

## DEMONSTRATION FIRE REPORTS

House Bill 6027 as enrolled (vetoed)  
Second Analysis (1-4-01)

Sponsor: Rep. A.T. Frank  
House Committee: Regulatory Reform  
Senate Committee: Economic Development,  
International Trade and Regulatory  
Affairs

### ***THE APPARENT PROBLEM:***

Under current law, the state fire marshal collects statistics on fires that occur by accident and those that are started by criminal acts. However, the fire marshal does not keep track of fires that are intentionally set for legitimate purposes. Fire departments often set fires for training purposes or as demonstrations - to show how rapidly a fire can spread or to show or compare the effectiveness of certain alarms. Unfortunately, these fires can and do occasionally get out of hand and on occasion non-firefighters have been injured. On December 7, 1995 just such an incident occurred. Several media organizations were invited by the Grand Blanc Fire Department to attend a demonstration burn. The fire was intended to show how quickly a Christmas tree could burn and the effectiveness of smoke alarms. Unfortunately, the fire got out of control and two members of the media were trapped and seriously injured. To the surprise and dismay of the injured individuals, no investigation or report regarding the incident that nearly took their lives was ever made. As the law stands, there is no requirement that any investigation or report be made regarding incidents where a training or demonstration fire gets out of hand. Legislation has been introduced to require that information be gathered and kept when injuries occur during training or demonstration fires.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Fire Prevention Code to require the state fire marshal to investigate and report on demonstration fires that result in the injury or death of an individual who is not a firefighter. "Demonstration fire" would be defined as a fire that was intentionally set by a fire department for training or other legitimate purposes. When an injury or death of a non-firefighter occurred during a demonstration fire, the chief of the fire department involved in the fire would be required to immediately report the incident

to the fire marshal. In order to require investigation an injury would have to be sufficient to require prompt medical attention by trained medical personnel.

The bill would also require a fire chief to immediately report the on-duty death of any fire fighter to the fire marshal. The fire marshal would be required to investigate any such death and report on that investigation. The fire marshal's investigation could be made in conjunction with any other agency.

MCL 29.6

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill's provisions would increase state costs by a small, indeterminate amount that could likely be met by existing state resources. (1-10-01)

### ***ARGUMENTS:***

#### ***For:***

If a person is injured as the result of a training or demonstration fire, current law does not require an investigation of what happened. Whether the fire department involved was negligent, grossly negligent, or simply unlucky is not noted, and as a result not only is the injured party's ability to bring a civil action hampered, but the lack of information could lead to the occurrence of similar mistakes in the future. The bill will help to keep track of "what went wrong" when things go wrong. Fire departments can learn from the mistakes of other departments and hopefully avoid future injuries to citizens and firefighters.

***Against:***

The governor vetoed the bill because the provisions requiring that an on-duty death of any fire fighter be reported to the fire marshal unnecessarily duplicates functions and responsibilities already performed by an existing agency of state government. The on-duty deaths of firefighters must already be reported to the Bureau of Safety and Regulation in the Department of Consumer and Industry Services, which also performs an investigation of those deaths. Thus, as the governor's veto message indicated, there is no need for local fire chiefs to be reporting to two state agencies. If the state fire marshal needs the data, it could be obtained by working cooperatively with the Department of Consumer and Industry Services.

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