

SENATE BILL No. 205

February 25, 2003, Introduced by Senators CHERRY, TOY, OLSHOVE, JACOBS and CLARK-COLEMAN and referred to the Committee on Education.

A bill to amend 1941 PA 207, entitled
"Fire prevention code,"
by amending section 3c (MCL 29.3c), as amended by 1996 PA 152.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (a) Schools and dormitories, including state supported
5 schools, colleges, and universities and school, college, and
6 university dormitories. **The rules shall require installation of**
7 **an automatic sprinkler system in each dormitory.**

8 (b) Buildings for which the state is the lessee or which are
9 owned by the state.

10 (c) A health facility or agency as defined in section 20106
11 of the public health code, ~~Act No. 368 of the Public Acts of~~

1 ~~1978, being section 333.20106 of the Michigan Compiled Laws 1978~~
2 **PA 368, MCL 333.20106.**

3 (d) Places of public assemblage.

4 (e) Penal facilities as described in section 62 of ~~Act~~
5 ~~No. 232 of the Public Acts of 1953, being section 791.262 of the~~
6 ~~Michigan Compiled Laws 1953 PA 232, MCL 791.262.~~

7 (f) Dry cleaning establishments using flammable liquids.

8 (g) ~~Mental facilities as~~ **Psychiatric facilities** described
9 in section 135 of the mental health code, ~~Act No. 258 of the~~
10 ~~Public Acts of 1974, being section 330.1135 of the Michigan~~
11 ~~Compiled Laws 1974 PA 258, MCL 330.1135.~~

12 (2) The board shall promulgate rules for the storage,
13 transportation, and handling of liquefied petroleum gas, ~~and~~
14 for the storage, noncommercial transportation, and handling of
15 other hazardous materials, and for the implementation of this
16 act.

17 (3) Rules promulgated pursuant to this act shall be
18 consistent with recognized good practice as evidenced by
19 standards adopted by nationally recognized authorities in the
20 field of fire protection. Experiences identified in the
21 department's fire incidents reports may be considered by the
22 board as a qualified basis for review of rules promulgated and
23 promulgation of rules ~~pursuant to~~ **under** this act.

24 (4) The state fire safety board, pursuant to the
25 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
26 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
27 ~~Compiled Laws 1969 PA 306, MCL 24.201 to 24.328,~~ shall submit

1 the initial rules to the joint committee on administrative rules
2 not later than October 28, 1982 for the certification of a firm
3 ~~which~~ **that** does any of the following:

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

6 (b) Documents the installation or modification of a required
7 fire alarm system.

8 (c) Performs testing, servicing, inspections, or maintenance
9 ~~which~~ **that** has not been exempted by the rules promulgated by
10 the board on required fire alarm systems or required fire
11 suppression systems.

12 (d) Submits a drawing, print, or sketch of a required fire
13 alarm system or required fire suppression system to the state
14 fire marshal for approval pursuant to section 29, except an
15 architect or professional engineer licensed under article 20 of
16 the occupational code, ~~Act No. 299 of the Public Acts of 1980,~~
17 ~~being sections 339.2001 to 339.2014 of the Michigan Compiled~~
18 ~~Laws~~ **1980 PA 299, MCL 339.2001 to 339.2014.**

19 (5) The state fire marshal ~~shall not be~~ **is not** required to
20 consider fire safety rules other than those provided for in this
21 act and in ~~Act No. 306 of the Public Acts of 1937, being~~
22 ~~sections 388.851 to 388.855a of the Michigan Compiled Laws~~ **1937**
23 **PA 306, MCL 388.851 to 388.855a.**

24 (6) A person may request a variation of the application of a
25 rule promulgated pursuant to this act by applying to the state
26 fire marshal. The state fire marshal may make a variation upon a
27 finding that the variation does not result in a hazard to life or

1 property. The finding shall be transmitted to the person
2 requesting the variation and shall be entered into the records of
3 the department. If the variation requested concerns a building,
4 the finding shall also be transmitted to the governing body of
5 the city, village, or township in which the building is located.

6 (7) The entire board, except as provided in section 3b(4),
7 shall act as a hearing body in accordance with ~~Act No. 306 of~~
8 ~~the Public Acts of 1969~~ **the administrative procedures act of**
9 **1969, 1969 PA 306, MCL 24.201 to 24.328**, to review and render
10 decisions on a contested case, a rule specified in this act, or a
11 ruling of the state fire marshal in the marshal's interpretation
12 or application of the rules. After a hearing, the board may vary
13 the application of a rule or may modify the ruling or
14 interpretation of the state fire marshal if the enforcement of
15 the ruling or interpretation would do manifest injustice and
16 would be contrary to the spirit and purpose of the rules or the
17 public interest.

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

23 (9) If a local school board has passed a resolution calling
24 for an election on the question of the issuance of bonds for the
25 construction, remodeling, or addition to a school, which election
26 was held not later than September 28, 1989, which approved
27 issuance of the bonds and which construction was reasonably

1 anticipated to have begun not later than June 30, 1990, then the
2 construction, remodeling, or addition to that school is exempt
3 from the rules promulgated by the fire safety board entitled
4 "schools, colleges, and universities", ~~being~~ **former** R 29.301 to
5 R 29.321 of the Michigan administrative code, that were filed
6 with the Secretary of State on July 14, 1989 and became effective
7 on July 29, 1989. The construction, remodeling, or addition to
8 that school is, however, subject to the standards contained in
9 rules promulgated by the fire safety board entitled "school fire
10 safety", ~~being the~~ former R 29.1 to R 29.298 of the Michigan
11 administrative code. This subsection does not prevent the
12 construction, remodeling, or addition of a school from complying
13 with **former** R 29.301 to R 29.321 of the Michigan administrative
14 code.