

# HOUSE BILL No. 5366

September 15, 2009, Introduced by Reps. Neumann, LeBlanc, Polidori, Sheltroun, Hansen, Horn, Crawford, Genetski, Kowall, Schuitmaker, Moore, Daley, Opsommer, Rick Jones, Gonzales, Slezak, Roy Schmidt, Liss, Huckleberry, Wayne Schmidt, Haase and Cushingberry and referred to the Committee on Regulatory Reform.

A bill to amend 1941 PA 207, entitled  
"Fire prevention code,"  
by amending sections 3b, 3c, 5c, 5d, 5e, 5i, 5j, 5n, 5o, and 5p  
(MCL 29.3b, 29.3c, 29.5c, 29.5d, 29.5e, 29.5i, 29.5j, 29.5n, 29.5o,  
and 29.5p), as amended by 2006 PA 189.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3b. (1) The state fire safety board is created in the  
2 bureau and shall consist of 17 members who are residents of this  
3 state. Of the members:

4       (a) Three shall be representatives of organized fire  
5 departments in the Lower Peninsula.

6       (b) One shall be a representative of organized fire  
7 departments in the Upper Peninsula.

1 (c) One shall be a representative of hospital administration.

2 (d) One shall be a registered professional engineer.

3 (e) One shall be a registered architect.

4 (f) One shall be a representative of the nursing home  
5 industry.

6 (g) One shall be an individual who meets any of the following  
7 criteria:

8 (i) The individual is a member of the governing board of a  
9 school district, public school academy, or intermediate school  
10 district.

11 (ii) The individual is employed by a school district, a public  
12 school academy, or an intermediate school district in an  
13 administrative capacity.

14 (iii) The individual is a member of, or is employed by, a  
15 statewide association representing school board members or school  
16 administrators.

17 (h) One shall be a representative of the building trades.

18 (i) One shall be a representative of persons who own a place  
19 of public assemblage.

20 (j) One shall be a representative of the flammable liquids  
21 industry.

22 (k) One shall be a representative of the liquefied petroleum  
23 gas industry or the flammable compressed gases industry.

24 (l) One shall be a representative of the chemical manufacturing  
25 industry.

26 (m) One shall be a licensed electrical contractor or master  
27 electrician.

1 (n) One shall be a representative of persons who own adult  
2 foster care facilities.

3 (o) One shall be the state fire marshal or an employee of the  
4 bureau designated by the state fire marshal.

5 (2) Board members, other than the state fire marshal or the  
6 state fire marshal's designee, shall be appointed by the governor  
7 with the advice and consent of the senate. The members appointed by  
8 the governor shall have the qualifications the governor considers  
9 essential to enable them to competently decide matters of fire  
10 prevention and fire safety for the establishments, ~~or~~ facilities,  
11 **AND ACTIVITIES** specified in section 3c(1) **AND (2)**.

12 (3) Each member appointed by the governor before January 1,  
13 2007 shall be appointed for a term of 3 years. Each member  
14 appointed by the governor after December 31, 2006 shall be  
15 appointed for a term of 4 years. Continued absence of a member  
16 appointed by the governor from regular or special meetings of the  
17 board makes the member subject to immediate removal by the  
18 governor.

19 (4) A majority of the members appointed to and serving on the  
20 board constitutes a quorum. Affirmative votes of at least a  
21 majority of the members appointed to and serving on the board is  
22 required to decide any question, action, or business of the board,  
23 except that a hearing of a contested case may be conducted before 3  
24 board members who, after hearing the facts and considering the  
25 evidence and testimony, shall recommend the action the board should  
26 take.

27 (5) The governor shall designate 1 of the members of the board

1 to serve as chairperson of the board at the pleasure of the  
2 governor. Annually, the board may elect from its members a vice-  
3 chairperson of the board. Each year, the board shall hold not fewer  
4 than 4 regular meetings. Special meetings may be called by the  
5 chairperson or upon written request of 5 board members. Meetings  
6 shall be held at a location in this state designated by the  
7 chairperson.

8 (6) The business of the board shall be conducted at a public  
9 meeting that complies with the open meetings act, 1976 PA 267, MCL  
10 15.261 to 15.275.

11 (7) Each appointed member of the board is entitled to actual  
12 and necessary expenses incurred in the performance of his or her  
13 duties as a member of the board, subject to available  
14 appropriations.

15 (8) The board shall keep minutes of its proceedings, showing  
16 the vote of each member on each proposition or question, or  
17 indicating if a member is absent or fails to vote. A record of  
18 board action and business shall be made and maintained.

19 (9) Except as provided in subsections (10) and (11), a writing  
20 prepared, owned, used, in the possession of, or retained by the  
21 board, the department, their agents, or others in the performance  
22 of an official function under this act is subject to the freedom of  
23 information act, 1976 PA 442, MCL 15.231 to 15.246.

24 (10) A person regulated under this act may designate a report  
25 or other information furnished to or obtained by the department,  
26 its agents, or others under this act as being only for confidential  
27 use by the department, its agents, or others in the performance of

1 an official function. If the department, its agents, or others  
2 receive a request under section 5 of the freedom of information  
3 act, 1976 PA 442, MCL 15.235, for a public record that includes  
4 information designated as confidential or information obtained  
5 under section 4, the department, its agents, or others shall notify  
6 the person regulated under this act. The person regulated under  
7 this act has 30 days after receipt of the notice to demonstrate to  
8 the department, its agents, or others, that the information  
9 designated as confidential or information obtained under section 4  
10 constitutes a trade secret or confidential business information  
11 that, if disclosed, may cause a competitive disadvantage. The  
12 department, its agents, or others shall grant the request for the  
13 information unless the person regulated under this act makes a  
14 satisfactory demonstration to the department, its agents, or others  
15 that disclosure of the information may cause a competitive  
16 disadvantage. If a dispute occurs between the person regulated  
17 under this act and the person requesting the information, the board  
18 shall make a final decision to grant or deny the request.

19 (11) This act does not prevent the use of a record or  
20 information by the department to compile or publish reports,  
21 analyses, or summaries of general conditions for the prevention of  
22 fire, or the use of a record or information to administer or  
23 enforce federal, state, or local fire prevention laws. However, a  
24 report, analysis, summary, or use shall not directly or indirectly  
25 publicly reveal information otherwise confidential under this  
26 section.

27 Sec. 3c. (1) The bureau shall promulgate ~~rules~~ as provided

1 under section 2a **AND ADMINISTER RULES** pertaining to fire safety  
2 requirements for the construction, operation, or maintenance of all  
3 of the following:

4 (a) Schools and dormitories, including state supported  
5 schools, colleges, and universities and school, college, and  
6 university dormitories.

7 (b) Buildings owned or leased by this state.

8 (c) A health facility or agency as defined in section 20106 of  
9 the public health code, 1978 PA 368, MCL 333.20106.

10 (d) Places of public assemblage.

11 (e) Penal facilities as described in section 62 of the  
12 corrections code of 1953, 1953 PA 232, MCL 791.262.

13 (f) Mental **HEALTH** facilities as described in section 135 of  
14 the mental health code, 1974 PA 258, MCL 330.1135.

15 ~~— (2) The bureau shall promulgate other rules as provided in~~  
16 ~~section 2a as necessary to implement this act.~~

17 ~~— (3) Consistent with Executive Reorganization Order Nos. 1997-2~~  
18 ~~and 1998-2, MCL 29.451 and 29.461, the department of environmental~~  
19 ~~quality shall promulgate rules pertaining to all of the following:~~

20 (G) ~~(a) Fire safety requirements for the construction,~~  
21 ~~operation, and maintenance of dry-DRY cleaning establishments that~~  
22 ~~use flammable liquids.~~

23 (2) ~~(b)~~ The **BUREAU SHALL PROMULGATE AS PROVIDED UNDER SECTION**  
24 **2A AND ADMINISTER RULES PERTAINING TO THE** storage, transportation,  
25 and handling of liquefied petroleum gas and for the storage,  
26 noncommercial transportation, and handling of other hazardous  
27 materials to the extent authorized by federal law.

1       (3) ~~(4)~~ Rules promulgated under this act shall be consistent  
2 with recognized good practice as evidenced by standards adopted by  
3 nationally recognized authorities in the field of fire protection.  
4 Experiences identified in the fire incident reports received by  
5 this state may be considered by the board and the bureau when  
6 reviewing rules promulgated or considering promulgation of new  
7 rules under this act.

8       (4) ~~(5)~~ The bureau shall promulgate ~~rules~~ as provided under  
9 section 2a **AND ADMINISTER RULES** for the certification of a firm  
10 that does any of the following:

11       (a) Installs, modifies, or documents the installation or  
12 modification of a fire suppression system.

13       (b) Documents the installation or modification of a fire alarm  
14 system.

15       (c) Performs testing, servicing, inspections, or maintenance  
16 that has not been exempted by the rules promulgated by the bureau  
17 on fire alarm systems or fire suppression systems.

18       (d) Submits a drawing, plan, or specification of a fire alarm  
19 system or fire suppression system to the bureau for approval under  
20 section 29, except an architect or professional engineer licensed  
21 under article 20 of the occupational code, 1980 PA 299, MCL  
22 339.2001 to 339.2014.

23       (5) **THE BUREAU SHALL PROMULGATE AS PROVIDED UNDER SECTION 2A**  
24 **AND ADMINISTER OTHER RULES AS NECESSARY TO IMPLEMENT THIS ACT.**

25       (6) A person may request a variation of the application of a  
26 rule promulgated under this act by applying to the state fire  
27 marshal. The state fire marshal may make a variation upon a finding

1 that the variation does not result in a hazard to life or property.  
2 The finding shall be transmitted to the person requesting the  
3 variation and entered into the records of the bureau. If the  
4 variation requested concerns a building, the finding shall also be  
5 transmitted to the governing body of the city, village, or township  
6 in which the building is located.

7 (7) The entire board, except as provided in section 3b(4),  
8 shall act as a hearing body in accordance with the administrative  
9 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to  
10 review and decide a contested case or a ruling of the state fire  
11 marshal interpreting or applying the rules. After a hearing, the  
12 board may vary the application of a rule or may modify the ruling  
13 ~~or interpretation~~ of the state fire marshal if the enforcement of  
14 the **RULE OR** ruling ~~or interpretation~~ would do manifest injustice  
15 and would be contrary to the spirit and purpose of the rules or the  
16 public interest.

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

22 (9) If a local school board passed a resolution calling for an  
23 election on the question of the issuance of bonds for the  
24 construction or remodeling of or an addition to a school, if the  
25 election was held not later than September 28, 1989 and approved  
26 issuance of the bonds, and if construction was reasonably  
27 anticipated to begin not later than June 30, 1990, the



1 construction, remodeling, or addition to that school was exempt  
2 from the rules promulgated by the ~~fire safety~~ board entitled  
3 "schools, colleges, and universities", former R 29.301 to R 29.321  
4 of the Michigan administrative code, ~~filed with the secretary of~~  
5 ~~state on July 14, 1989 and effective on July 29, 1989.~~ The  
6 construction, remodeling, or addition to that school was, however,  
7 subject to the standards contained in rules promulgated by the  
8 board entitled "school fire safety", former R 29.1 to R 29.298 of  
9 the Michigan administrative code.

10 Sec. 5c. (1) A person shall not establish or maintain 1 or  
11 more of the following without obtaining a certificate from the  
12 ~~department of environmental quality~~ **BUREAU**:

13 (a) A flammable compressed gas or liquefied petroleum gas  
14 container filling location.

15 (b) An aboveground flammable compressed gas or liquefied  
16 petroleum gas storage location that has a tank with a water  
17 capacity of more than 2,000 gallons or has 2 or more tanks with an  
18 aggregate water capacity of more than 4,000 gallons.

19 (c) An aboveground storage location for a flammable liquid or  
20 combustible liquid that has an individual tank storage capacity of  
21 more than 1,100 gallons. Crude petroleum collection tanks that  
22 receive crude petroleum directly from a wellhead and are certified  
23 by the ~~department of environmental quality~~ **BUREAU** may be maintained  
24 without further inspection by the ~~department of environmental~~  
25 ~~quality~~ **BUREAU**, except as the ~~department of environmental quality~~  
26 **BUREAU** considers necessary to ~~assure~~ **ENSURE** compliance with this  
27 act.

1           (2) The ~~department of environmental quality~~ **BUREAU** may require  
2 that a person obtain approval from the ~~department of environmental~~  
3 ~~quality~~ **BUREAU** before the installation of an aboveground storage  
4 tank for flammable or combustible liquids that has an individual  
5 tank storage capacity of 1,100 gallons or less. However, this  
6 requirement does not apply to farm location storage tanks of 1,100  
7 gallons or less capacity used for storing motor fuel for  
8 noncommercial purposes or heating oil for consumptive use on the  
9 premises where stored.

10           Sec. 5d. (1) The certificates specified in section 5c shall be  
11 issued every 3 years ~~by the department of environmental quality~~  
12 after the ~~department of environmental quality~~ **BUREAU** determines by  
13 an inspection that the firm location is in satisfactory compliance  
14 with this act. The ~~department of environmental quality~~ **BUREAU** may  
15 authorize a firm specified in section 5c to conduct inspections  
16 required in this section after application to the ~~department of~~  
17 ~~environmental quality~~ **BUREAU** and payment of an annual fee of  
18 \$1,000.00. Upon annual determination by the ~~department of~~  
19 ~~environmental quality~~ **BUREAU** that the firm is in satisfactory  
20 compliance with this act, the ~~department of environmental quality~~  
21 **BUREAU** may grant the authorization. This authorization may be  
22 revoked by the ~~department of environmental quality~~ **BUREAU** for  
23 cause. Firms authorized to conduct inspections required in this  
24 section are exempt from the fees provided in subsection (2). The  
25 ~~department of environmental quality~~ **BUREAU** may review procedures  
26 utilized by the firm to ~~assure~~ **ENSURE** compliance with this act.

27           (2) Each firm required to be certified under section 5c shall

1 submit an installation application to the ~~department of~~  
2 ~~environmental quality-BUREAU~~ according to rules promulgated under  
3 this act. Each firm shall pay a fee of \$203.00 per tank. This fee  
4 shall be submitted with the installation application to the  
5 ~~department of environmental quality-BUREAU~~. The ~~department of~~  
6 ~~environmental quality-BUREAU~~ shall not approve an installation  
7 application unless this fee has been paid as required in this  
8 subsection. Payment of this fee shall ~~waive~~ **WAIVES** the first annual  
9 storage tank fee required in this subsection. The owner of a firm  
10 specified in section 5c shall pay an annual fee of \$61.50 for each  
11 tank located at each storage or filling location specified in  
12 section 5c. Fees required by this subsection shall be paid before  
13 the issuance of a certificate when storage tanks operated by firms  
14 described in section 5c are used and until such tanks are closed or  
15 removed, and notification of the closure or removal is received by  
16 the ~~department of environmental quality-BUREAU~~. Owners of firms  
17 described in section 5c shall notify the ~~department of~~  
18 ~~environmental quality-BUREAU~~ of the closure or removal of storage  
19 tanks within 30 days after closure or removal on a form provided by  
20 the ~~department of environmental quality-BUREAU~~. Storage tanks that  
21 receive crude petroleum directly from a wellhead are exempt from  
22 fees under this section.

23 (3) ~~Beginning October 1, 1990, a~~ **A** local unit of government  
24 shall not enact or enforce a provision of an ordinance that  
25 requires a permit, license, approval, inspection, or the payment of  
26 a fee or tax for the installation, use, closure, or removal of an  
27 aboveground storage tank system.

1           (4) The fees specified in subsection (2) shall be collected  
2 and deposited into the hazardous materials storage tank regulatory  
3 enforcement fund created in subsection (5).

4           (5) The hazardous materials storage tank regulatory  
5 enforcement fund is created in the state treasury. The fund may  
6 receive money as provided in this act and as otherwise provided by  
7 law. The state treasurer shall direct the investment of the fund.  
8 Interest and earnings of the fund shall be credited to the fund.  
9 Money in the fund at the close of the fiscal year shall remain in  
10 the fund and shall not revert to the general fund. **THE DEPARTMENT**  
11 **SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.** Money  
12 in the fund shall be used only by the ~~department of environmental~~  
13 ~~quality~~ **BUREAU** to enforce this act and the rules promulgated under  
14 this act pertaining to the delivery, dispensing, noncommercial  
15 transportation, or storage of hazardous materials. If at the close  
16 of any fiscal year the amount of money in the fund exceeds  
17 \$1,000,000.00, the ~~department of environmental quality~~ **BUREAU** shall  
18 not collect a fee for the following year for the fund from existing  
19 storage tank systems. After the fee has been suspended under this  
20 subsection, it shall only be reinstated if, at the close of any  
21 succeeding fiscal year, the amount of money in the fund is less  
22 than \$250,000.00. The department of treasury shall, before November  
23 1 of each year, notify the ~~department of environmental quality~~  
24 **BUREAU** of the balance in the fund at the close of the preceding  
25 fiscal year.

26           Sec. 5e. Upon a finding of noncompliance with this act, or  
27 rules promulgated pursuant to this act, the state fire marshal or

1 ~~the director of the department of environmental quality~~ may revoke  
2 or deny the renewal of a certificate obtained under section 5c and  
3 order the person or firm required to be certified to cease all or  
4 part of its operation until the firm is in compliance.

5       Sec. 5i. (1) A firm that is engaged in a dry cleaning  
6 operation that uses a flammable liquid shall not establish or  
7 maintain such an operation at a location unless the firm obtains a  
8 certificate **FOR THAT LOCATION** from the ~~department of environmental~~  
9 ~~quality for that location~~ **BUREAU**.

10       (2) A certificate shall not be issued until ~~payment is made of~~  
11 a fee ~~of~~ **IS PAID. THE FEE IS** \$15.00 for the first dry cleaning  
12 machine in the firm's location and \$6.00 for each additional dry  
13 cleaning machine in the firm's location. Beginning October 1, 1981,  
14 the fees imposed by this section shall be adjusted each year by the  
15 annual average percentage increase or decrease in the Detroit  
16 consumer price index--all items. The adjustment shall be made by  
17 multiplying the annual average percentage increase or decrease in  
18 the Detroit consumer price index for the prior calendar year by the  
19 current fee as adjusted by this subsection. The resultant product  
20 shall be added to the current fee as adjusted by this subsection  
21 and then rounded off to the nearest half dollar which shall be the  
22 new fee.

23       (3) This section applies when a class IV installation is  
24 operated in the same building or establishment as other classes of  
25 dry cleaning installations.

26       (4) As used in this section, "class IV installation" means  
27 that term as defined in section 13301 of the public health code,

1 1978 PA 368, MCL 333.13301.

2 Sec. 5j. (1) Each terminal at which a tank filled by pipeline  
3 is located shall comply with **ALL OF** the following requirements:

4 (a) ~~Each~~**THE** terminal shall be equipped with a high level  
5 alarm system.

6 (b) The high level alarm system shall be set to activate at a  
7 predetermined level in each tank filled by pipeline at the terminal  
8 to allow sufficient time for the flow of the flammable liquid to be  
9 shut down before the tank overfills. The level shall be determined  
10 by the maximum filling rate expected and the time required for  
11 personnel to take appropriate action to stop the flow of the  
12 flammable liquid.

13 (c) The high level alarm system shall be maintained in  
14 accordance with its manufacturer's recommendations.

15 (d) The high level alarm system shall be tested every 3 months  
16 by the owner of the terminal and a record of the test shall be  
17 maintained.

18 (2) A device shall not be used in a high level alarm system  
19 described in subsection (1) unless the device has been tested for  
20 its intended use by a nationally recognized testing laboratory as  
21 determined by the ~~director of the department of environmental~~  
22 ~~quality~~**STATE FIRE MARSHAL**.

23 (3) Plans and specifications for a high level alarm system  
24 described in subsection (1) shall be submitted to the ~~director of~~  
25 ~~the department of environmental quality~~**STATE FIRE MARSHAL** for  
26 approval before the installation of the system.

27 (4) Upon the completion of the installation of a high level

1 alarm system described in subsection (1), the ~~director of the~~  
2 ~~department of environmental quality~~ **STATE FIRE MARSHAL** shall be  
3 notified and a final inspection shall be made to determine if the  
4 installation is in compliance with this section.

5 (5) The owner of a terminal described in subsection (1) shall  
6 develop a fire and emergency plan in conjunction with the organized  
7 fire department having jurisdiction over the terminal.

8 Sec. 5n. A firm shall not deliver a flammable liquid that has  
9 a flash point below 100 degrees Fahrenheit directly into an above  
10 ground liquid storage tank by pipeline at a remote control terminal  
11 unless the firm does each of the following:

12 (a) ~~Furnishes to the director of the department of~~  
13 ~~environmental quality, and receives the~~ **RECEIVES** approval from the  
14 ~~director of the department of environmental quality~~ **STATE FIRE**  
15 **MARSHAL** of , a detailed description of the firm's capabilities and  
16 procedures to deliver a flammable liquid by remote control to an  
17 above ground liquid storage tank.

18 (b) ~~Furnishes to the director of the department of~~  
19 ~~environmental quality, and receives the~~ **RECEIVES** approval from the  
20 ~~director of the department of environmental quality~~ **STATE FIRE**  
21 **MARSHAL** of , a description of the firm's procedures to be followed  
22 if an above ground storage tank is overfilled.

23 Sec. 5o. (1) The ~~director of the department of environmental~~  
24 ~~quality~~ **STATE FIRE MARSHAL** may, at the request of the organized  
25 fire department having jurisdiction over a terminal, require  
26 additional safety equipment and procedures when the public safety  
27 is endangered.

1 (2) A person may request a variation of the requirements of  
2 section 5j, 5k, 5l, 5m, or 5n, or subsection (1), under the  
3 procedures provided in section 3c.

4 (3) A local unit of government shall not enact an ordinance or  
5 ordinances more restrictive than the requirements included in  
6 sections 5j to 5n.

7 Sec. 5p. (1) A person who is an employer under the Michigan  
8 occupational safety and health act, 1974 PA 154, MCL 408.1001 to  
9 408.1094, shall provide, ~~the information described in this section~~  
10 upon written request by the fire chief for the jurisdiction where  
11 the person is located, -

12 ~~— (2) A person subject to this section shall, subject to~~  
13 ~~subsection (1), provide a copy of a list required to be developed~~  
14 ~~by the standard incorporated by reference in section 14a of the~~  
15 ~~Michigan occupational safety and health act, 1974 PA 154, MCL~~  
16 ~~408.1014a, and a material safety data sheet for each hazardous~~  
17 ~~chemical identified on the list. THE PERSON SHALL PROVIDE THE~~  
18 ~~INFORMATION within 10 working days after receipt of the request.~~

19 (2) ~~(3)~~ Except as provided in subsection ~~(4)~~ (3), a person  
20 subject to this section shall provide a description of the quantity  
21 and location of any hazardous chemical specified by the fire chief  
22 for the jurisdiction where the person is located within 10 working  
23 days after receipt of a written request made by the fire chief  
24 after review of a list provided under subsection ~~(2)~~ (1). Upon  
25 request, the fire chief may extend the time to provide the  
26 information described in this subsection by 5 ~~working~~ **BUSINESS**  
27 days. The information obtained by a fire chief under this



1 subsection may be made available to a public official, agency, or  
2 employee, but is exempt from disclosure under the freedom of  
3 information act, 1976 PA 442, MCL 15.231 to 15.246.

4 (3) ~~(4) The department of environmental quality~~ **BUREAU** may  
5 promulgate rules to exempt from the application of subsection ~~(3)~~  
6 (2) de minimis and portable quantities of hazardous chemicals.

7 (4) ~~(5)~~ A person subject to this section shall provide to the  
8 fire chief for the jurisdiction where the person is located a  
9 written update of information required by this section when there  
10 is a significant change relating to fire hazards in the quantity,  
11 location, or presence of hazardous chemicals in the person's  
12 workplace.

13 (5) ~~(6)~~ An ordinance, law, rule, regulation, policy, or  
14 practice of a city, township, village, county, governmental  
15 authority created by statute, or other political subdivision of the  
16 state shall not require that a person who is an employer under the  
17 Michigan occupational safety and health act, 1974 PA 154, MCL  
18 408.1001 to 408.1094, provide to a fire chief information regarding  
19 hazardous chemicals in the workplace in any other manner or to any  
20 greater extent than is required by this section or rules authorized  
21 by this section.

22 Enacting section 1. (1) The transfer of powers and duties from  
23 the department of environmental quality or the director of the  
24 department of environmental quality to the bureau of fire services  
25 or state fire marshal under this amendatory act does not abate an  
26 action or other proceeding commenced by or against the department  
27 of environmental quality or the director of the department of

1 environmental quality in his or her official capacity under the  
2 fire prevention code, 1941 PA 207, MCL 29.1 to 29.33. However, the  
3 court may allow the action or other proceeding to be maintained by  
4 or against the bureau of fire services or state fire marshal,  
5 respectively.

6 (2) This amendatory act does not abate a criminal action  
7 commenced by this state.

8 (3) Any order, certificate, approval, or authorization issued  
9 by the department of environmental quality or the director of the  
10 department of environmental quality under the fire prevention code,  
11 1941 PA 207, MCL 29.1 to 29.33, before the effective date of this  
12 amendatory act shall continue in effect until it expires or is  
13 amended, suspended, or revoked by the bureau of fire services or  
14 state fire marshal, respectively.

15 (4) Subject to subsection (1), all records, personnel, and  
16 unexpended balances of appropriations or other funds associated  
17 with a power or duty transferred by this amendatory act are  
18 transferred with that power or duty. The director of the department  
19 of environmental quality and the state fire marshal may enter a  
20 memorandum of understanding to implement this subsection.