

HOUSE BILL No. 4082

January 25, 2017, Introduced by Rep. Whiteford and referred to the Committee on Natural Resources.

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
10 material being burned has been properly placed in a debris burner

constructed of metal or masonry, with **A** metal covering device with openings no larger than 3/4 of an inch.

(ii) A campfire.

(iii) Any fire within a building.

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

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

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

(ii) Wetland.

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

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

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

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

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

(J) "PRIMARY PUBLIC SAFETY ANSWERING POINT" MEANS THAT TERM AS DEFINED IN SECTION 102 OF THE EMERGENCY 9-1-1 SERVICE ENABLING ACT, 1986 PA 32, MCL 484.1102.

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

6 **SEC. 51503C. (1) AT LEAST 24 HOURS BEFORE CONDUCTING A**
7 **PRESCRIBED BURN, THE DEPARTMENT SHALL NOTIFY BY TELEPHONE THE**
8 **TOWNSHIP SUPERVISOR AND PRIMARY PUBLIC SAFETY ANSWERING POINT OF**
9 **EACH TOWNSHIP WHERE THE PRESCRIBED BURN IS TO TAKE PLACE. THE**
10 **NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:**

11 **(A) THE LOCATION, EXPECTED DATE, AND ESTIMATED NUMBER OF ACRES**
12 **OF THE PRESCRIBED BURN.**

13 **(B) THE NAME, ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER OF**
14 **THE PERSON IN CHARGE OF THE PRESCRIBED BURN.**

15 **(2) A VIOLATION OF THIS SECTION IS NOT SUBJECT TO SECTION**
16 **51512.**

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

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

25 **(3)** ~~(2)~~—Except as provided in section 51503b, this part does
26 not affect any other right of action for damages.

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

1 after the date it is enacted into law.