

REPRINT

**SUBSTITUTE FOR  
SENATE BILL NO. 981**

(As Passed the Senate April 30, 1998)

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 51701 and 51702 (MCL 324.51701 and  
324.51702), as added by 1995 PA 57 and by adding sections 51703,  
51704, and 51705.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 51701. ~~The state or a department, bureau, board, com-~~  
2 ~~mission, or other agency of the state or a political subdivision~~  
3 ~~of the state shall not enact, adopt, promulgate, enforce, or~~  
4 ~~practice any law, rule, policy, or concept that creates or tends~~  
5 ~~to create a condition that promotes, fosters, or leads or may~~  
6 ~~tend to promote, foster, or lead to the beginning or spreading of~~  
7 ~~a forest fire that could jeopardize the public trust in the for-~~  
8 ~~ests of the state or any private land contiguous to the forests~~  
9 ~~of the state, except as may be required for the protection of the~~  
10 ~~public health, safety, and welfare, or as prescribed for forest~~

**SB 981, As Passed Senate, December 10, 1998**

Sub. S. B. 981 (S-3) as amended December 1, 1998

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1 ~~management or wildlife management programs under the authority of~~  
2 ~~the department.~~ AS USED IN THIS PART:

3 (A) "DEPARTMENT" MEANS THE DIRECTOR OF THE DEPARTMENT OF  
4 NATURAL RESOURCES OR HIS OR HER DESIGNEE.

5 (B) "PRESCRIBED BURN" MEANS A FIRE THAT IS INTENTIONALLY SET  
6 BY THE DEPARTMENT IN A FOREST AREA ON STATE OWNED PROPERTY OR  
7 PRIVATELY OWNED PROPERTY TO ASSIST THE DEPARTMENT IN IMPLEMENTING  
8 1 OR MORE LAND USE MANAGEMENT GOALS[.

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[(C) "PROJECTED BURN AREA" MEANS THE AREA IN WHICH A PRESCRIBED  
BURN IS EXPECTED TO OCCUR.]

10 Sec. 51702. (1) THE STATE OR A DEPARTMENT, BUREAU, BOARD,  
11 COMMISSION, OR OTHER AGENCY OF THE STATE OR A POLITICAL SUBDIVI-  
12 SION OF THE STATE SHALL NOT ENACT, ADOPT, PROMULGATE, ENFORCE, OR  
13 PRACTICE ANY LAW, RULE, POLICY, OR CONCEPT THAT [

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15 ] CREATES OR TENDS TO CREATE A CONDITION THAT PROMOTES,  
16 FOSTERS, OR LEADS OR MAY TEND TO PROMOTE, FOSTER, OR LEAD TO THE  
17 BEGINNING OR SPREADING OF A FOREST FIRE THAT COULD JEOPARDIZE THE  
18 PUBLIC TRUST IN THE FORESTS OF THE STATE OR ANY PRIVATE LAND CON-  
19 TIGUOUS TO THE FORESTS OF THE STATE, EXCEPT AS MAY BE REQUIRED  
20 FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, OR  
21 AS PRESCRIBED FOR FOREST MANAGEMENT OR WILDLIFE MANAGEMENT PRO-  
22 GRAMS UNDER THE AUTHORITY OF THE DEPARTMENT.

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**SB 981, As Passed Senate, December 10, 1998**

Senate Bill No. 981 (S-3) as amended December 1, 1998 3  
as amended by the Senate December 10, 1998

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8 (2) To the extent authorized by law, all acts and parts of  
9 acts or rules promulgated pursuant to acts or parts that are  
10 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.".]