

Act No. 60
Public Acts of 2017
Approved by the Governor
June 28, 2017
Filed with the Secretary of State
June 28, 2017
EFFECTIVE DATE: September 26, 2017

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Rep. Whiteford

ENROLLED HOUSE BILL No. 4082

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” 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:

Sec. 51501. As used in this part:

- (a) “Certified prescribed burn manager” means an individual who has successfully completed the certification program of the department under section 51513 and possesses a valid certification number.
- (b) “Department” means the department of natural resources.
- (c) “Domestic purposes” refers to burning that is any of the following:
 - (i) A fire within the curtilage of a dwelling where the 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.

(k) "Wetland" means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

Sec. 51503c. (1) Before conducting a prescribed burn, the department shall attempt to notify by telephone and electronic mail the township supervisor and the primary public safety answering point of each township where the prescribed burn is to take place. The department shall maintain a record of the notification attempts. The notice shall include all of the following:

- (a) The location, expected date, and estimated number of acres of the prescribed burn.
- (b) The name, electronic mail address, and telephone number of the person in charge of the prescribed burn.
- (2) A violation of this section is not subject to section 51512.

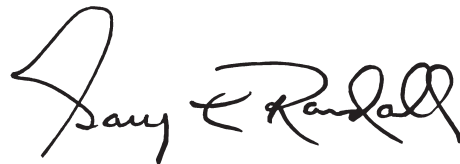
Sec. 51506. (1) Except as provided in section 51503b, a person who, in violating this part, causes a forest or grass fire is liable for all damages resulting from that fire, including the cost of any governmental unit fighting the fire. This subsection does not apply to a violation by the department of section 51503c.

(2) If the department violates section 51503c, the department is liable for any costs incurred by a township as a result of the prescribed burn.

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

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor