

HOUSE BILL No. 4744

May 16, 2013, Introduced by Reps. Haugh, Schor, Tlaib, Faris, Roberts, Dillon, Goike, Yonker, Geiss, Foster, Crawford, McBroom, Lane, McCann, Driskell, Dianda and Nathan and referred to the Committee on Regulatory Reform.

A bill to amend 2011 PA 256, entitled
"Michigan fireworks safety act,"
by amending sections 10 and 11 (MCL 28.460 and 28.461).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. ~~A retailer shall remit the fireworks safety fee as~~
2 ~~described in section 9 to the department on forms and in the manner~~
3 ~~prescribed by the department, shall hold the fireworks safety fees~~
4 ~~collected in trust for the state until remitted to the state, and~~
5 ~~is personally liable for the payment of the fireworks safety fee~~
6 ~~money to this state.~~

7 (1) THE RETAILER OR PERSON TO WHOM A CONSUMER FIREWORKS
8 CERTIFICATE IS ISSUED IS RESPONSIBLE FOR REMITTING ALL FIREWORKS
9 SAFETY FEES AS DESCRIBED IN SECTION 9 TO THE DEPARTMENT ON FORMS
10 AND IN THE MANNER PRESCRIBED BY THE DEPARTMENT; SHALL HOLD THE

1 FIREWORKS SAFETY FEES COLLECTED IN TRUST FOR THE STATE UNTIL
2 REMITTED TO THE STATE; AND IS PERSONALLY LIABLE FOR THE PAYMENT OF
3 THE FIREWORKS SAFETY FEE MONEY TO THIS STATE.

4 (2) THE DEPARTMENT MAY REFER FOR COLLECTION TO THE DEPARTMENT
5 OF TREASURY PAST DUE AMOUNTS OF THE FIREWORKS SAFETY FEE CONSISTENT
6 WITH SECTION 13 OF 1941 PA 122, MCL 205.13.

7 (3) A RETAILER SHALL REMIT THE FIREWORKS SAFETY FEES NO LATER
8 THAN 20 DAYS AFTER THE END OF EACH PRECEDING MONTH.

9 (4) THE DEPARTMENT SHALL INVESTIGATE ANY FIREWORKS SAFETY FEES
10 REPORTED, BUT NOT PAID, BY A RETAILER NO LATER THAN SEPTEMBER 30 OF
11 EACH YEAR.

12 Sec. 11. (1) The fireworks safety fund is created within the
13 department of treasury.

14 (2) The state treasurer may receive money or other assets from
15 any source for deposit into the fund. The state treasurer shall
16 direct the investment of the fund. The state treasurer shall credit
17 to the fund interest and earnings from fund investments.

18 (3) Money in the fund at the close of the fiscal year shall
19 remain in the fund and shall not lapse to the general fund.

20 (4) The department shall expend money deposited in the fund to
21 ~~carry out the purposes of this act, the fire prevention code, 1941~~
22 ~~PA 207, MCL 29.1 to 29.33, and the firefighters training council~~
23 ~~created under section 3 of the firefighters training council act,~~
24 ~~1966 PA 291, MCL 29.363. Of the first \$1,000,000.00 collected in~~
25 ~~the fireworks safety fund in each fiscal year, the department may~~
26 ~~expend not more than \$1,000,000.00 in discretionary grants to local~~
27 ~~units of government to defray inspection costs associated with the~~

~~enforcement of this act.~~ AS FOLLOWS:

(A) ONE HUNDRED PERCENT OF THE MONEY RECEIVED FROM FIREWORKS SAFETY FEES UNDER SECTION 8 TO BE USED FOR THE TRAINING OF FIREFIGHTERS UNDER THE DIRECTION AND APPROVAL OF THE FIREFIGHTERS TRAINING COUNCIL ESTABLISHED UNDER THE FIREFIGHTERS TRAINING COUNCIL ACT, 1966 PA 291, MCL 29.361 TO 29.377.

(B) ONE HUNDRED PERCENT OF THE MONEY RECEIVED FROM CONSUMER FIREWORKS SAFETY CERTIFICATES UNDER SECTION 4 TO ADMINISTER THIS ACT AND TO PAY THE COSTS OF DELEGATING INSPECTIONS UNDER THIS ACT TO LOCAL UNITS OF GOVERNMENT UNDER SUBSECTION (5).

(5) THE DEPARTMENT MAY ESTABLISH A PROGRAM FOR DELEGATING INSPECTION DUTIES UNDER THIS ACT TO 1 OR MORE LOCAL UNITS OF GOVERNMENT. IF A LOCAL UNIT OF GOVERNMENT AGREES TO CARRY OUT INSPECTIONS, THE DEPARTMENT SHALL PAY 70% OF THE CONSUMER FIREWORKS SAFETY CERTIFICATE FEE PAID BY EACH RETAIL LOCATION INSPECTED BY THE LOCAL UNIT OF GOVERNMENT AND RETAIN THE REMAINING 30% OF THAT FEE. IF A LOCAL UNIT OF GOVERNMENT DECLINES TO PARTICIPATE IN THE PROGRAM DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT RETAINS ITS INSPECTION DUTIES UNDER THIS ACT.