

SENATE BILL No. 264

March 21, 2017, Introduced by Senators STAMAS, BRANDENBURG, JONES, HERTEL, HORN, BOOHER, MARLEAU, NOFS, ZORN, ROCCA, PROOS, SCHMIDT, HANSEN, KNEZEK and HOPGOOD and referred to the Committee on Regulatory Reform.

A bill to amend 1966 PA 291, entitled
"Firefighters training council act,"
by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 9a, 10, 11, 12, 13, 14, and 16 (MCL 29.362, 29.363, 29.364, 29.365, 29.366, 29.367, 29.368, 29.369, 29.369a, 29.370, 29.371, 29.372, 29.373, 29.374, and 29.376), sections 2, 13, and 14 as amended by 2016 PA 405, sections 3, 4, 5, 8, and 11 as amended by 2006 PA 213, section 6 as amended and section 9a as added by 1980 PA 10, and section 9 as amended by 2015 PA 203, and by adding sections 9b and 11a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2. As used in this act:

(A) "AIRPORT RESCUE FIREFIGHTER" MEANS AN EMPLOYEE OF OR
VOLUNTEER ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN
ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS
CERTIFIED UNDER NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO.

1 1003 AND MEETS THE REQUIREMENTS OF THE FEDERAL AVIATION
2 ADMINISTRATION UNDER 14 CFR PART 139, WHOSE JOB DESCRIPTION,
3 DUTIES, OR RESPONSIBILITIES INCLUDE RESPONDING TO AN AIRCRAFT
4 ACCIDENT.

5 (B) "CERTIFICATE" MEANS A NUMBERED DOCUMENT ISSUED BY THE
6 STATE FIRE MARSHAL TO A PERSON WHO HAS OBTAINED CERTIFICATION UNDER
7 THIS ACT.

8 (C) "CERTIFICATION" MEANS EITHER OF THE FOLLOWING:

9 (i) A DETERMINATION BY THE STATE FIRE MARSHAL THAT A PERSON
10 MEETS THE CERTIFICATION REQUIREMENTS FOR A POSITION WITHIN THE FIRE
11 SERVICE, AS ESTABLISHED BY THE COUNCIL AS AUTHORIZED UNDER THIS
12 ACT. RECOGNIZED POSITIONS IN THE FIRE SERVICE INCLUDE, BUT ARE NOT
13 LIMITED TO, FIREFIGHTER, FIRE CHIEF, PUBLIC SAFETY DIRECTOR, FIRE
14 INSPECTOR, PLANS EXAMINER, FIRE INVESTIGATOR, FIRE OFFICER,
15 HAZARDOUS MATERIALS RESPONDER, TECHNICAL RESCUE RESPONDER, AIRPORT
16 RESCUE FIREFIGHTER, AND FIRE SERVICE INSTRUCTOR. CERTIFICATIONS FOR
17 EACH POSITION WITHIN THE FIRE SERVICE MUST COMPLY WITH THE MICHIGAN
18 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION GENERAL INDUSTRY
19 SAFETY STANDARD, R 408.17411 OF THE MICHIGAN ADMINISTRATIVE CODE.

20 (ii) A DETERMINATION BY THE STATE FIRE MARSHAL THAT A PERSON
21 WAS EMPLOYED AS A FIREFIGHTER BEFORE OCTOBER 1, 1988 AND THAT THE
22 PERSON IS OTHERWISE AUTHORIZED UNDER THIS ACT TO BE EMPLOYED AS A
23 FIREFIGHTER.

24 (D) "CONTESTED CASE" MEANS THAT TERM AS DEFINED IN SECTION 3
25 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
26 24.203.

27 (E) ~~(a)~~—"Council" means the firefighters training council

1 **CREATED UNDER SECTION 3.**

2 **(F)** ~~(b)~~-"Executive secretary" means the executive secretary of
3 the council.

4 **(G) "FELONY" MEANS A VIOLATION OF THE LAWS OF THIS STATE,**
5 **ANOTHER STATE, OR THE UNITED STATES THAT IS DESIGNATED AS A FELONY.**

6 **(H)** ~~(c)~~-"Firefighter" means a member ~~, including volunteer~~
7 ~~members and members paid on call,~~ of an organized fire department
8 **OR PUBLIC SAFETY DEPARTMENT** who is responsible for, or is in a
9 capacity that includes responsibility for, the extinguishment of
10 fires, the directing of the extinguishment of fires, the ~~prevention~~
11 ~~and detection of fires, and the enforcement of the general fire~~
12 ~~laws of this state. Firefighter does not include a person whose job~~
13 ~~description, duties, or responsibilities do not include direct~~
14 ~~involvement in fire suppression.~~**DIRECTING OR MANAGEMENT OF**
15 **EMERGENCY RESPONSE ACTIVITIES, FIRE SAFETY PREVENTION INSPECTION,**
16 **PLANS EXAMINATION, FIRE INVESTIGATION, HAZARDOUS MATERIALS**
17 **RESPONSE, TECHNICAL RESCUE RESPONSE, AIRPORT RESCUE RESPONSE,**
18 **AIRPORT RESCUE FIREFIGHTING, FIRE SERVICE INSTRUCTION, AND THE**
19 **ENFORCEMENT OF THE GENERAL FIRE LAWS OF THIS STATE AND THE**
20 **COMMUNITY WHERE HE OR SHE SERVES.**

21 ~~— (d) "Organized fire department" means that term as defined in~~
22 ~~section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.~~

23 **(I)** ~~(e)~~-"Firefighter training" means an education or training
24 program **INCLUDING A PROGRAM** eligible to receive ~~grants for~~
25 ~~firefighter training~~ **FUNDING** from the fireworks safety fund created
26 in section 11 of the Michigan fireworks safety act, 2011 PA 256,
27 **MCL 28.461, AND OTHER TRAINING PROGRAMS AS APPROVED BY THE STATE**

1 **FIRE MARSHAL**, designed and intended to enhance the ability of an
2 organized fire department or **PUBLIC SAFETY DEPARTMENT AND** the
3 personnel of an organized fire department **OR PUBLIC SAFETY**
4 **DEPARTMENT** to safeguard life and property from damage from
5 explosion, fire, or disaster, and to deliver fire suppression,
6 emergency medical service, hazardous material response, technical
7 rescue, airport rescue and firefighting, fire inspection, fire
8 investigation, fire safety education, and other related fire
9 services. Firefighter training includes, but is not limited to, the
10 training required for fire fighter I and fire fighter II standards
11 under "standard for fire fighter professional qualifications",
12 National Fire Protection Association standard no. 1001.

13 (J) **"FIRE CHIEF"** MEANS THE INDIVIDUAL WHO SERVES AS THE
14 **ADMINISTRATIVE HEAD OF AN ORGANIZED FIRE DEPARTMENT.**

15 (K) **"FIRE INSPECTOR"** MEANS AN EMPLOYEE OF OR VOLUNTEER
16 ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE
17 DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHOSE JOB DESCRIPTION,
18 DUTIES, OR RESPONSIBILITIES INCLUDE, OR WHO IS IN A CAPACITY THAT
19 INCLUDES RESPONSIBILITY FOR, INSPECTING PROPERTY FOR FIRE CODE
20 VIOLATIONS AND ENFORCING THE GENERAL FIRE CODES OF THE JURISDICTION
21 THAT HE OR SHE SERVES.

22 (I) **"FIRE INSTRUCTOR"** MEANS AN EMPLOYEE OF OR VOLUNTEER
23 ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE
24 DEPARTMENT OR PUBLIC SAFETY DEPARTMENT, OR OTHER INDIVIDUAL WHO IS
25 CERTIFIED TO INSTRUCT 1 OR MORE COUNCIL-APPROVED FIRE SERVICE
26 TRAINING PROGRAMS.

27 (M) **"FIRE INVESTIGATOR"** MEANS AN EMPLOYEE OF OR VOLUNTEER

1 ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE
2 DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS CERTIFIED UNDER
3 NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 1033, WHOSE JOB
4 DESCRIPTION, DUTIES, OR RESPONSIBILITIES INCLUDE INVESTIGATING THE
5 ORIGIN AND CAUSE OF FIRES, AND WHO HAS OBTAINED THE SKILLS AND
6 KNOWLEDGE NECESSARY TO CONDUCT, COORDINATE, AND COMPLETE A FIRE
7 INVESTIGATION.

8 (N) "FIRE OFFICER" MEANS A CURRENT MEMBER OF AN ORGANIZED FIRE
9 DEPARTMENT OR PUBLIC SAFETY DEPARTMENT ASSIGNED A RANK ABOVE
10 FIREFIGHTER WHO IS RESPONSIBLE FOR, OR IS IN A CAPACITY THAT
11 INCLUDES RESPONSIBILITY FOR, PERFORMING SUPERVISORY OR MANAGEMENT
12 RESPONSIBILITIES OF AN EMERGENCY OR NONEMERGENCY NATURE WITHIN HIS
13 OR HER ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT. FIRE
14 OFFICER INCLUDES TITLES SUCH AS SERGEANT, LIEUTENANT, CAPTAIN, AND
15 CHIEF OFFICER. FIRE OFFICER DOES NOT INCLUDE FULL-TIME FIRE CHIEFS
16 AND PUBLIC SAFETY DIRECTORS AND OTHERS AS DETERMINED BY THE
17 COUNCIL.

18 (O) "FIRE SERVICE" MEANS THE ENGAGING IN THE DIRECTING OR
19 MANAGEMENT OF EMERGENCY RESPONSE ACTIVITIES, FIRE SAFETY PREVENTION
20 INSPECTION, PLANS EXAMINATION, FIRE INVESTIGATION, HAZARDOUS
21 MATERIAL RESPONSE, TECHNICAL RESCUE RESPONSE, AIRPORT RESCUE
22 RESPONSE, AIRPORT RESCUE FIREFIGHTING, FIRE SERVICE INSTRUCTION,
23 AND THE ENFORCEMENT OF THE GENERAL FIRE LAWS OF THIS STATE AND THE
24 COMMUNITIES THEREIN BY FIRE SERVICE MEMBERS AND ORGANIZED FIRE
25 DEPARTMENTS AND PUBLIC SAFETY DEPARTMENTS.

26 (P) "FIRE SERVICE COURSE" MEANS A TRAINING COURSE OR ACTIVITY
27 THAT IS APPROVED BY THE COUNCIL AND MEETS THE STANDARD FOR

1 FIREFIGHTER TRAINING IN SUBDIVISION (I).

2 (Q) "FIRE SERVICE DISCIPLINE" MEANS EACH OF THE RESPECTIVE
3 CERTIFIABLE FIRE SERVICE POSITIONS INCLUDED UNDER THIS ACT. FIRE
4 SERVICE DISCIPLINE INCLUDES FIRE CHIEF, FIRE INSPECTOR, FIRE
5 INSTRUCTOR, FIRE INVESTIGATOR, FIRE OFFICER, PUBLIC SAFETY
6 DIRECTOR, PLANS EXAMINER, FIREFIGHTER, HAZARDOUS MATERIALS
7 RESPONDER, TECHNICAL RESCUE RESPONDER, AND AIRPORT RESCUE
8 FIREFIGHTER.

9 (R) "FIRE SERVICE MEMBER" OR "MEMBER" MEANS A PERSON DESCRIBED
10 IN SUBDIVISION (A), (H), (J), (K), (I), (M), (N), (U), (Z), (CC),
11 (EE), OR (GG).

12 (S) "FULL-TIME" MEANS EMPLOYMENT DURING WHICH AN INDIVIDUAL
13 WORKS SCHEDULED SHIFTS, IS PAID FOR ALL HOURS HE OR SHE WORKS, AND
14 WORKS SUFFICIENT HOURS WEEKLY TO BE CLASSIFIED AS A FULL-TIME
15 EMPLOYEE BY THE APPLICABLE EMPLOYING POLITICAL SUBDIVISION.

16 (T) "HAZARDOUS MATERIALS" MEANS ANY CHEMICAL, SUBSTANCE,
17 COMPOUND, MIXTURE, OR OTHER MATERIAL DEFINED AS, DESIGNATED AS,
18 LISTED AS, OR HAVING THE SAME CHARACTERISTICS AS ANY CHEMICAL
19 SUBSTANCE, COMPOUND, MIXTURE, OR MATERIAL DEFINED AS, DESIGNATED
20 AS, OR LISTED AS HAZARDOUS UNDER FEDERAL OR STATE LAW OR
21 REGULATIONS.

22 (U) "HAZARDOUS MATERIALS RESPONDER" MEANS AN EMPLOYEE OF OR
23 VOLUNTEER ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN
24 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS
25 CERTIFIED UNDER NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO.
26 1072 AND WHO IS TRAINED TO OR WHOSE RESPONSIBILITIES INCLUDE,
27 RESPONDING TO AND BEING ACTIVELY INVOLVED WITH THE MITIGATION OF A

1 HAZARDOUS MATERIALS INCIDENT INCLUDING A WEAPON OF MASS DESTRUCTION
2 EVENT.

3 (V) "HAZARDOUS MATERIALS RESPONSE" MEANS ANY RESPONSE TO AN
4 EVENT INVOLVING ANY CHEMICAL, SUBSTANCE, COMPOUND, MIXTURE, OR
5 OTHER MATERIAL DEFINED AS, DESIGNATED AS, LISTED AS, OR HAVING THE
6 SAME CHARACTERISTICS AS ANY SUBSTANCE, COMPOUND, MIXTURE, OR
7 MATERIAL DEFINED AS, DESIGNATED AS, OR LISTED AS HAZARDOUS UNDER
8 FEDERAL OR STATE LAW OR REGULATION.

9 (W) "ORGANIZED FIRE DEPARTMENT" MEANS THAT TERM AS DEFINED IN
10 SECTION 1 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1.

11 (X) "PAID ON-CALL" MEANS EMPLOYMENT DURING WHICH AN INDIVIDUAL
12 WORKS ON AN ON-CALL BASIS, IS PAID FOR ALL HOURS HE OR SHE WORKS,
13 AND ONLY OCCASIONALLY WORKS SCHEDULED SHIFTS.

14 (Y) "PART-TIME" MEANS EMPLOYMENT DURING WHICH AN INDIVIDUAL IS
15 PAID FOR ALL HOURS HE OR SHE WORKS AND WORKS SCHEDULED SHIFTS BUT
16 WORKS FEWER HOURS WEEKLY THAN THE HOURS NECESSARY TO BE CLASSIFIED
17 AS A FULL-TIME EMPLOYEE BY THE APPLICABLE EMPLOYING POLITICAL
18 SUBDIVISION.

19 (Z) "PLANS EXAMINER" MEANS AN EMPLOYEE OF OR VOLUNTEER
20 ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN ORGANIZED FIRE
21 DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS CERTIFIED UNDER
22 NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 1031 AND WHOSE
23 JOB DESCRIPTION, DUTIES, OR RESPONSIBILITIES INCLUDE CONDUCTING
24 PLAN REVIEWS OF CONSTRUCTION DOCUMENTS FOR COMPLIANCE WITH THE
25 GENERAL FIRE CODES OF THE COMMUNITY THAT HE OR SHE SERVES.

26 (AA) "POLITICAL SUBDIVISION" MEANS A COUNTY, MUNICIPALITY,
27 SCHOOL DISTRICT, OR ANY OTHER LOCAL GOVERNMENTAL UNIT, AGENCY,

1 BODY, BOARD, OR COMMISSION BUT DOES NOT INCLUDE A STATE DEPARTMENT,
2 BOARD, COMMISSION, OR AGENCY OF STATE GOVERNMENT.

3 (BB) "PUBLIC SAFETY DEPARTMENT" MEANS A DEPARTMENT OF A
4 POLITICAL SUBDIVISION PROVIDING BOTH LAW ENFORCEMENT AND FIRE
5 SERVICES EITHER SEPARATELY OR UTILIZING A COMBINED RESPONSE FORCE
6 WITH PERSONNEL TRAINED AND CERTIFIED AS BOTH FIREFIGHTERS UNDER
7 THIS ACT AND LAW ENFORCEMENT OFFICERS UNDER THE MICHIGAN COMMISSION
8 ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO
9 28.615, UNDER THE DIRECTION AND ADMINISTRATION OF A SINGLE
10 DIRECTOR.

11 (CC) "PUBLIC SAFETY DIRECTOR" MEANS THE INDIVIDUAL WHO SERVES
12 AS THE ADMINISTRATIVE HEAD OF A PUBLIC SAFETY DEPARTMENT.

13 (DD) "RULE" MEANS A RULE PROMULGATED UNDER THE ADMINISTRATIVE
14 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

15 (EE) "TECHNICAL RESCUE RESPONDER" MEANS AN EMPLOYEE OF OR
16 VOLUNTEER ASSIGNED BY A POLITICAL SUBDIVISION TO ASSIST AN
17 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT WHO IS
18 CERTIFIED UNDER NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO.
19 1006 AND WHO HAS RECEIVED TRAINING IN THE APPLICATION OF SPECIAL
20 KNOWLEDGE, SKILLS, AND EQUIPMENT TO SAFELY RESOLVE UNIQUE AND
21 COMPLEX RESCUE SITUATIONS.

22 (FF) "TECHNICAL RESCUE RESPONSE" MEANS THOSE ASPECTS OF SAVING
23 LIFE OR PROPERTY THAT EMPLOY THE USE OF TOOLS AND SKILLS THAT
24 EXCEED THOSE NORMALLY RESERVED FOR FIREFIGHTING, MEDICAL EMERGENCY,
25 AND RESCUE. THESE DISCIPLINES INCLUDE, BUT ARE NOT LIMITED TO, ROPE
26 RESCUE, CONFINED SPACE RESCUE, TRENCH AND EXCAVATION RESCUE, AND
27 BUILDING COLLAPSE RESCUE.

(GG) "VOLUNTEER FIREFIGHTER" OR "PAID ON-CALL FIREFIGHTER" MEANS AN INDIVIDUAL WHO IS CHARGED WITH THE PREVENTION OR SUPPRESSION OF FIRES AND WHO IS DIRECTLY ENGAGED IN THE HAZARDS OF FIREFIGHTING OR IN CHARGE OF A DESIGNATED FIRE COMPANY OR COMPANIES THAT ARE DIRECTLY ENGAGED IN THE HAZARDS OF FIREFIGHTING ON A VOLUNTEER OR PAID ON-CALL BASIS. VOLUNTEER OR PAID ON-CALL FIREFIGHTER DOES NOT INCLUDE A FULL-TIME FIREFIGHTER.

Sec. 3. (1) The firefighters training council is created in the bureau of fire services in the department of ~~labor and economic growth~~ **LICENSING AND REGULATORY AFFAIRS** and shall consist of ~~7-9~~ members selected as follows:

(a) The state fire marshal, or his or her designated representative, shall be ~~ex-officio~~ **EX OFFICIO** a member.

(B) EIGHT MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(i) ~~(b) Two members appointed to the council by the governor from a list of 5 or more members submitted by the Michigan association of fire chiefs.~~ **ASSOCIATION OF FIRE CHIEFS OR ITS SUCCESSOR ORGANIZATION.**

(ii) ~~(c) One member appointed to the council by the governor from a list of 3 or more members submitted by the Michigan professional fire fighters union.~~ **PROFESSIONAL FIRE FIGHTERS UNION OR ITS SUCCESSOR ORGANIZATION.**

(iii) ~~(d) One member appointed to the council by the governor from a list of 3 or more names submitted by the Michigan state firemen's association.~~ **STATE FIREMEN'S ASSOCIATION OR ITS SUCCESSOR ORGANIZATION.**

(iv) ~~(e) One member appointed to the council by the governor~~

1 from a list of 3 ~~or more~~ names submitted by the Michigan fire
2 ~~service instructors association.~~ **FIRE SERVICE INSTRUCTORS**
3 **ASSOCIATION OR ITS SUCCESSOR ORGANIZATION.**

4 (v) **ONE MEMBER FROM A LIST OF 3 NAMES SUBMITTED BY THE**
5 **MICHIGAN FIRE INSPECTORS SOCIETY OR ITS SUCCESSOR ORGANIZATION.**

6 (vi) ~~(f) One member appointed to the council by the governor~~
7 ~~from a list of 2 or more names submitted by the Michigan townships~~
8 ~~association.~~ **TOWNSHIP ASSOCIATION** and 2 ~~or more~~ names submitted by
9 the Michigan ~~municipal league.~~ **MUNICIPAL LEAGUE OR A RESPECTIVE**
10 **SUCCESSOR ORGANIZATION.**

11 (vii) **ONE MEMBER FROM A LIST OF 3 NAMES SUBMITTED BY THE STATE**
12 **FIRE MARSHAL. THE 3 INDIVIDUALS WHOSE NAMES ARE SUBMITTED UNDER**
13 **THIS SUBDIVISION SHALL BE ACTIVE FIRE SERVICE MEMBERS.**

14 (2) All appointments made by the governor ~~shall~~ **MUST** be with
15 the advice and consent of the senate.

16 Sec. 4. ~~A member of the council appointed before January 1,~~
17 ~~2007 shall be appointed for a term of 3 years. A member of the~~
18 ~~council appointed after December 31, 2006 shall be appointed for a~~
19 ~~term of 4 years. A vacancy created other than by expiration of a~~
20 ~~term shall be appointed for the unexpired term of the member who is~~
21 ~~to succeed in the same manner as the original appointment.~~

22 **BEGINNING WITH THE MEMBERS FIRST APPOINTED AFTER THE EFFECTIVE DATE**
23 **OF THE AMENDATORY ACT THAT AMENDED THIS SECTION, A MEMBER OF THE**
24 **COUNCIL SHALL BE APPOINTED FOR A TERM OF 4 YEARS. A VACANCY CREATED**
25 **BY THE EXPIRATION OF A TERM OR IN ANY OTHER MANNER SHALL BE FILLED**
26 **IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.** Any member may be
27 reappointed for additional terms.

1 Sec. 5. (1) The governor ~~may designate~~ **SHALL APPOINT** a member
2 of the council to serve as chairperson of the council at the
3 pleasure of the governor.

4 (2) The council ~~may designate~~ **SHALL APPOINT** a member **OF THE**
5 **COUNCIL TO SERVE** as vice-chairperson ~~to serve for 1 year. FOR 2~~
6 **YEARS.** The vice-chairperson may be ~~reelected. Membership on the~~
7 ~~council does not constitute holding a public office.~~ **REAPPOINTED.**

8 (3) Members of the council are not required to take and file
9 oaths of office before serving on the council. The council shall
10 not exercise any portion of the sovereign power of this state.

11 (4) A member of the council is not disqualified from holding
12 any public office or employment by reason of his or her appointment
13 to membership on the council, nor shall he or she forfeit any such
14 office or employment by reason of his or her appointment,
15 notwithstanding the provisions of any general, special, or local
16 laws or ordinances or city charters.

17 Sec. 6. (1) The council shall meet ~~at least~~ **NOT FEWER THAN 4**
18 times each year and shall hold special meetings when called by the
19 chairperson or, in the absence of the chairperson, by the vice-
20 chairperson. ~~or when~~ **A SPECIAL MEETING OF THE COUNCIL MUST BE**
21 called by the chairperson upon the written request of 4 members of
22 the council.

23 (2) The ~~business which the council may perform shall be~~
24 ~~conducted~~ **COUNCIL SHALL CONDUCT ITS BUSINESS** at a public meeting of
25 ~~the council held in compliance with Act No. 267 of the Public Acts~~
26 ~~of 1976, as amended, being sections 15.261 to 15.275 of the~~
27 ~~Michigan Compiled Laws.~~ **THE OPEN MEETINGS ACT, 1976 PA 267, MCL**

1 15.261 TO 15.275. Public notice of the time, date, and place of the
 2 meeting ~~shall~~**MUST** be given in the manner required by ~~Act No. 267~~
 3 ~~of the Public Acts of 1976, as amended.~~ **THE OPEN MEETINGS ACT, 1976**
 4 **PA 267, MCL 15.261 TO 15.275.** The council shall establish its own
 5 procedures and requirements with respect to quorum, place, and
 6 conduct of its meetings and other matters.

7 Sec. 7. The council shall ~~make~~**PROVIDE** an annual report to the
 8 governor and each house of the legislature ~~which will include~~**THAT**
 9 **INCLUDES** pertinent data regarding the standards established and the
 10 degree of participation of ~~municipalities in the training~~
 11 ~~program.~~**ORGANIZED FIRE DEPARTMENTS AND PUBLIC SAFETY DEPARTMENTS IN**
 12 **THE TRAINING PROGRAMS ESTABLISHED UNDER THIS ACT.**

13 Sec. 8. The members of the council shall serve without
 14 compensation, but ~~shall be~~**ARE** entitled to their actual expenses in
 15 attending meetings and in the performance of their duties. ~~7~~
 16 ~~subject to available appropriations.~~

17 Sec. 9. (1) The state fire marshal, with the approval of **A**
 18 **MAJORITY OF** the council, shall prepare and publish **RULES THAT**
 19 **ESTABLISH MINIMUM** standards ~~with due consideration to varying~~
 20 ~~factors and special requirements of organized fire departments in~~
 21 ~~the following areas:~~**FOR CERTIFICATION AS A FIRE SERVICE MEMBER. THE**
 22 **STANDARDS ESTABLISHED UNDER THIS SECTION MUST COMPLY WITH THE**
 23 **MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION GENERAL**
 24 **INDUSTRY SAFETY STANDARD, R 408.17411 OF THE MICHIGAN**
 25 **ADMINISTRATIVE CODE. TO MAINTAIN COMPLIANCE WITH THE MICHIGAN**
 26 **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION GENERAL INDUSTRY**
 27 **SAFETY STANDARD, R 408.17411 OF THE MICHIGAN ADMINISTRATIVE CODE,**

1 THE EMPLOYER OF A FIRE SERVICE MEMBER SHALL PROVIDE INITIAL AND
2 CONTINUED TRAINING TO THE MEMBER COMMENSURATE WITH AND SPECIFIC TO
3 THE DUTIES THAT THE MEMBER IS EXPECTED TO PERFORM. THE TRAINING
4 DESCRIBED IN THIS SECTION MUST BE PROVIDED BEFORE THE MEMBER IS
5 PERMITTED TO PERFORM EMERGENCY OPERATIONS.

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

9 ~~—— (b) The approval by the council of firefighter training~~
10 ~~schools. The standards shall address, at least, the following~~
11 ~~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~~
16 ~~schools.~~

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 shall file a statement with~~
22 ~~the council designating at least 1 training officer or training~~
23 ~~coordinator for the fire department. If a training officer or~~
24 ~~training coordinator is changed, the organized fire department,~~
25 ~~within 7 days of the change, shall file a statement notifying the~~
26 ~~council of the change.~~

27 ~~—— (3) The council shall develop and provide to each organized~~

~~1 fire department, upon request of the organized fire department and
2 at no charge, as proposed by the state fire marshal, training
3 material in an electronic format to be used in training
4 firefighters. The electronic training material shall be based on
5 the standards for fire fighter I and fire fighter II set forth in
6 "Standard for Fire Fighter Professional Qualifications", National
7 Fire Protection Association standard no. 1001.~~

~~8 ——— (4) The state fire marshal, with the approval of the council,
9 shall develop and administer an examination, which shall include a
10 practical demonstration, a written or oral test, or a combination
11 thereof, to determine a person's competency in regard to the
12 knowledge and skill requirements set forth in standards for fire
13 fighter I and fire fighter II set forth in "Standard for Fire
14 Fighter Professional Qualifications", National Fire Protection
15 Association standard no. 1001. The council, upon the request of an
16 organized fire department, shall administer the examination in each
17 county at least once every year. The examination shall be
18 administered in 2 parts. Part 1 shall test the knowledge and skill
19 requirements set forth in fire fighter I, and part 2 shall test the
20 knowledge and skill requirements set forth in fire fighter II. The
21 examination may be retaken, as necessary, upon request from an
22 organized fire department.~~

~~23 ——— (5) Except as provided in subsections (7) and (9), by 12
24 months after a person's hiring date as a full time firefighter, the
25 person must pass both part 1 and part 2 of the examination to be
26 eligible for continued or permanent full time employment as a
27 firefighter.~~

1 ~~—— (6) Except as provided in subsections (7) and (9), by 24~~
2 ~~months after a person's appointment date as a volunteer or paid on-~~
3 ~~call firefighter, a person must pass part 1 of the examination to~~
4 ~~be eligible for continued volunteer or paid on call service as a~~
5 ~~firefighter.~~

6 ~~—— (7) The examination requirements under this section do not~~
7 ~~apply to a person who is employed or under appointment as a~~
8 ~~firefighter on October 1, 1988, unless the person subsequently~~
9 ~~changes his or her status from a volunteer or paid on call~~
10 ~~firefighter to a full time firefighter. The state fire marshal may~~
11 ~~waive the examination requirements under this section for a veteran~~
12 ~~who served in and is separated from the armed forces and provides a~~
13 ~~form DD214 or DD215 or any other form that is satisfactory to the~~
14 ~~department that demonstrates that he or she was separated from~~
15 ~~service with an honorable character of service or under honorable~~
16 ~~conditions (general) character of service, upon verification that~~
17 ~~the veteran completed firefighter training that meets the standards~~
18 ~~for fire fighter I and fire fighter II set forth in "Standard for~~
19 ~~Fire Fighter Professional Qualifications", National Fire Protection~~
20 ~~Association standard no. 1001, while serving in the armed forces of~~
21 ~~the United States. As used in this subsection, "armed forces" means~~
22 ~~that term as defined in section 2 of the veteran right to~~
23 ~~employment services act, 1994 PA 39, MCL 35.1092.~~

24 ~~—— (8) The state fire marshal, with the approval of the council,~~
25 ~~shall review and monitor the state and federal standards relating~~
26 ~~to live fire training exercises in structures and make~~
27 ~~recommendations to the general industry safety standards commission~~

~~for any new or modified standards necessary for the protection of
firefighter trainees.~~

~~—— (9) The state fire marshal shall waive the examination
requirements under this section and extend reciprocity
certification to a firefighter from another state who seeks to work
as a firefighter in this state if the firefighter was certified in
the other state after successfully completing a program that meets
or exceeds the standards for fire fighter I and fire fighter II set
forth in "Standard for Fire Fighter Professional Qualifications",
National Fire Protection Association standard no. 1001 by an
international accreditation fire service organization.~~

~~—— (10) The presentation of records evidencing certification
under subsection (9) shall automatically result in certification by
this state.~~

(2) THE STATE FIRE MARSHAL, WITH THE APPROVAL OF A MAJORITY OF
THE COUNCIL, SHALL DO ALL OF THE FOLLOWING:

(A) CREATE ADVISORY STANDARDS OF PHYSICAL, CRIMINAL HISTORY,
AND EDUCATIONAL FITNESS THAT GOVERN THE RECRUITMENT, SELECTION, AND
CERTIFICATION OF A PERSON AS A FIRE SERVICE MEMBER.

(B) DEVELOP AND ADMINISTER CERTIFICATION EXAMINATIONS, TESTING
PROCEDURES, AND RECIPROCITY RECOGNITION FOR CREDENTIALING IN THE
VARIOUS FIRE SERVICE DISCIPLINES RECOGNIZED UNDER THIS ACT. THE
REQUIREMENTS FOR EACH FIRE SERVICE DISCIPLINE MUST MEET THE
RESPECTIVE PROFESSIONAL QUALIFICATIONS IN THE CURRENT AND
APPROPRIATE NATIONAL FIRE PROTECTION ASSOCIATION STANDARD.

(C) ESTABLISH SUBORDINATE REGIONAL TRAINING CENTERS IN
STRATEGIC GEOGRAPHIC LOCATIONS IN ORDER TO SERVE THE GREATEST

1 NUMBER OF ORGANIZED FIRE DEPARTMENTS AND PUBLIC SAFETY DEPARTMENTS
2 THAT ARE UNABLE TO SUPPORT THEIR OWN TRAINING PROGRAMS.

3 (D) DEVELOP AND ADMINISTER CERTIFICATION EXAMINATIONS THAT
4 INCLUDE A PRACTICAL DEMONSTRATION AND A WRITTEN OR ORAL TEST TO
5 DETERMINE A PERSON'S COMPETENCY IN REGARD TO THE KNOWLEDGE AND
6 SKILL REQUIREMENTS IN THE CURRENT EDITION OF THE NATIONAL FIRE
7 PROTECTION ASSOCIATION STANDARDS FOR EACH OF THE FIRE SERVICE
8 DISCIPLINES RECOGNIZED UNDER THIS ACT. THE STATE FIRE MARSHAL, OR
9 HIS OR HER DESIGNEE, SHALL, UPON REQUEST, ADMINISTER THE
10 EXAMINATION IN EACH COUNTY OF THIS STATE NOT LESS THAN ONCE
11 ANNUALLY. THE EXAMINATION MAY BE ADMINISTERED IN 2 PARTS. IF THE
12 EXAMINATION IS ADMINISTERED IN 2 PARTS, PART 1 OF THE EXAMINATION
13 MUST TEST THE KNOWLEDGE AND SKILL REQUIREMENTS SET FORTH IN THE
14 STANDARDS FOR FIRE FIGHTER I IN THE CURRENT EDITION OF THE
15 STANDARDS FOR FIRE FIGHTER PROFESSIONAL QUALIFICATIONS, NATIONAL
16 FIRE PROTECTION ASSOCIATION STANDARD NO. 1001, AND PART 2 OF THE
17 EXAMINATION MUST TEST THE KNOWLEDGE AND SKILL REQUIREMENTS SET
18 FORTH IN THE STANDARDS FOR FIRE FIGHTER II IN THE CURRENT EDITION
19 OF THE STANDARDS FOR FIRE FIGHTER PROFESSIONAL QUALIFICATIONS,
20 NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 1001. THE
21 EXAMINATION MAY ALSO BE ADMINISTERED AS A COMBINED FIRE FIGHTER I
22 AND FIRE FIGHTER II EXAMINATION IF A COMBINED EXAMINATION IS
23 REQUESTED BY A COUNTY TRAINING COMMITTEE OR REGIONAL TRAINING
24 CENTER.

25 (E) ESTABLISH ELIGIBILITY CRITERIA FOR STUDENTS TO RETAKE A
26 FAILED WRITTEN, ORAL, OR PRACTICAL CERTIFICATION EXAMINATION.

27 (3) A PERSON WHO IS HIRED AS A FULL-TIME OR PART-TIME

1 FIREFIGHTER SHALL PASS BOTH PART 1 AND PART 2 OF THE CERTIFICATION
2 EXAMINATION DESCRIBED IN SUBSECTION (2) (D) NOT MORE THAN 12 MONTHS
3 AFTER HE OR SHE IS HIRED AS A FULL-TIME OR PART-TIME FIREFIGHTER TO
4 BE ELIGIBLE TO CONTINUE HIS OR HER EMPLOYMENT AS A FULL-TIME OR
5 PART-TIME FIREFIGHTER.

6 (4) A PERSON WHO IS APPOINTED OR HIRED AS A VOLUNTEER OR PAID
7 ON-CALL FIREFIGHTER SHALL PASS PART 1 OF THE CERTIFICATION
8 EXAMINATION DESCRIBED IN SUBSECTION (2) (D) NOT MORE THAN 24 MONTHS
9 AFTER HE OR SHE IS APPOINTED OR HIRED AS A VOLUNTEER OR PAID ON-
10 CALL FIREFIGHTER TO BE ELIGIBLE TO CONTINUE HIS OR HER EMPLOYMENT
11 OR APPOINTMENT AS A VOLUNTEER OR PAID ON-CALL FIREFIGHTER, AS
12 APPLICABLE.

13 (5) THE CERTIFICATION EXAMINATION REQUIREMENT UNDER THIS
14 SECTION DOES NOT APPLY TO A PERSON WHO WAS EMPLOYED OR UNDER
15 APPOINTMENT AS A FIREFIGHTER ON OR BEFORE OCTOBER 1, 1988, UNLESS
16 THE PERSON SUBSEQUENTLY SEEKS TO CHANGE HIS OR HER STATUS FROM A
17 VOLUNTEER OR PAID ON-CALL FIREFIGHTER TO A PART-TIME OR FULL-TIME
18 FIREFIGHTER.

19 (6) THE STATE FIRE MARSHAL MAY WAIVE THE EXAMINATION
20 REQUIREMENTS UNDER THIS SECTION FOR A VETERAN WHO SERVED IN AND IS
21 SEPARATED FROM THE ARMED FORCES AND PROVIDES A FORM DD214, A FORM
22 DD215, OR ANY OTHER FORM THAT IS SATISFACTORY TO THE DEPARTMENT OF
23 LICENSING AND REGULATORY AFFAIRS THAT DEMONSTRATES THAT HE OR SHE
24 WAS SEPARATED FROM SERVICE WITH AN HONORABLE CHARACTER OF SERVICE
25 OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF SERVICE, UPON
26 VERIFICATION THAT THE VETERAN COMPLETED FIREFIGHTER TRAINING THAT
27 MEETS THE STANDARDS FOR FIRE FIGHTER I AND FIRE FIGHTER II IN THE

1 STANDARDS FOR FIRE FIGHTER PROFESSIONAL QUALIFICATIONS, NATIONAL
2 FIRE PROTECTION ASSOCIATION STANDARD NO. 1001, WHILE SERVING IN THE
3 ARMED FORCES OF THE UNITED STATES. AS USED IN THIS SUBSECTION,
4 "ARMED FORCES" MEANS THE ARMY, AIR FORCE, NAVY, MARINE CORPS, COAST
5 GUARD, OR OTHER MILITARY FORCE DESIGNATED BY CONGRESS AS PART OF
6 THE ARMED FORCES OF THE UNITED STATES.

7 (7) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE STATE
8 FIRE MARSHAL SHALL WAIVE THE EXAMINATION REQUIREMENTS UNDER THIS
9 SECTION AND EXTEND RECIPROCITY CERTIFICATION TO A PERSON FROM
10 ANOTHER STATE WHO SEEKS TO BECOME EMPLOYED OR VOLUNTEER IN THE FIRE
11 SERVICE IN THIS STATE IF THE PERSON WAS CERTIFIED IN THE OTHER
12 STATE AFTER SUCCESSFULLY COMPLETING A PROGRAM THAT MEETS OR EXCEEDS
13 THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS FOR THE
14 APPLICABLE FIRE SERVICE DISCIPLINE RECOGNIZED UNDER THIS ACT. THE
15 STATE FIRE MARSHAL SHALL NOT WAIVE THE CERTIFICATION EXAMINATION
16 FOR A PERSON WHO WAS CERTIFIED IN ANOTHER STATE IF EITHER OF THE
17 FOLLOWING APPLIES:

18 (A) THE PERSON'S OUT-OF-STATE CERTIFICATION WAS REVOKED BY
19 THAT STATE OR ANOTHER ISSUING ORGANIZATION.

20 (B) THE PERSON HAS BEEN CONVICTED OF A FELONY UNDER THE LAWS
21 OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES.

22 (8) CERTIFICATION AS A FIRE SERVICE MEMBER GRANTED TO A PERSON
23 UNDER THIS ACT IS VALID UNLESS OR UNTIL THE COUNCIL REVOKES THE
24 CERTIFICATION AS PART OF A DISCIPLINARY ACTION.

25 (9) THE STATE FIRE MARSHAL SHALL ISSUE A CERTIFICATE TO A
26 PERSON WHO IS CERTIFIED UNDER THIS ACT NOT MORE THAN 30 DAYS AFTER
27 THE PERSON BECOMES CERTIFIED. A CERTIFICATE ISSUED UNDER THIS ACT

1 REMAINS THE PROPERTY OF THE STATE FIRE MARSHAL.

2 (10) THE STATE FIRE MARSHAL AND THE COUNCIL SHALL REVIEW AND
3 MONITOR THE STATE AND FEDERAL STANDARDS RELATING TO LIVE FIRE
4 TRAINING EXERCISES IN STRUCTURES AND MAKE RECOMMENDATIONS REGARDING
5 THE GENERAL INDUSTRY SAFETY STANDARDS FOR ANY NEW OR MODIFIED
6 STANDARDS NECESSARY FOR THE PROTECTION OF FIREFIGHTER TRAINEES
7 UNDER PART 74 OF THE MICHIGAN OCCUPATIONAL SAFETY AND HEALTH
8 ADMINISTRATION GENERAL INDUSTRY SAFETY STANDARD, R 408.17401 TO R
9 408.17464 OF THE MICHIGAN ADMINISTRATIVE CODE.

10 Sec. 9a. A writing prepared, owned, used, in the possession
11 of, or retained by the council in the performance of an official
12 function shall ~~MUST~~ be made available to the public in compliance
13 with ~~Act No. 442 of the Public Acts of 1976, as amended, being~~
14 ~~sections 15.231 to 15.246 of the Michigan Compiled Laws.~~ **THE FREEDOM**
15 **OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.**

16 **SEC. 9B. AN ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY**
17 **DEPARTMENT SHALL MAINTAIN AN EMPLOYMENT HISTORY RECORD FOR EACH**
18 **FIRE SERVICE MEMBER EMPLOYED BY THE ORGANIZED FIRE DEPARTMENT OR**
19 **PUBLIC SAFETY DEPARTMENT.**

20 Sec. 10. (1) ~~The council may enter into agreement with other~~
21 ~~agencies, colleges and universities to carry out the intent of this~~
22 ~~act.~~ **EACH ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT OR**
23 **LOCAL GOVERNMENT CLERK SHALL FILE A STATEMENT WITH THE COUNCIL**
24 **DESIGNATING THE CHIEF OR DIRECTOR OF THE DEPARTMENT AND PROVIDING**
25 **CONTACT INFORMATION FOR THE ORGANIZED FIRE DEPARTMENT OR PUBLIC**
26 **SAFETY DEPARTMENT. IF THE DEPARTMENT CHIEF OR DIRECTOR CHANGES, THE**
27 **ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT SHALL NOTIFY**

1 THE COUNCIL IN WRITING BY FILING A STATEMENT OF THE CHANGE WITHIN 7
2 DAYS AFTER THE CHANGE.

3 (2) THE COUNCIL SHALL DEVELOP AND PROVIDE TO EACH ORGANIZED
4 FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT, UPON REQUEST OF THE
5 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT AND AT NO
6 CHARGE, A DIGITAL VIDEO DISC OR OTHER ELECTRONIC FORM OF VIDEO
7 DISPLAY TO BE USED IN TRAINING FIREFIGHTERS. THE DIGITAL VIDEO DISC
8 OR OTHER ELECTRONIC FORM OF VIDEO DISPLAY MUST BE BASED UPON THE
9 COUNCIL-APPROVED TRAINING PROGRAMS. THE COUNCIL MAY IMPOSE A
10 REASONABLE FEE FOR LOSS, DAMAGE, OR LATE RETURN OF A DIGITAL VIDEO
11 DISC OR OTHER ELECTRONIC FORM OF VIDEO DISPLAY PROVIDED TO AN
12 ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT UNDER THIS
13 SECTION. THE COUNCIL SHALL HAVE AVAILABLE NOT FEWER THAN 2 COPIES
14 OF EACH DIGITAL VIDEO DISC OR OTHER ELECTRONIC FORM OF VIDEO
15 DISPLAY FOR AN ORGANIZED FIRE DEPARTMENT'S OR PUBLIC SAFETY
16 DEPARTMENT'S USE.

17 (3) THE COUNCIL SHALL MAKE RECOMMENDATIONS WITH RESPECT TO
18 BOTH OF THE FOLLOWING:

19 (A) THE CATEGORY OR CLASSIFICATION OF ADVANCED IN-SERVICE
20 TRAINING PROGRAMS FOR ALL FIRE SERVICE DISCIPLINES AND MINIMUM
21 COURSES OF STUDY AND ATTENDANCE REQUIREMENTS FOR THE CATEGORY OR
22 CLASSIFICATION NEEDED FOR CERTIFICATION UNDER THIS ACT.

23 (B) THE STANDARDS REQUIRED UNDER THIS ACT FOR CERTIFICATION IN
24 EACH OF THE FIRE SERVICE DISCIPLINES.

25 Sec. 11. (1) ~~The~~ UNDER THE DIRECTION OF THE state fire
26 marshal, ~~or~~ the council may DO ALL OF THE FOLLOWING:

27 (a) Visit and inspect any firefighter training school, or

1 examine the curriculum or training procedures, for which
2 application for approval has been made.

3 (b) Issue certificates to firefighter training schools
4 qualifying under the regulations promulgated under this act.

5 (c) Authorize the issuance of certificates of graduation or
6 diplomas ~~by approved firefighter training schools to firefighters~~
7 **STUDENTS** who have satisfactorily completed **THE** minimum ~~courses of~~
8 ~~study.~~ **REQUIREMENTS IN EACH OF THE FIRE SERVICE COURSES.**

9 (d) Cooperate with state, federal, and local fire agencies in
10 establishing and conducting local or area schools or regional
11 training centers for instruction and training of firefighters of
12 this state and its cities, counties, townships, and villages.

13 (e) Make recommendations to the state fire marshal, the
14 governor, and the legislature on matters pertaining to
15 qualification and training of ~~firefighters.~~ **FIRE SERVICE MEMBERS.**

16 (F) **ESTABLISH PRESERVICE BASIC TRAINING PROGRAMS AT HIGH**
17 **SCHOOLS, COLLEGES, COMMUNITY COLLEGES, AND UNIVERSITIES.**

18 (G) **REQUIRE AN EXAMINATION IN ORDER TO PASS EACH OF THE FIRE**
19 **SERVICE COURSES QUALIFYING UNDER THE STANDARDS SET FORTH IN THIS**
20 **ACT.**

21 (H) **ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR**
22 **MAINTAINING CERTIFICATION UNDER THIS ACT.**

23 (I) **ESTABLISH THE REQUISITE LEVEL OF FIRE INSTRUCTOR ACTIVITY**
24 **TO MAINTAIN CERTIFICATION AS A FIRE INSTRUCTOR.**

25 (J) **ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF TESTING**
26 **AND TRAINING PROVIDED TO A PERSON WHO IS NOT EMPLOYED BY AN**
27 **ORGANIZED FIRE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT OF THIS STATE**

1 AND WHO IS SEEKING TO BE EMPLOYED AS A FIRE SERVICE MEMBER.

2 (K) PROMULGATE RULES FOR THE DEVELOPMENT, CONDUCT, AND
3 RESPONSIBILITIES OF A COUNTY TRAINING COMMITTEE IN EACH COUNTY IN
4 THIS STATE.

5 (2) THE COUNCIL MAY ALLOW 2 OR MORE COUNTIES TO FORM AND
6 JOINTLY OPERATE A REGIONAL TRAINING COMMITTEE CHARGED WITH THE
7 OVERSIGHT OF TRAINING NEEDS IN THOSE COUNTIES.

8 (3) FEES COLLECTED UNDER SUBSECTION (1)(J) MUST BE DEPOSITED
9 INTO THE FIREWORKS SAFETY FUND CREATED IN SECTION 11 OF THE
10 MICHIGAN FIREWORKS SAFETY ACT, 2011 PA 256, MCL 28.461.

11 SEC. 11A. THE FIRE MARSHAL, WITH THE APPROVAL OF THE COUNCIL,
12 SHALL PROMULGATE RULES ESTABLISHING A DISCIPLINARY PROCESS FOR THE
13 SUSPENSION OR REVOCATION OF CERTIFICATION AND ANY NECESSARY
14 RETRAINING REQUIREMENTS TO MAINTAIN OR RESTORE CERTIFICATION AFTER
15 A SUSPENSION OR REVOCATION FOR A FIRE SERVICE MEMBER FOR 1 OR MORE
16 OF THE FOLLOWING:

17 (A) CONVICTION OF A FELONY.

18 (B) MAKING A MATERIALLY FALSE STATEMENT, CAUSING A MATERIALLY
19 FALSE STATEMENT TO BE MADE, OR OTHERWISE COMMITTING FRAUD DURING
20 THE APPLICATION FOR CERTIFICATION PROCESS.

21 (C) VIOLATING COUNCIL AND FIRE MARSHAL-ADOPTED POLICIES
22 REGARDING A FIRE SERVICE MEMBER'S USE OF THE FIRE MARSHAL'S
23 TRAINING INFORMATION NETWORK BECAUSE THE FIRE SERVICE MEMBER
24 WRONGFULLY DISCLOSED EXAM INFORMATION FROM THE FIRE MARSHAL'S
25 INFORMATION NETWORK.

26 Sec. 12. ~~There~~ THE COUNCIL shall ~~be an~~ APPOINT AN executive
27 secretary of the council who shall ~~be appointed by the council, and~~

1 ~~who shall hold office during~~ **AT** the pleasure of the council. He ~~THE~~
 2 **EXECUTIVE SECRETARY** shall perform ~~such~~ **THE** functions and duties as
 3 ~~may be assigned to him by the council. He~~ **THE EXECUTIVE SECRETARY**
 4 shall receive compensation and reimbursement for expenses within
 5 the amounts available by appropriation.

6 Sec. 13. **(1)** Firefighter training provided under this act
 7 ~~shall~~ **MUST** be funded by the money collected from fireworks safety
 8 fees imposed under section 8 of the Michigan fireworks safety act,
 9 2011 PA 256, MCL 28.458, **AND THE FEES COLLECTED UNDER SECTION 11 OF**
 10 **THIS ACT** and deposited in the fireworks safety fund created in
 11 section 11 of the Michigan fireworks safety act, 2011 PA 256, MCL
 12 28.461. The fund ~~shall~~ **MUST** be distributed to fund firefighter
 13 training programs as provided in section 11 of the Michigan
 14 fireworks safety act, 2011 PA 256, MCL 28.461.

15 **(2) FIREFIGHTER TRAINING PROVIDED UNDER THIS ACT MAY ALSO BE**
 16 **FUNDED BY ANY ADDITIONAL FUNDING SOURCES IDENTIFIED BY THE COUNCIL**
 17 **OR STATE FIRE MARSHAL.**

18 Sec. 14. **(1)** From the amount annually deposited in and
 19 appropriated to the fireworks safety fund for firefighter training
 20 under section 11 of the Michigan fireworks safety act, 2011 PA 256,
 21 MCL 28.461, the council may request and the state fire marshal may
 22 approve annual training expenditures for the purposes of payments
 23 ~~to counties to reimburse organized fire departments for firefighter~~
 24 ~~training and other activities required under this act. The state~~
 25 ~~fire marshal may deny requests not meeting the requirements of this~~
 26 ~~act.~~ **THE DESIGNATED FIDUCIARY OF EACH COUNTY'S TRAINING COMMITTEE TO**
 27 **FUND FIREFIGHTER TRAINING AND PROVIDE FOR FIREFIGHTER TRAINING**

1 **EQUIPMENT AND OTHER RELATED ACTIVITIES REQUIRED UNDER THIS ACT. THE**
2 **STATE FIRE MARSHAL MAY DENY REQUESTS NOT MEETING THE REQUIREMENTS**
3 **OF THIS ACT.**

4 (2) The money approved under subsection (1) ~~shall~~**MUST** be
5 disbursed to ~~counties~~**COUNTY TRAINING COMMITTEES** using a formula
6 composed 70% of county population and 30% of square miles within
7 the county. A minimum disbursement to each county **TRAINING**
8 **COMMITTEE** may be requested by the council and approved by the state
9 fire marshal.

10 (3) The chairperson of a firefighter training committee
11 established in each county shall survey the training needs of
12 organized fire departments **AND PUBLIC SAFETY DEPARTMENTS** in the
13 county and shall ~~distribute the money received by the county under~~
14 ~~this section~~**EXPEND MONEY FOR FIREFIGHTER TRAINING, FIREFIGHTER**
15 **TRAINING EQUIPMENT, OR OTHER ACTIVITIES REQUIRED UNDER THIS ACT** as
16 prioritized by the organized fire departments **OR PUBLIC SAFETY**
17 **DEPARTMENTS** in the county. If money distributed to a county under
18 this section for a fiscal year is not designated by the chairperson
19 for ~~distribution to organized fire departments in~~**EXPENDITURE AS**
20 **PROVIDED IN THIS SUBSECTION BY** the county by January 1 of the
21 fiscal year, the undesignated money ~~shall~~**MUST** be returned to the
22 council and may be redistributed by the council through the
23 application process under section 15. The state fire marshal may
24 deny requests for redistribution that do not meet the requirements
25 of this act. The council shall deposit undesignated money that is
26 not redistributed through an application under section 15 into the
27 fireworks safety fund created in section 11 of the Michigan

1 fireworks safety act, 2011 PA 256, MCL 28.461.

2 (4) Money ~~shall~~**MUST** be distributed under this section only to
3 **CONDUCT TRAINING FOR PERSONNEL FROM** an organized fire department **OR**
4 **PUBLIC SAFETY DEPARTMENT** that has adhered to the standards
5 established under this act for personnel recruited or trained by
6 the organized fire department **OR PUBLIC SAFETY DEPARTMENT** during
7 the current and prior fiscal years **AND THAT HAS COMPLIED WITH THE**
8 **INCIDENT REPORTING REQUIREMENTS UNDER SECTION 4 OF THE FIRE**
9 **PREVENTION CODE, 1941 PA 207, MCL 29.4, DURING THE 12 MONTHS**
10 **PRECEDING AN APPLICATION MADE UNDER THIS ACT.**

11 Sec. 16. The council shall adopt rules and regulations in
12 accordance with the ~~provisions of Act No. 88 of the Public Acts of~~
13 ~~1943, as amended, being sections 24.71 to 24.82 of the Compiled~~
14 ~~Laws of 1948, and subject to Act No. 197 of the Public Acts of~~
15 ~~1952, as amended, being sections 24.101 to 24.110 of the Compiled~~
16 ~~Laws of 1948.~~**ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,**
17 **MCL 24.201 TO 24.328, TO CARRY OUT ITS DUTIES UNDER THIS ACT.**

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.