



**House
Legislative
Analysis
Section**

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FIRE FIGHTERS TRAINING COUNCIL DUTIES

House Bill 4704 as passed by the House
Second Analysis (6-24-87)

Sponsor: Rep. Richard A. Young
Committee: Labor

H.B. 4704 (6-24-87)

THE APPARENT PROBLEM:

Public Act 291 of 1966 established the Michigan Fire Fighters Training Council (FFTC). Among the primary responsibilities assigned the FFTC were the preparation and publication of advisory training standards for local fire departments. These standards were to apply to: 1) minimum standards of physical, educational, mental and moral fitness to govern the hiring and recruitment of fire fighters; 2) approval of fire fighter training schools administered by a city, county, township, village or corporation; 3) minimum courses of study at approved training schools; 4) minimum qualification for instructors at approved fire fighter training schools; 5) minimum basic training requirements to be completed before fire fighters appointed on either probationary terms, or appointed on other than a permanent basis could become eligible for permanent or continued employment, and the time by which basic training should be completed; 6) categories or classifications of advanced inservice training programs, and minimum courses of study and attendance requirements for these; and 7) establishment of subordinate regional training centers of strategic geographic locations, in order to serve the greatest number of fire departments that are unable to support their own training programs.

Despite these standards, many claim that training has been haphazard and inconsistent. The FFTC reports that there is at least one fire department in the state where no classes are offered, and are, in fact, forbidden. Some estimate that only 85 percent of city fire departments train their fire fighters. Fire fighters believe that the safety of one fire fighter is absolutely dependent on the training and expertise of every fire fighter who is present at the site of a fire. They say the solution is to have mandatory, rather than advisory, training standards, aimed at establishing minimum basic training requirements for all newly hired or appointed fire fighters.

THE CONTENT OF THE BILL:

The bill would amend the Fire Fighters Training Council Act of 1966 to redefine the terms "fire fighter" and "fire department or other organization," to redefine the duties of a fire fighter, and to redefine the council's duties.

The term "fire fighter" would be amended to delete the definitions "fireman" or "volunteer fireman." Fire fighter would be defined as "a member, including volunteer members and members paid on call, of a fire department or other organization of a city, county, township, or village who is responsible for, is in a capacity which includes responsibility for, the extinguishment of fires, the directing of the extinguishment of fires, the prevention and detection of fires, and the enforcement of the general fire laws of this state." The bill would delete the requirement that a person serving as a fire fighter could not include a person serving as such solely by virtue of occupying any other office, a fire commissioner or deputy or assistant fire commissioner, or a fire chief or deputy or assistant fire chief.

The act requires the Fire Fighters Training Council to prepare and publish standards. The bill would require the council to prepare and publish advisory standards of physical, educational, mental and moral fitness which would govern the recruitment of fire fighters, and would authorize the council to approve the standards of fire fighter training schools. In addition, the standards would be required to address the areas of: the qualification and training of training school instructors; courses of study, attendance, record keeping requirements, equipment, and facilities; and the visitation and evaluation of instructors and schools by the council.

Standards for employment would be mandated: to be eligible for permanent full-time employment, persons hired after the bill became effective would have to complete basic training requirements of not less than 264 hours, to be completed within 12 months from hiring date. To be eligible as a volunteer or paid on-call fire fighter, persons hired after the bill became effective would have to complete basic training requirements of not less than 132 hours, to be completed within 24 months from appointment date.

The provisions and reimbursement for training would remain the same, and provisions for determining eligibility requirements for — and the amount of — state reimbursement, per class or trainee, would not be altered except as they would have been altered prior to passage of the bill. Should the above standards be found by a court to be a new activity or service or an increased activity or service as those terms apply under Article 9, section 29 of the state constitution, the specified training would no longer be mandatory. The bill would take effect April 1, 1988.

MCL 29.362 et al.

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill would require a full year increase of \$473,000 in a two year phase-in beginning in fiscal year 1989. (6-29-87)

ARGUMENTS:

For:

Mutual aid pacts are a fact of life in present day fire fighting. Fire fighters are required to fight fires alongside fellow fire fighters from many different jurisdictions and communities. If these individuals are not trained they are a danger to others and to the public. It is essential that everyone on the fire site have at least a minimum amount of knowledge to make sure that they do not injure themselves or others.

For:

Training is an accepted cost of every business. To deny the need for required minimum training standards is to deny our citizens and fire fighters an efficient and effective fire service. Fire fighter safety, liability issues, and life and

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property loss demand a competent, professional fire fighting force.

Against:

Many full time fire departments out fighting fires need equipment, not training. Some volunteer fire departments are better equipped.

Response: Those who think training is expensive ought to check the price tag on the alternative. Training does have a price tag, but so do errors in judgement, disability payments for inadequately trained firefighters injured in the line of duty, damaged and lost equipment, and lives and property lost due to inadequate scene management. Simply stated, no one can afford not to train.

Against:

The bill only imposes basic training on new hires. Why is there nothing in the bill to assure that existing fire fighters are trained? Also, training should go beyond basic training. It should be continuous throughout a fire fighter's career.

Response: Fire fighters in Michigan, are required, under M.I.O.S.H.A. (the Michigan Occupational Safety and Health Act), to be trained. The act, however, doesn't specify how much training is required, and it would be difficult and expensive to document this; everyone would have to be tested. What is of greater concern is the fact that 85 percent of fire fighters are volunteers on call in rural areas. These volunteers are not sent to training academies as career fire fighters are, but yet are expected to know everything on their first day, including how to cope with new, hazardous materials.

Against:

Why has no money been appropriated for regional training centers?

Response: The bill's objective is to have regional training centers in centralized locations across the state. At present, a small percentage of officer training classes are held in junior colleges in some locations. These colleges already have courses scheduled in their curricula, and the aim is to tie in with them to offer basic training classes. The cost to each fire department would be a \$10 registration fee for each student.

Against:

If the state mandates training programs, it is required by the constitution to pay the cost of the programs.

Response: Neither fire nor police services are mandated by the constitution. Should a township sue the state for reimbursement, for example, for lost wages, then the state would have to pay and it would drop the mandatory requirements.

Against:

The requirement that fire fighters complete basic training requirements within 12 months from their hiring date to be eligible for continued or permanent full-time employment could be costly. After a 12-month probation period, a fire department could decide that it would be better to let the probationer go. If the requirement were that persons had to complete Fire Fighter I training in the first 12 months, and Fire Fighter II training in the second 12 months, less money would have been expended in training this person.

Against:

Since its establishment, the Fire Fighters Training Council has been composed entirely of board members from southern Michigan. It is unfair that there is no representation from northern Michigan.

SUGGESTED AMENDMENTS:

The Insurance Code requires foreign insurers who write fire and marine policies and those firms who specialize in auto insurance to pay a tax of three percent on all premiums of policies written in Michigan. The estimated revenue from this tax is \$16.2 million. A 1976 amendment specified that a portion of the revenue could be credited to the Fire Fighters Training Fund (FFTF) (MCL 500.440). The Fire Fighters Training Council Act authorized the legislature to appropriate up to 75 percent of the amount paid into the fund to reimburse local units of government for training expenses (MCL 29.374). According to the Department of Management and Budget, the legislature never earmarked the insurance premium tax for the FFTF; instead, local governments were reimbursed out of the general fund. The 1986-87 state police budget contained a provision to earmark a portion of the insurance tax revenue for the FFTF, but it was vetoed by the governor "because these items reduce General Fund Revenue by earmarking a portion for use in a restrictive manner." The Department of Management and Budget suggests amendments to the bill to eliminate the Fire Fighters Training Fund. The department also suggests repeal of that section of the act which provides for reimbursement to local units of government for training expenses out of the FFTF. Since reimbursements have never been made to local governments from the fund in the 21 years that the Training Council has been existence, DMB says repeal of the section would "clean up the books".

POSITIONS:

The following organizations testified in support of the bill at committee hearings: (6-10-87)

The Fire Fighters Training Council
The Michigan State Firemen's Association
The Department of State Police
The Michigan State Fire Fighter's Union

The Michigan Fire Inspectors Society supports the bill. (6-23-87)

The Michigan Fire Service Instructors Association supports the bill. (6-23-87)

The Michigan State AFL-CIO supports the bill. (6-23-87)

The Department of Management and Budget supports the bill with their suggested amendments. (6-23-87)

A representative of the Michigan Municipal League testified in opposition to the bill (6-15-87)

The Michigan Townships Association opposes the bill. (6-23-87)