

STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1998

Introduced by Senators McManus, Bennett, Steil and Jaye

# ENROLLED SENATE BILL No. 981

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 prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57 and by adding sections 51703 and 51704.

*The People of the State of Michigan enact:*

Sec. 51701. As used in this part:

- (a) "Department" means the director of the department of natural resources or his or her designee.
- (b) "Prescribed burn" means a fire that is intentionally set by the department in a forest area on state owned property or privately owned property to assist the department in implementing 1 or more land use management goals.
- (c) "Projected burn area" means the area in which a prescribed burn is expected to occur.

Sec. 51702. (1) The state or a department, bureau, board, commission, or other agency of the state or a political subdivision of the state shall not enact, adopt, promulgate, enforce, or practice any law, rule, policy, or concept that creates or tends to create a condition that promotes, fosters, or leads or may tend to promote, foster, or lead to the beginning or spreading of a forest fire that could jeopardize the public trust in the forests of the state or any private land contiguous to the forests of the state, except as may be required for the protection of the public health, safety, and welfare, or as prescribed for forest management or wildlife management programs under the authority of the department.

(2) To the extent authorized by law, all acts and parts of acts or rules promulgated pursuant to acts or parts that are inconsistent with this part are repealed.

Sec. 51703. If consistent with management objectives, before the department conducts a prescribed burn marketable timber on state owned property in the prescribed burn area shall be offered for sale in the manner prescribed by the department.

Sec. 51704. Before conducting a prescribed burn of more than 40 acres, the department shall notify each local fire department with jurisdiction over the projected burn area that a prescribed burn is scheduled to occur within a designated 60-day period. The notification shall take place not less than 2 weeks before the first day of the 60-day period.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate.

*Maya R. Sullivan*

Clerk of the House of Representatives.

Approved \_\_\_\_\_

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Governor.