

HOUSE BILL No. 4704

May 28, 1987, Introduced by Reps. Richard A. Young, Palamara, Joe Young, Sr., Harrison, Lynn Owen, Hood, Perry Bullard, DeMars and Sitz and referred to the Committee on Labor.

A bill to amend sections 2, 3, 5, and 9 of Act No. 291 of the Public Acts of 1966, entitled "Fire fighters training council act of 1966," being sections 29.362, 29.363, 29.365, and 29.369 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, 5, and 9 of Act No. 291 of the
2 Public Acts of 1966, being sections 29.362, 29.363, 29.365, and
3 29.369 of the Michigan Compiled Laws, are amended to read as
4 follows:

5 Sec. 2. As used in this act:

6 (a) "Council" means the fire fighters training council.

7 (b) "Executive secretary" means the executive secretary of
8 the council.

1 (c) "Fire fighter" ~~or "fireman" or "volunteer fireman"~~
2 means a member, INCLUDING VOLUNTEER MEMBERS AND MEMBERS PAID ON
3 CALL, of a fire department or other organization of a city,
4 county, township, or village ~~regularly employed or a volunteer~~
5 ~~fireman~~ who is responsible for, OR IS IN A CAPACITY WHICH
6 INCLUDES RESPONSIBILITY FOR, the extinguishment of fires, THE
7 DIRECTING OF THE EXTINGUISHMENT OF FIRES, THE prevention and
8 detection OF FIRES, and the enforcement of the general fire laws
9 of this state. ~~, but shall not include any person serving as~~
10 ~~such solely by virtue of his occupying any other office or posi-~~
11 ~~tion; nor shall such term include a commissioner of fire, deputy~~
12 ~~or assistant commissioner of fire, chief of fire, deputy or~~
13 ~~assistant chief of fire, or any person having an equivalent title~~
14 ~~who is appointed or employed by a city, county, township or vil-~~
15 ~~lage to exercise equivalent supervisory authority.~~

16 (D) "FIRE DEPARTMENT OR OTHER ORGANIZATION" MEANS AN ORGANI-
17 ZATION OR DEPARTMENT WHICH PROVIDES FIRE SUPPRESSION AND OTHER
18 FIRE-RELATED SERVICES WITHIN A CITY, VILLAGE, TOWNSHIP, OR
19 COUNTY.

20 Sec. 3. (1) The fire fighters training council is hereby
21 created within the department of state police and shall consist
22 of 6 members selected as follows:

23 (a) The director of state police, or his OR HER designated
24 representative, shall be ex-officio a member.

25 (b) Two members appointed to the council by the governor
26 from a list of 5 active members submitted by the Michigan ~~state~~
27 fire chief's association.

1 (c) One member appointed to the council by the governor from
2 a list of 3 active fire fighters submitted by the Michigan state
3 fire fighter's ~~association~~ UNION.

4 (d) One member appointed to the council by the governor from
5 a list of 3 names submitted by the Michigan state firemen's
6 association.

7 (e) One member appointed to the council by the governor from
8 a list of 3 names submitted by the metropolitan club of America,
9 incorporated.

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

12 Sec. 5. The council shall designate from among its members
13 a ~~chairman~~ CHAIRPERSON and a ~~vice-chairman~~ VICE-CHAIRPERSON
14 who shall serve for 1 year and who may be reelected. Membership
15 on the council shall not constitute holding a public office.
16 ~~, and members~~ MEMBERS of the council shall not be required to
17 take and file oaths of office before serving on the council. The
18 council shall not have the right to exercise any portion of the
19 sovereign power of the state. No member of the council shall be
20 disqualified from holding any public office or employment by
21 reason of his OR HER appointment ~~of~~ TO membership on the coun-
22 cil, nor shall he OR SHE forfeit any such office or employment,
23 by reason of his OR HER appointment, ~~hereunder,~~ notwithstanding
24 the provisions of any general, special, or local laws ~~, OR~~
25 ordinances or city charters.

26 Sec. 9. (1) The council shall prepare and publish ~~advisory~~
27 ~~training~~ standards with due consideration to varying factors and

1 special requirements of ~~local fire agencies relative to~~
2 DEPARTMENTS OR OTHER ORGANIZATIONS IN THE FOLLOWING AREAS:

3 (a) ~~Minimum~~ ADVISORY standards of physical, educational,
4 mental and moral fitness which shall govern the recruitment,
5 selection, and appointment of fire fighters.

6 (b) The approval BY THE COUNCIL of fire fighter training
7 schools. ~~administered by a city, county, township, village or~~
8 ~~corporation.~~ THE STANDARDS SHALL ADDRESS, AT LEAST, THE FOLLOW-
9 ING ISSUES:

10 (i) THE QUALIFICATION AND CERTIFICATION OF INSTRUCTORS.

11 (ii) THE COURSES OF STUDY, ATTENDANCE, RECORD-KEEPING
12 REQUIREMENTS, EQUIPMENT, AND FACILITIES.

13 (iii) THE VISITATION AND EVALUATION OF INSTRUCTORS AND
14 SCHOOLS BY THE COUNCIL.

15 (c) Minimum ~~courses of study, attendance requirements,~~
16 ~~equipment and facilities required at approved city, county, town-~~
17 ~~ship, village or corporation fire fighter training schools~~ BASIC
18 TRAINING REQUIREMENTS OF NOT LESS THAN 264 HOURS TO BE COMPLETED
19 WITHIN 12 MONTHS FROM A PERSON'S HIRING DATE TO BE ELIGIBLE FOR
20 CONTINUED OR PERMANENT FULL-TIME EMPLOYMENT AS A FIRE FIGHTER OR
21 IN A CAPACITY INVOLVING FIRE FIGHTING. MINIMUM BASIC TRAINING
22 REQUIREMENTS SHALL NOT APPLY TO A PERSON WHO WAS EMPLOYED AS A
23 FIRE FIGHTER OR IN A CAPACITY INCLUDING FIRE FIGHTING BEFORE THE
24 EFFECTIVE DATE OF THIS 1987 AMENDATORY ACT.

25 (d) Minimum ~~qualifications for instructors at approved fire~~
26 ~~fighter training schools~~ BASIC TRAINING REQUIREMENTS OF NOT LESS
27 THAN 132 HOURS TO BE COMPLETED WITHIN 24 MONTHS FROM A PERSON'S

1 APPOINTMENT DATE TO BE ELIGIBLE AS A VOLUNTEER OR PAID ON CALL
2 FIRE FIGHTER. MINIMUM BASIC TRAINING REQUIREMENTS SHALL NOT
3 APPLY TO A PERSON WHO WAS APPOINTED AS A VOLUNTEER OR PAID ON
4 CALL FIRE FIGHTER BEFORE THE EFFECTIVE DATE OF THIS 1987 AMENDA-
5 TORY ACT.

6 ~~(e) Minimum basic training requirements which fire fighters~~
7 ~~appointed to probationary terms shall complete before being eli-~~
8 ~~gible for continued or permanent employment, and the time within~~
9 ~~which such basic training must be completed following such~~
10 ~~appointment to a probationary term.~~

11 ~~(f) Minimum basic training requirements which fire fighters~~
12 ~~not appointed for probationary terms but appointed on other than~~
13 ~~a permanent basis shall complete in order to be eligible for con-~~
14 ~~tinued employment or permanent appointment, and the time within~~
15 ~~such basic training must be completed following such appointment~~
16 ~~on a nonpermanent basis.~~

17 ~~(g) Categories or classifications of advanced inservice~~
18 ~~training programs and minimum courses of study and attendance~~
19 ~~requirements for such categories or classifications.~~

20 (E) ~~(h)~~ The establishment of subordinate regional training
21 centers in strategic geographic locations in order to serve the
22 greatest number of fire departments that are unable to support
23 their own training programs.

24 (2) IF A COURT REACHES A FINAL DETERMINATION THAT THE TRAIN-
25 ING MEETING THE STANDARDS PROMULGATED UNDER THIS SECTION IS A NEW
26 ACTIVITY OR SERVICE OR AN INCREASE IN THE LEVEL OF ANY ACTIVITY
27 OR SERVICE UNDER SECTION 29 OF ARTICLE IX OF THE STATE

1 CONSTITUTION OF 1963, THE TRAINING SHALL NO LONGER BE MANDATORY
2 UNDER THIS SECTION. A FINAL DETERMINATION FOR PURPOSES OF THIS
3 SECTION MEANS A DETERMINATION FROM WHICH ALL AVENUES OF APPEAL
4 HAVE BEEN EXHAUSTED.