

HOUSE BILL NO. 5966

July 22, 2020, Introduced by Reps. Anthony, Hood, Sowerby, Brann and Cynthia Neeley and referred to the Committee on Regulatory Reform.

A bill to amend 1966 PA 291, entitled
"Firefighters training council act,"
by amending sections 2, 11, 13, and 14 (MCL 29.362, 29.371, 29.373,
and 29.374), as amended by 2017 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Airport rescue firefighter" means an employee of or
- 3 volunteer assigned by a political subdivision to assist an
- 4 organized fire department or public safety department who is
- 5 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 under this act. Recognized
12 positions in the fire service include, but are not limited to,
13 firefighter, fire chief, public safety director, fire inspector,
14 plans examiner, fire investigator, fire officer, hazardous
15 materials responder, technical rescue responder, airport rescue
16 firefighter, and fire service instructor. Certifications for each
17 position within the fire service must comply with the Michigan
18 occupational safety and health administration general industry
19 safety **and health** standard, R 408.17411 of the Michigan
20 Administrative Code.

21 (ii) A determination by the state fire marshal that a person
22 was employed as a firefighter before October 1, 1988 and that the
23 person is otherwise authorized under this act to be employed as a
24 firefighter.

25 (d) "Contested case" means that term as defined in section 3
26 of the administrative procedures act of 1969, 1969 PA 306, MCL
27 24.203.

28 (e) "Council" means the firefighters training council created
29 under section 3.



1 (f) "Executive secretary" means the executive secretary of the
2 council.

3 (g) "Felony" means a violation of the laws of this state,
4 another state, or the United States that is designated as a felony.

5 (h) "Firefighter" means a member of an organized fire
6 department or public safety department who is responsible for, or
7 is in a capacity that includes responsibility for, the
8 extinguishment of fires, the directing of the extinguishment of
9 fires, the directing or management of emergency response
10 activities, fire safety prevention inspection, plans examination,
11 fire investigation, hazardous materials response, technical rescue
12 response, airport rescue response, airport rescue firefighting,
13 fire service instruction, and the enforcement of the general fire
14 laws of this state and the community where he or she serves.

15 (i) "Firefighter training" means an education or training
16 program including a program eligible to receive funding from the
17 fireworks safety fund created in section 11 of ~~the Michigan~~
18 ~~fireworks safety act, former~~ 2011 PA 256, ~~MCL 28.461,~~ and other
19 training programs as approved by the state fire marshal, designed
20 and intended to enhance the ability of an organized fire department
21 or public safety department and the personnel of an organized fire
22 department or public safety department to safeguard life and
23 property from damage from explosion, fire, or disaster, and to
24 deliver fire suppression, emergency medical service, hazardous
25 material response, technical rescue, airport rescue and
26 firefighting, fire inspection, fire investigation, fire safety
27 education, and other related fire services.

28 (j) "Fire chief" means the individual who serves as the
29 administrative head of an organized fire department.



1 (k) "Fire inspector" means an employee of or volunteer
2 assigned by a political subdivision to assist an organized fire
3 department or public safety department whose job description,
4 duties, or responsibilities include, or who is in a capacity that
5 includes responsibility for, inspecting property for fire code
6 violations and enforcing the general fire codes of the jurisdiction
7 that he or she serves.

8 (l) "Fire instructor" means an employee of or volunteer
9 assigned by a political subdivision to assist an organized fire
10 department or public safety department, or other individual who is
11 certified to instruct 1 or more council-approved fire service
12 training programs.

13 (m) "Fire investigator" means an employee of or volunteer
14 assigned by a political subdivision to assist an organized fire
15 department or public safety department who is certified under
16 National Fire Protection Association standard no. 1033, whose job
17 description, duties, or responsibilities include investigating the
18 origin and cause of fires, and who has obtained the skills and
19 knowledge necessary to conduct, coordinate, and complete a fire
20 investigation. Fire investigator does not include a fire
21 investigator who is employed by a law enforcement agency as that
22 term is defined in section 2 of the Michigan commission on law
23 enforcement standards act, 1965 PA 203, MCL 28.602, other than a
24 public safety department, or a professional investigator licensed
25 under the professional investigator licensure act, 1965 PA 285, MCL
26 338.821 to 338.851.

27 (n) "Fire officer" means a current member of an organized fire
28 department or public safety department assigned a rank above
29 firefighter who is responsible for, or is in a capacity that



1 includes responsibility for, performing supervisory or management
2 responsibilities of an emergency or nonemergency nature within his
3 or her organized fire department or public safety department. Fire
4 officer includes titles such as sergeant, lieutenant, captain, and
5 chief officer.

6 (o) "Fire service" means the engaging in the directing or
7 management of emergency response activities, fire safety prevention
8 inspection, plans examination, fire investigation, hazardous
9 material response, technical rescue response, airport rescue
10 response, airport rescue firefighting, fire service instruction,
11 and the enforcement of the general fire laws of this state and the
12 communities therein by fire service members and organized fire
13 departments and public safety departments.

14 (p) "Fire service course" means a training course or activity
15 that is approved by the council and meets the standard for
16 firefighter training in subdivision (i).

17 (q) "Fire service discipline" means each of the respective
18 certifiable fire service positions included under this act. Fire
19 service discipline includes fire chief, fire inspector, fire
20 instructor, fire investigator, fire officer, public safety
21 director, plans examiner, firefighter, hazardous materials
22 responder, technical rescue responder, and airport rescue
23 firefighter.

24 (r) "Fire service member" or "member" means a person described
25 in subdivision (a), (h), (j), (k), (l), (m), (n), (u), (z), (cc),
26 (ee), or (hh).

27 (s) "Full-time" means employment during which an individual
28 works scheduled shifts, is paid for all hours he or she works, and
29 works sufficient hours weekly to be classified as a full-time



1 employee by the applicable employing political subdivision.

2 (t) "Hazardous materials" means any chemical, substance,
3 compound, mixture, or other material defined as, designated as,
4 listed as, or having the same characteristics as any chemical
5 substance, compound, mixture, or material defined as, designated
6 as, or listed as hazardous under federal or state law or
7 regulations.

8 (u) "Hazardous materials responder" means an employee of or
9 volunteer assigned by a political subdivision to assist an
10 organized fire department or public safety department who is
11 certified under National Fire Protection Association standard no.
12 1072 and who is trained to or whose responsibilities include,
13 responding to and being actively involved with the mitigation of a
14 hazardous materials incident including a weapon of mass destruction
15 event.

16 (v) "Hazardous materials response" means any response to an
17 event involving any chemical, substance, compound, mixture, or
18 other material defined as, designated as, listed as, or having the
19 same characteristics as any substance, compound, mixture, or
20 material defined as, designated as, or listed as hazardous under
21 federal or state law or regulation.

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

24 (x) "Paid on-call" means employment during which an individual
25 works on an on-call basis, is paid for all hours he or she works,
26 and only occasionally works scheduled shifts.

27 (y) "Part-time" means employment during which an individual is
28 paid for all hours he or she works and works scheduled shifts but
29 works fewer hours weekly than the hours necessary to be classified



1 as a full-time employee by the applicable employing political
2 subdivision.

3 (z) "Plans examiner" means an employee of or volunteer
4 assigned by a political subdivision to assist an organized fire
5 department or public safety department who is certified under
6 National Fire Protection Association standard no. 1031 and whose
7 job description, duties, or responsibilities include conducting
8 plan reviews of construction documents for compliance with the
9 general fire codes of the community that he or she serves.

10 (aa) "Political subdivision" means a county, municipality,
11 school district, or any other local governmental unit, agency,
12 body, board, or commission but does not include a state department,
13 board, commission, or agency of state government.

14 (bb) "Public safety department" means a department of a
15 political subdivision providing both law enforcement and fire
16 services either separately or utilizing a combined response force
17 with personnel trained and certified as both firefighters under
18 this act and law enforcement officers under the Michigan commission
19 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
20 28.615, under the direction and administration of a single
21 director.

22 (cc) "Public safety director" means the individual who serves
23 as the administrative head of a public safety department.

24 (dd) "Rule" means a rule promulgated under the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

26 (ee) "Technical rescue responder" means an employee of or
27 volunteer assigned by a political subdivision to assist an
28 organized fire department or public safety department who is
29 certified under National Fire Protection Association standard no.



1 1006 and who has received training in the application of special
2 knowledge, skills, and equipment to safely resolve unique and
3 complex rescue situations.

4 (ff) "Technical rescue response" means those aspects of saving
5 life or property that employ the use of tools and skills that
6 exceed those normally reserved for firefighting, medical emergency,
7 and rescue. These disciplines include, but are not limited to, rope
8 rescue, confined space rescue, trench and excavation rescue, and
9 building collapse rescue.

10 (gg) "Volunteer" means appointment or employment for which an
11 individual receives no compensation for work provided, or
12 appointment or employment for which an individual receives
13 compensation in the form of reasonable expenses incurred during the
14 course of his or her appointment or employment or other reasonable
15 benefits, including, but not limited to, length of service awards
16 or nominal fees.

17 (hh) "Volunteer firefighter" or "paid on-call firefighter"
18 means an individual who is charged with the prevention or
19 suppression of fires and who is directly engaged in the hazards of
20 firefighting or in charge of a designated fire company or companies
21 that are directly engaged in the hazards of firefighting on a
22 volunteer or paid on-call basis. Volunteer or paid on-call
23 firefighter does not include a full-time firefighter.

24 Sec. 11. (1) Under the direction of the state fire marshal,
25 the council may do all of the following:

26 (a) Visit and inspect any firefighter training school, or
27 examine the curriculum or training procedures, for which
28 application for approval has been made.

29 (b) Issue certificates to firefighter training schools



1 qualifying under the regulations promulgated under this act.

2 (c) Authorize the issuance of certificates of graduation or
3 diplomas to students who have satisfactorily completed the minimum
4 requirements in each of the fire service courses.

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

9 (e) Make recommendations to the state fire marshal, the
10 governor, and the legislature on matters pertaining to
11 qualification and training of fire service members.

12 (f) Establish preservice basic training programs at high
13 schools, colleges, community colleges, and universities.

14 (g) Require an examination in order to pass each of the fire
15 service courses qualifying under the standards set forth in this
16 act.

17 (h) Establish continuing education requirements for
18 maintaining certification under this act.

19 (i) Establish the requisite level of fire instructor activity
20 to maintain certification as a fire instructor.

21 (j) Establish and charge a fee to recover the cost of testing
22 and training provided to a person who is not employed by an
23 organized fire department or public safety department of this state
24 and who is seeking to be employed as a fire service member.

25 (k) Promulgate rules for the development, conduct, and
26 responsibilities of a county training committee in each county in
27 this state.

28 (2) The council may allow 2 or more counties to form and
29 jointly operate a regional training committee charged with the

oversight of training needs in those counties.

(3) Fees collected under subsection (1)(j) must be deposited into the fireworks safety fund created in section 11 of ~~the Michigan fireworks safety act, former~~ 2011 PA 256. ~~, MCL 28.461.~~

Sec. 13. (1) Firefighter training provided under this act must be funded by the money collected from fireworks safety fees imposed under section 8 of ~~the Michigan fireworks safety act, former~~ 2011 PA 256, ~~MCL 28.458,~~ and the fees collected under section 11 of this act and deposited in the fireworks safety fund created in section 11 of ~~the Michigan fireworks safety act, former~~ 2011 PA 256. ~~, MCL 28.461.~~ The fund must be distributed to fund firefighter training programs as provided in section 11 of ~~the Michigan fireworks safety act, former~~ 2011 PA 256. ~~, MCL 28.461.~~

(2) Firefighter training provided under this act may also be funded by any additional funding sources identified by the council or state fire marshal.

Sec. 14. (1) From the amount annually deposited in and appropriated to the fireworks safety fund for firefighter training under section 11 of ~~the Michigan fireworks safety act, former~~ 2011 PA 256, ~~MCL 28.461,~~ the council may request and the state fire marshal may approve annual training expenditures for the purposes of payments to the designated fiduciary of each county's training committee to fund firefighter training and provide for firefighter training equipment and other related activities required under this act. The state fire marshal may deny requests not meeting the requirements of this act.

(2) The money approved under subsection (1) must be disbursed to county training committees using a formula composed 70% of county population and 30% of square miles within the county. A



1 minimum disbursement to each county training committee may be
2 requested by the council and approved by the state fire marshal.

3 (3) The chairperson of a firefighter training committee
4 established in each county shall survey the training needs of
5 organized fire departments and public safety departments in the
6 county and shall expend money for firefighter training, firefighter
7 training equipment, or other activities required under this act as
8 prioritized by the organized fire departments or public safety
9 departments in the county. If money distributed to a county under
10 this section for a fiscal year is not designated by the chairperson
11 for expenditure as provided in this subsection by the county by
12 January 1 of the fiscal year, the undesignated money must be
13 returned to the council and may be redistributed by the council
14 through the application process under section 15. The state fire
15 marshal may deny requests for redistribution that do not meet the
16 requirements of this act. The council shall deposit undesignated
17 money that is not redistributed through an application under
18 section 15 into the fireworks safety fund created in section 11 of
19 ~~the Michigan fireworks safety act, former~~ 2011 PA 256. ~~, MCL~~
20 ~~28.461.~~

21 (4) Money must be distributed under this section only to
22 support training for personnel from an organized fire department or
23 public safety department that has adhered to the standards
24 established under this act for personnel recruited or trained by
25 the organized fire department or public safety department during
26 the current and prior fiscal years and that has complied with the
27 incident reporting requirements under section 4 of the fire
28 prevention code, 1941 PA 207, MCL 29.4, during the 12 months
29 preceding an application made under this act.



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

3 Enacting section 2. This amendatory act does not take effect
4 unless Senate Bill No.____ or House Bill No.____ (request no.
5 07277'20) of the 100th Legislature is enacted into law.

