

SENATE BILL NO. 981

March 3, 1998, Introduced by Senators MC MANUS, BENNETT, STEIL and JAYE and referred to the Committee on Hunting, Fishing and Forestry.

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.

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~~

~~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.

9 SEC. 51702. (1) THE STATE OR A DEPARTMENT, BUREAU, BOARD,
10 COMMISSION, OR OTHER AGENCY OF THE STATE OR A POLITICAL SUBDIVI-
11 SION OF THE STATE SHALL NOT ENACT, ADOPT, PROMULGATE, ENFORCE, OR
12 PRACTICE ANY LAW, RULE, POLICY, OR CONCEPT THAT CREATES OR TENDS
13 TO CREATE A CONDITION THAT PROMOTES, FOSTERS, OR LEADS OR MAY
14 TEND TO PROMOTE, FOSTER, OR LEAD TO THE BEGINNING OR SPREADING OF
15 A FOREST FIRE THAT COULD JEOPARDIZE THE PUBLIC TRUST IN THE FOR-
16 ESTS OF THE STATE OR ANY PRIVATE LAND CONTIGUOUS TO THE FORESTS
17 OF THE STATE, EXCEPT AS MAY BE REQUIRED FOR THE PROTECTION OF THE
18 PUBLIC HEALTH, SAFETY, AND WELFARE, OR AS PRESCRIBED FOR FOREST
19 MANAGEMENT OR WILDLIFE MANAGEMENT PROGRAMS UNDER THE AUTHORITY OF
20 THE DEPARTMENT.

21 (2) THE DEPARTMENT SHALL NOT CONDUCT A PRESCRIBED BURN TO
22 CREATE PRAIRIE.

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25 inconsistent with this part are repealed.