

# HOUSE BILL No. 5298

November 15, 1989, Introduced by Reps. Van Singel, Ostling and Power and referred to the Committee on Education.

A bill to amend section 3c of Act No. 207 of the Public Acts of 1941, entitled as amended "Fire prevention code," as amended by Act No. 144 of the Public Acts of 1982, being section 29.3c of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 3c of Act No. 207 of the Public Acts of  
2 1941, as amended by Act No. 144 of the Public Acts of 1982, being  
3 section 29.3c of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 3c. (1) The board shall promulgate rules pertaining to  
6 fire safety requirements for the construction, operation, or  
7 maintenance of all of the following:

1 (a) Schools and dormitories, including state supported  
2 schools, colleges, and universities and school, college, and  
3 university dormitories.

4 (b) Buildings for which the state is the lessee or which are  
5 owned by the state.

6 (c) Health ~~care facilities~~ FACILITY OR AGENCY as defined  
7 in section 20106 of THE PUBLIC HEALTH CODE, Act No. 368 of the  
8 Public Acts of 1978, as amended, being section 333.20106 of the  
9 Michigan Compiled Laws.

10 (d) Places of public assemblage.

11 (e) ~~Penal institutions as described~~ STATE CORRECTIONAL  
12 FACILITIES AS DEFINED in section 62 of Act No. 232 of the Public  
13 Acts of 1953, as amended, being section 791.262 of the Michigan  
14 Compiled Laws.

15 (f) Dry cleaning establishments using flammable liquids.

16 (2) The board shall promulgate rules for the storage, trans-  
17 portation, and handling of hazardous material and for the imple-  
18 mentation of this act.

19 (3) Rules promulgated pursuant to this act shall be consis-  
20 tent with recognized good practice as evidenced by standards  
21 adopted by nationally recognized authorities in the field of fire  
22 protection. Experiences identified in the department's fire  
23 incidents reports may be considered by the board as a qualified  
24 basis for review of RULES PROMULGATED and promulgation of ~~—~~  
25 rules ~~promulgated~~ pursuant to this act.

26 (4) The state fire safety board, pursuant to THE  
27 ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the Public

1 Acts of 1969, as amended, being sections 24.201 to ~~24.315~~  
2 24.328 of the Michigan Compiled Laws, shall submit the initial  
3 rules to the joint committee on administrative rules not later  
4 than ~~6 months after the effective date of this subsection,~~  
5 OCTOBER 28, 1982 for the certification of a firm which does any  
6 of the following:

7 (a) Installs, modifies, or documents the installation or  
8 modification of a required fire suppression system.

9 (b) Documents the installation or modification of a required  
10 fire alarm system.

11 (c) Performs testing, servicing, inspections, or maintenance  
12 which has not been exempted by the rules promulgated by the  
13 ~~state fire safety~~ board on required fire alarm systems or  
14 required fire suppression systems.

15 (d) Submits a drawing, print, or sketch of a required fire  
16 alarm system or required fire suppression system to the state  
17 fire marshal for approval pursuant to section 29, except an  
18 architect or professional engineer licensed under article 20 of  
19 THE OCCUPATIONAL CODE, Act No. 299 of the Public Acts of 1980, as  
20 amended, being sections 339.2001 to 339.2014 of the Michigan  
21 Compiled Laws.

22 (5) The state fire marshal shall not be required to consider  
23 fire safety rules other than those provided for in this act and  
24 in Act No. 306 of the Public Acts of 1937, as amended, being sec-  
25 tions 388.851 to 388.855a of the Michigan Compiled Laws.

26 (6) A person may request a variation of the application of a  
27 rule promulgated pursuant to this act by ~~application~~ APPLYING

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

9       (7) The entire board, except as provided in section 3b(4),  
10 shall act as a hearing body in accordance with Act No. 306 of the  
11 Public Acts of 1969, as amended, to review and render decisions  
12 on a contested case, a rule specified in this act, or a ruling of  
13 the state fire marshal in the marshal's interpretation or appli-  
14 cation of the rules. After a hearing, the board may vary the  
15 application of a rule or may modify the ruling or interpretation  
16 of the state fire marshal if the enforcement of the ruling or  
17 interpretation would do manifest injustice and would be contrary  
18 to the spirit and purpose of the rules or the public interest.

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

24       (9) IF A LOCAL SCHOOL BOARD HAS PASSED A RESOLUTION CALLING  
25 FOR AN ELECTION ON THE QUESTION OF THE ISSUANCE OF BONDS FOR THE  
26 CONSTRUCTION, REMODELING, OR ADDITION TO A SCHOOL, WHICH  
27 RESOLUTION WAS PASSED NOT LATER THAN SEPTEMBER 1, 1989 AND WHICH

1 CONSTRUCTION WAS REASONABLY ANTICIPATED TO HAVE BEGUN NOT LATER  
2 THAN JANUARY 1, 1990, THEN THE CONSTRUCTION, REMODELING, OR ADDI-  
3 TION TO THAT SCHOOL IS EXEMPT FROM THE RULES PROMULGATED BY THE  
4 FIRE SAFETY BOARD ENTITLED "SCHOOLS, COLLEGES, AND UNIVERSITIES",  
5 BEING R 29.301 TO R 29.321 OF THE MICHIGAN ADMINISTRATIVE CODE,  
6 THAT WERE FILED WITH THE SECRETARY OF STATE ON JULY 14, 1989 AND  
7 BECAME EFFECTIVE ON JULY 29, 1989. THE CONSTRUCTION, REMODELING,  
8 OR ADDITION TO THAT SCHOOL IS, HOWEVER, SUBJECT TO THE STANDARDS  
9 CONTAINED IN RULES PROMULGATED BY THE FIRE SAFETY BOARD ENTITLED  
10 "SCHOOL FIRE SAFETY", BEING THE FORMER R 29.1 TO R 29.298 OF THE  
11 MICHIGAN ADMINISTRATIVE CODE. THIS SUBSECTION DOES NOT PREVENT  
12 THE CONSTRUCTION, REMODELING, OR ADDITION OF A SCHOOL FROM COM-  
13 PLYING WITH R 29.301 TO R 29.321 OF THE MICHIGAN ADMINISTRATIVE  
14 CODE.