

# Legislative Analysis



## BUREAU OF FIRE SERVICES

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**Senate Bills 1133 and 1135**  
**Sponsor: Sen. Mike Prusi**

**Senate Bill 1134**  
**Sponsors: Sen. Gerald Van Woerkom**

**Senate Bills 1140 and 1144**  
**Sponsor: Sen. Valde Garcia**

**Senate Bill 1136**  
**Sponsor: Sen. Gilda Z. Jacobs**

**Senate Bill 1141**  
**Sponsor: Sen. Laura M. Toy**

**Senate Bill 1137**  
**Sponsor: Sen. Hansen Clarke**

**Senate Bill 1142**  
**Sponsor: Sen. Martha G. Scott**

**Senate Bill 1138**  
**Sponsor: Sen. Ron Jelinek**

**Senate Bill 1143**  
**Sponsor: Sen. Bill Hardiman**

**Senate Bill 1139**  
**Sponsor: Sen. Dennis Olshove**

**Senate Bill 1145**  
**Sponsor: Sen. Deborah Cherry**

**House Committee: Appropriations**  
**Senate Committee: Appropriations**

**Complete to 5-12-06**

## A SUMMARY OF SENATE BILLS 1133-1145 AS PASSED BY THE SENATE 5-9-06

**Senate Bills 1133-1145**, along with **House Bills 5860-5871**, are part of a package of legislation that would:

- 1) Create in statute the Bureau of Fire Services within the Department of Labor and Economic Growth.
- 2) Grant the Bureau all of the authority, powers, duties, functions, and responsibilities transferred from the Fire Marshal Division of the Department of State Police to DLEG under Executive Reorganization Order 2003-1.
- 3) Amend a series of other acts to reflect in statute the organization, duties, and powers of the new Bureau of Fire Services.

Generally speaking, **Senate Bills 1133-1145**, along with **House Bills 5860-5871**, would put into statute the provisions of Executive Reorganization Order 2003-1 (MCL 445.2011) regarding the transfer of many functions of the Fire Marshal Division of the Department of State Police to the Department of Labor and Economic Growth (DLEG).

The package also would codify the creation of the Bureau of Fire Services within DLEG, originally accomplished by Executive Directive 2005-10.

The central bill in the package is Senate Bill 1133, and most of the bills are tie-barred to that bill and to House Bill 5860, the lead House bill. Senate Bill 1133 would amend the Fire Prevention Code (MCL 29.1 et al.).

Under Senate Bill 1133, the Governor would appoint a State Fire Marshal to be the head of the Bureau of Fire Services. The appointee would need 10 years of relevant experience. The BSF would include, in addition to the State Fire Marshal, the Fire Fighters Training Council; the State Fire Safety Board; and any other agency, board, or commission designated as part of the bureau by law. The Fire Safety Board would be expanded from 16 to 17 members, and the State Fire Marshal (or a designated bureau employee) would be an ex officio member. The board chair would be selected by the Governor (rather than elected by board members), and the board would have to meet a minimum of four (rather than six) times each year. DLEG would perform the budgeting, procurement, and related management function of the bureau.

Additional information on the contents of Senate Bill 1133 can be found later in the summary.

Senate Bill 1134 would amend Public Act 170 of 1978 (MCL 28.72), which created a state arson strike force unit within the MSP and the Fire Marshal Division, to delete references to the division.

Senate Bill 1135 would amend the Aeronautics Code (MCL 259.204) to refer to rules promulgated by the Bureau of Fire Services, rather than the State Fire Marshal, for the storage, dispensing, and sale of volatile fuels.

Senate Bill 1136 would repeal Section 13310 of the Public Health Code (MCL 333.20155 et al.), which provides that when a class IV dry cleaning installation is operated in the same building or establishment as other classes of dry cleaning installations, Section 5i of the Fire Prevention Code (which requires that a dry cleaning operation using flammable liquid obtain a certificate from the State Fire Marshal) applies. The bill also would refer to the Bureau of Fire Services rather than the State Fire Marshal or the Fire Marshal Division in provisions concerning surveys and inspections of health facilities, and rules promulgated for facilities and agencies.

Senate Bill 1137 would amend the Forbes Mechanical Contractors Act (MCL 338.973) to allow the Governor to appoint the chair of the Board of Mechanical Rules.

Senate Bill 1138 would amend Public Act 306 of 1937 (MCL 388.851b et al.), which regulates construction, reconstruction, and remodeling of school buildings, to provide for the inspection of school buildings by the Bureau of Fire Services, rather than the State Fire Marshal.

Senate Bill 1139 would amend the Adult Foster Care Facility Licensing Act (MCL 400.710 et al.) to provide for the Bureau of Fire Services, rather than the State Fire Safety Board or the State Fire Marshal, to promulgate rules for adult foster care facilities, and to inspect these facilities.

Senate Bill 1140 would amend Public Act 9 of 1942 (1st Ex Sess), which provides for compensation to injured firefighters and payment to the surviving spouse and dependents in case of death. The bill (at MCL 419.201) would provide for the Bureau of Fire Services, rather than the State Fire Marshal, to determine whether damage caused by an explosion, fire, or other disaster is of such an emergency character that the public welfare and safety are affected. The bill also would require a local fire department to cooperate with the Bureau, rather than the Fire Marshal.

Senate Bill 1141 would amend Public Act 52 of 1944 (1st Ex Sess), which provides for the establishment of and quieting title to and the recreating of the public records of land in counties where records of title have been destroyed by fire, flood, or other major disaster. Under the bill (at MCL 561.16), approval of plans for a fireproof structure would be made by the Bureau of Fire Services, rather than the State Fire Marshal.

Senate Bill 1142 would amend the Mental Health Code (330.1138 et al.) to require the Bureau of Fire Services, rather than the State Fire Marshal, to inspect a psychiatric hospital or unit before it may be licensed.

Senate Bill 1143 would amend the Michigan Penal Code (MCL 750.243b) to refer to forms provided by the Bureau of Fire Services, rather than the MSP Director, for fireworks permits.

Senate Bills 1144 and 1145 would amend Public Acts 456 and 457 of 1988 (MCL 29.401 and MCL 29.412), which provide for civil immunity to certain instructors and institutions that train firefighters. The bills would refer to actions taken under the Fire Fighters Training Council Act, instead of by the Michigan Fire Fighters Training Council.

The following are the House bills associated with the package.

House Bill 5860 would amend the Fire Fighters Training Council Act to, among other things, move the council to the Bureau of Fire Services. (MCL 29.363 et al.)

House Bill 5861 would repeal Section 5 of PA 59 of 1935, which located the state fire marshal in the State Police. (MCL 28.5)

House Bill 5862 would amend the State Construction Code Act to put the State Fire Marshal or a designee on the Construction Code Commission. (MCL 125.1503a et al.)

House Bill 5863 would amend provisions in the Natural Resources and Environmental Protection Act (NREPA) dealing with fire protection for Mackinac Island Park Commission and the city of Mackinac Island. (MCL 324.77101)

House Bill 5864 would amend a section of the Electrical Administrative Act dealing Electrical Administrative Board. (MCL 338.882)

House Bill 5865 would amend the Revised School Code. (MCL 380.1285a)

House Bill 5866 would amend provisions in the Social Welfare Act dealing with county medical care facilities. (MCL 400.58)

House Bill 5867 would amend Public Act 227 of 1967, dealing with elevator safety. (MCL 488.820)

House Bill 5868 would amend provisions in the Motor Carrier Safety Act dealing with the transport of hazardous materials. (MCL 480.22)

House Bill 5869 would amend the Child Care Licensing Act. (MCL 722.112)

House Bill 5870 would amend a section of the Insurance Code that allows the withholding of insurance proceeds until a motor vehicle fire or explosion has been investigated. (MCL 500.3010)

House Bill 5871 would amend the Michigan Vehicle Code. (MCL 257.312e)

#### Duties of the Bureau

The Fire Safety Bureau would be required to

- Serve as a focal point for matters relating to fire services in the state.
- Coordinate with the Fire Investigation Unit of the State Police activities relating to fire investigations, fire investigator training, and providing related assistance to local law enforcement and fire service agencies.
- Provide forms for local units to use in granting fireworks permits.

The Bureau would be empowered to do all things necessary and convenient to achieve its objectives and purposes under the act and other laws, and specifically to:

- Establish a program for the reporting and central compilation of fire service personnel credentials, including qualifications, tests, examinations, certifications, educational experience, and training.
- Establish, in conjunction with the Office of Insurance and Financial Services, a system for reporting uninsured fire loss and an insurance fraud program.
- Participate in the Child Fire Setting and Juvenile Arson Program.

- Participate in the National Fire Incident Reporting System.
- Operate an Accelerant Detecting Canine Program.

The State Fire Marshal would be empowered to organize or reorganize the bureau and appoint deputies, assistants and employees with titles, powers, and duties relating to the administration and enforcement of the Fire Prevention Code.

#### State Fire Marshal Duties

The State Fire Marshal would be required to do all of the following.

- Oversee and direct fire service programs vested in the Bureau of Fire Services.
- Perform the duties of the office so as to maximize the effective administration of fire services in the state.
- Serve as a policy advisor to the Governor on the development and administration of fire service policies, programs, and procedures.
- Participate in the development, review, and implementation of the Michigan Hazard Mitigation Plan.
- Provide information for the development and regular updating of the Michigan Hazard Analysis, including the structural fires element and the required state Emergency Management Plan.

#### **FISCAL IMPACT:**

The bills would have no fiscal impact on state or local government. The Governor's Fiscal Year 2007 Budget recommendation recognizes this new Bureau, and replaces Construction Code Fund revenue with Corporations and Securities Fees revenue.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.