FIREFIGHTERS TRAINING COUNCIL ACT

Act 291 of 1966

AN ACT to create the firefighters training council; to prescribe the powers and duties of the council, the state fire marshal, and certain fire departments and other organizations; to create the firefighters training council fund and to provide for allocations from the fund to local agencies of government participating in a firefighters training program; and to make an appropriation.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 1987, Act 196, Eff. Oct. 1, 1988 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006

The People of the State of Michigan enact:

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29.361 Short title; firefighters training council act.

Sec. 1.

This act shall be known and may be cited as the "firefighters training council act".

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.362 Definitions.

Sec. 2.

As used in this act:

(a) "Airport rescue firefighter" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department who is certified under National Fire Protection Association standard no. 1003 and meets the requirements of the Federal Aviation Administration under 14 CFR part 139, whose job description, duties, or responsibilities include responding to an aircraft accident.

(b) "Certificate" means a numbered document issued by the state fire marshal to a person who has obtained certification under this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) "Fire officer" means a current member of an organized fire department or public safety department assigned a rank above firefighter who is responsible for, or is in a capacity that includes responsibility for, performing supervisory or management responsibilities of an

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emergency or nonemergency nature within his or her organized fire department or public safety department. Fire officer includes titles such as sergeant, lieutenant, captain, and chief officer.

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

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

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

(r) "Fire service member" or "member" means a person described in subdivision (a), (h), (j), (k), (l), (m), (n), (u), (aa), (dd), (ff), or (ii).

(s) "Full-time" means employment during which an individual works scheduled shifts, is paid for all hours he or she works, and works sufficient hours weekly to be classified as a full-time employee by the applicable employing political subdivision.

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

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

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

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

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

(y) "Part-time" means employment during which an individual is paid for all hours he or she works and works scheduled shifts but works fewer hours weekly than the hours necessary to be classified as a full-time employee by the applicable employing political subdivision.

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

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

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

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

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

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

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

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

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

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

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History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 1987, Act 196, Eff. Oct. 1, 1988 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2016, Act 405, Eff. Apr. 3, 2017 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018 ;-- Am. 2020, Act 133, Eff. Oct. 6, 2020

Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.363 Firefighters training council; creation; selection of members; advice and consent of senate.

Sec. 3.

(1) The firefighters training council is created in the bureau of fire services in the department of licensing and regulatory affairs and consists of 9 members selected as follows:

(a) The state fire marshal, or his or her designated representative, shall be ex officio a member.

(b) Eight members appointed by the governor as follows:

(i) Two members from a list of 5 members submitted by the Michigan Association of Fire Chiefs or its successor organization.

(ii) One member from a list of 3 members submitted by the Michigan Professional Fire Fighters Union or its successor organization.

(iii) One member from a list of 3 names submitted by the Michigan State Firemen's Association or its successor organization.

(iv) One member from a list of 3 names submitted by the Michigan Fire Service Instructors Association or its successor organization.

(v) One member from a list of 3 names submitted by the Michigan Fire Inspectors Society or its successor organization.

(vi) One member from a list of 2 names submitted by the Michigan Townships Association and 2 names submitted by the Michigan Municipal League or a respective successor organization.

(vii) One member from a list of 3 names submitted by the state fire marshal. The 3 individuals whose names are submitted under this subparagraph shall be active fire service members.

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

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 1987, Act 196, Eff. Oct. 1, 1988 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018

Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of position as member of fire fighters training council to the director of the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.364 Firefighters training council; terms; vacancy; reappointment.

Sec. 4.

Beginning with the members first appointed after the effective date of the amendatory act that added section 9b, a member of the council must be appointed for a term of 4 years. A vacancy created by the expiration of a term or in any other manner must be filled in the same manner as the original appointment. Any member may be reappointed for additional terms.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018

Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.365 Firefighters training council; chairperson; vice-chairperson; oath of office not required; other public office or employment.

Sec. 5.

(1) The governor shall appoint a member of the council to serve as chairperson of the council at the pleasure of the governor.

(2) The council shall appoint a member of the council to serve as vice-chairperson for 2 years. The vice-chairperson may be reappointed.

(3) Members of the council are not required to take and file oaths of office before serving on the council. The council shall not exercise any portion of the sovereign power of this state.

(4) A member of the council is not disqualified from holding any public office or employment by reason of his or her appointment to membership on the council, nor shall he or she forfeit any office or employment by reason of his or her appointment, notwithstanding the provisions of any general, special, or local laws or ordinances or city charters.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 1987, Act 196, Eff. Oct. 1, 1988 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018

Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of position as member of fire fighters training council to the director of the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.366 Firefighters training council; meetings; conducting business at public meeting; notice of meeting; quorum, place, and conduct of meetings.

Sec. 6.

(1) The council shall meet not fewer than 4 times each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson. A special meeting of the council must be called by the chairperson upon the written request of 4 members of the council.

(2) The council shall conduct its business at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting must be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The council shall establish its own procedures and requirements with respect to quorum, place, and conduct of its meetings and other matters.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 1980, Act 10, Imd. Eff. Feb. 14, 1980 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018

Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.367 Repealed. 2018, Act 298, Imd. Eff. June 29, 2018.

Compiler's Notes: The repealed section pertained to the firefighters training council annual report.

29.368 Firefighters training council; members; compensation and expenses.

Sec. 8.

The members of the council shall serve without compensation, but are entitled to their actual expenses in attending meetings and in the performance of their duties.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018

Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.369 State fire marshal; preparation and publication of rules establishing minimum standards; duties; certification examination requirements; waiver; validity of certification; certificate as property of state fire marshal; review and monitoring of state and federal standards relating to live fire training exercises.

Sec. 9.

(1) The state fire marshal, with the approval of a majority of the council, shall prepare and publish rules that establish minimum standards for certification as a fire service member. The standards established under this section must comply with the Michigan occupational safety and health administration general industry safety standard, R 408.17411 of the Michigan Administrative Code and section 9c. To maintain compliance with the Michigan occupational safety and health administration general industry safety standard, R 408.17411 of the Michigan Administrative Code, the employer of a fire service member shall provide initial and continued training to the member commensurate with and specific to the duties that the member is expected to perform. The training described in this section and section 9c must be provided before the member is permitted to perform emergency operations.

(2) The state fire marshal, with the approval of a majority of the council, shall do all of the following:

(a) Create advisory standards of physical, criminal history, and educational fitness that govern the recruitment, selection, and certification of a person as a fire service member.

(b) Develop and administer certification examinations, testing procedures, and reciprocity recognition for credentialing in the various fire service disciplines recognized under this act. The requirements for each fire service discipline must meet the respective professional qualifications in the current and appropriate National Fire Protection Association standard.

(c) Establish subordinate regional training centers in strategic geographic locations in order to serve the greatest number of organized fire departments and public safety departments that are unable to support their own training programs.

(d) Develop and administer certification examinations that include a practical demonstration and a written or oral test to determine a person's competency in regard to the knowledge and skill requirements in the current edition of the National Fire Protection Association standards for each of the fire service disciplines recognized under this act. The state fire marshal, or his or her designee, shall, upon request, administer the examination in each county of this state not less than once annually. The examination may be administered in 2 parts. If the examination is administered in 2 parts, part 1 of the examination must test the knowledge and skill

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requirements set forth in the standards for fire fighter I in the current edition of the standards for Fire Fighter Professional Qualifications, National Fire Protection Association standard no. 1001, and part 2 of the examination must test the knowledge and skill requirements set forth in the standards for fire fighter II in the current edition of the standards for Fire Fighter Professional Qualifications, National Fire Protection Association standard no. 1001. The examination may also be administered as a combined fire fighter I and fire fighter II examination if a combined examination is requested by a county training committee or regional training center.

(e) Establish eligibility criteria for students to retake a failed written, oral, or practical certification examination.

(3) A person who is hired or appointed as a full-time or part-time firefighter shall pass both part 1 and part 2 of the certification examination described in subsection (2)(d) not more than 12 months after he or she is hired or appointed as a full-time or part-time firefighter to be eligible to continue his or her employment or appointment as a full-time or part-time firefighter.

(4) A person who is hired or appointed as a volunteer or paid on-call firefighter shall pass part 1 of the certification examination described in subsection (2)(d) not more than 24 months after he or she is hired or appointed as a volunteer or paid on-call firefighter to be eligible to continue his or her employment or appointment as a volunteer or paid on-call firefighter, as applicable.

(5) The certification examination requirement under this section does not apply to a person who was employed or under appointment as a firefighter on or before October 1, 1988, unless the person subsequently seeks to change his or her status from a volunteer or paid on-call firefighter to a part-time or full-time firefighter.

(6) The state fire marshal may waive the examination requirements under this section for a veteran who served in and is separated from the armed forces and provides a form DD214, a form DD215, or any other form that is satisfactory to the department of licensing and regulatory affairs that demonstrates that he or she was separated from service with an honorable character of service or under honorable conditions (general) character of service, upon verification that the veteran completed firefighter training that meets the standards for fire fighter I and fire fighter II in the standards for Fire Fighter Professional Qualifications, National Fire Protection Association standard no. 1001, while serving in the Armed Forces of the United States. As used in this subsection, "armed forces" means the Army, Air Force, Navy, Marine Corps, Coast Guard, or other military force designated by Congress as part of the Armed Forces of the United States.

(7) Except as otherwise provided in this subsection, the state fire marshal shall waive the examination requirements under this section and extend reciprocity certification to a person from another state who seeks to become employed or volunteer in the fire service in this state if the person was certified in the other state after successfully completing a program that meets or exceeds the National Fire Protection Association standards for the applicable fire service discipline recognized under this act. The state fire marshal shall not waive the certification examination for a person who was certified in another state if either of the following applies:

(a) The person's out-of-state certification was revoked by that state or another issuing organization.

(b) The person has been convicted of a felony under the laws of this state, another state, or the United States.

(8) Certification as a fire service member granted to a person under this act is valid unless or until the council revokes the certification as part of a disciplinary action.

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(9) The state fire marshal shall issue a certificate to a person who is certified under this act not more than 30 days after the person becomes certified. A certificate issued under this act remains the property of the state fire marshal.

(10) The state fire marshal and the council shall review and monitor the state and federal standards relating to live fire training exercises in structures and make recommendations regarding the general industry safety standards for any new or modified standards necessary for the protection of firefighter trainees under part 74 of the Michigan occupational safety and health administration general industry safety standard, R 408.17401 to R 408.17464 of the Michigan Administrative Code.

(11) Not later than 1 year after obtaining a waiver of the examination requirements under subsection (6) or (7), the veteran or person certified in another state must complete the training required under section 9c.

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History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 1987, Act 196, Eff. Oct. 1, 1988 ;-- Am. 1988, Act 458, Eff. Mar. 30, 1989 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2013, Act 166, Eff. Feb. 11, 2014 ;-- Am. 2015, Act 203, Imd. Eff. Nov. 30, 2015 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018 ;-- Am. 2020, Act 133, Eff. Oct. 6, 2020

Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.369a Availability of writings to public.

Sec. 9a.

A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1980, Act 10, Imd. Eff. Feb. 14, 1980 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018

Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.369b Maintenance of employment history record.

Sec. 9b.

An organized fire department or public safety department shall maintain an employment history record for each fire service member employed by the organized fire department or public safety department.

History: Add. 2017, Act 144, Eff. Jan. 31, 2018

29.369c Firefighting foam; use of perfluoroalkyl orpolyfluoroalkyl substance (PFAS); prohibited in firefighter training; requirements.

Sec. 9c.

(1) Firefighting foam concentrate containing intentionally added PFAS must not be used in any firefighter training required under this act.

(2) Until December 31, 2023, the firefighter training required under this act must include both of the following subjects:

(a) The proper use, handling, and storage of firefighting foam concentrate.

(b) The best environmental and public health practices, including, but not limited to, containment and proper disposal, and decontamination of the firefighter's equipment and body, following the use of firefighting foam.

(3) The firefighter training under subsection (2) may involve the use of a video or online resource.

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History: Add. 2020, Act 133, Eff. Oct. 6, 2020

29.370 Statement designating chief or director of fire department or public safety department; contact information; filing statement of change; digital video disc or other electronic form of video display to be used in training; fee; availability; recommendations from council.

Sec. 10.

(1) Each organized fire department or public safety department or local government clerk shall file a statement with the council designating the chief or director of the department and providing contact information for the organized fire department or public safety department. If the department chief or director changes, the organized fire department or public safety department shall notify the council in writing by filing a statement of the change not more than 7 days after the change.

(2) The council shall develop and provide to each organized fire department or public safety department, upon request of the organized fire department or public safety department and at no charge, a digital video disc or other electronic form of video display to be used in training firefighters. The digital video disc or other electronic form of video display must be based upon the council-approved training programs. The council may impose a reasonable fee for loss, damage, or late return of a digital video disc or other electronic form of video display provided to an organized fire department or public safety department under this section. The council shall have available not fewer than 2 copies of each digital video disc or other electronic form of video display for an organized fire department's or public safety department's use.

(3) The council shall make recommendations with respect to both of the following:

(a) The category or classification of advanced in-service training programs for all fire service disciplines and minimum courses of study and attendance requirements for the category or classification needed for certification under this act.

(b) The standards required under this act for certification in each of the fire service disciplines.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.371 Firefighters training council; powers; regional training committee formed and operated by 2 or more counties; deposit of fees into fireworks safety fund.

Sec. 11.

(1) Under the direction of the state fire marshal, the council may do all of the following:

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

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

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

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

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

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

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

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

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

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

(k) Promulgate rules for the development, conduct, and responsibilities of a county training committee in each county in this state.

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

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

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.371a Disciplinary process; rules.

Sec. 11a.

The fire marshal, with the approval of the council, shall promulgate rules establishing a disciplinary process for the suspension or revocation of certification and any necessary retraining requirements to maintain or restore certification after a suspension or revocation for a fire service member for 1 or more of the following:

(a) Conviction of a felony.

(b) Making a materially false statement, causing a materially false statement to be made, or otherwise committing fraud during the application for certification process.

(c) Violating council and fire marshal-adopted policies regarding a fire service member's use of the fire marshal's training information network because the fire service member wrongfully disclosed exam information from the fire marshal's information network.

History: Add. 2017, Act 144, Eff. Jan. 31, 2018

29.372 Firefighters training council; executive secretary, appointment, duties, compensation; expenses.

Sec. 12.

The council shall appoint an executive secretary of the council who shall hold office at the pleasure of the council. The executive secretary shall perform the functions and duties assigned by the council. The executive secretary shall receive compensation and reimbursement for expenses within the amounts available by appropriation.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.373 Firefighter training; funding.

Sec. 13.

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

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

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2016, Act 405, Eff. Apr. 3, 2017 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.374 Training expenditures; disbursement to county training committees; distribution.

Sec. 14.

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

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

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

(4) Money must be distributed under this section only to support training for personnel from an organized fire department or public safety department that has adhered to the standards established under this act for personnel recruited or trained by the organized fire department or public safety department during the current and prior fiscal years and that has complied with the incident reporting requirements under section 4 of the fire prevention code, 1941 PA 207, MCL 29.4, during the 12 months preceding an application made under this act.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2006, Act 213, Imd. Eff. June 19, 2006 ;-- Am. 2016, Act 405, Eff. Apr. 3, 2017 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.375 Application by local units for aid under act.

Sec. 15.

Any city, county, township or village which desires to receive aid pursuant to this act shall make application to the council for such aid.

History: 1966, Act 291, Eff. Jan. 1, 1968
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of

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state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.376 Rules and regulations.

Sec. 16.

The council shall adopt rules and regulations in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to carry out its duties under this act.

History: 1966, Act 291, Eff. Jan. 1, 1968 ;-- Am. 2017, Act 144, Eff. Jan. 31, 2018
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.
Admin Rule: R 29.401 et seq. of the Michigan Administrative Code.

29.377 Effective date.

Sec. 17.

This act shall take effect January 1, 1968.

History: 1966, Act 291, Eff. Jan. 1, 1968
Compiler's Notes: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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