

Act No. 80
Public Acts of 2018
Approved by the Governor
March 19, 2018
Filed with the Secretary of State
March 19, 2018
EFFECTIVE DATE: June 17, 2018

STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018

Introduced by Reps. Allor, Iden, Crawford, Kelly, Whiteford, Barrett, Bellino, Alexander, Miller, Cole, Dianda, Geiss, Sneller, Pagel, Brann, Green, Yanez, Sabo, Lower, Cochran, Hornberger, Hauck, Theis, Hughes, Zemke and Chang

ENROLLED HOUSE BILL No. 5198

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 51514 (MCL 324.51501 and 324.51514), section 51501 as amended by 2017 PA 60 and section 51514 as added by 1995 PA 57.

The People of the State of Michigan enact:

Sec. 51501. As used in this part:

(a) "All hazard incident" means an incident, whether natural or human-caused, that requires an organized response by a public, private, or governmental entity to protect life, public health or safety, or other values or to minimize any disruption of governmental, social, or economic services. One or more kinds of incident, such as fire, flood, mass casualty, search, rescue, or evacuation, may occur simultaneously as part of an all hazard incident.

(b) "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.

(c) "Department" means the department of natural resources.

(d) "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.

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

(f) "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.

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

(h) "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.

(i) "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.

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

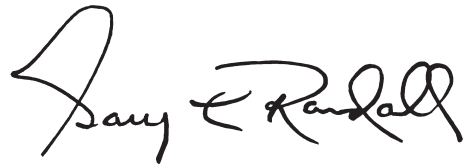
(k) "Primary public safety answering point" means that term as defined in section 102 of the emergency 9-1-1 service enabling act, 1986 PA 32, MCL 484.1102.

(l) "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. 51514. The department may enter into agreements with other states, territories of the United States, the federal government, Canada, or provinces of Canada to provide assistance and to accept assistance in the control of forest fires and all hazard incidents, including the training of personnel. Any employee of the department assigned to fire control duties and all hazard incidents or training programs outside this state shall be considered the same as working inside this state for purposes of compensation and any other employee benefits.

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