



**House
Legislative
Analysis
Section**

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FIRE FIGHTERS TRAINING COUNCIL DUTIES

House Bill 4704 as enrolled
Third Analysis (1-21-88)

RECEIVED

Sponsor: Rep. Richard A. Young
Committee: Labor

FEB 04 1988

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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 that the Fire Fighters Training Council 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. The bill would add a seventh member to the council, appointed from lists of nominees submitted by the Michigan Townships Association and the Michigan Municipal League.

Under the bill, each fire department would be required to keep the council notified of its designated training officer or training coordinator. The council would be required to provide training video tapes, based upon standards for Firefighters I and II set by the National Fire Protection Association. The bill also would require that all fire fighters hired after October 1, 1988 pass examinations based on these standards. Volunteer fire fighters would be tested on Fire Fighter I standards within 24 months after being hired, and full-time fire fighters would be tested on both Fire Fighter I and Fire Fighter II standards within 12 months after being hired. The bill would take effect April 1, 1988.

MCL 29.362 et al.

BACKGROUND INFORMATION:

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."

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the fiscal impact of this bill to the state would be approximately \$95,000 for fiscal year 1989 and \$255,000 for fiscal year 1990. (1-21-88)

H.B. 4704 (1-21-88)

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.

Against:

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

Response: 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 property loss demand a competent, professional fire fighting force. 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 distinction between union fire fighters (who must pass

an examination based on both Fire Fighter I and Fire Fighter II training programs), and volunteer fire fighters (who are only required to pass the Fire Fighter I training program), could put volunteer fire departments at a disadvantage in terms of liability insurance costs, their financial preferences, and the ability of fire fighter unions to argue superior safety. The mandatory a training program could also inflict a recruitment problem on volunteer departments.

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.