

HOUSE BILL No. 4683

April 27, 2005, Introduced by Rep. David Law and referred to the Committee on Regulatory Reform.

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 3c (MCL 29.3c), as amended by 1996 PA 152, and by adding section 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3c. (1) The board shall promulgate rules pertaining to
2 fire safety requirements for the construction, operation, or
3 maintenance of all of the following:

4 (a) Schools and dormitories, including state supported
5 schools, colleges, and universities and school, college, and
6 university dormitories. **NOT LATER THAN 6 MONTHS AFTER THE**
7 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 21, THE**
8 **BOARD, IN CONSULTATION WITH THE BUREAU OF CONSTRUCTION CODES AND**
9 **FIRE SAFETY, SHALL PROMULGATE RULES REQUIRING THE INSTALLATION OF**

1 DEVICES FOR THE MONITORING AND DETECTING OF CARBON MONOXIDE IN ALL
2 SCHOOLS, COLLEGES, AND UNIVERSITIES AND SCHOOL, COLLEGE, AND
3 UNIVERSITY DORMITORIES. THE RULES SHALL COMPLY WITH THE STANDARDS
4 DESCRIBED IN SECTION 21.

5 (b) Buildings for which the state is the lessee or which are
6 owned by the state.

7 (c) A health facility or agency as defined in section 20106 of
8 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
9 ~~being section 333.20106 of the Michigan Compiled Laws 1978 PA 368,~~
10 **MCL 333.20106.**

11 (d) Places of public assemblage.

12 (e) Penal facilities as described in section 62 of ~~Act No.~~
13 ~~232 of the Public Acts of 1953, being section 791.262 of the~~
14 ~~Michigan Compiled Laws 1953 PA 232, MCL 791.262.~~

15 (f) Dry cleaning establishments using flammable liquids.

16 (g) ~~Mental~~ **PSYCHIATRIC** facilities ~~as~~ described in section
17 135 of the mental health code, ~~Act No. 258 of the Public Acts of~~
18 ~~1974, being section 330.1135 of the Michigan Compiled Laws 1974 PA~~
19 **258, MCL 330.1135.**

20 (2) The board shall promulgate rules for the storage,
21 transportation, and handling of liquefied petroleum gas, ~~and~~ for
22 the storage, noncommercial transportation, and handling of other
23 hazardous materials, and for the implementation of this act.

24 (3) Rules promulgated pursuant to this act shall be consistent
25 with recognized good practice as evidenced by standards adopted by
26 nationally recognized authorities in the field of fire protection.
27 Experiences identified in the department's fire incidents reports

1 may be considered by the board as a qualified basis for review of
2 rules promulgated and promulgation of rules ~~pursuant to~~ **UNDER**
3 this act.

4 (4) The state fire safety board, pursuant to the
5 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
6 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
7 ~~Compiled Laws~~ **1969 PA 306, MCL 24.201 TO 24.328**, shall submit the
8 initial rules to the joint committee on administrative rules not
9 later than October 28, 1982 for the certification of a firm ~~which~~
10 **THAT** does any of the following:

11 (a) Installs, modifies, or documents the installation or
12 modification of a required fire suppression system.

13 (b) Documents the installation or modification of a required
14 fire alarm system.

15 (c) Performs testing, servicing, inspections, or maintenance
16 ~~which~~ **THAT** has not been exempted by the rules promulgated by the
17 board on required fire alarm systems or required fire suppression
18 systems.

19 (d) Submits a drawing, print, or sketch of a required fire
20 alarm system or required fire suppression system to the state fire
21 marshal for approval pursuant to section 29, except an architect or
22 professional engineer licensed under article 20 of the occupational
23 code, ~~Act No. 299 of the Public Acts of 1980, being sections~~
24 ~~339.2001 to 339.2014 of the Michigan Compiled Laws~~ **1980 PA 299,**
25 **MCL 339.2001 TO 339.2014.**

26 (5) The state fire marshal ~~shall~~ **IS** not ~~be~~ required to
27 consider fire safety rules other than those provided for in this

1 act and in ~~Act No. 306 of the Public Acts of 1937, being sections~~
2 ~~388.851 to 388.855a of the Michigan Compiled Laws 1937 PA 306, MCL~~
3 **388.851 TO 388.855A.**

4 (6) A person may request a variation of the application of a
5 rule promulgated pursuant to this act by applying to the state fire
6 marshal. The state fire marshal may make a variation upon a finding
7 that the variation does not result in a hazard to life or property.
8 The finding shall be transmitted to the person requesting the
9 variation and shall be entered into the records of the department
10 **OF LABOR AND ECONOMIC GROWTH.** If the variation requested concerns a
11 building, the finding shall also be transmitted to the governing
12 body of the city, village, or township in which the building is
13 located.

14 (7) The entire board, except as provided in section 3b(4),
15 shall act as a hearing body in accordance with ~~Act No. 306 of the~~
16 ~~Public Acts of 1969~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969,**
17 **1969 PA 306, MCL 24.201 TO 24.328,** to review and render decisions
18 on a contested case, a rule specified in this act, or a ruling of
19 the state fire marshal in the marshal's interpretation or
20 application of the rules. After a hearing, the board may vary the
21 application of a rule or may modify the ruling or interpretation of
22 the state fire marshal if the enforcement of the ruling or
23 interpretation would do manifest injustice and would be contrary to
24 the spirit and purpose of the rules or the public interest.

25 (8) A decision of the board to vary the application of a rule,
26 or to modify or change a ruling of the state fire marshal, shall
27 specify in what manner the variation, modification, or change is

1 made, the conditions upon which it is made, and the reasons for the
2 variation, modification, or change.

3 (9) If a local school board has passed a resolution calling
4 for an election on the question of the issuance of bonds for the
5 construction, remodeling, or addition to a school, which election
6 was held not later than September 28, 1989, which approved issuance
7 of the bonds and which construction was reasonably anticipated to
8 have begun not later than June 30, 1990, then the construction,
9 remodeling, or addition to that school is exempt from the rules
10 promulgated by the fire safety board entitled "schools, colleges,
11 and universities", ~~being~~ **FORMER** R 29.301 to R 29.321 of the
12 Michigan administrative code, that were filed with the ~~Secretary~~
13 **SECRETARY** of ~~State~~ **STATE** on July 14, 1989 and became effective on
14 July 29, 1989. The construction, remodeling, or addition to that
15 school is, however, subject to the standards contained in rules
16 promulgated by the fire safety board entitled "school fire safety",
17 ~~being the~~ former R 29.1 to R 29.298 of the Michigan administrative
18 code. This subsection does not prevent the construction,
19 remodeling, or addition of a school from complying with **FORMER** R
20 29.301 to R 29.321 of the Michigan administrative code.

21 **SEC. 21. (1) THE BOARD, IN CONSULTATION WITH THE BUREAU OF**
22 **CONSTRUCTION CODES AND FIRE SAFETY, SHALL PROMULGATE RULES**
23 **REGARDING THE MONITORING AND DETECTING OF CARBON MONOXIDE IN**
24 **SCHOOLS, COLLEGES, AND UNIVERSITIES AND SCHOOL, COLLEGE, AND**
25 **UNIVERSITY DORMITORIES, WHICH SHALL PROVIDE FOR THE FOLLOWING:**

26 (A) THE NUMBER OF MONITORS AND DETECTORS FOR PARTICULAR
27 CLASSES OF BUILDINGS CONSIDERING THEIR SIZE, AGE, AND DESIGN.

1 (B) THE PERMISSIBLE APPLICATIONS FOR EXISTING BUILDINGS AND
2 BUILDINGS UNDER CONSTRUCTION.

3 (2) THE BUREAU OF CONSTRUCTION CODES AND FIRE SAFETY SHALL
4 RECOMMEND TO THE BOARD WHETHER ANY EXISTING NATIONAL STANDARDS
5 CREATED BY A NATIONALLY RECOGNIZED ORGANIZATION ARE APPROPRIATE FOR
6 ADOPTION BY REFERENCE IN THE RULES.