




Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 1133 through 1145 (as enrolled) **PUBLIC ACTS 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 210, & 211 of 2006**
House Bills 5860 through 5871 (as enrolled) **PUBLIC ACTS 213, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, & 212 of 2006**

Sponsor: Senator Mike Prusi (S.B. 1133)
Senator Gerald Van Woerkom (S.B. 1134)
Senator Mike Prusi (S.B. 1135)
Senator Gilda Z. Jacobs (S.B. 1136)
Senator Hansen Clarke (S.B. 1137)
Senator Ron Jelinek (S.B. 1138)
Senator Dennis Olshove (S.B. 1139)
Senator Valde Garcia (S.B. 1140 & S.B. 1144)
Senator Laura M. Toy (S.B. 1141)
Senator Martha G. Scott (S.B. 1142)
Senator Bill Hardiman (S.B. 1143)
Senator Deborah Cherry (S.B. 1145)
Representative David Farhat (H.B. 5860)
Representative John Stahl (H.B. 5861)
Representative John Proos (H.B. 5862)
Representative Rich Brown (H.B. 5863)
Representative Marsha G. Cheeks (H.B. 5864)
Representative Roger Kahn (H.B. 5865)
Representative Rick Shaffer (H.B. 5866)
Representative Barbara Farrah (H.B. 5867)
Representative James Marleau (H.B. 5868)
Representative Morris Hood III (H.B. 5869)
Representative Gino Polidori (H.B. 5870)
Representative Chris Kolb (H.B. 5871)

Senate Committee: Economic Development, Small Business and Regulatory Reform

House Committee: Appropriations

Date Completed: 4-10-07

CONTENT

Senate Bill 1133 amended the Fire Prevention Code to create the Bureau of Fire Services in the Department of Labor and Economic Growth (DLEG); require the Governor to appoint a State Fire Marshal to serve as the Bureau head; transfer the powers and duties of the Fire Marshal Division of the Michigan Department of State Police (MSP) to the Bureau; and do the following:

-- Describe the responsibilities of the Bureau and the State Fire Marshal.

- Provide that the administration and the enforcement of the Code is the responsibility of the Bureau.**
- Increase the State Fire Safety Board from 16 to 17 members.**
- Require the Bureau, instead of the Board, to establish fire safety requirements for the construction, operation, and maintenance of certain buildings, and the qualifications for certification of a fire inspector.**

- Allow the Bureau to charge certain maintenance and inspection fees as established in a schedule contained in each year's DLEG appropriations act.
- Require the Department of Environmental Quality (DEQ), instead of the Board, to promulgate rules for certain dry cleaning establishments and for the storage, transportation, and handling of liquefied petroleum, and the handling of certain other materials.
- Transfer the State Fire Marshal's responsibilities regarding vehicles transporting hazardous materials to the Motor Carrier Division of the MSP.
- Make the DEQ, instead of the State Fire Marshal, responsible for certifying compressed gas or liquefied petroleum gas container filling locations and some aboveground storage locations.

Senate Bills 1134, 1135, 1136, and 1138 through 1143 amended various statutes to replace references to the State Fire Marshal Division with references to the Bureau of Fire Services.

Senate Bill 1137 amended the Mechanical Contractors Act to make various changes regarding the Board of Mechanical Rules.

Senate Bills 1144 and 1145 amended Public Acts 456 and 457 of 1988 (which provide for civil immunity to certain instructors and institutions), respectively, to refer to actions taken under the Fire Fighters Training Council Act, instead of by the Michigan Fire Fighters Training Council.

House Bills 5860 amended the Fire Fighters Training Council Act to make changes related to the Fire Fighters Training Council; provide for responsibilities of the State Fire Marshal; and replace provisions concerning the reimbursement of firefighter training expenditures.

House Bill 5861 repealed a section of Public Act 59 of 1935 (which provides for the MSP) that transferred certain departments to the MSP and required

the Commissioner of the Michigan State Police ex-officio to serve as State Fire Marshal.

House Bills 5862 through 5871 amended various statutes to replace references to the State Fire Marshal Division with references to the Bureau of Fire Services. House Bills 5862 and 5864 also made changes related to the State Construction Code Commission and the Electrical Administrative Board, respectively.

The bills took effect on June 19, 2006.

Senate Bill 1133 and House Bill 5860 were tie-barred to each other. The remaining Senate and House bills were tie-barred to Senate Bill 1133 and House Bill 5860.

Senate Bill 1133

Bureau of Fire Services

The bill created the Bureau of Fire Services in the Department of Labor and Economic Growth, and requires the Governor to appoint a State Fire Marshal to serve as the head of the Bureau. The State Fire Marshal must have at least 10 years' experience in one or more of the following:

- Safeguarding life and property from damage from explosion, fire, disaster, or other fire-related emergencies.
- Delivery of fire suppression or related fire services or emergency response services.
- Fire investigation or the provision of related investigation services to law enforcement or fire service agencies.
- Training of firefighters or fire investigators.
- Enforcement of the general fire laws of the State.

The Bureau must include the following:

- The State Fire Marshal.
- The Fire Fighters Training Council.
- The State Fire Safety Board.
- Any other agency, board, or commission designated as a part of the Bureau by law.

The Bureau has 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 No. 2003-1 (which transferred from the MSP to DLEG any authority, powers, duties, functions, and responsibilities of the State Fire Marshal, with the exception of the arson strike force unit, fire investigations, and criminal enforcement). The Department of Labor and Economic Growth must perform the budgeting, procurement, and related management functions of the Bureau. The Bureau must administer the authority, powers, duties, functions, and responsibilities vested in it and may make internal organizational changes to ensure efficient administration.

To implement the bill, the State Budget Director must determine and authorize the most efficient methods for the Bureau to handle financial transactions and records in the financial management system of the State.

The Bureau is required to do all of the following:

- Serve as a focal point for matters relating to fire services in the State.
- Coordinate with the fire investigation unit of the MSP activities relating to fire investigations, fire investigator training, and the provisions of related assistance to local law enforcement and fire service agencies.
- Provide forms that cities, villages, and townships may use to grant permits for fireworks under the Michigan Penal Code.

The Bureau may do one or more of the following:

- Establish a program for the reporting and central compilation of fire service personnel credentials, including qualifications, tests, examinations, certifications, educational experience, and training.
- Participate in the child fire setting and juvenile arson program.
- Participate in the national fire incident reporting system.
- Operate an accelerant detecting canine program.
- Do all other things necessary to achieve the objectives and purposes of the Bureau under the Fire Prevention Code and other laws that relate to the purposes and responsibilities of the Bureau.

The bill states that it does not affect the transfer of authority, powers, duties, functions, and responsibilities under the Code to the Department of Environmental Quality under Executive Reorganization Order Nos. 1997-2 and 1998-2 (which transferred various inspection and fire-safety responsibilities of the MSP Fire Marshal Division to the DEQ and DLEG), or the Department of State Police and the Director of the Department of State Police under Executive Reorganization Order No. 2003-1.

State Fire Marshal

The bill authorizes the State Fire Marshal to organize or reorganize the Bureau of Fire Services and appoint deputies, assistants, and employees with titles, powers, and duties related to the administration and enforcement of the Code.

The bill requires the State Fire Marshal to do all of the following:

- Oversee and direct fire service programs in the State that are vested in the Bureau.
- Perform the powers and duties of the State Fire Marshal under the Code in a manner that maximizes the effective administration of the fire service of the State.
- Serve as 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 Michigan Emergency Management Plan required under the Emergency Management Act.

Uniforms & Equipment

The bill requires the Bureau of Fire Services to provide the State Fire Marshal and any deputy State Fire Marshal with suitable uniforms, equipment, and other articles necessary to carry out the Code. The State Fire Marshal must prescribe the uniforms and equipment.

The bill prohibits a person from selling, furnishing, possessing, wearing, exhibiting, displaying, or using a badge, patch, or uniform, or a facsimile of a badge, patch, or uniform of the State Fire Marshal or a deputy unless one or more of the following apply:

- The person is authorized to do so by the State Fire Marshal.
- The person is the State Fire Marshal or a deputy State Fire Marshal.
- The badge is a retirement badge and is in the possession of a retired State Fire Marshal or deputy.
- The badge, patch, or uniform is that of a deceased State Fire Marshal or deputy and is in the possession of his or her spouse, child, or next of kin.
- The person is a collector of badges, patches, uniforms, or facsimiles, and the badge, patch, uniform, or facsimile possessed as part of a collection is in a container or display case when being transported.
- The person is in the theatrical profession and wears the badge, patch, uniform, or facsimile while actually performing in that profession.

A violation of this prohibition is a misdemeanor punishable by imprisonment for up to 93 days and/or a maximum fine of \$500.

The bill specifies that "facsimile" includes an exact replica of an existing item and a close imitation of an existing item.

Fire Safety Board

Under the bill, the State Fire Safety Board is created within the Bureau of Fire Services. The bill increased the membership of the Board from 16 to 17 members. The additional member must be the State Fire Marshal or an employee of the Bureau designated by the State Fire Marshal.

Previously, one of the members had to be a school board member or a school administrator. The bill requires one member, instead, to be an individual who meets any of the following:

- Is a member of the governing board of a school district, public school academy (PSA), or intermediate school district (ISD).

- Is employed by a school district, a PSA, or an ISD in an administrative capacity.
- Is a member or, or is employed by, a statewide association representing school board members or school administrators.

For Board members appointed after December 31, 2006, the bill increased the term of office from three to four years.

The bill deleted requirements that the Board elect a chairperson and hold at least six regular meetings annually. Instead, the Governor must designate one of the members to serve as chairperson at the pleasure of the Governor. Annually, the Board may elect a vice-chairperson from among its members. The Board must hold at least four regular meetings each year. As previously allowed, special meetings may be called by the chairperson or upon written request of five members. The bill requires meetings to be held in this State.

The bill deleted a provision allowing the State Fire Safety Board to maintain an office, hire employees, and purchase, rent, or lease equipment and supplies considered essential to the proper discharge of its responsibilities. The bill also deleted a requirement that the Legislature appropriate sufficient money for the Board to conduct its business and discharge its responsibilities.

Administration, Rules, & Enforcement

Under the bill, except as otherwise provided, the administration and enforcement of the Code are the responsibility of the Bureau. Previously, except as otherwise provided, the administration and enforcement of the Code were vested in the MSP. The MSP Director could create and maintain a division of the Department as he or she deemed necessary or expedient, and appoint division heads, assistants, and employees with titles, powers, and duties related to the administration and enforcement of the Code. The bill deleted those provisions.

The Code previously required the State Fire Marshal to appoint ad hoc committees to assist the State Fire Safety Board in the promulgation of rules. Under the bill, the State Fire Marshal, after consultation with the State Fire Safety Board, may appoint ad hoc committees to assist the Bureau, including the Board and the State Fire Marshal, in promulgating rules. The Board

must make recommendations on the content of the rules promulgated under the Code and may recommend revisions in proposed or existing rules.

Previously, upon the request of the governing body of a city, village, or township, the State Fire Marshal could delegate to one or more employees of the city, village, or township employed as full-time fire inspectors the authority to enforce the fire safety rules promulgated under the Code, if the employees had been certified as certified fire inspectors by the State Fire Marshal and that certification had not been revoked. Under the bill, on request of the governing body of an organized fire department, the Bureau may delegate to one or more individuals employed as full-time fire inspectors by the organized fire department and certified by the State Fire Marshal the authority to enforce the fire safety rules promulgated under the Code.

The Code had required the State Fire Safety Board to promulgate rules establishing the qualifications for the certification of fire inspectors to whom the State Fire Marshal could delegate the authority to enforce the fire safety rules promulgated under the Code. The bill, instead, requires the Bureau to promulgate rules establishing qualifications for certification of an individual.

Fire Department; Firefighter

The bill defines "organized fire department" as a department, authority, or other governmental entity that safeguards life and property from damage from explosion, fire, or disaster and that provides fire suppression and other related services in the State. It includes any lawfully organized firefighting force in the State. The term previously meant an organization or department that provided fire suppression and other fire-related services within a city, village, or township, or a fire service designated by a city, village, or township, pursuant to a contract, including a department of county employees responsible for fire suppression and other fire-related services for an airport operated by the county or an agency of the county.

The bill defines "firefighter" as a member of an organized fire department, including a volunteer member or a member paid on call,

who is responsible for, or is in a capacity that includes responsibility for, the extinguishment of fires, the directing of the extinguishing of fires, the prevention and detection of fires, and the enforcement of the general fire laws of the State. The term does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression. Previously, "fire fighter" meant a member of an organized fire department who was responsible for fire suppression and other fire-related services.

Fees

The bill authorizes the Bureau, rather than the MSP Director, to charge hospitals operation and maintenance inspection fees and to charge hospitals and schools plan review and construction inspection fees.

Previously, the fees had to be established in accordance with the fee schedules set forth in that fiscal year's appropriations act for the MSP. Under the bill, the fees must be established in a schedule contained in each fiscal year's DLEG appropriations act.

Fire Safety Rules

The bill requires the Bureau, rather than the Board, to promulgate rules pertaining to fire safety requirements for the construction, operation, or maintenance of the following:

- Schools and dormitories, including State-supported schools, colleges, and universities and school, college, and university dormitories.
- Buildings owned or leased by the State.
- A health facility or agency as defined in the Public Health Code.
- Places of public assemblage.
- Penal facilities as described in the Corrections Code.
- Mental facilities as described in the Mental Health Code.

Previously, the Bureau also was required to promulgate rules for dry cleaning establishments using flammable liquids, and rules for the storage, transportation, and handling of liquefied petroleum gas (LPG) and for the storage, noncommercial transportation, and handling of other hazardous materials. Under the bill, the DEQ must promulgate rules pertaining to the following:

- Fire safety requirements for the construction, operation, and maintenance of dry cleaning establishments that use flammable liquids.
- The storage, transportation, and handling of LPG and the storage, noncommercial transportation, and handling of other hazardous materials to the extent authorized by Federal law.

The bill also requires the Bureau, rather than the Board, to promulgate rules pertaining to uniform fire safety requirements for the operation and maintenance, but not the construction, of commercial, industrial, and residential buildings, except one- and two-family dwellings and mobile homes.

Previously, the Board was required to submit rules for the certification of firms that install fire suppression systems, or (except as exempted) test, service, or inspect fire alarm systems or fire suppression systems. The bill requires the Bureau to promulgate rules for the certification of these firms.

State Fire Marshal

The bill deleted a provision under which the State Fire Marshal was not required to consider fire safety rules other than those provided for in the Code and in Public Act 306 of 1937 (which regulates the construction, reconstruction, and remodeling of school buildings).

The bill requires the State Fire Marshal to consult with the Board with respect to developing rules for the delegation of authority to firefighters and fire chiefs.

Under the bill, the Bureau, rather than the State Fire Marshal, is responsible for certifying firms that install fire suppression systems, or test, service, or inspect fire alarm systems or fire suppression systems.

The bill authorizes the Motor Carrier Division of the MSP, rather than the State Fire Marshal, to inspect a vehicle transporting hazardous material. The bill also transferred to the Motor Carrier Division all of the State Fire Marshal's responsibilities regarding vehicles transporting hazardous material under the Code.

Flammable Liquid Storage Certificates

The Code prohibits a firm or person from establishing or maintaining one or more of the following without a certificate:

- A flammable compressed gas or liquefied petroleum gas container filling location.
- An aboveground flammable compressed gas or LPG storage location that has a tank with a water capacity of more than 2,000 gallons or has two or more tanks with an aggregate water capacity of more than 4,000 gallons.
- An aboveground storage location for a flammable liquid or combustible liquid, which storage location has an individual tank storage capacity of more than 1,100 gallons (except for some crude petroleum collection tanks).

Previously, the State Fire Marshal was responsible for issuing the certificates every three years after he or she determined by an inspection that the firm location was in satisfactory compliance with the Code. The bill transferred this responsibility to the DEQ. As the State Fire Marshall could do, the DEQ may authorize a firm to conduct the inspections after it applies and pays a fee.

The bill allows the DEQ, as well as the State Fire Marshal, to revoke or deny a certificate upon a finding of noncompliance with the Code.

The bill also allows the DEQ to require a person to obtain approval from the Department before installing an aboveground storage tank for flammable or combustible liquids with an individual tank storage of 1,100 gallons or less. Previously, the State Fire Marshal could require a person to obtain approval from him or her before installing such a tank.

In addition, the bill transferred from the State Fire Marshal to the Bureau responsibilities concerning a fire, explosion, spill, accident, or related occurrence involving the transportation, storage, handling, sale, use, or possession of hazardous materials.

Dry Cleaning Operations

Under the Code, each location of a firm operating in the State that is engaged in a dry cleaning operation, using a flammable

liquid, may not be established or maintained without a certificate. The bill requires a firm to obtain the certificate from the DEQ, rather than the State Fire Marshal.

Under the bill, the certification requirement applies when a class IV installation is operated in the same building or establishment as other classes of dry cleaning installations. "Class IV installation" means that term as defined in Section 13301 of the Public Health Code, i.e., a dry cleaning system using solvents classified as nonflammable or as nonflammable at ordinary temperatures and only slightly flammable at higher temperatures.

Additional DEQ Responsibilities

The bill transferred from the State Fire Marshal to the DEQ responsibilities related to the following:

- Approval of the plans and specifications for a high level alarm system installed at the terminal of a tank filled by a pipeline.
- Approving a firm's capabilities and procedures to deliver a flammable liquid by remote control to an aboveground liquid storage tank, and procedures to be followed if a tank is overfilled.
- Requiring additional safety equipment and procedures at the request of an organized fire department, when public safety is endangered.
- Promulgating rules to exempt de minimus and portable quantities of hazardous chemicals from the requirement to provide a description of the quantity and location of hazardous chemicals to a fire chief.

Other Provisions

The bill transferred from the State Fire Marshal to the Bureau responsibilities for inspecting a place of public assemblage to determine its compliance with the Code, and certifying that a place of public assemblage is in compliance.

Also, the Bureau, rather than the State Fire Marshal, is responsible for certifying firms that submit a drawing, plan, or specification of a fire alarm system or fire suppression system, or install, modify, test, service, inspect, maintain, or document the installation or modification of such a system. The fee that a firm previously had to pay to

the State Fire Marshal must be paid to the Bureau. The Bureau, rather than the State Fire Marshal, may revoke a certification for noncompliance with State law.

The bill prohibits an organized fire department from charging a fee for conducting an inspection of a farm operation under Title III of the Superfund Amendments and Reauthorization Act (which concerns emergency preparedness for hazardous chemicals), unless the fee is specifically provided by law.

Repeals

The bill repealed Sections 3d, 27, and 34 of the Fire Prevention Code. Section 3d limited the scope of rules promulgated by the Board with respect to movie theaters. Section 27 provided for provisional certification of fire alarm and suppression systems for two years after the section was added by Public Act 144 of 1982. Under Section 34, each vehicle transporting flammable liquids, combustible liquids, or liquefied petroleum gas, in bulk, in the State, could not be operated without annual certification by the Motor Carrier Division of the Department of State Police.

Senate Bill 1134

The bill amended Public Act 170 of 1978, which created a State arson strike force unit within the MSP and the Fire Marshal Division, to delete reference to the Division.

Senate Bill 1135

The bill amended the Aeronautics Code 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

The bill repealed Section 13310 of the Public Health Code. That section provided that, when a class IV dry cleaning installation was operated in the same building or establishment as other classes of dry cleaning installations, Section 5i of the Fire Prevention Code applied. (Section 5i requires a dry cleaning operation using flammable liquid to obtain a certificate from the DEQ.)

The bill also refers 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

Under the Mechanical Contractors Act, the Board of Mechanical Rules includes the State Fire Marshal or his or her designee, and 14 State residents appointed by the Governor with the advice and consent of the Senate. The Act prescribed staggered terms of office for the first appointed members, and otherwise required members to be appointed for two-year terms. Under the bill, the two-year terms apply to members appointed before January 1, 2007. The bill requires members appointed after December 31, 2006, to be appointed for four-year terms, although a vacancy must be filled for the unexpired portion of the term.

Under the bill, the Governor must designate one member of the Board to serve as the chairperson at the pleasure of the Governor. Previously, a chairperson had to be elected from the appointed members.

Under the Act, Board members are entitled to receive reimbursement for actual expenses they incur in the performance of their duties as Board members, and travel or other expenses must be payable pursuant to the standardized travel regulations of the Department of Management and Budget. Under the bill, these reimbursements are subject to available appropriations.

Senate Bill 1138

The bill amended Public Act 306 of 1937, which regulates the construction, reconstruction, and remodeling of certain 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

The bill amended the Adult Foster Care Facility Licensing Act 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

The bill amended Public Act 9 of 1942 (1st Ex Sess) (which provides for compensation to certain injured firefighters and payment to the surviving spouse and dependents in case of death) to 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 requires a local fire department to cooperate with the Bureau, rather than the Fire Marshal.

Senate Bill 1141

The bill amended Public Act 52 of 1944 (1st Ex Sess) (which provides for the establishment of, quieting title to, and recreating the public records of land in counties where records of title have been destroyed by fire, flood, or other major disaster) to provide for approval of plans for a fireproof structure by the Bureau of Fire Services, rather than the State Fire Marshal.

Senate Bill 1142

The bill amended the Mental Health Code 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

The bill amended the Michigan Penal Code to refer to forms provided by the Bureau of Fire Services, rather than the MSP Director, for fireworks permits.

Senate Bill 1144

The bill amended Public Act 456 of 1988, which provides for civil immunity for firefighter instructors, to refer to an instructor certified, assigned, approved, or contracted under the Fire Fighters Training Council Act, rather than by the Michigan Fire Fighters Training Council.

Senate Bill 1145

The bill amended Public Act 457 of 1988, which provides for civil immunity for institutions of higher instruction and health facilities that train firefighters, to refer to an

institution or facility that participates in a program approved under the Fire Fighters Training Council Act, rather than by the Michigan Fire Fighters Training Council.

House Bill 5860

Training Council

The Fire Fighters Training Council Act created the Fire Fighters Training Council within the Department of State Police. Under the bill, the Firefighters Training Council is in the Bureau of Fire Services in DLEG.

The bill requires the Council to consist of the following seven members:

- The State Fire Marshal, or his or her designated representative, who must be an ex-officio member.
- Two members appointed by the Governor from a list of five or more submitted by the Michigan Association of Fire Chiefs.
- One member appointed by the Governor from a list of three or more submitted by the Michigan State Fire Fighter's Association.
- One member appointed by the Governor from a list of three names submitted by the Michigan Professional Fire Fighters Union.
- One member appointed by the Governor from a list of three or more names submitted by the Michigan Fire Services Instructors Association.
- One member appointed by the Governor from a list of two or more names submitted by the Michigan Townships Association and two or more names submitted by the Michigan Municipal League.

Previously, an organization that submitted a list of possible candidates was allowed to submit only the specified number of names (rather than that number or more). Additionally, the MSP Director, rather than the State Fire Marshal, served on the Council. The Act also had referred to the Michigan State Fire Fighter's Association, rather than the Michigan Professional Fire Fighters Union, and to the Metropolitan Club of America, instead of the Michigan Fire Service Instructors Association.

The Act had required appointed members to serve for three-year terms, although the

first members were appointed for staggered terms. Under the bill, the three-year terms apply to members appointed before January 1, 2007. Members appointed after December 31, 2006, must be appointed for four-year terms.

Previously, the Council designated a chairperson from among its members. The bill requires the Governor to designate a member to serve as the chairperson at the pleasure of the Governor.

The Act provides that members are entitled to their actual expenses in attending meetings and performing their duties. Under the bill, this is subject to available appropriations.

Responsibilities

The bill requires the State Fire Marshal, with the approval of the Council, to prepare and publish various standards and to develop and administer an examination. Previously, the Council performed these functions.

The bill also permits either the Council or the State Fire Marshal (rather than just the Council) to visit and inspect firefighter training schools, issue certificates for schools, make recommendations on firefighter qualifications and training to the Legislature, and perform other functions.

Training Reimbursement

Under the bill, from the amount appropriated by law for the Council, the Council may request and the State Fire Marshal may approve annual training expenditures for the purposes of payments to counties to reimburse organized fire departments for firefighter training and other activities required under the Act. The money must be disbursed to counties using a formula composed of 70% of county population and 30% of square miles within the county. A minimum disbursement to each county may be requested by the Council and approved by the State Fire Marshal.

The bill requires the chairperson of a firefighter training committee established in each county to survey the training needs of organized fire departments in the county and distribute the money received by the county as prioritized by them. If money

distributed to a county for a fiscal year is not designated by the chairperson for distribution by January 1 of the fiscal year, the undesignated money must be returned to the Council for redistribution.

The bill provides that money may be distributed only to an organized fire department that has adhered to the standards established under the Act for personnel recruited or trained by the organized fire department during the current and prior fiscal years.

Previously, the amounts annually appropriated by the Legislature had to be paid by the State Treasurer in accordance with the accounting laws of the State upon certification of the executive secretary of the Council for the purpose of reimbursing the city, county, township, or village for regular firefighters in the fire department in an amount not to exceed one-half of the salary paid to each firefighter meeting the recruitment standards and participating in training meeting the standard prescribed pursuant to the Act during the period covered by the allocation, plus \$8 of the necessary living expenses incurred by such firefighter that were necessitated by training requiring that he or she be away from his or her residence overnight. The bill deleted these provisions.

The bill also deleted requirements that State Treasurer pay appropriated amounts upon certification of the executive secretary of the Council for the purpose of reimbursing the local unit for volunteer firefighters in an amount not to exceed \$12.50 for lost wages, to be matched by the local municipality for each firefighter meeting the recruitment standards and participating in training meeting the standard prescribed under the Act during the period covered by the allocation, plus \$8 of the necessary living expenses, to be matched by the local municipality, incurred by the firefighter that were necessitated by overnight training requirements.

Previously, if the money in the Fire Fighter Training Fund to be appropriated by the Legislature for salary and expense reimbursement was insufficient to allocate these amounts to each participating city, county, township, or village, the amount allocated to each had to be reduced proportionately. No allocations could be

made to any city, county, township, or village that had not, throughout the period covered by the allocation, adhered to the standards established by the Council as applicable to personnel recruited or trained by the local unit during that period. The bill would delete these provisions.

Other Provisions

The bill requires the Council to develop and provide to each fire department, upon request at no charge, a videotape, digital video disc, or other electronic form of video display to be used in training firefighters. The Act had contained this requirement but referred only to a videotape.

The bill defines "firefighter training" as education or training designed and intended to enhance the ability of an organized fire department or the personnel of an organized fire department to safeguard life and property from damage from explosion, fire, or disaster, and to deliver fire suppression and other related fire services.

The Act previously defined "fire department or other organization" as an organization or department that provides fire suppression and other fire-related services within a city, village, township, or county. Under the bill, "organized fire department" means that term as defined in the Fire Prevention Code.

House Bill 5861

The bill repealed Section 5 of Public Act 59 of 1935. The section required that the Commissioner of the Michigan State Police ex-officio be the State Fire Marshal; abolished the offices of deputy state fire marshal and assistant state fire marshal; and required the powers of the State Fire Marshal to be exercised and performed by any employee of the Michigan State Police deputized or appointed by the commissioner to exercise and perform such duties. The section also transferred to the jurisdiction of the Michigan State Police the State oil inspector's department; the department of public safety; and the Department of the Michigan State Police, as it was constituted on the Act's effective date.

House Bill 5862

The bill amended the Single State Construction Code Act to include on the

State Construction Code Commission the State Fire Marshal or an employee of the Bureau of Fire Services designated by the State Fire Marshal, instead of a designee of the Office of Fire Safety.

The Commission also includes the chairpersons of several boards and 12 State residents appointed by the Governor with the advice and consent of the Senate. Previously, members were appointed for two-year terms. Under the bill, this applies to members appointed before January 1, 2007. A member appointed after December 31, 2006, must be appointed for a four-year term, although a vacancy must be filled for the unexpired portion of the term.

The Act had required the Commission to elect one member as chairperson. Under the bill, the Governor must designate a member to serve as chairperson at the pleasure of the Governor.

Previously, each Commission member, except the State Fire Marshal or his or her designee, was required to receive compensation and actual expenses incurred in the performance of the duties as a member, as established annually by the Legislature. Under the bill, members are to receive reimbursement for actual expenses, subject to available appropriations.

House Bill 5863

The bill amended Part 771 (Mackinac Island Fire Protection) of the Natural Resources and Environmental Protection Act to require that fire protection service and apparatus meet with the approval of the Bureau of Fire Services, rather than the State Fire Marshal.

House Bill 5864

The bill amended the Electrical Administrative Act to require the State Fire Marshal or his or her representative, instead of a representative of the Fire Marshal Division appointed by the MSP Director, to serve on the Electrical Administrative Board.

The Board also includes nine other members who are residents of the State, appointed by the Governor with the advice and consent of the Senate. Previously, members were appointed for three-year terms. Under the bill, this applies to appointments made before January 1, 2007. Each appointment

made after December 31, 2006, must be for four years.

Previously, the Board was required to elect a chairperson annually. Under the bill, the Governor must designate a Board member to serve as its chairperson at the pleasure of the Governor. The Board members may elect a vice-chairperson annually.

The bill deleted a requirement that the per diem of the nine appointed Board members, and the schedule for reimbursement of expenses, be established annually by the Legislature. Under the bill, each of the nine appointed members is entitled to actual and necessary expenses incurred in the performance of his or her duties as a Board member, subject to available appropriations.

The bill deleted provisions creating a fire alarm industry advisory committee and an electric sign industry advisory committee. The bill allows the Board to establish industry advisory committees as the Board deems advisable to consider issues and prepare recommendations to it regarding policy, regulation, and implementation of the Act.

House Bill 5865

The bill amended the Revised School Code to refer to a child care center located in a school building that is approved and inspected by the Bureau of Fire Services, rather than the State Fire Marshal.

House Bill 5866

The bill amended the Social Welfare Act to require that a county medical care facility be inspected and approved by the Bureau of Fire Services, rather than the State Fire Marshal, before opening.

House Bill 5867

The bill amended Public Act 227 of 1967 (which regulates the inspection, construction, installation, alteration, maintenance, repair, and operation of elevators and the licensure of elevator contractors) to refer to a noncombustible receptacle approved by the Bureau of Fire Services, rather than the State Fire Marshal.

House Bill 5868

The bill amended the Motor Carrier Safety Act to provide for approval by the Bureau of Fire Services, rather than the State Fire Marshal, of a hazardous material transfer under emergency conditions.

House Bill 5869

The bill amended Public Act 116 of 1973, which provides for the licensure and regulation of child care organizations, to require a representative of the Bureau of Fire Services, rather than the Fire Marshal Division, on an ad hoc committee formulating or amending rules under the Act.

The bill also refers to the Bureau, rather than the Fire Marshal, in several provisions.

House Bill 5870

Under the Insurance Code, if an insured motor vehicle incurs loss or damage caused by fire or explosion, the insured must submit a report to the fire or local enforcement agency designated by the city, village, or township. Previously, the report had to be prescribed by the State Fire Marshal. The bill refers to a report prescribed by the Office of Financial and Insurance Services in conjunction with the Bureau of Fire Services.

House Bill 5871

The bill amended the Michigan Vehicle Code to refer to driver training standards published under the Fire Fighters Training Council Act, rather than driver training standards of the Michigan Fire Fighters' Training Council.

- MCL 29.1 et al. (S.B. 1133)
- 28.72 (S.B. 1134)
- 259.204 (S.B. 1135)
- 333.20155 et al. (S.B. 1136)
- 338.973 (S.B. 1137)
- 388.851b et al. (S.B. 1138)
- 400.710 et al. (S.B. 1139)
- 419.201 (S.B. 1140)
- 561.16 (S.B. 1141)
- 330.1138 et al. (S.B. 1142)
- 750.243b (S.B. 1143)
- 29.401 (S.B. 1144)
- 29.412 (S.B. 1145)
- 29.361 et al. (H.B. 5860)
- 28.5 (H.B. 5861)

- 125.1503a & 125.1508b (H.B. 5862)
- 324.77101 (H.B. 5863)
- 338.882 (H.B. 5864)
- 380.1285a (H.B. 5865)
- 400.58 (H.B. 5866)
- 408.820 (H.B. 5867)
- 480.22 (H.B. 5868)
- 722.112 et al. (H.B. 5869)
- 500.3010 (H.B. 5870)
- 257.312e (H.B. 5871)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

These bills created a new Bureau of Fire Services in the Department of Labor and Economic Growth. The fire safety programs had been housed within the Bureau of Construction Codes, which allowed revenue from the Construction Code Fund to be used as a fund source for these programs. With the creation of a separate Bureau, the fire safety programs will no longer be supported with revenue from the Construction Code Fund in accordance with the State Construction Code Act, MCL 125.1522, which states that these funds are to be used to fund programs in the Bureau of Construction Codes. In the FY 2006-07 budget for this Department, the \$3 million of Construction Code Fund revenue has been replaced with Corporations and Securities Fees revenue.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.