



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 1133 through 1145 (as reported without amendment)

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)

Committee: Economic Development, Small Business and Regulatory Reform

CONTENT

Senate Bill 1133 would amend the Fire Prevention Code to create the Bureau of Fire Services in the Department of Labor and Economic Growth (DLEG); require the DLEG Director 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 would be the responsibility of the Bureau.
- Increase the membership of 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 Bill 1134 would amend Public Act 170 of 1978, 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 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, 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 Mechanical Contractors Act to refer to the DLEG Director, rather than the State Fire Marshal, in a provision concerning members of the Board of Mechanical Rules.

Senate Bill 1138 would amend Public Act 306 of 1937, 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 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 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 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) 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 would amend 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 would amend the Michigan Penal Code 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 (which provide for civil immunity to certain instructors and institutions that train firefighters), respectively, to refer to actions taken under the Fire Fighters Training Council Act, instead of by the Michigan Fire Fighters Training Council.

Senate Bill 1133 is tie-barred to Senate Bills 1134 through 1142 and House Bills 5860 through 5870 (which would amend various statutes generally to replace references to the State Fire Marshal Division with references to the Bureau of Fire Services). Senate Bills 1135 through 1143 are tie-barred to Senate Bill 1133. Senate Bills 1144 and 1145 are tie-barred to House Bill 5860.

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)

Legislative Analyst: J.P. Finet

FISCAL IMPACT

These bills would create a new Bureau of Fire Services in the Department of Labor and Economic Growth. The fire safety programs are housed within the Bureau of Construction Codes, which allows 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 could 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. Under the Governor's FY 2006-07 budget proposal for this Department, the \$3 million of Construction Code Fund revenue is replaced with Corporations and Securities Fees revenue.

Date Completed: 4-21-06

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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.