

HOUSE BILL No. 4328

March 2, 1989, Introduced by Reps. Alley, DeMars, Jacobetti, Sofio, Owinga, Stupak, Pridnia, Power, Hoekman and Randall and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 1 of Act No. 329 of the Public Acts of 1969, entitled

"An act to provide for the protection of forests and forest values in the exercise of the police powers of this state; to assign the responsibility for the prevention and suppression of fires on or endangering forests; to regulate the use of fires; to provide penalties for violation of any of the provisions of this act or any rules adopted thereunder; and to repeal certain acts and parts of acts,"

being section 320.21 of the Michigan Compiled Laws; and to add section 17a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 329 of the Public Acts of
2 1969, being section 320.21 of the Michigan Compiled Laws, is
3 amended and section 17a is added to read as follows:

4 Sec. 1. As used in this act:

1 (a) "Person" means an individual, corporation, partnership,
2 association, municipality or other public body or legal entity,
3 or any officer, employee or agent of the foregoing.

4 (B) "FIRE PROTECTION" INCLUDES PERSONAL SERVICES AND EQUIP-
5 MENT REQUIRED FOR FIRE PREVENTION, THE PROTECTION OF LIFE AND
6 PROPERTY FROM FIRE, AND FIRE FIGHTING.

7 (C) ~~(b)~~ "Forest land" means timbered land, potential
8 timber-producing land, cutover or burned timber land or grass
9 lands not including lands devoted to agriculture.

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

14 (E) ~~(d)~~ "Domestic purposes" means any fire within the cur-
15 tilage of a dwelling where the material being burned has been
16 properly placed in a debris burner constructed of metal or
17 masonry with metal covering device with openings no larger than
18 3/4 of an inch, or a campfire, or any fire within a building.

19 (F) ~~(e)~~ "Director" means the director of the department of
20 natural resources.

21 (G) "ORGANIZED FIRE DEPARTMENT" MEANS THAT TERM AS DEFINED
22 IN SECTION 1 OF THE FIRE PREVENTION CODE, ACT NO. 207 OF THE
23 PUBLIC ACTS OF 1941, BEING SECTION 29.1 OF THE MICHIGAN COMPILED
24 LAWS.

25 SEC. 17A. (1) THE DEPARTMENT SHALL NOT REQUIRE AN ORGANIZED
26 FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION ON PROPERTY OF THE

1 STATE UNLESS THE DEPARTMENT HAS ENTERED INTO AN AGREEMENT WITH
2 THE ORGANIZED FIRE DEPARTMENT UNDER SUBSECTION (2).

3 (2) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH AN ORGA-
4 NIZED FIRE DEPARTMENT MAINTAINING FIRE PROTECTION FACILITIES IN
5 THE VICINITY OF STATE PROPERTY FOR AID IN FURNISHING FIRE PROTEC-
6 TION FOR THE STATE PROPERTY. THE AGREEMENT SHALL PROVIDE THAT IF
7 THE ORGANIZED FIRE DEPARTMENT PROVIDES FIRE PROTECTION FOR THE
8 STATE, THE ORGANIZED FIRE DEPARTMENT SHALL BE REIMBURSED FOR THE
9 COST OF PROVIDING THIS FIRE PROTECTION.