

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 981 (Substitute S-3 as reported)
Sponsor: Senator George A. McManus, Jr.
Committee: Hunting, Fishing and Forestry

Date Completed: 4-6-98

RATIONALE

The Department of Natural Resources (DNR) periodically conducts prescribed burns (intentionally set fires) on State- or privately owned property as part of a land use management plan to replace forests with scattered trees and prairie grass, promote reforestation, enhance wildlife habitats, control insects, prevent runaway forest fires, and accomplish other purposes. According to the U.S. Fish and Wildlife Service, 273 acres were subject to prescribed burns in Michigan during 1996. Although prescribed burns are a result of extensive preparation and controlled circumstances, some burns might resemble a wildfire. In addition, some trees that are burned could provide raw materials for lumber, furniture, paper, and other uses. Some people feel that the DNR should be required to give public notice of prescribed burns of more than 40 acres and offer for sale any marketable timber before conducting a prescribed burn.

CONTENT

The bill would amend Part 517 (Prevention of Forest Fires) of the Natural Resources and Environmental Protection Act to prohibit the State or a department, bureau, board, commission, or other agency of the State or a political subdivision of the State from enacting, adopting, promulgating, enforcing, or practicing any law, rule, policy, or concept that authorized the burning of a forest area unless both of the following conditions were met before the burning:

- Notice of the location of a prescribed burn of more than 40 acres was provided to the general public by publication in a newspaper of general circulation in the county where the proposed burn would occur at least two

weeks before the first day of a designated 60-day period in which the burn was scheduled to occur.

- Marketable timber had been offered for sale in the manner prescribed by the DNR for sale of forest products, if consistent with management objectives.

“Prescribed burn” would mean a fire that was intentionally set by the DNR in a forest area on State-owned property or privately owned property to assist the Department in implementing one or more land use management goals or to create turkey and other wildlife habitats allowed under the Act.

MCL 324.51701 & 324.51702

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Prescribed burns are an effective forest management tool used for such purposes as habitat improvement, slash reduction, and wildlife enhancement. Prescribed burns help prevent wildfires by reducing the accumulation of forest fuels (deadwood and other dead vegetation) and help restore and maintain biodiversity. Although prescribed burns are used to protect the health, safety, and general welfare of the public, the bill would require the DNR to give public notice of a projected burn of more than 40 acres, so as not to surprise and alarm local residents.

Supporting Argument

The bill would require the DNR to sell marketable timber before a prescribed burn if it were consistent with management objectives. Apparently, marketable timber, which can provide a significant economic benefit, has been burned away and wasted because the DNR did not offer to sell it before conducting a prescribed burn.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would generate an indeterminate amount of additional timber revenues by requiring the State to offer the sale of timber rights prior to a proposed burn.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.