

HOUSE BILL No. 5576

March 8, 1990, Introduced by Rep. Spaniola and referred to the Committee on Mental Health.

A bill to amend section 3c of Act No. 207 of the Public Acts of 1941, entitled as amended

"Fire prevention code,"

as amended by Act No. 282 of the Public Acts of 1989, being section 29.3c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3c of Act No. 207 of the Public Acts of
2 1941, as amended by Act No. 282 of the Public Acts of 1989, being
3 section 29.3c of the Michigan Compiled Laws, is amended to read
4 as follows:

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

1 (a) Schools and dormitories, including state supported
2 schools, colleges, and universities and school, college, and
3 university dormitories.

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

6 (c) ~~Health~~ A HEALTH facility or agency as defined in sec-
7 tion 20106 of the public health code, Act No. 368 of the Public
8 Acts of 1978, as amended, being section 333.20106 of the Michigan
9 Compiled Laws.

10 (d) Places of public assemblage.

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

14 (f) Dry cleaning establishments using flammable liquids.

15 (G) MENTAL HOSPITALS, PSYCHIATRIC HOSPITALS, AND PSYCHIATRIC
16 UNITS AS DEFINED IN SECTION 135 OF THE MENTAL HEALTH CODE, ACT
17 NO. 258 OF THE PUBLIC ACTS OF 1974, BEING SECTION 330.1135 OF THE
18 MICHIGAN COMPILED LAWS.

19 (2) The board shall promulgate rules for the storage, trans-
20 portation, and handling of hazardous material and for the imple-
21 mentation of this act.

22 (3) Rules promulgated pursuant to this act shall be consis-
23 tent with recognized good practice as evidenced by standards
24 adopted by nationally recognized authorities in the field of fire
25 protection. Experiences identified in the department's fire
26 incidents reports may be considered by the board as a qualified

1 basis for review of rules promulgated and promulgation of rules
2 pursuant to this act.

3 (4) The state fire safety board, pursuant to the administra-
4 tive procedures act of 1969, Act No. 306 of the Public Acts of
5 1969, as amended, being sections 24.201 to 24.328 of the Michigan
6 Compiled Laws, shall submit the initial rules to the joint com-
7 mittee on administrative rules not later than October 28, 1982
8 for the certification of a firm which does any of the following:

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

11 (b) Documents the installation or modification of a required
12 fire alarm system.

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

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

24 (5) The state fire marshal shall not be required to consider
25 fire safety rules other than those provided for in this act and
26 in Act No. 306 of the Public Acts of 1937, as amended, being
27 sections 388.851 to 388.855a of the Michigan Compiled Laws.

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

10 (7) The entire board, except as provided in section 3b(4),
11 shall act as a hearing body in accordance with Act No. 306 of the
12 Public Acts of 1969, as amended, to review and render decisions
13 on a contested case, a rule specified in this act, or a ruling of
14 the state fire marshal in the marshal's interpretation or appli-
15 cation of the rules. After a hearing, the board may vary the
16 application of a rule or may modify the ruling or interpretation
17 of the state fire marshal if the enforcement of the ruling or
18 interpretation would do manifest injustice and would be contrary
19 to the spirit and purpose of the rules or the public interest.

20 (8) A decision of the board to vary the application of a
21 rule, or to modify or change a ruling of the state fire marshal,
22 shall specify in what manner the variation, modification, or
23 change is made, the conditions upon which it is made, and the
24 reasons for the variation, modification, or change.

25 (9) If a local school board has passed a resolution calling
26 for an election on the question of the issuance of bonds for the
27 construction, remodeling, or addition to a school, which election

1 was held not later than September 28, 1989, which approved
2 issuance of the bonds and which construction was reasonably
3 anticipated to have begun not later than June 30, 1990, then the
4 construction, remodeling, or addition to that school is exempt
5 from the rules promulgated by the fire safety board entitled
6 "schools, colleges, and universities", being R 29.301 to R 29.321
7 of the Michigan administrative code, that were filed with the
8 secretary of state on July 14, 1989 and became effective on
9 July 29, 1989. The construction, remodeling, or addition to that
10 school is, however, subject to the standards contained in rules
11 promulgated by the fire safety board entitled "school fire
12 safety", being the former R 29.1 to R 29.298 of the Michigan
13 administrative code. This subsection does not prevent the con-
14 struction, remodeling, or addition of a school from complying
15 with R 29.301 to R 29.321 of the Michigan ~~Administrative Code~~
16 ADMINISTRATIVE CODE.