2 as passed by the House)
Sponsor: Representative Mary Whiteford
House Committee: Natural Resources
Senate Committee: Natural Resources

Date Completed: 5-16-17

CONTENT

The bill would amend Part 515 (Prevention and Suppression of Forest Fires) of the Natural Resources and Environmental Protection Act to require the Department of Natural Resources (DNR) to attempt to notify the township supervisor and 9-1-1 call center of each township where a prescribed burn was to take place; and provide that the DNR would be liable for costs a township incurred if the Department violated this requirement.

The bill would add Section 51503c to require the DNR to attempt to notify by telephone and electronic mail the township supervisor and the primary public safety answering point (9-1-1 call center) of each township where a prescribed burn was to take place before conducting the prescribed burn. The DNR would be required to maintain a record of the notification attempts. The notice would have to include all of the following:

- The location, expected date, and estimated number of acres of the prescribed burn.
- The name, electronic mail address, and telephone number of the person in charge of the prescribed burn.

If the DNR violated Section 51503c, the DNR would be liable for any costs incurred by a township as a result of the prescribed burn.

Currently, except as provided for a prescribed burn, if a person violates Part 515 and causes a forest or grass fire, the person is liable for all damage resulting from the fire, including the cost of any governmental unit fighting it. This would not apply to a violation by the DNR of Section 51503c.

Part 515 prohibits the burning of any flammable material on or adjacent to forestland without a permit from the DNR. A person who violates the prohibition is guilty of a misdemeanor. A person convicted of willfully, maliciously, or wantonly setting fire or causing to be set on fire any forestland, land adjacent to forestland, or flammable material on forestland is guilty of a felony. A person convicted of willfully, maliciously or wantonly setting, throwing, or placing any device, instrument, or paraphernalia, or substance in or adjacent to any forestland with intent to set fire to the land or that in the natural course of events would result in fire being set to the forestland is guilty of a felony. Both felonies are punishable by up to 10 years in prison or a fine of up to \$10,000, or both. If the DNR did not comply with Section 51503c, the Department would not be subject to these punishments.

(Part 515 defines "prescribed burn" as the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. "Prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.)

MCL 324.51501 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would not have a significant fiscal impact on the Department of Natural Resources or local units of government. Under the bill, the DNR would have to notify a township where it intended to perform a prescribed burn. If the DNR failed to do so, the bill would hold the DNR liable for any costs incurred by the township related to the prescribed burn. It is not known how often this type of situation occurs, but it is anticipated that the bill would not have a significant impact on the DNR's finances.

Fiscal Analyst: Josh Sefton

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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.