

SUBSTITUTE FOR  
HOUSE BILL NO. 5860

A bill to amend 1966 PA 291, entitled  
"Fire fighters training council act of 1966,"  
by amending the title and sections 1, 2, 3, 9, 11, 13, and 14 (MCL  
29.361, 29.362, 29.363, 29.369, 29.371, 29.373, and 29.374), the  
title and sections 2 and 3 as amended by 1987 PA 196 and section 9  
as amended by 1988 PA 458.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1  
2  
3  
4  
5  
6  
7  
8  
9

TITLE

An act to ~~provide for the creation of a~~ **CREATE THE** fire  
fighters training council; to ~~provide for~~ **PRESCRIBE** the powers  
and duties of the council, **THE STATE FIRE MARSHAL**, and certain fire  
departments ~~or~~ **AND** other organizations; to ~~provide for the~~  
~~establishment of~~ **CREATE** the fire fighters training council fund  
and **TO PROVIDE FOR** allocations ~~therefrom~~ **FROM THE FUND** to local  
agencies of government participating in a ~~fire fighters~~  
**FIREFIGHTERS** training program; and to make an appropriation.

1           Sec. 1. This act shall be known and may be cited as the ~~"fire~~  
2 ~~fighters~~ **"FIREFIGHTERS** training council act". ~~of 1966".~~

3           Sec. 2. As used in this act:

4           (a) "Council" means the ~~fire fighters~~ **FIREFIGHTERS** training  
5 council.

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

8           (c) ~~"Fire fighter"~~ **"FIREFIGHTER"** means a member, including  
9 volunteer members and members paid on call, of ~~a~~ **AN ORGANIZED**  
10 fire department ~~or other organization of a city, county, township,~~  
11 ~~or village~~ who is responsible for, or is in a capacity ~~which~~  
12 **THAT** includes responsibility for, the extinguishment of fires, the  
13 directing of the extinguishment of fires, the prevention and  
14 detection of fires, and the enforcement of the general fire laws of  
15 this state. ~~This definition shall not apply to~~ **FIREFIGHTER DOES**  
16 **NOT INCLUDE** a person whose job description, duties, or  
17 responsibilities do not include direct involvement in fire  
18 suppression.

19           (d) ~~"Fire department or other organization" means an~~  
20 ~~organization or department which provides fire suppression and~~  
21 ~~other fire-related services within a city, village, township, or~~  
22 ~~county.~~ **"ORGANIZED FIRE DEPARTMENT" MEANS THAT TERM AS DEFINED IN**  
23 **SECTION 1 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1.**

24           **(E) "FIREFIGHTER TRAINING" MEANS EDUCATION OR TRAINING**  
25 **DESIGNED AND INTENDED TO ENHANCE THE ABILITY OF AN ORGANIZED FIRE**  
26 **DEPARTMENT OR THE PERSONNEL OF AN ORGANIZED FIRE DEPARTMENT TO**  
27 **SAFEGUARD LIFE AND PROPERTY FROM DAMAGE FROM EXPLOSION, FIRE, OR**

1 **DISASTER, AND TO DELIVER FIRE SUPPRESSION AND OTHER RELATED FIRE**  
2 **SERVICES.**

3       Sec. 3. (1) The ~~fire fighters~~ **FIREFIGHTERS** training council  
4 is ~~hereby~~ created ~~within~~ **IN THE BUREAU OF FIRE SERVICES IN** the  
5 department of ~~state police~~ **LABOR AND ECONOMIC GROWTH** and shall  
6 consist of 7 members selected as follows:

7       (a) The ~~director of state police~~ **STATE FIRE MARSHAL**, or his  
8 or her designated representative, shall be ex-officio a member.

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

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

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

19       (e) One member appointed to the council by the governor from a  
20 list of 3 **OR MORE** names submitted by the ~~metropolitan club of~~  
21 ~~America, incorporated~~ **MICHIGAN FIRE SERVICE INSTRUCTORS**  
22 **ASSOCIATION.**

23       (f) One member appointed to the council by the governor from a  
24 list of 2 **OR MORE** names submitted by the Michigan townships  
25 association and 2 **OR MORE** names submitted by the Michigan municipal  
26 league.

27       (2) All appointments made by the governor shall be with the

House Bill No. 5860 (H-1) as amended March 30, 2006

1 advice and consent of the senate.

2       Sec. 9. (1) The **STATE FIRE MARSHAL, [WITH THE APPROVAL OF] THE**  
3 council, shall prepare and publish standards with due consideration  
4 to varying factors and special requirements of **ORGANIZED** fire  
5 departments ~~or other organizations~~ in the following areas:

6       (a) Advisory standards of physical, educational, mental and  
7 moral fitness, which shall govern the recruitment, selection, and  
8 appointment of ~~fire fighters~~ **FIREFIGHTERS**.

9       (b) The approval by the council of ~~fire fighter~~ **FIREFIGHTER**  
10 training schools. The standards shall address, at least, the  
11 following issues:

12       (i) The qualification and certification of instructors.

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

15       (iii) The visitation and evaluation of instructors and schools.  
16 ~~by the council.~~

17       (c) The establishment of subordinate regional training centers  
18 in strategic geographic locations in order to serve the greatest  
19 number of **ORGANIZED** fire departments that are unable to support  
20 their own training programs.

21       (2) Each **ORGANIZED** fire department ~~or other organization~~  
22 shall file a statement with the council designating at least 1  
23 training officer or training coordinator for the fire department.  
24 ~~by November 30, 1988.~~ If a training officer or training  
25 coordinator is changed, the **ORGANIZED** fire department, ~~or other~~  
26 ~~organization,~~ within 7 days of the change, shall file a statement  
27 notifying the council of the change.

House Bill No. 5860 (H-1) as amended March 30, 2006

1           (3) The council shall develop and provide to each **ORGANIZED**  
2 fire department, ~~or other organization,~~ upon request of the  
3 **ORGANIZED** fire department ~~or other organization~~ and at no charge,  
4 a videotape, **DIGITAL VIDEO DISC, OR OTHER ELECTRONIC FORM OF VIDEO**  
5 **DISPLAY** to be used in training ~~fire fighters~~ **FIREFIGHTERS**. The  
6 videotape, **DIGITAL VIDEO DISC, OR OTHER ELECTRONIC FORM OF VIDEO**  
7 **DISPLAY** shall not include training that requires a practical  
8 demonstration. The videotape, **DIGITAL VIDEO DISC, OR OTHER**  
9 **ELECTRONIC FORM OF VIDEO DISPLAY** shall be based on the ~~fire~~  
10 ~~fighters I and II~~ standards **FOR FIRE FIGHTER I AND FIRE FIGHTER II**  
11 set forth in ~~the~~ "**STANDARD FOR** fire fighter professional  
12 qualifications", national fire protection association ~~pamphlet~~  
13 **STANDARD** no. 1001, ~~1987~~ **2002** edition. The council may impose a  
14 reasonable fee for loss, damage, or late return of a videotape,  
15 **DIGITAL VIDEO DISC, OR OTHER ELECTRONIC FORM OF VIDEO DISPLAY**  
16 provided to ~~a~~ **AN ORGANIZED** fire department ~~or other organization~~  
17 under this subsection.

18           (4) The **STATE FIRE MARSHAL, [WITH THE APPROVAL OF]** THE council,  
19 shall develop and administer an examination, which shall include a  
20 practical demonstration, a written or oral test, or a combination  
21 thereof, to determine a person's competency in regard to the  
22 knowledge and skill requirements set forth in ~~fire fighter I and~~  
23 ~~II standards of the~~ **STANDARDS FOR FIRE FIGHTER I AND FIRE FIGHTER**  
24 **II SET FORTH IN** "**STANDARD FOR** fire fighter professional  
25 qualifications", national fire protection association ~~pamphlet~~  
26 **STANDARD** no. 1001, ~~1987~~ **2002** edition. The council, upon the  
27 request of ~~a~~ **AN ORGANIZED** fire department, ~~or other~~

House Bill No. 5860 (H-1) as amended March 30, 2006

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

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

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

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

21 (8) The **STATE FIRE MARSHAL, [WITH THE APPROVAL OF] THE** council,  
22 shall review and monitor the state and federal standards relating  
23 to live fire training exercises in structures and make  
24 recommendations to the general industry safety standards commission  
25 for any new or modified standards ~~which in their opinion are~~  
26 necessary for the protection of ~~fire fighter~~ **FIREFIGHTER**  
27 trainees.

1           Sec. 11. The **STATE FIRE MARSHAL OR THE** council may:

2           (a) Visit and inspect any ~~fire fighter~~ **FIREFIGHTER** training  
3 school, or examine the curriculum or training procedures, for which  
4 application for approval has been made.

5           (b) Issue certificates to ~~fire fighter~~ **FIREFIGHTER** training  
6 schools qualifying under the regulations ~~of the council~~  
7 **PROMULGATED UNDER THIS ACT.**

8           (c) Authorize the issuance of certificates of graduation or  
9 diplomas by approved ~~fire fighter~~ **FIREFIGHTER** training schools to  
10 ~~fire fighters~~ **FIREFIGHTERS** who have satisfactorily completed  
11 minimum courses of study.

12           (d) Cooperate with state, federal, **AND** local fire agencies in  
13 establishing and conducting local or area schools ~~—~~ or regional  
14 training centers for instruction and training of ~~fire fighters~~  
15 **FIREFIGHTERS** of this state ~~—~~ **AND** its cities, counties, townships,  
16 and villages.

17           (e) Make recommendations to **THE STATE FIRE MARSHAL, THE**  
18 **GOVERNOR, AND** the legislature on matters pertaining to  
19 qualification and training of ~~fire fighters~~ **FIREFIGHTERS.**

20           Sec. 13. There is created in the state treasury ~~a fire~~  
21 ~~fighters~~ **THE FIREFIGHTERS** training fund from which the legislature  
22 shall appropriate ~~such sums as are~~ **AN AMOUNT OF MONEY** deemed  
23 necessary for the purposes of this act but ~~in no case shall such~~  
24 appropriations ~~be in excess of~~ **FROM THE FIREFIGHTERS TRAINING**  
25 **FUND SHALL NOT EXCEED** 75% of ~~the amounts~~ **MONEY** paid into the  
26 fund.

27           Sec. 14. ~~The amounts annually appropriated by the legislature~~

1 ~~shall be paid by the state treasurer in accordance with the~~  
2 ~~accounting laws of the state upon certification of the executive~~  
3 ~~secretary of the council for the purpose of reimbursing the city,~~  
4 ~~county, township or village for regular fire fighters in the fire~~  
5 ~~department in an amount not to exceed 1/2 of the salary paid to~~  
6 ~~each fire fighter meeting the recruitment standards and~~  
7 ~~participating in training meeting the standard prescribed pursuant~~  
8 ~~to this act during the period covered by the allocation, plus \$8.00~~  
9 ~~of the necessary living expenses incurred by such fire fighter~~  
10 ~~which are necessitated by training requiring that he be away from~~  
11 ~~his residence overnight. The amounts annually appropriated by the~~  
12 ~~legislature shall be paid by the state treasurer in accordance with~~  
13 ~~the accounting laws of the state upon certification of the~~  
14 ~~executive secretary of the council for the purpose of reimbursing~~  
15 ~~the city, county, township or village for volunteer fire fighters~~  
16 ~~in an amount not to exceed \$12.50 for lost wages, to be matched by~~  
17 ~~the local municipality for each fire fighter meeting the~~  
18 ~~recruitment standards and participating in training meeting the~~  
19 ~~standard prescribed pursuant to this act during the period covered~~  
20 ~~by the allocation, plus \$8.00 of the necessary living expenses, to~~  
21 ~~be matched by the local municipality, incurred by such fire fighter~~  
22 ~~which are necessitated by training requiring that he be away from~~  
23 ~~his residence overnight. If the moneys in the fire fighter training~~  
24 ~~fund to be appropriated by the legislature for such salary and~~  
25 ~~expense reimbursement are insufficient to allocate such amount to~~  
26 ~~each participating city, county, township or village, the amount~~  
27 ~~allocated to each shall be reduced proportionately. In no event~~

1 ~~shall any allocations be made to any city, county, township or~~  
2 ~~village which has not, throughout the period covered by the~~  
3 ~~allocation, adhered to the standards established by the council as~~  
4 ~~applicable to personnel recruited or trained by such city, county,~~  
5 ~~township or village during such period.~~

6 (1) FROM THE AMOUNT ANNUALLY APPROPRIATED BY LAW FOR THE  
7 COUNCIL, THE COUNCIL MAY REQUEST AND THE STATE FIRE MARSHAL MAY  
8 APPROVE ANNUAL TRAINING EXPENDITURES FOR THE PURPOSES OF PAYMENTS  
9 TO COUNTIES TO REIMBURSE ORGANIZED FIRE DEPARTMENTS FOR FIREFIGHTER  
10 TRAINING AND OTHER ACTIVITIES REQUIRED UNDER THIS ACT.

11 (2) THE MONEY APPROVED UNDER SUBSECTION (1) SHALL BE DISBURSED  
12 TO COUNTIES USING A FORMULA COMPOSED 70% OF COUNTY POPULATION AND  
13 30% OF SQUARE MILES WITHIN THE COUNTY. A MINIMUM DISBURSEMENT TO  
14 EACH COUNTY MAY BE REQUESTED BY THE COUNCIL AND APPROVED BY THE  
15 STATE FIRE MARSHAL.

16 (3) THE CHAIRPERSON OF A FIREFIGHTER TRAINING COMMITTEE  
17 ESTABLISHED IN EACH COUNTY SHALL SURVEY THE TRAINING NEEDS OF  
18 ORGANIZED FIRE DEPARTMENTS IN THE COUNTY AND SHALL DISTRIBUTE THE  
19 MONEY RECEIVED BY THE COUNTY UNDER THIS SECTION AS PRIORITIZED BY  
20 THE ORGANIZED FIRE DEPARTMENTS IN THE COUNTY. IF MONEY DISTRIBUTED  
21 TO A COUNTY UNDER THIS SECTION FOR A FISCAL YEAR IS NOT DESIGNATED  
22 BY THE CHAIRPERSON FOR DISTRIBUTION TO ORGANIZED FIRE DEPARTMENTS  
23 IN THE COUNTY BY JANUARY 1 OF THE FISCAL YEAR, THE UNDESIGNATED  
24 MONEY SHALL BE RETURNED TO THE COUNCIL FOR REDISTRIBUTION USING THE  
25 FORMULA UNDER SUBSECTION (2).

26 (4) MONEY SHALL BE DISTRIBUTED UNDER THIS SECTION ONLY TO AN  
27 ORGANIZED FIRE DEPARTMENT THAT HAS ADHERED TO THE STANDARDS

1 ESTABLISHED UNDER THIS ACT FOR PERSONNEL RECRUITED OR TRAINED BY  
2 THE ORGANIZED FIRE DEPARTMENT DURING THE CURRENT AND PRIOR FISCAL  
3 YEARS.

4 Enacting section 1. This amendatory act does not take effect  
5 unless all of the following bills of the 93rd Legislature are  
6 enacted into law:

- 7 (a) Senate Bill No. 1133.
- 8 (b) Senate Bill No. 1144.
- 9 (c) Senate Bill No. 1145.
- 10 (d) House Bill No. 4871.