

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5860

A bill to amend 1966 PA 291, entitled
"Fire fighters training council act of 1966,"
by amending the title and sections 1, 2, 3, 4, 5, 8, 9, 11, 13, and
14 (MCL 29.361, 29.362, 29.363, 29.364, 29.365, 29.368, 29.369,
29.371, 29.373, and 29.374), the title and sections 2, 3, and 5 as
amended by 1987 PA 196 and section 9 as amended by 1988 PA 458.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to ~~provide for the creation of a fire fighters~~ **CREATE**
THE FIREFIGHTERS training council; to ~~provide for~~ **PRESCRIBE** the
powers and duties of the council, **THE STATE FIRE MARSHAL**, and
certain fire departments ~~or~~ **AND** other organizations; to ~~provide~~
~~for the establishment of the fire fighters~~ **CREATE THE FIREFIGHTERS**
training council fund and **TO PROVIDE FOR** allocations ~~therefrom~~

1 **FROM THE FUND** to local agencies of government participating in a
2 ~~fire fighters~~ **FIREFIGHTERS** training program; and to make an
3 appropriation.

4 Sec. 1. This act shall be known and may be cited as the ~~"fire~~
5 ~~fighters~~ **"FIREFIGHTERS** training council act". ~~of 1966"~~.

6 Sec. 2. As used in this act:

7 (a) "Council" means the ~~fire fighters~~ **FIREFIGHTERS** training
8 council.

9 (b) "Executive secretary" means the executive secretary of the
10 council.

11 (c) ~~"Fire fighter"~~ **"FIREFIGHTER"** means a member, including
12 volunteer members and members paid on call, of ~~a~~ **AN ORGANIZED**
13 fire department ~~or other organization of a city, county, township,~~
14 ~~or village~~ who is responsible for, or is in a capacity ~~which~~
15 **THAT** includes responsibility for, the extinguishment of fires, the
16 directing of the extinguishment of fires, the prevention and
17 detection of fires, and the enforcement of the general fire laws of
18 this state. ~~This definition shall not apply to~~ **FIREFIGHTER DOES**
19 **NOT INCLUDE** a person whose job description, duties, or
20 responsibilities do not include direct involvement in fire
21 suppression.

22 (d) ~~"Fire department or other organization" means an~~
23 ~~organization or department which provides fire suppression and~~
24 ~~other fire related services within a city, village, township, or~~
25 ~~county.~~ **"ORGANIZED FIRE DEPARTMENT" MEANS THAT TERM AS DEFINED IN**
26 **SECTION 1 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1.**

27 (E) **"FIREFIGHTER TRAINING" MEANS EDUCATION OR TRAINING**

1 DESIGNED AND INTENDED TO ENHANCE THE ABILITY OF AN ORGANIZED FIRE
2 DEPARTMENT OR THE PERSONNEL OF AN ORGANIZED FIRE DEPARTMENT TO
3 SAFEGUARD LIFE AND PROPERTY FROM DAMAGE FROM EXPLOSION, FIRE, OR
4 DISASTER, AND TO DELIVER FIRE SUPPRESSION AND OTHER RELATED FIRE
5 SERVICES.

6 Sec. 3. (1) The ~~fire fighters~~ **FIREFIGHTERS** training council
7 is ~~hereby~~ created ~~within~~ **IN THE BUREAU OF FIRE SERVICES** IN the
8 department of ~~state police~~ **LABOR AND ECONOMIC GROWTH** and shall
9 consist of 7 members selected as follows:

10 (a) The ~~director of state police~~ **STATE FIRE MARSHAL**, or his
11 or her designated representative, shall be ex-officio a member.

12 (b) Two members appointed to the council by the governor from
13 a list of 5 ~~active~~ **OR MORE** members submitted by the Michigan
14 **ASSOCIATION OF** fire ~~chief's association~~ **CHIEFS**.

15 (c) One member appointed to the council by the governor from a
16 list of 3 ~~active fire fighters~~ **OR MORE MEMBERS** submitted by the
17 Michigan ~~state fire fighter's association~~ **PROFESSIONAL FIRE**
18 **FIGHTERS UNION**.

19 (d) One member appointed to the council by the governor from a
20 list of 3 **OR MORE** names submitted by the Michigan state firemen's
21 association.

22 (e) One member appointed to the council by the governor from a
23 list of 3 **OR MORE** names submitted by the ~~metropolitan club of~~
24 ~~America, incorporated~~ **MICHIGAN FIRE SERVICE INSTRUCTORS**
25 **ASSOCIATION**.

26 (f) One member appointed to the council by the governor from a
27 list of 2 **OR MORE** names submitted by the Michigan townships

1 association and 2 **OR MORE** names submitted by the Michigan municipal
2 league.

3 (2) All appointments made by the governor shall be with the
4 advice and consent of the senate.

5 Sec. 4. ~~Members~~ **A MEMBER** of the council **APPOINTED BEFORE**
6 **JANUARY 1, 2007** shall ~~hold office~~ **BE APPOINTED** for a term of 3
7 years. ~~, except that of the members first appointed from nominees~~
8 ~~submitted by the Michigan state fire chief's association, 1 shall~~
9 ~~be appointed for 3 years and 1 for 2 years.~~ **A MEMBER OF THE**
10 **COUNCIL APPOINTED AFTER DECEMBER 31, 2006 SHALL BE APPOINTED FOR A**
11 **TERM OF 4 YEARS.** A vacancy created other than by expiration of a
12 term shall be appointed for the unexpired term of the member who is
13 to succeed in the same manner as the original appointment. Any
14 member may be reappointed for additional terms.

15 Sec. 5. The **GOVERNOR MAY DESIGNATE A MEMBER OF THE COUNCIL TO**
16 **SERVE AS CHAIRPERSON OF THE COUNCIL AT THE PLEASURE OF THE**
17 **GOVERNOR. THE** council ~~shall~~ **MAY** designate ~~from among its members~~
18 ~~a chairperson and~~ a **MEMBER AS** vice-chairperson ~~who shall~~ **TO**
19 serve for 1 year. ~~and who~~ **THE VICE-CHAIRPERSON** may be reelected.
20 Membership on the council ~~shall~~ **DOES** not constitute holding a
21 public office. Members of the council ~~shall~~ **ARE** not ~~be~~ required
22 to take and file oaths of office before serving on the council. The
23 council shall not ~~have the right to~~ exercise any portion of the
24 sovereign power of ~~the~~ **THIS** state. ~~No~~ **A** member of the council
25 ~~shall be~~ **IS NOT** disqualified from holding any public office or
26 employment by reason of his or her appointment to membership on the
27 council, nor shall he or she forfeit any such office or employment

1 ~~—~~ by reason of his or her appointment, notwithstanding the
2 provisions of any general, special, or local laws or ordinances or
3 city charters.

4 Sec. 8. The members of the council shall serve without
5 compensation, but shall be entitled to their actual expenses in
6 attending meetings and in the performance of their duties, **SUBJECT**
7 **TO AVAILABLE APPROPRIATIONS.**

8 Sec. 9. (1) The **STATE FIRE MARSHAL, WITH THE APPROVAL OF THE**
9 council, shall prepare and publish standards with due consideration
10 to varying factors and special requirements of **ORGANIZED** fire
11 departments ~~—or other organizations—~~ in the following areas:

12 (a) Advisory standards of physical, educational, mental and
13 moral fitness, which shall govern the recruitment, selection, and
14 appointment of ~~—fire fighters—~~ **FIREFIGHTERS.**

15 (b) The approval by the council of ~~—fire fighter—~~ **FIREFIGHTER**
16 training schools. The standards shall address, at least, the
17 following issues:

18 (i) The qualification and certification of instructors.

19 (ii) The courses of study, attendance, record-keeping
20 requirements, equipment, and facilities.

21 (iii) The visitation and evaluation of instructors and schools.
22 ~~by the council.~~

23 (c) The establishment of subordinate regional training centers
24 in strategic geographic locations in order to serve the greatest
25 number of **ORGANIZED** fire departments that are unable to support
26 their own training programs.

27 (2) Each **ORGANIZED** fire department ~~—or other organization~~

1 shall file a statement with the council designating at least 1
2 training officer or training coordinator for the fire department.
3 ~~by November 30, 1988.~~ If a training officer or training
4 coordinator is changed, the **ORGANIZED** fire department, ~~or other~~
5 ~~organization,~~ within 7 days of the change, shall file a statement
6 notifying the council of the change.

7 (3) The council shall develop and provide to each **ORGANIZED**
8 fire department, ~~or other organization,~~ upon request of the
9 **ORGANIZED** fire department ~~or other organization~~ and at no charge,
10 a videotape, **DIGITAL VIDEO DISC, OR OTHER ELECTRONIC FORM OF VIDEO**
11 **DISPLAY** to be used in training ~~fire fighters~~ **FIREFIGHTERS**. The
12 videotape, **DIGITAL VIDEO DISC, OR OTHER ELECTRONIC FORM OF VIDEO**
13 **DISPLAY** shall not include training that requires a practical
14 demonstration. The videotape, **DIGITAL VIDEO DISC, OR OTHER**
15 **ELECTRONIC FORM OF VIDEO DISPLAY** shall be based on the ~~fire~~
16 ~~fighters I and II~~ standards **FOR FIRE FIGHTER I AND FIRE FIGHTER II**
17 set forth in ~~the~~ "**STANDARD FOR** fire fighter professional
18 qualifications", national fire protection association ~~pamphlet~~
19 **STANDARD** no. 1001, ~~1987~~ **2002** edition. The council may impose a
20 reasonable fee for loss, damage, or late return of a videotape,
21 **DIGITAL VIDEO DISC, OR OTHER ELECTRONIC FORM OF VIDEO DISPLAY**
22 provided to ~~a~~ **AN ORGANIZED** fire department ~~or other organization~~
23 under this subsection.

24 (4) The **STATE FIRE MARSHAL, WITH THE APPROVAL OF THE** council,
25 shall develop and administer an examination, which shall include a
26 practical demonstration, a written or oral test, or a combination
27 thereof, to determine a person's competency in regard to the

1 knowledge and skill requirements set forth in ~~fire fighter I and~~
2 ~~II standards of the~~ **STANDARDS FOR FIRE FIGHTER I AND FIRE FIGHTER**
3 **II SET FORTH IN "STANDARD FOR** fire fighter professional
4 qualifications", national fire protection association ~~pamphlet~~
5 **STANDARD** no. 1001, ~~1987~~ **2002** edition. The council, upon the
6 request of ~~a~~ **AN ORGANIZED** fire department, ~~or other~~
7 ~~organization,~~ shall administer the examination in each county at
8 least once every year. The examination shall be administered in 2
9 parts. Part 1 shall test the knowledge and skill requirements set
10 forth in fire fighter I, and part 2 shall test the knowledge and
11 skill requirements set forth in fire fighter II. The examination
12 may be retaken, as necessary, upon request from ~~a~~ **AN ORGANIZED**
13 fire department. ~~or other organization.~~

14 (5) Within 12 months after a person's hiring date as a full-
15 time ~~fire fighter~~ **FIREFIGHTER**, the person must pass both part 1
16 and part 2 of the examination to be eligible for continued or
17 permanent full-time employment as a ~~fire fighter~~ **FIREFIGHTER**.

18 (6) Within 24 months after a person's appointment date as a
19 volunteer or paid on-call ~~fire fighter~~ **FIREFIGHTER**, a person must
20 pass part 1 of the examination to be eligible for continued
21 volunteer or paid on-call service as a ~~fire fighter~~ **FIREFIGHTER**.

22 (7) The examination described in this section shall not apply
23 to a person who is employed or under appointment as a ~~fire fighter~~
24 **FIREFIGHTER** on October 1, 1988, unless ~~a~~ **THE** person subsequently
25 changes his or her status from a volunteer or paid on-call ~~fire~~
26 ~~fighter~~ **FIREFIGHTER** to a full-time ~~fire fighter~~ **FIREFIGHTER**.

27 (8) The **STATE FIRE MARSHAL, WITH THE APPROVAL OF THE** council,

1 shall review and monitor the state and federal standards relating
2 to live fire training exercises in structures and make
3 recommendations to the general industry safety standards commission
4 for any new or modified standards ~~which in their opinion are~~
5 necessary for the protection of ~~fire fighter~~ **FIREFIGHTER**
6 trainees.

7 Sec. 11. The **STATE FIRE MARSHAL OR THE** council may:

8 (a) Visit and inspect any ~~fire fighter~~ **FIREFIGHTER** training
9 school, or examine the curriculum or training procedures, for which
10 application for approval has been made.

11 (b) Issue certificates to ~~fire fighter~~ **FIREFIGHTER** training
12 schools qualifying under the regulations ~~of the council~~
13 **PROMULGATED UNDER THIS ACT.**

14 (c) Authorize the issuance of certificates of graduation or
15 diplomas by approved ~~fire fighter~~ **FIREFIGHTER** training schools to
16 ~~fire fighters~~ **FIREFIGHTERS** who have satisfactorily completed
17 minimum courses of study.

18 (d) Cooperate with state, federal, **AND** local fire agencies in
19 establishing and conducting local or area schools ~~—~~ or regional
20 training centers for instruction and training of ~~fire fighters~~
21 **FIREFIGHTERS** of this state ~~—~~ **AND** its cities, counties, townships,
22 and villages.

23 (e) Make recommendations to **THE STATE FIRE MARSHAL, THE**
24 **GOVERNOR, AND** the legislature on matters pertaining to
25 qualification and training of ~~fire fighters~~ **FIREFIGHTERS.**

26 Sec. 13. There is created in the state treasury ~~a fire~~
27 ~~fighters~~ **THE FIREFIGHTERS** training fund from which the legislature

1 shall appropriate ~~such sums as are~~ **AN AMOUNT OF MONEY** deemed
2 necessary for the purposes of this act but ~~in no case shall such~~
3 appropriations ~~be in excess of~~ **FROM THE FIREFIGHTERS TRAINING**
4 **FUND SHALL NOT EXCEED** 75% of ~~the amounts~~ **MONEY** paid into the
5 fund.

6 Sec. 14. ~~The amounts annually appropriated by the legislature~~
7 ~~shall be paid by the state treasurer in accordance with the~~
8 ~~accounting laws of the state upon certification of the executive~~
9 ~~secretary of the council for the purpose of reimbursing the city,~~
10 ~~county, township or village for regular fire fighters in the fire~~
11 ~~department in an amount not to exceed 1/2 of the salary paid to~~
12 ~~each fire fighter meeting the recruitment standards and~~
13 ~~participating in training meeting the standard prescribed pursuant~~
14 ~~to this act during the period covered by the allocation, plus \$8.00~~
15 ~~of the necessary living expenses incurred by such fire fighter~~
16 ~~which are necessitated by training requiring that he be away from~~
17 ~~his residence overnight. The amounts annually appropriated by the~~
18 ~~legislature shall be paid by the state treasurer in accordance with~~
19 ~~the accounting laws of the state upon certification of the~~
20 ~~executive secretary of the council for the purpose of reimbursing~~
21 ~~the city, county, township or village for volunteer fire fighters~~
22 ~~in an amount not to exceed \$12.50 for lost wages, to be matched by~~
23 ~~the local municipality for each fire fighter meeting the~~
24 ~~recruitment standards and participating in training meeting the~~
25 ~~standard prescribed pursuant to this act during the period covered~~
26 ~~by the allocation, plus \$8.00 of the necessary living expenses, to~~
27 ~~be matched by the local municipality, incurred by such fire fighter~~

1 ~~which are necessitated by training requiring that he be away from~~
2 ~~his residence overnight. If the moneys in the fire fighter training~~
3 ~~fund to be appropriated by the legislature for such salary and~~
4 ~~expense reimbursement are insufficient to allocate such amount to~~
5 ~~each participating city, county, township or village, the amount~~
6 ~~allocated to each shall be reduced proportionately. In no event~~
7 ~~shall any allocations be made to any city, county, township or~~
8 ~~village which has not, throughout the period covered by the~~
9 ~~allocation, adhered to the standards established by the council as~~
10 ~~applicable to personnel recruited or trained by such city, county,~~
11 ~~township or village during such period.~~

12 (1) FROM THE AMOUNT ANNUALLY APPROPRIATED BY LAW FOR THE
13 COUNCIL, THE COUNCIL MAY REQUEST AND THE STATE FIRE MARSHAL MAY
14 APPROVE ANNUAL TRAINING EXPENDITURES FOR THE PURPOSES OF PAYMENTS
15 TO COUNTIES TO REIMBURSE ORGANIZED FIRE DEPARTMENTS FOR FIREFIGHTER
16 TRAINING AND OTHER ACTIVITIES REQUIRED UNDER THIS ACT.

17 (2) THE MONEY APPROVED UNDER SUBSECTION (1) SHALL BE DISBURSED
18 TO COUNTIES USING A FORMULA COMPOSED 70% OF COUNTY POPULATION AND
19 30% OF SQUARE MILES WITHIN THE COUNTY. A MINIMUM DISBURSEMENT TO
20 EACH COUNTY MAY BE REQUESTED BY THE COUNCIL AND APPROVED BY THE
21 STATE 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 IN THE COUNTY AND SHALL DISTRIBUTE THE
25 MONEY RECEIVED BY THE COUNTY UNDER THIS SECTION AS PRIORITIZED BY
26 THE ORGANIZED FIRE DEPARTMENTS IN THE COUNTY. IF MONEY DISTRIBUTED
27 TO A COUNTY UNDER THIS SECTION FOR A FISCAL YEAR IS NOT DESIGNATED

1 BY THE CHAIRPERSON FOR DISTRIBUTION TO ORGANIZED FIRE DEPARTMENTS
2 IN THE COUNTY BY JANUARY 1 OF THE FISCAL YEAR, THE UNDESIGNATED
3 MONEY SHALL BE RETURNED TO THE COUNCIL FOR REDISTRIBUTION USING THE
4 FORMULA UNDER SUBSECTION (2).

5 (4) MONEY SHALL BE DISTRIBUTED UNDER THIS SECTION ONLY TO AN
6 ORGANIZED FIRE DEPARTMENT THAT HAS ADHERED TO THE STANDARDS
7 ESTABLISHED UNDER THIS ACT FOR PERSONNEL RECRUITED OR TRAINED BY
8 THE ORGANIZED FIRE DEPARTMENT DURING THE CURRENT AND PRIOR FISCAL
9 YEARS.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. 1133 of the 93rd Legislature is enacted into
12 law.