

HOUSE BILL No. 5198

October 31, 2017, 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 and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," 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:

1 Sec. 51501. As used in this part:

2 **(A) "ALL HAZARD INCIDENT" MEANS AN INCIDENT, WHETHER NATURAL**
3 **OR HUMAN-CAUSED, THAT REQUIRES AN ORGANIZED RESPONSE BY A PUBLIC,**
4 **PRIVATE, OR GOVERNMENTAL ENTITY TO PROTECT LIFE, PUBLIC HEALTH OR**
5 **SAFETY, OR OTHER VALUES OR TO MINIMIZE ANY DISRUPTION OF**
6 **GOVERNMENTAL, SOCIAL, OR ECONOMIC SERVICES. ONE OR MORE KINDS OF**
7 **INCIDENT, SUCH AS FIRE, FLOOD, MASS CASUALTY, SEARCH, RESCUE, OR**
8 **EVACUATION, MAY OCCUR SIMULTANEOUSLY AS PART OF AN ALL HAZARD**

1 **INCIDENT.**

2 (B) ~~(a)~~—"Certified prescribed burn manager" means an
3 individual who has successfully completed the certification program
4 of the department under section 51513 and possesses a valid
5 certification number.

6 (C) ~~(b)~~—"Department" means the department of natural
7 resources.

8 (D) ~~(c)~~—"Domestic purposes" refers to burning that is any of
9 the following:

10 (i) A fire within the curtilage of a dwelling where the
11 material being burned has been properly placed in a debris burner
12 constructed of metal or masonry, with a metal covering device with
13 openings no larger than 3/4 of an inch.

14 (ii) A campfire.

15 (iii) Any fire within a building.

16 (E) ~~(d)~~—"Extinguished", in reference to prescribed burning,
17 means that there is no longer any spreading flame.

18 (F) ~~(e)~~—"Forest land", subject to subdivision (f), means any
19 of the following:

20 (i) Timber land, potential timber-producing land, or cutover
21 or burned timber land.

22 (ii) Wetland.

23 (iii) Prairie or other land dominated by grasses or forbes.

24 (G) ~~(f)~~—"Forest land" does not include land devoted to
25 agriculture.

26 (H) ~~(g)~~—"Flammable material" means any substance that will
27 burn, including, but not limited to, refuse, debris, waste forest

1 material, brush, stumps, logs, rubbish, fallen timber, grass,
2 stubble, leaves, fallow land, slash, crops, or crop residue.

3 (I) ~~(h)~~—"Prescribed burn" or "prescribed burning" means the
4 burning, in compliance with a prescription and to meet planned fire
5 or land management objectives, of a continuous cover of fuels.

6 (J) ~~(i)~~—"Prescription" means a written plan establishing the
7 criteria necessary for starting, controlling, and extinguishing a
8 burn.

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

12 (L) ~~(k)~~—"Wetland" means land characterized by the presence of
13 water at a frequency and duration sufficient to support, and that
14 under normal circumstances does support, wetland vegetation or
15 aquatic life, and is commonly referred to as a bog, swamp, or
16 marsh.

17 Sec. 51514. The department may enter into agreements with
18 other states and the federal government to provide assistance and
19 to accept assistance in the control of forest fires **AND ALL HAZARD**
20 **INCIDENTS**, including the training of personnel. Any employee of the
21 department assigned to fire control duties **AND ALL HAZARD INCIDENTS**
22 or training programs outside this state shall be considered the
23 same as working inside this state for purposes of compensation and
24 any other employee benefits.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.