

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 264**

A bill to amend 1966 PA 291, entitled
"Firefighters training council act,"
by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 9a, 10, 11, 12, 13,
14, and 16 (MCL 29.362, 29.363, 29.364, 29.365, 29.366, 29.367,
29.368, 29.369, 29.369a, 29.370, 29.371, 29.372, 29.373, 29.374,
and 29.376), sections 2, 13, and 14 as amended by 2016 PA 405,
sections 3, 4, 5, 8, and 11 as amended by 2006 PA 213, section 6 as
amended and section 9a as added by 1980 PA 10, and section 9 as
amended by 2015 PA 203, and by adding sections 9b and 11a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (A) "AIRPORT RESCUE FIREFIGHTER" MEANS AN EMPLOYEE OF OR
- 3 VOLUNTEER ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN
- 4 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS

1 CERTIFIED UNDER NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO.
2 1003 AND MEETS THE REQUIREMENTS OF THE FEDERAL AVIATION
3 ADMINISTRATION UNDER 14 CFR PART 139, WHOSE JOB DESCRIPTION,
4 DUTIES, OR RESPONSIBILITIES INCLUDE RESPONDING TO AN AIRCRAFT
5 ACCIDENT.

6 (B) "CERTIFICATE" MEANS A NUMBERED DOCUMENT ISSUED BY THE
7 STATE FIRE MARSHAL TO A PERSON WHO HAS OBTAINED CERTIFICATION UNDER
8 THIS ACT.

9 (C) "CERTIFICATION" MEANS EITHER OF THE FOLLOWING:

10 (i) A DETERMINATION BY THE STATE FIRE MARSHAL THAT A PERSON
11 MEETS THE CERTIFICATION REQUIREMENTS FOR A POSITION WITHIN THE FIRE
12 SERVICE, AS ESTABLISHED BY THE COUNCIL UNDER THIS ACT. RECOGNIZED
13 POSITIONS IN THE FIRE SERVICE INCLUDE, BUT ARE NOT LIMITED TO,
14 FIREFIGHTER, FIRE CHIEF, PUBLIC SAFETY DIRECTOR, FIRE INSPECTOR,
15 PLANS EXAMINER, FIRE INVESTIGATOR, FIRE OFFICER, HAZARDOUS
16 MATERIALS RESPONDER, TECHNICAL RESCUE RESPONDER, AIRPORT RESCUE
17 FIREFIGHTER, AND FIRE SERVICE INSTRUCTOR. CERTIFICATIONS FOR EACH
18 POSITION WITHIN THE FIRE SERVICE MUST COMPLY WITH THE MICHIGAN
19 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION GENERAL INDUSTRY
20 SAFETY STANDARD, R 408.17411 OF THE MICHIGAN ADMINISTRATIVE CODE.

21 (ii) A DETERMINATION BY THE STATE FIRE MARSHAL THAT A PERSON
22 WAS EMPLOYED AS A FIREFIGHTER BEFORE OCTOBER 1, 1988 AND THAT THE
23 PERSON IS OTHERWISE AUTHORIZED UNDER THIS ACT TO BE EMPLOYED AS A
24 FIREFIGHTER.

25 (D) "CONTESTED CASE" MEANS THAT TERM AS DEFINED IN SECTION 3
26 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
27 24.203.

1 (E) ~~(a)~~ "Council" means the firefighters training council
2 **CREATED UNDER SECTION 3.**

3 (F) ~~(b)~~ "Executive secretary" means the executive secretary of
4 the council.

5 (G) **"FELONY" MEANS A VIOLATION OF THE LAWS OF THIS STATE,**
6 **ANOTHER STATE, OR THE UNITED STATES THAT IS DESIGNATED AS A FELONY.**

7 (H) ~~(c)~~ "Firefighter" means a member ~~, including volunteer~~
8 ~~members and members paid on call,~~ of an organized fire department
9 **OR PUBLIC SAFETY DEPARTMENT** who is responsible for, or is in a
10 capacity that includes responsibility for, the extinguishment of
11 fires, the directing of the extinguishment of fires, the ~~prevention~~
12 ~~and detection of fires, and the enforcement of the general fire~~
13 ~~laws of this state. Firefighter does not include a person whose job~~
14 ~~description, duties, or responsibilities do not include direct~~
15 ~~involvement in fire suppression.~~ **DIRECTING OR MANAGEMENT OF**
16 **EMERGENCY RESPONSE ACTIVITIES, FIRE SAFETY PREVENTION INSPECTION,**
17 **PLANS EXAMINATION, FIRE INVESTIGATION, HAZARDOUS MATERIALS**
18 **RESPONSE, TECHNICAL RESCUE RESPONSE, AIRPORT RESCUE RESPONSE,**
19 **AIRPORT RESCUE FIREFIGHTING, FIRE SERVICE INSTRUCTION, AND THE**
20 **ENFORCEMENT OF THE GENERAL FIRE LAWS OF THIS STATE AND THE**
21 **COMMUNITY WHERE HE OR SHE SERVES.**

22 ~~— (d) "Organized fire department" means that term as defined in~~
23 ~~section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.~~

24 (I) ~~(e)~~ "Firefighter training" means an education or training
25 program **INCLUDING A PROGRAM** eligible to receive ~~grants for~~
26 ~~firefighter training~~ **FUNDING** from the fireworks safety fund created
27 in section 11 of the Michigan fireworks safety act, 2011 PA 256,

1 MCL 28.461, **AND OTHER TRAINING PROGRAMS AS APPROVED BY THE STATE**
2 **FIRE MARSHAL**, designed and intended to enhance the ability of an
3 organized fire department or **PUBLIC SAFETY DEPARTMENT AND** the
4 personnel of an organized fire department **OR PUBLIC SAFETY**
5 **DEPARTMENT** to safeguard life and property from damage from
6 explosion, fire, or disaster, and to deliver fire suppression,
7 emergency medical service, hazardous material response, technical
8 rescue, airport rescue and firefighting, fire inspection, fire
9 investigation, fire safety education, and other related fire
10 services. ~~Firefighter training includes, but is not limited to, the~~
11 ~~training required for fire fighter I and fire fighter II standards~~
12 ~~under "standard for fire fighter professional qualifications",~~
13 ~~National Fire Protection Association standard no. 1001.~~

14 (J) **"FIRE CHIEF" MEANS THE INDIVIDUAL WHO SERVES AS THE**
15 **ADMINISTRATIVE HEAD OF AN ORGANIZED FIRE DEPARTMENT.**

16 (K) **"FIRE INSPECTOR" MEANS AN EMPLOYEE OF OR VOLUNTEER**
17 **ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE**
18 **DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHOSE JOB DESCRIPTION,**
19 **DUTIES, OR RESPONSIBILITIES INCLUDE, OR WHO IS IN A CAPACITY THAT**
20 **INCLUDES RESPONSIBILITY FOR, INSPECTING PROPERTY FOR FIRE CODE**
21 **VIOLATIONS AND ENFORCING THE GENERAL FIRE CODES OF THE JURISDICTION**
22 **THAT HE OR SHE SERVES.**

23 (I) **"FIRE INSTRUCTOR" MEANS AN EMPLOYEE OF OR VOLUNTEER**
24 **ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE**
25 **DEPARTMENT OR PUBLIC SAFETY DEPARTMENT, OR OTHER INDIVIDUAL WHO IS**
26 **CERTIFIED TO INSTRUCT 1 OR MORE COUNCIL-APPROVED FIRE SERVICE**
27 **TRAINING PROGRAMS.**

1 (M) "FIRE INVESTIGATOR" MEANS AN EMPLOYEE OF OR VOLUNTEER
2 ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE
3 DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS CERTIFIED UNDER
4 NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 1033, WHOSE JOB
5 DESCRIPTION, DUTIES, OR RESPONSIBILITIES INCLUDE INVESTIGATING THE
6 ORIGIN AND CAUSE OF FIRES, AND WHO HAS OBTAINED THE SKILLS AND
7 KNOWLEDGE NECESSARY TO CONDUCT, COORDINATE, AND COMPLETE A FIRE
8 INVESTIGATION. FIRE INVESTIGATOR DOES NOT INCLUDE A FIRE
9 INVESTIGATOR WHO IS EMPLOYED BY A LAW ENFORCEMENT AGENCY AS THAT
10 TERM IS DEFINED IN SECTION 2 OF THE MICHIGAN COMMISSION ON LAW
11 ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.602, OTHER THAN A
12 PUBLIC SAFETY DEPARTMENT, OR A PROFESSIONAL INVESTIGATOR LICENSED
13 UNDER THE PROFESSIONAL INVESTIGATOR LICENSURE ACT, 1965 PA 285, MCL
14 338.821 TO 338.851.

15 (N) "FIRE OFFICER" MEANS A CURRENT MEMBER OF AN ORGANIZED FIRE
16 DEPARTMENT OR PUBLIC SAFETY DEPARTMENT ASSIGNED A RANK ABOVE
17 FIREFIGHTER WHO IS RESPONSIBLE FOR, OR IS IN A CAPACITY THAT
18 INCLUDES RESPONSIBILITY FOR, PERFORMING SUPERVISORY OR MANAGEMENT
19 RESPONSIBILITIES OF AN EMERGENCY OR NONEMERGENCY NATURE WITHIN HIS
20 OR HER ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT. FIRE
21 OFFICER INCLUDES TITLES SUCH AS SERGEANT, LIEUTENANT, CAPTAIN, AND
22 CHIEF OFFICER.

23 (O) "FIRE SERVICE" MEANS THE ENGAGING IN THE DIRECTING OR
24 MANAGEMENT OF EMERGENCY RESPONSE ACTIVITIES, FIRE SAFETY PREVENTION
25 INSPECTION, PLANS EXAMINATION, FIRE INVESTIGATION, HAZARDOUS
26 MATERIAL RESPONSE, TECHNICAL RESCUE RESPONSE, AIRPORT RESCUE
27 RESPONSE, AIRPORT RESCUE FIREFIGHTING, FIRE SERVICE INSTRUCTION,

1 AND THE ENFORCEMENT OF THE GENERAL FIRE LAWS OF THIS STATE AND THE
2 COMMUNITIES THEREIN BY FIRE SERVICE MEMBERS AND ORGANIZED FIRE
3 DEPARTMENTS AND PUBLIC SAFETY DEPARTMENTS.

4 (P) "FIRE SERVICE COURSE" MEANS A TRAINING COURSE OR ACTIVITY
5 THAT IS APPROVED BY THE COUNCIL AND MEETS THE STANDARD FOR
6 FIREFIGHTER TRAINING IN SUBDIVISION (I) .

7 (Q) "FIRE SERVICE DISCIPLINE" MEANS EACH OF THE RESPECTIVE
8 CERTIFIABLE FIRE SERVICE POSITIONS INCLUDED UNDER THIS ACT. FIRE
9 SERVICE DISCIPLINE INCLUDES FIRE CHIEF, FIRE INSPECTOR, FIRE
10 INSTRUCTOR, FIRE INVESTIGATOR, FIRE OFFICER, PUBLIC SAFETY
11 DIRECTOR, PLANS EXAMINER, FIREFIGHTER, HAZARDOUS MATERIALS
12 RESPONDER, TECHNICAL RESCUE RESPONDER, AND AIRPORT RESCUE
13 FIREFIGHTER.

14 (R) "FIRE SERVICE MEMBER" OR "MEMBER" MEANS A PERSON DESCRIBED
15 IN SUBDIVISION (A) , (H) , (J) , (K) , (I) , (M) , (N) , (U) , (Z) , (CC) ,
16 (EE) , OR (HH) .

17 (S) "FULL-TIME" MEANS EMPLOYMENT DURING WHICH AN INDIVIDUAL
18 WORKS SCHEDULED SHIFTS, IS PAID FOR ALL HOURS HE OR SHE WORKS, AND
19 WORKS SUFFICIENT HOURS WEEKLY TO BE CLASSIFIED AS A FULL-TIME
20 EMPLOYEE BY THE APPLICABLE EMPLOYING POLITICAL SUBDIVISION.

21 (T) "HAZARDOUS MATERIALS" MEANS ANY CHEMICAL, SUBSTANCE,
22 COMPOUND, MIXTURE, OR OTHER MATERIAL DEFINED AS, DESIGNATED AS,
23 LISTED AS, OR HAVING THE SAME CHARACTERISTICS AS ANY CHEMICAL
24 SUBSTANCE, COMPOUND, MIXTURE, OR MATERIAL DEFINED AS, DESIGNATED
25 AS, OR LISTED AS HAZARDOUS UNDER FEDERAL OR STATE LAW OR
26 REGULATIONS.

27 (U) "HAZARDOUS MATERIALS RESPONDER" MEANS AN EMPLOYEE OF OR

VOLUNTEER ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS CERTIFIED UNDER NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 1072 AND WHO IS TRAINED TO OR WHOSE RESPONSIBILITIES INCLUDE, RESPONDING TO AND BEING ACTIVELY INVOLVED WITH THE MITIGATION OF A HAZARDOUS MATERIALS INCIDENT INCLUDING A WEAPON OF MASS DESTRUCTION EVENT.

(V) "HAZARDOUS MATERIALS RESPONSE" MEANS ANY RESPONSE TO AN EVENT INVOLVING ANY CHEMICAL, SUBSTANCE, COMPOUND, MIXTURE, OR OTHER MATERIAL DEFINED AS, DESIGNATED AS, LISTED AS, OR HAVING THE SAME CHARACTERISTICS AS ANY SUBSTANCE, COMPOUND, MIXTURE, OR MATERIAL DEFINED AS, DESIGNATED AS, OR LISTED AS HAZARDOUS UNDER FEDERAL OR STATE LAW OR REGULATION.

(W) "ORGANIZED FIRE DEPARTMENT" MEANS THAT TERM AS DEFINED IN SECTION 1 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1.

(X) "PAID ON-CALL" MEANS EMPLOYMENT DURING WHICH AN INDIVIDUAL WORKS ON AN ON-CALL BASIS, IS PAID FOR ALL HOURS HE OR SHE WORKS, AND ONLY OCCASIONALLY WORKS SCHEDULED SHIFTS.

(Y) "PART-TIME" MEANS EMPLOYMENT DURING WHICH AN INDIVIDUAL IS PAID FOR ALL HOURS HE OR SHE WORKS AND WORKS SCHEDULED SHIFTS BUT WORKS FEWER HOURS WEEKLY THAN THE HOURS NECESSARY TO BE CLASSIFIED AS A FULL-TIME EMPLOYEE BY THE APPLICABLE EMPLOYING POLITICAL SUBDIVISION.

(Z) "PLANS EXAMINER" MEANS AN EMPLOYEE OF OR VOLUNTEER ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS CERTIFIED UNDER NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 1031 AND WHOSE

1 JOB DESCRIPTION, DUTIES, OR RESPONSIBILITIES INCLUDE CONDUCTING
2 PLAN REVIEWS OF CONSTRUCTION DOCUMENTS FOR COMPLIANCE WITH THE
3 GENERAL FIRE CODES OF THE COMMUNITY THAT HE OR SHE SERVES.

4 (AA) "POLITICAL SUBDIVISION" MEANS A COUNTY, MUNICIPALITY,
5 SCHOOL DISTRICT, OR ANY OTHER LOCAL GOVERNMENTAL UNIT, AGENCY,
6 BODY, BOARD, OR COMMISSION BUT DOES NOT INCLUDE A STATE DEPARTMENT,
7 BOARD, COMMISSION, OR AGENCY OF STATE GOVERNMENT.

8 (BB) "PUBLIC SAFETY DEPARTMENT" MEANS A DEPARTMENT OF A
9 POLITICAL SUBDIVISION PROVIDING BOTH LAW ENFORCEMENT AND FIRE
10 SERVICES EITHER SEPARATELY OR UTILIZING A COMBINED RESPONSE FORCE
11 WITH PERSONNEL TRAINED AND CERTIFIED AS BOTH FIREFIGHTERS UNDER
12 THIS ACT AND LAW ENFORCEMENT OFFICERS UNDER THE MICHIGAN COMMISSION
13 ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO
14 28.615, UNDER THE DIRECTION AND ADMINISTRATION OF A SINGLE
15 DIRECTOR.

16 (CC) "PUBLIC SAFETY DIRECTOR" MEANS THE INDIVIDUAL WHO SERVES
17 AS THE ADMINISTRATIVE HEAD OF A PUBLIC SAFETY DEPARTMENT.

18 (DD) "RULE" MEANS A RULE PROMULGATED UNDER THE ADMINISTRATIVE
19 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

20 (EE) "TECHNICAL RESCUE RESPONDER" MEANS AN EMPLOYEE OF OR
21 VOLUNTEER ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN
22 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS
23 CERTIFIED UNDER NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO.
24 1006 AND WHO HAS RECEIVED TRAINING IN THE APPLICATION OF SPECIAL
25 KNOWLEDGE, SKILLS, AND EQUIPMENT TO SAFELY RESOLVE UNIQUE AND
26 COMPLEX RESCUE SITUATIONS.

27 (FF) "TECHNICAL RESCUE RESPONSE" MEANS THOSE ASPECTS OF SAVING

1 LIFE OR PROPERTY THAT EMPLOY THE USE OF TOOLS AND SKILLS THAT
 2 EXCEED THOSE NORMALLY RESERVED FOR FIREFIGHTING, MEDICAL EMERGENCY,
 3 AND RESCUE. THESE DISCIPLINES INCLUDE, BUT ARE NOT LIMITED TO, ROPE
 4 RESCUE, CONFINED SPACE RESCUE, TRENCH AND EXCAVATION RESCUE, AND
 5 BUILDING COLLAPSE RESCUE.

6 (GG) "VOLUNTEER" MEANS APPOINTMENT OR EMPLOYMENT FOR WHICH AN
 7 INDIVIDUAL RECEIVES NO COMPENSATION FOR WORK PROVIDED, OR
 8 APPOINTMENT OR EMPLOYMENT FOR WHICH AN INDIVIDUAL RECEIVES
 9 COMPENSATION IN THE FORM OF REASONABLE EXPENSES INCURRED DURING THE
 10 COURSE OF HIS OR HER APPOINTMENT OR EMPLOYMENT OR OTHER REASONABLE
 11 BENEFITS, INCLUDING, BUT NOT LIMITED TO, LENGTH OF SERVICE AWARDS
 12 OR NOMINAL FEES.

13 (HH) "VOLUNTEER FIREFIGHTER" OR "PAID ON-CALL FIREFIGHTER"
 14 MEANS AN INDIVIDUAL WHO IS CHARGED WITH THE PREVENTION OR
 15 SUPPRESSION OF FIRES AND WHO IS DIRECTLY ENGAGED IN THE HAZARDS OF
 16 FIREFIGHTING OR IN CHARGE OF A DESIGNATED FIRE COMPANY OR COMPANIES
 17 THAT ARE DIRECTLY ENGAGED IN THE HAZARDS OF FIREFIGHTING ON A
 18 VOLUNTEER OR PAID ON-CALL BASIS. VOLUNTEER OR PAID ON-CALL
 19 FIREFIGHTER DOES NOT INCLUDE A FULL-TIME FIREFIGHTER.

20 Sec. 3. (1) The firefighters training council is created in
 21 the bureau of fire services in the department of ~~labor and economic~~
 22 ~~growth~~ **LICENSING AND REGULATORY AFFAIRS** and ~~shall consist~~ **CONSISTS**
 23 of ~~7~~ **9** members selected as follows:

24 (a) The state fire marshal, or his or her designated
 25 representative, shall be ~~ex-officio~~ **EX OFFICIO** a member.

26 **(B) EIGHT MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:**

27 **(i)** ~~(b) Two members appointed to the council by the governor~~

1 from a list of 5 ~~or more~~ members submitted by the Michigan
 2 ~~association of fire chiefs.~~ **ASSOCIATION OF FIRE CHIEFS OR ITS**
 3 **SUCCESSOR ORGANIZATION.**

4 (ii) ~~(c) One member appointed to the council by the governor~~
 5 from a list of 3 ~~or more~~ members submitted by the Michigan
 6 ~~professional fire fighters union.~~ **PROFESSIONAL FIRE FIGHTERS UNION**
 7 **OR ITS SUCCESSOR ORGANIZATION.**

8 (iii) ~~(d) One member appointed to the council by the governor~~
 9 from a list of 3 ~~or more~~ names submitted by the Michigan state
 10 ~~firemen's association.~~ **STATE FIREMEN'S ASSOCIATION OR ITS SUCCESSOR**
 11 **ORGANIZATION.**

12 (iv) ~~(e) One member appointed to the council by the governor~~
 13 from a list of 3 ~~or more~~ names submitted by the Michigan fire
 14 ~~service instructors association.~~ **FIRE SERVICE INSTRUCTORS**
 15 **ASSOCIATION OR ITS SUCCESSOR ORGANIZATION.**

16 (v) **ONE MEMBER FROM A LIST OF 3 NAMES SUBMITTED BY THE**
 17 **MICHIGAN FIRE INSPECTORS SOCIETY OR ITS SUCCESSOR ORGANIZATION.**

18 (vi) ~~(f) One member appointed to the council by the governor~~
 19 from a list of 2 ~~or more~~ names submitted by the Michigan townships
 20 ~~association.~~ **TOWNSHIPS ASSOCIATION** and 2 ~~or more~~ names submitted by
 21 the Michigan ~~municipal league.~~ **MUNICIPAL LEAGUE OR A RESPECTIVE**
 22 **SUCCESSOR ORGANIZATION.**

23 (vii) **ONE MEMBER FROM A LIST OF 3 NAMES SUBMITTED BY THE STATE**
 24 **FIRE MARSHAL. THE 3 INDIVIDUALS WHOSE NAMES ARE SUBMITTED UNDER**
 25 **THIS SUBPARAGRAPH SHALL BE ACTIVE FIRE SERVICE MEMBERS.**

26 (2) All appointments made by the governor ~~shall~~ **MUST** be with
 27 the advice and consent of the senate.

1 Sec. 4. ~~A member of the council appointed before January 1,~~
2 ~~2007 shall be appointed for a term of 3 years. A member of the~~
3 ~~council appointed after December 31, 2006 shall be appointed for a~~
4 ~~term of 4 years. A vacancy created other than by expiration of a~~
5 ~~term shall be appointed for the unexpired term of the member who is~~
6 ~~to succeed in the same manner as the original appointment.~~

7 **BEGINNING WITH THE MEMBERS FIRST APPOINTED AFTER THE EFFECTIVE DATE**
8 **OF THE AMENDATORY ACT THAT ADDED SECTION 9B, A MEMBER OF THE**
9 **COUNCIL MUST BE APPOINTED FOR A TERM OF 4 YEARS. A VACANCY CREATED**
10 **BY THE EXPIRATION OF A TERM OR IN ANY OTHER MANNER MUST BE FILLED**
11 **IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.** Any member may be
12 reappointed for additional terms.

13 Sec. 5. (1) The governor ~~may designate~~ **SHALL APPOINT** a member
14 of the council to serve as chairperson of the council at the
15 pleasure of the governor.

16 (2) The council ~~may designate~~ **SHALL APPOINT** a member **OF THE**
17 **COUNCIL TO SERVE** as vice-chairperson ~~to serve for 1 year. FOR 2~~
18 **YEARS.** The vice-chairperson may be reelected. ~~Membership on the~~
19 ~~council does not constitute holding a public office.~~ **REAPPOINTED.**

20 (3) Members of the council are not required to take and file
21 oaths of office before serving on the council. The council shall
22 not exercise any portion of the sovereign power of this state.

23 (4) A member of the council is not disqualified from holding
24 any public office or employment by reason of his or her appointment
25 to membership on the council, nor shall he or she forfeit any ~~such~~
26 office or employment by reason of his or her appointment,
27 notwithstanding the provisions of any general, special, or local

1 laws or ordinances or city charters.

2 Sec. 6. **(1)** The council shall meet ~~at least~~ **NOT FEWER THAN** 4
3 times each year and shall hold special meetings when called by the
4 chairperson or, in the absence of the chairperson, by the vice-
5 chairperson. ~~or when~~ **A SPECIAL MEETING OF THE COUNCIL MUST BE**
6 called by the chairperson upon the written request of 4 members of
7 the council.

8 **(2)** The ~~business which the council may perform shall be~~
9 ~~conducted~~ **COUNCIL SHALL CONDUCT ITS BUSINESS** at a public meeting of
10 ~~the council held in compliance with Act No. 267 of the Public Acts~~
11 ~~of 1976, as amended, being sections 15.261 to 15.275 of the~~
12 ~~Michigan Compiled Laws.~~ **THE OPEN MEETINGS ACT, 1976 PA 267, MCL**
13 **15.261 TO 15.275.** Public notice of the time, date, and place of the
14 meeting ~~shall~~ **MUST** be given in the manner required by ~~Act No. 267~~
15 ~~of the Public Acts of 1976, as amended.~~ **THE OPEN MEETINGS ACT, 1976**
16 **PA 267, MCL 15.261 TO 15.275.** The council shall establish its own
17 procedures and requirements with respect to quorum, place, and
18 conduct of its meetings and other matters.

19 Sec. 7. The council shall ~~make~~ **PROVIDE** an annual report to the
20 governor and each house of the legislature ~~which will include~~ **THAT**
21 **INCLUDES** pertinent data regarding the standards established and the
22 degree of participation of ~~municipalities in the training~~
23 ~~program.~~ **ORGANIZED FIRE DEPARTMENTS AND PUBLIC SAFETY DEPARTMENTS IN**
24 **THE TRAINING PROGRAMS ESTABLISHED UNDER THIS ACT.**

25 Sec. 8. The members of the council shall serve without
26 compensation, but ~~shall be~~ **ARE** entitled to their actual expenses in
27 attending meetings and in the performance of their duties. 7

1 ~~subject to available appropriations.~~

2 Sec. 9. (1) The state fire marshal, with the approval of **A**
3 **MAJORITY OF** the council, shall prepare and publish **RULES THAT**
4 **ESTABLISH MINIMUM** standards ~~with due consideration to varying~~
5 ~~factors and special requirements of organized fire departments in~~
6 ~~the following areas:~~**FOR CERTIFICATION AS A FIRE SERVICE MEMBER. THE**
7 **STANDARDS ESTABLISHED UNDER THIS SECTION MUST COMPLY WITH THE**
8 **MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION GENERAL**
9 **INDUSTRY SAFETY STANDARD, R 408.17411 OF THE MICHIGAN**
10 **ADMINISTRATIVE CODE. TO MAINTAIN COMPLIANCE WITH THE MICHIGAN**
11 **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION GENERAL INDUSTRY**
12 **SAFETY STANDARD, R 408.17411 OF THE MICHIGAN ADMINISTRATIVE CODE,**
13 **THE EMPLOYER OF A FIRE SERVICE MEMBER SHALL PROVIDE INITIAL AND**
14 **CONTINUED TRAINING TO THE MEMBER COMMENSURATE WITH AND SPECIFIC TO**
15 **THE DUTIES THAT THE MEMBER IS EXPECTED TO PERFORM. THE TRAINING**
16 **DESCRIBED IN THIS SECTION MUST BE PROVIDED BEFORE THE MEMBER IS**
17 **PERMITTED TO PERFORM EMERGENCY OPERATIONS.**

18 ~~—— (a) Advisory standards of physical, educational, mental and~~
19 ~~moral fitness, which shall govern the recruitment, selection, and~~
20 ~~appointment of firefighters.~~

21 ~~—— (b) The approval by the council of firefighter training~~
22 ~~schools. The standards shall address, at least, the following~~
23 ~~issues:~~

24 ~~—— (i) The qualification and certification of instructors.~~

25 ~~—— (ii) The courses of study, attendance, record-keeping~~
26 ~~requirements, equipment, and facilities.~~

27 ~~—— (iii) The visitation and evaluation of instructors and~~

1 ~~schools.~~

2 ~~—— (c) The establishment of subordinate regional training centers~~
3 ~~in strategic geographic locations in order to serve the greatest~~
4 ~~number of organized fire departments that are unable to support~~
5 ~~their own training programs.~~

6 ~~—— (2) Each organized fire department shall file a statement with~~
7 ~~the council designating at least 1 training officer or training~~
8 ~~coordinator for the fire department. If a training officer or~~
9 ~~training coordinator is changed, the organized fire department,~~
10 ~~within 7 days of the change, shall file a statement notifying the~~
11 ~~council of the change.~~

12 ~~—— (3) The council shall develop and provide to each organized~~
13 ~~fire department, upon request of the organized fire department and~~
14 ~~at no charge, as proposed by the state fire marshal, training~~
15 ~~material in an electronic format to be used in training~~
16 ~~firefighters. The electronic training material shall be based on~~
17 ~~the standards for fire fighter I and fire fighter II set forth in~~
18 ~~"Standard for Fire Fighter Professional Qualifications", National~~
19 ~~Fire Protection Association standard no. 1001.~~

20 ~~—— (4) The state fire marshal, with the approval of the council,~~
21 ~~shall develop and administer an examination, which shall include a~~
22 ~~practical demonstration, a written or oral test, or a combination~~
23 ~~thereof, to determine a person's competency in regard to the~~
24 ~~knowledge and skill requirements set forth in standards for fire~~
25 ~~fighter I and fire fighter II set forth in "Standard for Fire~~
26 ~~Fighter Professional Qualifications", National Fire Protection~~
27 ~~Association standard no. 1001. The council, upon the request of an~~

~~organized fire department, shall administer the examination in each county at least once every year. The examination shall be administered in 2 parts. Part 1 shall test the knowledge and skill requirements set forth in fire fighter I, and part 2 shall test the knowledge and skill requirements set forth in fire fighter II. The examination may be retaken, as necessary, upon request from an organized fire department.~~

~~—— (5) Except as provided in subsections (7) and (9), by 12 months after a person's hiring date as a full-time firefighter, the person must pass both part 1 and part 2 of the examination to be eligible for continued or permanent full-time employment as a firefighter.~~

~~—— (6) Except as provided in subsections (7) and (9), by 24 months after a person's appointment date as a volunteer or paid on-call firefighter, a person must pass part 1 of the examination to be eligible for continued volunteer or paid on-call service as a firefighter.~~

~~—— (7) The examination requirements under this section do not apply to a person who is employed or under appointment as a firefighter on October 1, 1988, unless the person subsequently changes his or her status from a volunteer or paid on-call firefighter to a full-time firefighter. The state fire marshal may waive the examination requirements under this section for a veteran who served in and is separated from the armed forces and provides a form DD214 or DD215 or any other form that is satisfactory to the department that demonstrates that he or she was separated from service with an honorable character of service or under honorable~~

~~conditions (general) character of service, upon verification that the veteran completed firefighter training that meets the standards for fire fighter I and fire fighter II set forth in "Standard for Fire Fighter Professional Qualifications", National Fire Protection Association standard no. 1001, while serving in the armed forces of the United States. As used in this subsection, "armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092.~~

~~—— (8) The state fire marshal, with the approval of the council, shall review and monitor the state and federal standards relating to live fire training exercises in structures and make recommendations to the general industry safety standards commission for any new or modified standards necessary for the protection of firefighter trainees.~~

~~—— (9) The state fire marshal shall waive the examination requirements under this section and extend reciprocity certification to a firefighter from another state who seeks to work as a firefighter in this state if the firefighter was certified in the other state after successfully completing a program that meets or exceeds the standards for fire fighter I and fire fighter II set forth in "Standard for Fire Fighter Professional Qualifications", National Fire Protection Association standard no. 1001 by an international accreditation fire service organization.~~

~~—— (10) The presentation of records evidencing certification under subsection (9) shall automatically result in certification by this state.~~

(2) THE STATE FIRE MARSHAL, WITH THE APPROVAL OF A MAJORITY OF

1 THE COUNCIL, SHALL DO ALL OF THE FOLLOWING:

2 (A) CREATE ADVISORY STANDARDS OF PHYSICAL, CRIMINAL HISTORY,
3 AND EDUCATIONAL FITNESS THAT GOVERN THE RECRUITMENT, SELECTION, AND
4 CERTIFICATION OF A PERSON AS A FIRE SERVICE MEMBER.

5 (B) DEVELOP AND ADMINISTER CERTIFICATION EXAMINATIONS, TESTING
6 PROCEDURES, AND RECIPROCITY RECOGNITION FOR CREDENTIALING IN THE
7 VARIOUS FIRE SERVICE DISCIPLINES RECOGNIZED UNDER THIS ACT. THE
8 REQUIREMENTS FOR EACH FIRE SERVICE DISCIPLINE MUST MEET THE
9 RESPECTIVE PROFESSIONAL QUALIFICATIONS IN THE CURRENT AND
10 APPROPRIATE NATIONAL FIRE PROTECTION ASSOCIATION STANDARD.

11 (C) ESTABLISH SUBORDINATE REGIONAL TRAINING CENTERS IN
12 STRATEGIC GEOGRAPHIC LOCATIONS IN ORDER TO SERVE THE GREATEST
13 NUMBER OF ORGANIZED FIRE DEPARTMENTS AND PUBLIC SAFETY DEPARTMENTS
14 THAT ARE UNABLE TO SUPPORT THEIR OWN TRAINING PROGRAMS.

15 (D) DEVELOP AND ADMINISTER CERTIFICATION EXAMINATIONS THAT
16 INCLUDE A PRACTICAL DEMONSTRATION AND A WRITTEN OR ORAL TEST TO
17 DETERMINE A PERSON'S COMPETENCY IN REGARD TO THE KNOWLEDGE AND
18 SKILL REQUIREMENTS IN THE CURRENT EDITION OF THE NATIONAL FIRE
19 PROTECTION ASSOCIATION STANDARDS FOR EACH OF THE FIRE SERVICE
20 DISCIPLINES RECOGNIZED UNDER THIS ACT. THE STATE FIRE MARSHAL, OR
21 HIS OR HER DESIGNEE, SHALL, UPON REQUEST, ADMINISTER THE
22 EXAMINATION IN EACH COUNTY OF THIS STATE NOT LESS THAN ONCE
23 ANNUALLY. THE EXAMINATION MAY BE ADMINISTERED IN 2 PARTS. IF THE
24 EXAMINATION IS ADMINISTERED IN 2 PARTS, PART 1 OF THE EXAMINATION
25 MUST TEST THE KNOWLEDGE AND SKILL REQUIREMENTS SET FORTH IN THE
26 STANDARDS FOR FIRE FIGHTER I IN THE CURRENT EDITION OF THE
27 STANDARDS FOR FIRE FIGHTER PROFESSIONAL QUALIFICATIONS, NATIONAL

1 FIRE PROTECTION ASSOCIATION STANDARD NO. 1001, AND PART 2 OF THE
2 EXAMINATION MUST TEST THE KNOWLEDGE AND SKILL REQUIREMENTS SET
3 FORTH IN THE STANDARDS FOR FIRE FIGHTER II IN THE CURRENT EDITION
4 OF THE STANDARDS FOR FIRE FIGHTER PROFESSIONAL QUALIFICATIONS,
5 NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 1001. THE
6 EXAMINATION MAY ALSO BE ADMINISTERED AS A COMBINED FIRE FIGHTER I
7 AND FIRE FIGHTER II EXAMINATION IF A COMBINED EXAMINATION IS
8 REQUESTED BY A COUNTY TRAINING COMMITTEE OR REGIONAL TRAINING
9 CENTER.

10 (E) ESTABLISH ELIGIBILITY CRITERIA FOR STUDENTS TO RETAKE A
11 FAILED WRITTEN, ORAL, OR PRACTICAL CERTIFICATION EXAMINATION.

12 (3) A PERSON WHO IS HIRED OR APPOINTED AS A FULL-TIME OR PART-
13 TIME FIREFIGHTER SHALL PASS BOTH PART 1 AND PART 2 OF THE
14 CERTIFICATION EXAMINATION DESCRIBED IN SUBSECTION (2) (D) NOT MORE
15 THAN 12 MONTHS AFTER HE OR SHE IS HIRED OR APPOINTED AS A FULL-TIME
16 OR PART-TIME FIREFIGHTER TO BE ELIGIBLE TO CONTINUE HIS OR HER
17 EMPLOYMENT OR APPOINTMENT AS A FULL-TIME OR PART-TIME FIREFIGHTER.

18 (4) A PERSON WHO IS HIRED OR APPOINTED AS A VOLUNTEER OR PAID
19 ON-CALL FIREFIGHTER SHALL PASS PART 1 OF THE CERTIFICATION
20 EXAMINATION DESCRIBED IN SUBSECTION (2) (D) NOT MORE THAN 24 MONTHS
21 AFTER HE OR SHE IS HIRED OR APPOINTED AS A VOLUNTEER OR PAID ON-
22 CALL FIREFIGHTER TO BE ELIGIBLE TO CONTINUE HIS OR HER EMPLOYMENT
23 OR APPOINTMENT AS A VOLUNTEER OR PAID ON-CALL FIREFIGHTER, AS
24 APPLICABLE.

25 (5) THE CERTIFICATION EXAMINATION REQUIREMENT UNDER THIS
26 SECTION DOES NOT APPLY TO A PERSON WHO WAS EMPLOYED OR UNDER
27 APPOINTMENT AS A FIREFIGHTER ON OR BEFORE OCTOBER 1, 1988, UNLESS

1 THE PERSON SUBSEQUENTLY SEEKS TO CHANGE HIS OR HER STATUS FROM A
2 VOLUNTEER OR PAID ON-CALL FIREFIGHTER TO A PART-TIME OR FULL-TIME
3 FIREFIGHTER.

4 (6) THE STATE FIRE MARSHAL MAY WAIVE THE EXAMINATION
5 REQUIREMENTS UNDER THIS SECTION FOR A VETERAN WHO SERVED IN AND IS
6 SEPARATED FROM THE ARMED FORCES AND PROVIDES A FORM DD214, A FORM
7 DD215, OR ANY OTHER FORM THAT IS SATISFACTORY TO THE DEPARTMENT OF
8 LICENSING AND REGULATORY AFFAIRS THAT DEMONSTRATES THAT HE OR SHE
9 WAS SEPARATED FROM SERVICE WITH AN HONORABLE CHARACTER OF SERVICE
10 OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF SERVICE, UPON
11 VERIFICATION THAT THE VETERAN COMPLETED FIREFIGHTER TRAINING THAT
12 MEETS THE STANDARDS FOR FIRE FIGHTER I AND FIRE FIGHTER II IN THE
13 STANDARDS FOR FIRE FIGHTER PROFESSIONAL QUALIFICATIONS, NATIONAL
14 FIRE PROTECTION ASSOCIATION STANDARD NO. 1001, WHILE SERVING IN THE
15 ARMED FORCES OF THE UNITED STATES. AS USED IN THIS SUBSECTION,
16 "ARMED FORCES" MEANS THE ARMY, AIR FORCE, NAVY, MARINE CORPS, COAST
17 GUARD, OR OTHER MILITARY FORCE DESIGNATED BY CONGRESS AS PART OF
18 THE ARMED FORCES OF THE UNITED STATES.

19 (7) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE STATE
20 FIRE MARSHAL SHALL WAIVE THE EXAMINATION REQUIREMENTS UNDER THIS
21 SECTION AND EXTEND RECIPROCITY CERTIFICATION TO A PERSON FROM
22 ANOTHER STATE WHO SEEKS TO BECOME EMPLOYED OR VOLUNTEER IN THE FIRE
23 SERVICE IN THIS STATE IF THE PERSON WAS CERTIFIED IN THE OTHER
24 STATE AFTER SUCCESSFULLY COMPLETING A PROGRAM THAT MEETS OR EXCEEDS
25 THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS FOR THE
26 APPLICABLE FIRE SERVICE DISCIPLINE RECOGNIZED UNDER THIS ACT. THE
27 STATE FIRE MARSHAL SHALL NOT WAIVE THE CERTIFICATION EXAMINATION

1 FOR A PERSON WHO WAS CERTIFIED IN ANOTHER STATE IF EITHER OF THE
2 FOLLOWING APPLIES:

3 (A) THE PERSON'S OUT-OF-STATE CERTIFICATION WAS REVOKED BY
4 THAT STATE OR ANOTHER ISSUING ORGANIZATION.

5 (B) THE PERSON HAS BEEN CONVICTED OF A FELONY UNDER THE LAWS
6 OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES.

7 (8) CERTIFICATION AS A FIRE SERVICE MEMBER GRANTED TO A PERSON
8 UNDER THIS ACT IS VALID UNLESS OR UNTIL THE COUNCIL REVOKES THE
9 CERTIFICATION AS PART OF A DISCIPLINARY ACTION.

10 (9) THE STATE FIRE MARSHAL SHALL ISSUE A CERTIFICATE TO A
11 PERSON WHO IS CERTIFIED UNDER THIS ACT NOT MORE THAN 30 DAYS AFTER
12 THE PERSON BECOMES CERTIFIED. A CERTIFICATE ISSUED UNDER THIS ACT
13 REMAINS THE PROPERTY OF THE STATE FIRE MARSHAL.

14 (10) THE STATE FIRE MARSHAL AND THE COUNCIL SHALL REVIEW AND
15 MONITOR THE STATE AND FEDERAL STANDARDS RELATING TO LIVE FIRE
16 TRAINING EXERCISES IN STRUCTURES AND MAKE RECOMMENDATIONS REGARDING
17 THE GENERAL INDUSTRY SAFETY STANDARDS FOR ANY NEW OR MODIFIED
18 STANDARDS NECESSARY FOR THE PROTECTION OF FIREFIGHTER TRAINEES
19 UNDER PART 74 OF THE MICHIGAN OCCUPATIONAL SAFETY AND HEALTH
20 ADMINISTRATION GENERAL INDUSTRY SAFETY STANDARD, R 408.17401 TO R
21 408.17464 OF THE MICHIGAN ADMINISTRATIVE CODE.

22 Sec. 9a. A writing prepared, owned, used, in the possession
23 of, or retained by the council in the performance of an official
24 function shall ~~shall~~ **MUST** be made available to the public in compliance
25 with ~~Act No. 442 of the Public Acts of 1976, as amended, being~~
26 ~~sections 15.231 to 15.246 of the Michigan Compiled Laws.~~ **THE FREEDOM**
27 **OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.**

1 SEC. 9B. AN ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY
2 DEPARTMENT SHALL MAINTAIN AN EMPLOYMENT HISTORY RECORD FOR EACH
3 FIRE SERVICE MEMBER EMPLOYED BY THE ORGANIZED FIRE DEPARTMENT OR
4 PUBLIC SAFETY DEPARTMENT.

5 Sec. 10. (1) ~~The council may enter into agreement with other~~
6 ~~agencies, colleges and universities to carry out the intent of this~~
7 ~~act.~~ EACH ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT OR
8 LOCAL GOVERNMENT CLERK SHALL FILE A STATEMENT WITH THE COUNCIL
9 DESIGNATING THE CHIEF OR DIRECTOR OF THE DEPARTMENT AND PROVIDING
10 CONTACT INFORMATION FOR THE ORGANIZED FIRE DEPARTMENT OR PUBLIC
11 SAFETY DEPARTMENT. IF THE DEPARTMENT CHIEF OR DIRECTOR CHANGES, THE
12 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT SHALL NOTIFY
13 THE COUNCIL IN WRITING BY FILING A STATEMENT OF THE CHANGE NOT MORE
14 THAN 7 DAYS AFTER THE CHANGE.

15 (2) THE COUNCIL SHALL DEVELOP AND PROVIDE TO EACH ORGANIZED
16 FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT, UPON REQUEST OF THE
17 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT AND AT NO
18 CHARGE, A DIGITAL VIDEO DISC OR OTHER ELECTRONIC FORM OF VIDEO
19 DISPLAY TO BE USED IN TRAINING FIREFIGHTERS. THE DIGITAL VIDEO DISC
20 OR OTHER ELECTRONIC FORM OF VIDEO DISPLAY MUST BE BASED UPON THE
21 COUNCIL-APPROVED TRAINING PROGRAMS. THE COUNCIL MAY IMPOSE A
22 REASONABLE FEE FOR LOSS, DAMAGE, OR LATE RETURN OF A DIGITAL VIDEO
23 DISC OR OTHER ELECTRONIC FORM OF VIDEO DISPLAY PROVIDED TO AN
24 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT UNDER THIS
25 SECTION. THE COUNCIL SHALL HAVE AVAILABLE NOT FEWER THAN 2 COPIES
26 OF EACH DIGITAL VIDEO DISC OR OTHER ELECTRONIC FORM OF VIDEO
27 DISPLAY FOR AN ORGANIZED FIRE DEPARTMENT'S OR PUBLIC SAFETY

1 DEPARTMENT'S USE.

2 (3) THE COUNCIL SHALL MAKE RECOMMENDATIONS WITH RESPECT TO
3 BOTH OF THE FOLLOWING:

4 (A) THE CATEGORY OR CLASSIFICATION OF ADVANCED IN-SERVICE
5 TRAINING PROGRAMS FOR ALL FIRE SERVICE DISCIPLINES AND MINIMUM
6 COURSES OF STUDY AND ATTENDANCE REQUIREMENTS FOR THE CATEGORY OR
7 CLASSIFICATION NEEDED FOR CERTIFICATION UNDER THIS ACT.

8 (B) THE STANDARDS REQUIRED UNDER THIS ACT FOR CERTIFICATION IN
9 EACH OF THE FIRE SERVICE DISCIPLINES.

10 Sec. 11. (1) ~~The~~ UNDER THE DIRECTION OF THE state fire
11 marshal, ~~or~~ the council may DO ALL OF THE FOLLOWING:

12 (a) Visit and inspect any firefighter training school, or
13 examine the curriculum or training procedures, for which
14 application for approval has been made.

15 (b) Issue certificates to firefighter training schools
16 qualifying under the regulations promulgated under this act.

17 (c) Authorize the issuance of certificates of graduation or
18 diplomas ~~by approved firefighter training schools to firefighters~~
19 **STUDENTS** who have satisfactorily completed **THE** minimum ~~courses of~~
20 ~~study.~~ **REQUIREMENTS IN EACH OF THE FIRE SERVICE COURSES.**

21 (d) Cooperate with state, federal, and local fire agencies in
22 establishing and conducting local or area schools or regional
23 training centers for instruction and training of firefighters of
24 this state and its cities, counties, townships, and villages.

25 (e) Make recommendations to the state fire marshal, the
26 governor, and the legislature on matters pertaining to
27 qualification and training of ~~firefighters.~~ **FIRE SERVICE MEMBERS.**

1 (F) ESTABLISH PRESERVICE BASIC TRAINING PROGRAMS AT HIGH
2 SCHOOLS, COLLEGES, COMMUNITY COLLEGES, AND UNIVERSITIES.

3 (G) REQUIRE AN EXAMINATION IN ORDER TO PASS EACH OF THE FIRE
4 SERVICE COURSES QUALIFYING UNDER THE STANDARDS SET FORTH IN THIS
5 ACT.

6 (H) ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR
7 MAINTAINING CERTIFICATION UNDER THIS ACT.

8 (I) ESTABLISH THE REQUISITE LEVEL OF FIRE INSTRUCTOR ACTIVITY
9 TO MAINTAIN CERTIFICATION AS A FIRE INSTRUCTOR.

10 (J) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF TESTING
11 AND TRAINING PROVIDED TO A PERSON WHO IS NOT EMPLOYED BY AN
12 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT OF THIS STATE
13 AND WHO IS SEEKING TO BE EMPLOYED AS A FIRE SERVICE MEMBER.

14 (K) PROMULGATE RULES FOR THE DEVELOPMENT, CONDUCT, AND
15 RESPONSIBILITIES OF A COUNTY TRAINING COMMITTEE IN EACH COUNTY IN
16 THIS STATE.

17 (2) THE COUNCIL MAY ALLOW 2 OR MORE COUNTIES TO FORM AND
18 JOINTLY OPERATE A REGIONAL TRAINING COMMITTEE CHARGED WITH THE
19 OVERSIGHT OF TRAINING NEEDS IN THOSE COUNTIES.

20 (3) FEES COLLECTED UNDER SUBSECTION (1) (J) MUST BE DEPOSITED
21 INTO THE FIREWORKS SAFETY FUND CREATED IN SECTION 11 OF THE
22 MICHIGAN FIREWORKS SAFETY ACT, 2011 PA 256, MCL 28.461.

23 SEC. 11A. THE FIRE MARSHAL, WITH THE APPROVAL OF THE COUNCIL,
24 SHALL PROMULGATE RULES ESTABLISHING A DISCIPLINARY PROCESS FOR THE
25 SUSPENSION OR REVOCATION OF CERTIFICATION AND ANY NECESSARY
26 RETRAINING REQUIREMENTS TO MAINTAIN OR RESTORE CERTIFICATION AFTER
27 A SUSPENSION OR REVOCATION FOR A FIRE SERVICE MEMBER FOR 1 OR MORE

1 OF THE FOLLOWING:

2 (A) CONVICTION OF A FELONY.

3 (B) MAKING A MATERIALLY FALSE STATEMENT, CAUSING A MATERIALLY
4 FALSE STATEMENT TO BE MADE, OR OTHERWISE COMMITTING FRAUD DURING
5 THE APPLICATION FOR CERTIFICATION PROCESS.

6 (C) VIOLATING COUNCIL AND FIRE MARSHAL-ADOPTED POLICIES
7 REGARDING A FIRE SERVICE MEMBER'S USE OF THE FIRE MARSHAL'S
8 TRAINING INFORMATION NETWORK BECAUSE THE FIRE SERVICE MEMBER
9 WRONGFULLY DISCLOSED EXAM INFORMATION FROM THE FIRE MARSHAL'S
10 INFORMATION NETWORK.

11 Sec. 12. ~~There~~ **THE COUNCIL** shall ~~be an~~ **APPOINT AN** executive
12 secretary of the council who shall ~~be appointed by the council, and~~
13 ~~who shall hold office during~~ **AT** the pleasure of the council. ~~He~~ **THE**
14 **EXECUTIVE SECRETARY** shall perform ~~such~~ **THE** functions and duties ~~as~~
15 ~~may be assigned to him by the council. He~~ **THE EXECUTIVE SECRETARY**
16 shall receive compensation and reimbursement for expenses within
17 the amounts available by appropriation.

18 Sec. 13. **(1)** Firefighter training provided under this act
19 ~~shall~~ **MUST** be funded by the money collected from fireworks safety
20 fees imposed under section 8 of the Michigan fireworks safety act,
21 2011 PA 256, MCL 28.458, **AND THE FEES COLLECTED UNDER SECTION 11 OF**
22 **THIS ACT** and deposited in the fireworks safety fund created in
23 section 11 of the Michigan fireworks safety act, 2011 PA 256, MCL
24 28.461. The fund ~~shall~~ **MUST** be distributed to fund firefighter
25 training programs as provided in section 11 of the Michigan
26 fireworks safety act, 2011 PA 256, MCL 28.461.

27 **(2) FIREFIGHTER TRAINING PROVIDED UNDER THIS ACT MAY ALSO BE**

1 **FUNDED BY ANY ADDITIONAL FUNDING SOURCES IDENTIFIED BY THE COUNCIL**
 2 **OR STATE FIRE MARSHAL.**

3 Sec. 14. (1) From the amount annually deposited in and
 4 appropriated to the fireworks safety fund for firefighter training
 5 under section 11 of the Michigan fireworks safety act, 2011 PA 256,
 6 MCL 28.461, the council may request and the state fire marshal may
 7 approve annual training expenditures for the purposes of payments
 8 to ~~counties to reimburse organized fire departments for firefighter~~
 9 ~~training and other activities required under this act. The state~~
 10 ~~fire marshal may deny requests not meeting the requirements of this~~
 11 ~~act.~~ **THE DESIGNATED FIDUCIARY OF EACH COUNTY'S TRAINING COMMITTEE TO**
 12 **FUND FIREFIGHTER TRAINING AND PROVIDE FOR FIREFIGHTER TRAINING**
 13 **EQUIPMENT AND OTHER RELATED ACTIVITIES REQUIRED UNDER THIS ACT. THE**
 14 **STATE FIRE MARSHAL MAY DENY REQUESTS NOT MEETING THE REQUIREMENTS**
 15 **OF THIS ACT.**

16 (2) The money approved under subsection (1) ~~shall~~ **MUST** be
 17 disbursed to ~~counties~~ **COUNTY TRAINING COMMITTEES** using a formula
 18 composed 70% of county population and 30% of square miles within
 19 the county. A minimum disbursement to each county **TRAINING**
 20 **COMMITTEE** may be requested by the council and approved by the state
 21 fire marshal.

22 (3) The chairperson of a firefighter training committee
 23 established in each county shall survey the training needs of
 24 organized fire departments **AND PUBLIC SAFETY DEPARTMENTS** in the
 25 county and shall ~~distribute the money received by the county under~~
 26 ~~this section~~ **EXPEND MONEY FOR FIREFIGHTER TRAINING, FIREFIGHTER**
 27 **TRAINING EQUIPMENT, OR OTHER ACTIVITIES REQUIRED UNDER THIS ACT** as

1 prioritized by the organized fire departments **OR PUBLIC SAFETY**
 2 **DEPARTMENTS** in the county. If money distributed to a county under
 3 this section for a fiscal year is not designated by the chairperson
 4 ~~for distribution to organized fire departments in~~ **EXPENDITURE AS**
 5 **PROVIDED IN THIS SUBSECTION BY** the county by January 1 of the
 6 fiscal year, the undesignated money ~~shall~~ **MUST** be returned to the
 7 council and may be redistributed by the council through the
 8 application process under section 15. The state fire marshal may
 9 deny requests for redistribution that do not meet the requirements
 10 of this act. The council shall deposit undesignated money that is
 11 not redistributed through an application under section 15 into the
 12 fireworks safety fund created in section 11 of the Michigan
 13 fireworks safety act, 2011 PA 256, MCL 28.461.

14 (4) Money ~~shall~~ **MUST** be distributed under this section only to
 15 **SUPPORT TRAINING FOR PERSONNEL FROM** an organized fire department **OR**
 16 **PUBLIC SAFETY DEPARTMENT** that has adhered to the standards
 17 established under this act for personnel recruited or trained by
 18 the organized fire department **OR PUBLIC SAFETY DEPARTMENT** during
 19 the current and prior fiscal years **AND THAT HAS COMPLIED WITH THE**
 20 **INCIDENT REPORTING REQUIREMENTS UNDER SECTION 4 OF THE FIRE**
 21 **PREVENTION CODE, 1941 PA 207, MCL 29.4, DURING THE 12 MONTHS**
 22 **PRECEDING AN APPLICATION MADE UNDER THIS ACT.**

23 Sec. 16. The council shall adopt rules and regulations in
 24 accordance with the ~~provisions of Act No. 88 of the Public Acts of~~
 25 ~~1943, as amended, being sections 24.71 to 24.82 of the Compiled~~
 26 ~~Laws of 1948, and subject to Act No. 197 of the Public Acts of~~
 27 ~~1952, as amended, being sections 24.101 to 24.110 of the Compiled~~

1 ~~Laws of 1948.~~ **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,**
2 **MCL 24.201 TO 24.328, TO CARRY OUT ITS DUTIES UNDER THIS ACT.**

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