

HOUSE BILL NO. 4890

May 20, 2021, Introduced by Reps. Hope, Anthony, Young, Scott, Weiss, Aiyash, Kuppa, Whitsett, Manoogian, Hood and Brixie and referred to the Committee on Regulatory Reform.

A bill to amend 1966 PA 291, entitled "Firefighters training council act," by amending sections 2, 11, 13, and 14 (MCL 29.362, 29.371, 29.373, and 29.374), section 2 as amended by 2020 PA 133 and sections 11, 13, and 14 as amended by 2017 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Airport rescue firefighter" means an employee of or
- 3 volunteer assigned by a political subdivision to assist an

1 organized fire department or public safety department who is
2 certified under National Fire Protection Association standard no.
3 1003 and meets the requirements of the Federal Aviation
4 Administration under 14 CFR part 139, whose job description,
5 duties, or responsibilities include responding to an aircraft
6 accident.

7 (b) "Certificate" means a numbered document issued by the
8 state fire marshal to ~~a person~~**an individual** who has obtained
9 certification under this act.

10 (c) "Certification" means either of the following:

11 (i) A determination by the state fire marshal that ~~a person~~**an**
12 **individual** meets the certification requirements for a position
13 within the fire service, as established by the council under this
14 act. Recognized positions in the fire service include, but are not
15 limited to, firefighter, fire chief, public safety director, fire
16 inspector, plans examiner, fire investigator, fire officer,
17 hazardous materials responder, technical rescue responder, airport
18 rescue firefighter, and fire service instructor. Certifications for
19 each position within the fire service must comply with the Michigan
20 occupational safety and health administration general industry
21 safety **and health** standard, R 408.17411 of the Michigan
22 Administrative Code.

23 (ii) A determination by the state fire marshal that ~~a person~~**an**
24 **individual** was employed as a firefighter before October 1, 1988 and
25 that the ~~person~~**individual** is otherwise authorized under this act
26 to be employed as a firefighter.

27 (d) "Contested case" means that term as defined in section 3
28 of the administrative procedures act of 1969, 1969 PA 306, MCL
29 24.203.

1 (e) "Council" means the firefighters training council created
2 under section 3.

3 (f) "Executive secretary" means the executive secretary of the
4 council.

5 (g) "Felony" means a violation of the laws of this state,
6 another state, or the United States that is designated as a felony.

7 (h) "Firefighter" means a member of an organized fire
8 department or public safety department who is responsible for, or
9 is in a capacity that includes responsibility for, the
10 extinguishment of fires, the directing of the extinguishment of
11 fires, the directing or management of emergency response
12 activities, fire safety prevention inspection, plans examination,
13 fire investigation, hazardous materials response, technical rescue
14 response, airport rescue response, airport rescue firefighting,
15 fire service instruction, and the enforcement of the general fire
16 laws of this state and the community where he or she serves.

17 (i) "Firefighter training" means an education or training
18 program including a program eligible to receive funding from the
19 fireworks safety fund created in section 11 of ~~the Michigan~~
20 ~~fireworks safety act, former~~ 2011 PA 256, ~~MCL 28.461,~~ and other
21 training programs as approved by the state fire marshal, designed
22 and intended to enhance the ability of an organized fire department
23 or public safety department and the personnel of an organized fire
24 department or public safety department to safeguard life and
25 property from damage from explosion, fire, or disaster, and to
26 deliver fire suppression, emergency medical service, hazardous
27 material response, technical rescue, airport rescue and
28 firefighting, fire inspection, fire investigation, fire safety
29 education, and other related fire services.

1 (j) "Fire chief" means the individual who serves as the
2 administrative head of an organized fire department.

3 (k) "Fire inspector" means an employee of or volunteer
4 assigned by a political subdivision to assist an organized fire
5 department or public safety department whose job description,
6 duties, or responsibilities include, or who is in a capacity that
7 includes responsibility for, inspecting property for fire code
8 violations and enforcing the general fire codes of the jurisdiction
9 that he or she serves.

10 (l) "Fire instructor" means an employee of or volunteer
11 assigned by a political subdivision to assist an organized fire
12 department or public safety department, or other individual who is
13 certified to instruct 1 or more council-approved fire service
14 training programs.

15 (m) "Fire investigator" means an employee of or volunteer
16 assigned by a political subdivision to assist an organized fire
17 department or public safety department who is certified under
18 National Fire Protection Association standard no. 1033, whose job
19 description, duties, or responsibilities include investigating the
20 origin and cause of fires, and who has obtained the skills and
21 knowledge necessary to conduct, coordinate, and complete a fire
22 investigation. Fire investigator does not include a fire
23 investigator who is employed by a law enforcement agency as that
24 term is defined in section 2 of the Michigan commission on law
25 enforcement standards act, 1965 PA 203, MCL 28.602, other than a
26 public safety department, or a professional investigator licensed
27 under the professional investigator licensure act, 1965 PA 285, MCL
28 338.821 to 338.851.

29 (n) "Fire officer" means a current member of an organized fire

1 department or public safety department assigned a rank above
2 firefighter who is responsible for, or is in a capacity that
3 includes responsibility for, performing supervisory or management
4 responsibilities of an emergency or nonemergency nature within his
5 or her organized fire department or public safety department. Fire
6 officer includes titles such as sergeant, lieutenant, captain, and
7 chief officer.

8 (o) "Fire service" means the engaging in the directing or
9 management of emergency response activities, fire safety prevention
10 inspection, plans examination, fire investigation, hazardous
11 material response, technical rescue response, airport rescue
12 response, airport rescue firefighting, fire service instruction,
13 and the enforcement of the general fire laws of this state and the
14 communities therein by fire service members and organized fire
15 departments and public safety departments.

16 (p) "Fire service course" means a training course or activity
17 that is approved by the council and meets the standard for
18 firefighter training in subdivision (i).

19 (q) "Fire service discipline" means each of the respective
20 certifiable fire service positions included under this act. Fire
21 service discipline includes fire chief, fire inspector, fire
22 instructor, fire investigator, fire officer, public safety
23 director, plans examiner, firefighter, hazardous materials
24 responder, technical rescue responder, and airport rescue
25 firefighter.

26 (r) "Fire service member" or "member" means ~~a person~~ **an**
27 **individual** described in subdivision (a), (h), (j), (k), (l), (m),
28 (n), (u), (aa), (dd), (ff), or (ii).

29 (s) "Full-time" means employment during which an individual

1 works scheduled shifts, is paid for all hours he or she works, and
2 works sufficient hours weekly to be classified as a full-time
3 employee by the applicable employing political subdivision.

4 (t) "Hazardous materials" means any chemical, substance,
5 compound, mixture, or other material defined as, designated as,
6 listed as, or having the same characteristics as any chemical
7 substance, compound, mixture, or material defined as, designated
8 as, or listed as hazardous under federal or state law or
9 regulations.

10 (u) "Hazardous materials responder" means an employee of or
11 volunteer assigned by a political subdivision to assist an
12 organized fire department or public safety department who is
13 certified under National Fire Protection Association standard no.
14 1072 and who is trained to or whose responsibilities include,
15 responding to and being actively involved with the mitigation of a
16 hazardous materials incident including a weapon of mass destruction
17 event.

18 (v) "Hazardous materials response" means any response to an
19 event involving any chemical, substance, compound, mixture, or
20 other material defined as, designated as, listed as, or having the
21 same characteristics as any substance, compound, mixture, or
22 material defined as, designated as, or listed as hazardous under
23 federal or state law or regulation.

24 (w) "Organized fire department" means that term as defined in
25 section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

26 (x) "Paid on-call" means employment during which an individual
27 works on an on-call basis, is paid for all hours he or she works,
28 and only occasionally works scheduled shifts.

29 (y) "Part-time" means employment during which an individual is

1 paid for all hours he or she works and works scheduled shifts but
2 works fewer hours weekly than the hours necessary to be classified
3 as a full-time employee by the applicable employing political
4 subdivision.

5 (z) "PFAS" means a perfluoroalkyl or polyfluoroalkyl
6 substance.

7 (aa) "Plans examiner" means an employee of or volunteer
8 assigned by a political subdivision to assist an organized fire
9 department or public safety department who is certified under
10 National Fire Protection Association standard no. 1031 and whose
11 job description, duties, or responsibilities include conducting
12 plan reviews of construction documents for compliance with the
13 general fire codes of the community that he or she serves.

14 (bb) "Political subdivision" means a county, municipality,
15 school district, or any other local governmental unit, agency,
16 body, board, or commission but does not include a state department,
17 board, commission, or agency of state government.

18 (cc) "Public safety department" means a department of a
19 political subdivision providing both law enforcement and fire
20 services either separately or utilizing a combined response force
21 with personnel trained and certified as both firefighters under
22 this act and law enforcement officers under the Michigan commission
23 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
24 28.615, under the direction and administration of a single
25 director.

26 (dd) "Public safety director" means the individual who serves
27 as the administrative head of a public safety department.

28 (ee) "Rule" means a rule promulgated under the administrative
29 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

1 (ff) "Technical rescue responder" means an employee of or
2 volunteer assigned by a political subdivision to assist an
3 organized fire department or public safety department who is
4 certified under National Fire Protection Association standard no.
5 1006 and who has received training in the application of special
6 knowledge, skills, and equipment to safely resolve unique and
7 complex rescue situations.

8 (gg) "Technical rescue response" means those aspects of saving
9 life or property that employ the use of tools and skills that
10 exceed those normally reserved for firefighting, medical emergency,
11 and rescue. These disciplines include, but are not limited to, rope
12 rescue, confined space rescue, trench and excavation rescue, and
13 building collapse rescue.

14 (hh) "Volunteer" means appointment or employment for which an
15 individual receives no compensation for work provided, or
16 appointment or employment for which an individual receives
17 compensation in the form of reasonable expenses incurred during the
18 course of his or her appointment or employment or other reasonable
19 benefits, including, but not limited to, length of service awards
20 or nominal fees.

21 (ii) "Volunteer firefighter" or "paid on-call firefighter"
22 means an individual who is charged with the prevention or
23 suppression of fires and who is directly engaged in the hazards of
24 firefighting or in charge of a designated fire company or companies
25 that are directly engaged in the hazards of firefighting on a
26 volunteer or paid on-call basis. Volunteer or paid on-call
27 firefighter does not include a full-time firefighter.

28 Sec. 11. (1) Under the direction of the state fire marshal,
29 the council may do all of the following:

1 (a) Visit and inspect any firefighter training school, or
2 examine the curriculum or training procedures, for which
3 application for approval has been made.

4 (b) Issue certificates to firefighter training schools
5 qualifying under the regulations promulgated under this act.

6 (c) Authorize the issuance of certificates of graduation or
7 diplomas to students who have satisfactorily completed the minimum
8 requirements in each of the fire service courses.

9 (d) Cooperate with state, federal, and local fire agencies in
10 establishing and conducting local or area schools or regional
11 training centers for instruction and training of firefighters of
12 this state and its cities, counties, townships, and villages.

13 (e) Make recommendations to the state fire marshal, the
14 governor, and the legislature on matters pertaining to
15 qualification and training of fire service members.

16 (f) Establish preservice basic training programs at high
17 schools, colleges, community colleges, and universities.

18 (g) Require an examination in order to pass each of the fire
19 service courses qualifying under the standards set forth in this
20 act.

21 (h) Establish continuing education requirements for
22 maintaining certification under this act.

23 (i) Establish the requisite level of fire instructor activity
24 to maintain certification as a fire instructor.

25 (j) Establish and charge a fee to recover the cost of testing
26 and training provided to ~~a person~~ **an individual** who is not employed
27 by an organized fire department or public safety department of this
28 state and who is seeking to be employed as a fire service member.

29 (k) Promulgate rules for the development, conduct, and

1 responsibilities of a county training committee in each county in
2 this state.

3 (2) The council may allow 2 or more counties to form and
4 jointly operate a regional training committee charged with the
5 oversight of training needs in those counties.

6 (3) Fees collected under subsection (1)(j) must be deposited
7 into the fireworks safety fund created in section 11 of ~~the~~
8 ~~Michigan fireworks safety act, former~~ 2011 PA 256. ~~, MCL 28.461.~~

9 Sec. 13. (1) Firefighter training provided under this act must
10 be funded by the money collected from fireworks safety fees imposed
11 under section 8 of ~~the Michigan fireworks safety act, former~~ 2011
12 PA 256, ~~MCL 28.458,~~ and the fees collected under section 11 of this
13 act and deposited in the fireworks safety fund created in section
14 11 of ~~the Michigan fireworks safety act, former~~ 2011 PA 256. ~~, MCL~~
15 ~~28.461.~~ The fund must be distributed to fund firefighter training
16 programs as provided in section 11 of ~~the Michigan fireworks safety~~
17 ~~act, former~~ 2011 PA 256. ~~, MCL 28.461.~~

18 (2) Firefighter training provided under this act may also be
19 funded by any additional funding sources identified by the council
20 or state fire marshal.

21 Sec. 14. (1) From the amount annually deposited in and
22 appropriated to the fireworks safety fund for firefighter training
23 under section 11 of ~~the Michigan fireworks safety act, former~~ 2011
24 PA 256, ~~MCL 28.461,~~ the council may request and the state fire
25 marshal may approve annual training expenditures for the purposes
26 of payments to the designated fiduciary of each county's training
27 committee to fund firefighter training and provide for firefighter
28 training equipment and other related activities required under this
29 act. The state fire marshal may deny requests not meeting the

1 requirements of this act.

2 (2) The money approved under subsection (1) must be disbursed
3 to county training committees using a formula composed 70% of
4 county population and 30% of square miles within the county. A
5 minimum disbursement to each county training committee may be
6 requested by the council and approved by the state fire marshal.

7 (3) The chairperson of a firefighter training committee
8 established in each county shall survey the training needs of
9 organized fire departments and public safety departments in the
10 county and shall expend money for firefighter training, firefighter
11 training equipment, or other activities required under this act as
12 prioritized by the organized fire departments or public safety
13 departments in the county. If money distributed to a county under
14 this section for a fiscal year is not designated by the chairperson
15 for expenditure as provided in this subsection by the county by
16 January 1 of the fiscal year, the undesignated money must be
17 returned to the council and may be redistributed by the council
18 through the application process under section 15. The state fire
19 marshal may deny requests for redistribution that do not meet the
20 requirements of this act. The council shall deposit undesignated
21 money that is not redistributed through an application under
22 section 15 into the fireworks safety fund created in section 11 of
23 ~~the Michigan fireworks safety act, former~~ 2011 PA 256. ~~MCL~~
24 ~~28.461.~~

25 (4) Money must be distributed under this section only to
26 support training for personnel from an organized fire department or
27 public safety department that has adhered to the standards
28 established under this act for personnel recruited or trained by
29 the organized fire department or public safety department during

1 the current and prior fiscal years and that has complied with the
2 incident reporting requirements under section 4 of the fire
3 prevention code, 1941 PA 207, MCL 29.4, during the 12 months
4 preceding an application made under this act.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. _____ or House Bill No. 4891 (request no.
9 03102'21) of the 101st Legislature is enacted into law.