

**SUBSTITUTE FOR
HOUSE BILL NO. 4082**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 51501 and 51506 (MCL 324.51501 and 324.51506),
as amended by 2004 PA 529, and by adding section 51503c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51501. As used in this part:

2 (a) "Certified prescribed burn manager" means an individual
3 who has successfully completed the certification program of the
4 department under section 51513 and possesses a valid certification
5 number.

6 (b) "Department" means the department of natural resources.

7 (c) "Domestic purposes" refers to burning that is any of the
8 following:

9 (i) A fire within the curtilage of a dwelling where the

1 material being burned has been properly placed in a debris burner
2 constructed of metal or masonry, with **A** metal covering device with
3 openings no larger than 3/4 of an inch.

4 (ii) A campfire.

5 (iii) Any fire within a building.

6 (d) "Extinguished", in reference to prescribed burning, means
7 that there is no longer any spreading flame.

8 (e) "Forest land", subject to subdivision (f), means any of
9 the following:

10 (i) Timber land, potential timber-producing land, or cutover
11 or burned timber land.

12 (ii) Wetland.

13 (iii) Prairie or other land dominated by grasses or forbes.

14 (f) "Forest land" does not include land devoted to
15 agriculture.

16 (g) "Flammable material" means any substance that will burn,
17 including, but not limited to, refuse, debris, waste forest
18 material, brush, stumps, logs, rubbish, fallen timber, grass,
19 stubble, leaves, fallow land, slash, crops, or crop residue.

20 (h) "Prescribed burn" or "prescribed burning" means the
21 burning, in compliance with a prescription and to meet planned fire
22 or land management objectives, of a continuous cover of fuels.

23 (i) "Prescription" means a written plan establishing the
24 criteria necessary for starting, controlling, and extinguishing a
25 burn.

26 **(J) "PRIMARY PUBLIC SAFETY ANSWERING POINT" MEANS THAT TERM AS**
27 **DEFINED IN SECTION 102 OF THE EMERGENCY 9-1-1 SERVICE ENABLING ACT,**

1 1986 PA 32, MCL 484.1102.

2 (K) ~~(j)~~—"Wetland" means land characterized by the presence of
3 water at a frequency and duration sufficient to support, and that
4 under normal circumstances does support, wetland vegetation or
5 aquatic life, and is commonly referred to as a bog, swamp, or
6 marsh.

7 SEC. 51503C. (1) BEFORE CONDUCTING A PRESCRIBED BURN, THE
8 DEPARTMENT SHALL ATTEMPT TO NOTIFY BY TELEPHONE AND ELECTRONIC MAIL
9 THE TOWNSHIP SUPERVISOR AND THE PRIMARY PUBLIC SAFETY ANSWERING
10 POINT OF EACH TOWNSHIP WHERE THE PRESCRIBED BURN IS TO TAKE PLACE.
11 THE DEPARTMENT SHALL MAINTAIN A RECORD OF THE NOTIFICATION
12 ATTEMPTS. THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

13 (A) THE LOCATION, EXPECTED DATE, AND ESTIMATED NUMBER OF ACRES
14 OF THE PRESCRIBED BURN.

15 (B) THE NAME, ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER OF
16 THE PERSON IN CHARGE OF THE PRESCRIBED BURN.

17 (2) A VIOLATION OF THIS SECTION IS NOT SUBJECT TO SECTION
18 51512.

19 Sec. 51506. (1) Except as provided in section 51503b, a person
20 who, in violating this part, causes a forest or grass fire is
21 liable for all damages resulting from that fire, including the cost
22 of any governmental unit fighting the fire. **THIS SUBSECTION DOES**
23 **NOT APPLY TO A VIOLATION BY THE DEPARTMENT OF SECTION 51503C.**

24 (2) **IF THE DEPARTMENT VIOLATES SECTION 51503C, THE DEPARTMENT**
25 **IS LIABLE FOR ANY COSTS INCURRED BY A TOWNSHIP AS A RESULT OF THE**
26 **PRESCRIBED BURN.**

27 (3) ~~(2)~~—Except as provided in section 51503b, this part does

1 not affect any other right of action for damages.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.