

SENATE BILL NO. 681

September 21, 1999, Introduced by Senator STILLE and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1966 PA 291, entitled "Fire fighters training council act of 1966," by amending sections 2, 3, 4, 6, 9, 12, 13, 14, and 15 (MCL 29.362, 29.363, 29.364, 29.366, 29.369, 29.372, 29.373, 29.374, and 29.375), sections 2 and 3 as amended by 1987 PA 196, section 6 as amended by 1980 PA 10, and section 9 as amended by 1988 PA 458.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Council" means the fire fighters training council.
- 3 (b) "ELIGIBLE ENTITY" MEANS THE STATE OF MICHIGAN, A FIRE
- 4 PROTECTION AUTHORITY, OR A VILLAGE, CITY, TOWNSHIP, OR COUNTY
- 5 THAT HAS ESTABLISHED OR THAT RECOGNIZES AN ORGANIZATION FOR THE
- 6 PURPOSES OF THE PREVENTION, DETECTION, AND EXTINGUISHMENT OF

1 FIRES AND THE ENFORCEMENT OF FIRE LAWS IN THIS STATE DETERMINED
2 BY THE COUNCIL TO BE IN COMPLIANCE WITH APPLICABLE RULES AND LAW.

3 (C) ~~(b)~~ "Executive ~~secretary~~ DIRECTOR" means the execu-
4 tive ~~secretary~~ DIRECTOR of the council.

5 (D) ~~(c)~~ "Fire fighter" means ~~a~~ AN ACTIVE member, includ-
6 ing volunteer members and members paid on call, of a fire depart-
7 ment or other organization of THIS STATE, OF A FIRE PROTECTION
8 AUTHORITY, OR OF a city, county, township, or village who is
9 responsible for, or is in a capacity ~~which~~ THAT includes
10 responsibility for, the extinguishment of fires, the directing of
11 the extinguishment of fires, the prevention and detection of
12 fires, ~~and~~ the enforcement of the general fire laws of this
13 state, AND OTHER FIRE-RELATED SERVICES. ~~This definition shall~~
14 ~~not apply to a person whose job description, duties, or responsi-~~
15 ~~bilities do not include direct involvement in fire suppression.~~

16 (E) "FIRE FIGHTER TRAINING" MEANS TRAINING DESIGNED AND
17 INTENDED TO ENHANCE THE DELIVERY OF FIRE DEPARTMENT SERVICES BY
18 EMPLOYEES OF STATE AND LOCAL AGENCIES AND FOR 1 OR MORE OF THE
19 FOLLOWING:

20 (i) A PROGRAM PRESENTED BY THE ELIGIBLE ENTITY ITSELF OR BY
21 A CONTRACTUAL PROVIDER HIRED BY THAT ELIGIBLE ENTITY.

22 (ii) A COURSE OR INSTRUCTION PACKAGE PROVIDED TO AN ELIGIBLE
23 TRAINEE FOR THE PAYMENT OF A FEE OR TUITION.

24 (iii) SELF-EDUCATION PRESENTED BY MEANS OF AUDIOVISUAL
25 MATERIALS.

26 (F) ~~(d)~~ "Fire department or other organization" means an
27 organization or department ~~which~~ THAT provides fire suppression

1 and other fire-related services FOR THIS STATE OR within a city,
2 village, township, or county.

3 Sec. 3. (1) The fire fighters training council is ~~hereby~~
4 created within the department of state police and shall consist
5 of ~~7~~ 9 members selected as follows:

6 (a) The director of THE DEPARTMENT OF state police, or his
7 or her designated representative, ~~shall be ex-officio a~~ AS AN
8 EX OFFICIO member.

9 (b) Two members appointed to the council by the governor
10 from a list of 5 active members submitted by the Michigan fire
11 chief's association.

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

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

18 (e) One member appointed to the council by the governor from
19 a list of 3 names submitted by the ~~metropolitan club of America,~~
20 ~~incorporated~~ MICHIGAN INSURANCE FEDERATION.

21 (f) One member appointed to the council by the governor from
22 a list of ~~2 names submitted by the Michigan townships associa-~~
23 ~~tion and 2 names submitted by the Michigan municipal league~~ 3
24 NAMES SUBMITTED BY THE MICHIGAN FIRE SERVICE INSTRUCTORS
25 ASSOCIATION.

26 (G) ONE MEMBER APPOINTED TO THE COUNCIL BY THE GOVERNOR FROM
27 A LIST OF 3 NAMES SUBMITTED BY THE MICHIGAN MUNICIPAL LEAGUE.

1 (H) ONE MEMBER APPOINTED TO THE COUNCIL BY THE GOVERNOR FROM
2 A LIST OF 3 NAMES SUBMITTED BY THE MICHIGAN TOWNSHIPS
3 ASSOCIATION.

4 (2) All appointments TO THE COUNCIL made by the governor
5 shall be with the advice and consent of the senate.

6 Sec. 4. (1) Members of the council shall hold office for a
7 term of 3 years, except that of the members first appointed from
8 nominees submitted by the Michigan state fire chief's associa-
9 tion, 1 shall be appointed for 3 years and 1 for 2 years.

10 (2) THE GOVERNOR SHALL APPOINT THE MEMBERS ADDED BY THE
11 AMENDATORY ACT THAT ADDED THIS SUBSECTION FOR A LENGTH OF TIME OF
12 AT LEAST 1 YEAR BUT NOT TO EXCEED 3 YEARS IN SUCH A WAY AS TO
13 ENSURE THAT THE TERMS OF NOT MORE THAN 3 MEMBERS OF THE COUNCIL
14 EXPIRE AT THE SAME TIME.

15 (3) A vacancy created other than by expiration of a term
16 shall be appointed for the unexpired term of the member who is to
17 succeed in the same manner as the original appointment. Any
18 member may be reappointed for additional terms.

19 Sec. 6. (1) The council shall meet at least 4 times each
20 year and shall hold special meetings when called by the chair-
21 person or, in the absence of the chairperson, by the
22 vice-chairperson or when called by the chairperson upon the writ-
23 ten request of ~~4~~ 6 members of the council.

24 (2) The business ~~which~~ THAT the council may perform shall
25 be conducted at a public meeting ~~of the council~~ held in compli-
26 ance with ~~Act No. 267 of the Public Acts of 1976, as amended,~~
27 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws~~

1 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. Public
2 notice of the time, date, and place of the meeting shall be given
3 in the manner required by ~~Act No. 267 of the Public Acts of~~
4 ~~1976, as amended~~ THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261
5 TO 15.275.

6 (3) The council shall establish its own procedures and
7 requirements with respect to quorum, place, and conduct of its
8 meetings and other matters.

9 Sec. 9. (1) The council shall prepare and publish standards
10 with due consideration to varying factors and special require-
11 ments of fire departments or other organizations in the following
12 areas:

13 (a) Advisory standards of physical, educational, mental and
14 moral fitness which shall govern the recruitment, selection, and
15 appointment of fire fighters.

16 (b) The approval by the council of fire fighter training
17 schools. The standards shall address, at least, the following
18 issues:

19 (i) The qualification and certification of instructors.

20 (ii) The courses of study, attendance, record-keeping
21 requirements, equipment, and facilities.

22 (iii) The visitation and evaluation of instructors and
23 schools by the council.

24 (c) The establishment of subordinate regional training cen-
25 ters in strategic geographic locations in order to serve the
26 greatest number of fire departments OR OTHER ORGANIZATIONS that
27 are unable to support their own FIRE FIGHTER training programs.

1 (2) Each fire department or other organization shall file a
2 statement with the council designating at least 1 training offi-
3 cer or training coordinator for the fire department by
4 November 30, 1988. If a training officer or training coordinator
5 is changed, the fire department or other organization, within 7
6 days of the change, shall file a statement notifying the council
7 of the change.

8 ~~(3) The council shall develop and provide to each fire~~
9 ~~department or other organization, upon request of the fire~~
10 ~~department or other organization and at no charge, a videotape to~~
11 ~~be used in training fire fighters. The videotape shall not~~
12 ~~include training that requires a practical demonstration. The~~
13 ~~videotape shall be based on the fire fighters I and II standards~~
14 ~~set forth in the "fire fighter professional qualifications",~~
15 ~~national fire protection association pamphlet no. 1001, 1987~~
16 ~~edition. The council may impose a reasonable fee for loss,~~
17 ~~damage, or late return of a videotape provided to a fire depart-~~
18 ~~ment or other organization under this subsection.~~

19 (3) ~~(4)~~ The council shall develop and administer an exami-
20 nation, which shall include a practical demonstration, a written
21 or oral test, or a combination thereof, to determine a person's
22 competency in regard to the knowledge and skill requirements set
23 forth in fire fighter I and II standards of the "fire fighter
24 professional qualifications", national fire protection associa-
25 tion pamphlet no. 1001, 1987 edition OR ANY OTHER STANDARDS OR
26 EXAMINATIONS AS DEVELOPED BY THE COUNCIL. The council, upon the
27 request of a fire department or other organization, shall

1 administer the examination in each county at least once every
2 year. The examination shall be administered in 2 parts. Part 1
3 shall test the knowledge and skill requirements set forth in fire
4 fighter I, and part 2 shall test the knowledge and skill require-
5 ments set forth in fire fighter II. The examination may be
6 retaken, as necessary, upon request from a fire department or
7 other organization.

8 (4) ~~-(5)-~~ Within 12 months after a person's hiring date as a
9 full-time fire fighter, the person must pass both part 1 and part
10 2 of the examination to be eligible for continued or permanent
11 full-time employment as a fire fighter.

12 (5) ~~-(6)-~~ Within 24 months after a person's appointment date
13 as a volunteer or paid on-call fire fighter, a person must pass
14 part 1 of the examination to be eligible for continued volunteer
15 or paid on-call service as a fire fighter.

16 (6) ~~-(7)-~~ The examination described in this section ~~shall~~
17 DOES not apply to a person who is employed or under appointment
18 as a fire fighter on October 1, 1988, unless a person subse-
19 quently changes his or her status from a volunteer or paid
20 on-call fire fighter to a full-time fire fighter.

21 (7) ~~-(8)-~~ The council shall review and monitor the state and
22 federal standards relating to live fire FIGHTER training exer-
23 cises in structures and make recommendations to the general
24 industry safety standards commission for any new or modified
25 standards which in their opinion are necessary for the protection
26 of fire fighter trainees.

1 Sec. 12. ~~There~~ THE COUNCIL shall ~~be~~ APPOINT an
2 executive ~~secretary~~ DIRECTOR of the council ~~who shall be~~
3 ~~appointed by the council, and~~ who shall hold office during the
4 pleasure of the council. He OR SHE shall perform such functions
5 and duties as ~~may be~~ assigned ~~to him~~ by the council. He OR
6 SHE shall receive compensation and reimbursement for expenses
7 within the amounts available by appropriation.

8 Sec. 13. (1) There is created in the state treasury a fire
9 fighters training fund. ~~from which the legislature shall appro-~~
10 ~~priate such sums as are deemed necessary for the purposes of this~~
11 ~~act but in no case shall such appropriations be in excess of 75%~~
12 ~~of the amounts paid into the fund.~~ THE MONEY IN THE FIRE FIGHT-
13 ERS TRAINING FUND IS RESTRICTED AND SHALL NOT REVERT TO THE GEN-
14 ERAL FUND AT THE END OF ANY FISCAL YEAR AND SHALL BE AVAILABLE
15 FOR THE PURPOSES FOR WHICH THE FIRE FIGHTERS TRAINING FUND WAS
16 CREATED. ANY INTEREST OR EARNINGS OF THE FIRE FIGHTERS TRAINING
17 FUND SHALL BE DEPOSITED BACK INTO THE FIRE FIGHTERS TRAINING
18 FUND. THE FIRE FIGHTERS TRAINING FUND SHALL BE AUDITED BY THE
19 AUDITOR GENERAL EVERY 2 YEARS.

20 (2) THE FIRE FIGHTERS TRAINING FUND IS COMPRISED OF MONEY
21 COLLECTED PURSUANT TO SECTION 452 OF THE INSURANCE CODE OF 1956,
22 1956 PA 218, MCL 500.452.

23 (3) THE COUNCIL SHALL ANNUALLY DISTRIBUTE THE FIRE FIGHTERS
24 TRAINING FUND IN THE FOLLOWING MANNER:

25 (A) SIXTY PERCENT TO THE ELIGIBLE ENTITIES TO BE USED FOR
26 FIRE FIGHTER TRAINING OF THE MEMBERS OF THE ELIGIBLE ENTITIES.

1 (B) AN AMOUNT SUFFICIENT TO COVER THE REASONABLE OPERATIONAL
2 EXPENSES OF THE COUNCIL BUT NOT TO EXCEED 20% OR \$1,500,000.00,
3 WHICHEVER IS GREATER.

4 (C) THE BALANCE REMAINING AFTER THE DISTRIBUTIONS UNDER SUB-
5 DIVISIONS (A) AND (B) TO COMPETITIVELY AWARDED GRANTS TO ELIGIBLE
6 ENTITIES WHO APPLY AND ARE APPROVED.

7 (4) AN ELIGIBLE ENTITY RECEIVING A DISBURSEMENT FROM THE
8 FIRE FIGHTERS TRAINING FUND UNDER THIS SECTION SHALL USE THE
9 ENTIRE DISBURSEMENT FOR THE FIRE FIGHTER TRAINING AND ANY EQUIP-
10 MENT OR SERVICES DIRECTLY UTILIZED TO FACILITATE THAT FIRE
11 FIGHTER TRAINING. THAT FIRE FIGHTER TRAINING SHALL OCCUR WITHIN
12 3 YEARS AFTER RECEIVING THE DISBURSEMENT. AN ELIGIBLE ENTITY
13 FAILING OR REFUSING TO USE THE DISBURSEMENT IN THE MANNER PRO-
14 VIDED FOR IN THIS SUBSECTION IS DISQUALIFIED FROM RECEIVING AN
15 ADDITIONAL DISBURSEMENT UNTIL THE ELIGIBLE ENTITY DEMONSTRATES TO
16 THE COUNCIL THAT THE ENTIRE PRIOR DISBURSEMENT WAS USED IN THE
17 MANNER PROVIDED FOR IN THIS SUBSECTION.

18 (5) THE DISBURSEMENTS SHALL BE MADE IN 2 SEMIANNUAL INSTALL-
19 MENTS ON DATES DETERMINED BY THE COUNCIL. THE FIRE FIGHTERS
20 TRAINING FUND SHALL BE DISBURSED TO ELIGIBLE ENTITIES ON A PER
21 CAPITA BASIS OF FIRE FIGHTERS EMPLOYED BY THE ELIGIBLE ENTITIES.
22 ONLY A FIRE FIGHTER WHO HAS COMPLETED THE REQUIREMENTS OF SECTION
23 9(4) OR (5), AS APPLICABLE, SHALL BE INCLUDED IN THE PER CAPITA
24 COUNT UNDER THIS SUBSECTION. EACH QUALIFIED ELIGIBLE ENTITY
25 SHALL RECEIVE A MINIMUM DISBURSEMENT OF \$500.00.

26 (6) AN ELIGIBLE ENTITY SHALL MAKE AND MAINTAIN DETAILED
27 RECORDS OF THE ACTUAL COSTS ASSOCIATED WITH THE PREPARATION FOR,

1 THE ADMINISTRATION OF, AND THE CONDUCT OF A FIRE FIGHTER TRAINING
2 PROGRAM FINANCED IN WHOLE OR IN PART BY A DISBURSEMENT UNDER THIS
3 SECTION AND SHALL ANNUALLY REPORT TO THE COUNCIL ON THE RESULTS
4 OF ITS FIRE FIGHTER TRAINING PROGRAMS. THE ELIGIBLE ENTITY SHALL
5 SEPARATELY IDENTIFY EACH PROGRAM.

6 (7) THE COUNCIL SHALL ANNUALLY REPORT TO THE LEGISLATURE ON
7 THE RESULTS OF THE DISBURSEMENTS.

8 (8) THE COUNCIL SHALL NOT DISBURSE MONEY FROM THE FIRE
9 FIGHTERS TRAINING FUND UNDER THIS SECTION FOR ANY OF THE FOLLOW-
10 ING PURPOSES:

11 (A) FIRE FIGHTER TRAINING CONDUCTED BY A PROVIDER NOT BASED
12 IN THIS STATE OR FIRE FIGHTER TRAINING NOT OCCURRING IN THIS
13 STATE OR COUNTRY UNLESS THE FIRE FIGHTER TRAINING HAS BEEN
14 APPROVED BY THE COUNCIL.

15 (B) MEAL EXPENDITURES IN EXCESS OF THE PER DIEM MEAL EXPEN-
16 DITURES AUTHORIZED BY THE DEPARTMENT OF MANAGEMENT AND BUDGET FOR
17 CIVIL SERVICE EMPLOYEES.

18 (C) EXPENDITURES FOR ALCOHOLIC BEVERAGES.

19 (D) TRAVEL COSTS ASSOCIATED WITH FIRE FIGHTER TRAINING PRO-
20 GRAMS UNLESS THE FIRE FIGHTER TRAINING IS THE SOLE PURPOSE OF THE
21 PROGRAM OR UNLESS THE PROGRAM OFFERS AT LEAST 6 HOURS OF QUALI-
22 FIED FIRE FIGHTER TRAINING WITHIN A 24-HOUR PERIOD.

23 (E) THE PUBLICATION OF A NEWSLETTER.

24 Sec. 14. (1) The ~~amounts~~ AMOUNT annually appropriated by
25 the legislature shall be paid by the state treasurer in accord-
26 ance with the accounting laws of the state upon certification of
27 the executive ~~secretary of the council~~ DIRECTOR for the purpose

1 of reimbursing the city, county, township, or village for regular
2 fire fighters in the fire department OR OTHER ORGANIZATION in an
3 amount not to exceed 1/2 of the salary paid to each fire fighter
4 meeting the recruitment standards and participating in FIRE
5 FIGHTER training meeting the standard prescribed pursuant to this
6 act during the period covered by the allocation, plus \$8.00 of
7 the necessary living expenses incurred by such fire fighter which
8 are necessitated by FIRE FIGHTER training requiring that he OR
9 SHE be away from his OR HER residence overnight.

10 (2) The ~~amounts~~ AMOUNT annually appropriated by the legis-
11 lature shall be paid by the state treasurer in accordance with
12 the accounting laws of the state upon certification of the execu-
13 tive ~~secretary of the council~~ DIRECTOR for the purpose of reim-
14 bursing the city, county, township, or village for volunteer fire
15 fighters in an amount not to exceed \$12.50 for lost wages, to be
16 matched by the local municipality for each fire fighter meeting
17 the recruitment standards and participating in FIRE FIGHTER
18 training meeting the standard prescribed pursuant to this act
19 during the period covered by the allocation, plus \$8.00 of the
20 necessary living expenses, to be matched by the local municipali-
21 ty, incurred by ~~such~~ THAT fire fighter which are necessitated
22 by FIRE FIGHTER training requiring that he OR SHE be away from
23 his OR HER residence overnight.

24 (3) If the ~~moneys~~ MONEY in the fire fighter training fund
25 to be appropriated by the legislature for such salary and expense
26 reimbursement ~~are~~ IS insufficient to allocate ~~such~~ THAT
27 amount to each participating city, county, township, or village,

1 the amount allocated to each shall be reduced proportionately.
2 In no event shall any allocations be made to any city, county,
3 township, or village ~~which~~ THAT has not, throughout the period
4 covered by the allocation, adhered to the standards established
5 by the council as applicable to personnel recruited or trained by
6 ~~such~~ THAT city, county, township, or village during such
7 period.

8 Sec. 15. (1) Any ~~city, county, township or village which~~
9 ELIGIBLE ENTITY THAT desires to receive ~~aid~~ A DISBURSEMENT pur-
10 suant to ~~this act~~ SECTION 13 shall ~~make application~~ APPLY to
11 the council for such ~~aid~~ DISBURSEMENT.

12 (2) A DISBURSEMENT SHALL BE IN COMPLIANCE WITH SECTION 13(3)
13 AND (4).