



SENATE BILL No. 1074

July 3, 1996, Introduced by Senator STILLE and referred to the Committee on Financial Services.

A bill to amend sections 2, 3, 6, 12, 13, and 15 of Act No. 291 of the Public Acts of 1966, entitled as amended "Fire fighters training council act of 1966," sections 2 and 3 as amended by Act No. 196 of the Public Acts of 1987 and section 6 as amended by Act No. 10 of the Public Acts of 1980, being sections 29.362, 29.363, 29.366, 29.372, 29.373, and 29.375 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, 6, 12, 13, and 15 of Act No. 291
2 of the Public Acts of 1966, sections 2 and 3 as amended by Act
3 No. 196 of the Public Acts of 1987 and section 6 as amended by
4 Act No. 10 of the Public Acts of 1980, being sections 29.362,
5 29.363, 29.366, 29.372, 29.373, and 29.375 of the Michigan
6 Compiled Laws, are amended to read as follows:

1 Sec. 2. As used in this act:

2 (a) "Council" means the fire fighters training council.

3 (B) "ELIGIBLE ENTITY" MEANS A VILLAGE, CITY, TOWNSHIP, OR
4 COUNTY THAT HAS ESTABLISHED OR THAT RECOGNIZES AN ORGANIZATION
5 FOR THE PURPOSES OF THE PREVENTION, DETECTION, AND EXTINGUISHMENT
6 OF FIRES AND THE ENFORCEMENT OF FIRE LAWS IN THIS STATE.

7 (C) ~~(b)~~ "Executive secretary" means the executive secre-
8 tary of the council.

9 (D) ~~(c)~~ "Fire fighter" means a member, including volunteer
10 members and members paid on call, of a fire department or other
11 organization of a city, county, township, or village who is
12 responsible for, or is in a capacity ~~which~~ THAT includes
13 responsibility for, the extinguishment of fires, the directing of
14 the extinguishment of fires, the prevention and detection of
15 fires, and the enforcement of the general fire laws of this
16 state. ~~This definition shall not apply to~~ FIRE FIGHTER DOES
17 NOT INCLUDE a person whose job description, duties, or responsi-
18 bilities do not include direct involvement in fire suppression.

19 (E) ~~(d)~~ "Fire department or other organization" means an
20 organization or department ~~which~~ THAT provides fire suppression
21 and other fire-related services within a city, village, township,
22 or county.

23 Sec. 3. (1) The fire fighters training council is ~~hereby~~
24 created within the department of state police and shall consist
25 of ~~7~~ 9 members selected as follows:

1 (a) The director of THE DEPARTMENT OF state police, or his
2 or her designated representative, ~~shall be ex officio a~~ AS AN
3 EX OFFICIO member.

4 (b) Two members appointed to the council by the governor
5 from a list of 5 active members submitted by the Michigan fire
6 chief's association.

7 (c) One member appointed to the council by the governor from
8 a list of 3 active fire fighters submitted by the Michigan state
9 fire fighter's association.

10 (d) One member appointed to the council by the governor from
11 a list of 3 names submitted by the Michigan state firemen's
12 association.

13 (e) One member appointed to the council by the governor from
14 a list of 3 names submitted by the ~~metropolitan club of America,~~
15 ~~incorporated~~ MICHIGAN INSURANCE FEDERATION.

16 (f) One member appointed to the council by the governor from
17 a list of ~~2 names submitted by the Michigan townships associa-~~
18 ~~tion and 2 names submitted by the Michigan municipal league~~ 3
19 ACTIVE MEMBERS OF THE MICHIGAN FIRE SERVICE INSTRUCTORS
20 ASSOCIATION.

21 (G) ONE MEMBER APPOINTED TO THE COUNCIL BY THE GOVERNOR FROM
22 A LIST OF 3 NAMES SUBMITTED BY THE MICHIGAN MUNICIPAL LEAGUE.

23 (H) ONE MEMBER APPOINTED TO THE COUNCIL BY THE GOVERNOR FROM
24 A LIST OF 3 NAMES SUBMITTED BY THE MICHIGAN TOWNSHIPS
25 ASSOCIATION.

26 (2) All appointments TO THE COUNCIL made by the governor
27 shall be with the advice and consent of the senate.

1 Sec. 6. (1) The council shall meet at least 4 times each
2 year and shall hold special meetings when called by the chair-
3 person or, in the absence of the chairperson, by the
4 vice-chairperson or when called by the chairperson upon the writ-
5 ten request of ~~4~~ 6 members of the council.

6 (2) The business ~~which~~ THAT the council may perform shall
7 be conducted at a public meeting ~~of the council~~ held in compli-
8 ance with THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts
9 of 1976, ~~as amended,~~ being sections 15.261 to 15.275 of the
10 Michigan Compiled Laws. Public notice of the time, date, and
11 place of the meeting shall be given in the manner required by Act
12 No. 267 of the Public Acts of 1976. ~~as amended.~~

13 (3) The council shall establish its own procedures and
14 requirements with respect to quorum, place, and conduct of its
15 meetings and other matters.

16 Sec. 12. (1) ~~There~~ THE COUNCIL shall ~~be~~ APPOINT an
17 executive secretary of the council ~~who shall be appointed by the~~
18 ~~council, and~~ who shall hold office during the pleasure of the
19 council. He OR SHE shall perform such functions and duties as
20 ~~may be~~ assigned ~~to him~~ by the council. He OR SHE shall
21 receive compensation and reimbursement for expenses within the
22 amounts available by appropriation.

23 (2) THE COUNCIL SHALL APPOINT A FINANCIAL OFFICER OF THE
24 COUNCIL WHO SHALL HOLD OFFICE DURING THE PLEASURE OF THE
25 COUNCIL. HE OR SHE SHALL MANAGE AND DISBURSE THE FIRE FIGHTERS
26 TRAINING FUND CREATED IN SECTION 13. THE FINANCIAL OFFICER SHALL
27 COLLECT TRAINING REPORTS FROM ELIGIBLE ENTITIES RECEIVING

1 DISBURSEMENTS FROM THE FIRE FIGHTERS TRAINING FUND AND SHALL
2 COLLECT AND SUBMIT FOR COUNCIL ACTION REQUESTS FOR GRANTS FROM
3 THE FIRE FIGHTERS TRAINING FUND. HE OR SHE SHALL RECEIVE COMPEN-
4 SATION AND REIMBURSEMENT FOR EXPENSES WITHIN THE AMOUNTS AVAIL-
5 ABLE BY APPROPRIATION.

6 Sec. 13. (1) There is created in the state treasury a fire
7 fighters training fund. ~~from which the legislature shall appro-~~
8 ~~priate such sums as are deemed necessary for the purposes of this~~
9 ~~act but in no case shall such appropriations be in excess of 75%~~
10 ~~of the amounts paid into the fund.~~ THE MONEY IN THE FUND IS
11 RESTRICTED AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF
12 ANY FISCAL YEAR AND SHALL BE AVAILABLE FOR THE PURPOSES FOR WHICH
13 THE FUND WAS CREATED. ANY INTEREST OR EARNINGS OF THE FUND SHALL
14 BE DEPOSITED BACK INTO THE FUND. THE FUND SHALL BE AUDITED BY
15 THE AUDITOR GENERAL EVERY 2 YEARS.

16 (2) THE FIRE FIGHTERS TRAINING FUND IS COMPRISED OF MONEY
17 COLLECTED PURSUANT TO SECTION 452 OF THE INSURANCE CODE OF 1956,
18 ACT NO. 218 OF THE PUBLIC ACTS OF 1956, BEING SECTION 500.452 OF
19 THE MICHIGAN COMPILED LAWS.

20 (3) THE COUNCIL SHALL DISTRIBUTE THE FIRE FIGHTERS TRAINING
21 FUND IN THE FOLLOWING MANNER:

22 (A) EIGHTY PERCENT OF THE FUND SHALL BE DISTRIBUTED TO THE
23 ELIGIBLE ENTITIES TO BE USED FOR THE IN-SERVICE OR ADVANCED
24 TRAINING OF THE MEMBERS OF THE ELIGIBLE ENTITIES.

25 (B) TWELVE PERCENT OF THE FUND SHALL BE USED FOR THE TRAIN-
26 ING EXPENSES OF THE COUNCIL.

1 (C) THREE PERCENT OF THE FUND SHALL BE USED TO FUND A
2 FINANCIAL OFFICER FOR THE MANAGEMENT AND DISTRIBUTION OF THE FUND
3 AND FOR RECEIVING ANNUAL TRAINING REPORTS FROM ELIGIBLE ENTITIES
4 RECEIVING DISBURSEMENTS.

5 (D) FIVE PERCENT OF THE FUND SHALL BE RESERVED FOR GRANT
6 REQUESTS SUBMITTED TO THE COUNCIL.

7 (5) A DISBURSEMENT UNDER THIS SECTION IS SUPPLEMENTAL TO,
8 AND NOT A REPLACEMENT FOR, FUNDS BUDGETED ON OR BEFORE JULY 1,
9 1995 BY AN ELIGIBLE ENTITY FOR THE IN-SERVICE OR ADVANCED TRAIN-
10 ING OF ITS FIRE FIGHTERS.

11 (6) AN ELIGIBLE ENTITY RECEIVING A DISBURSEMENT UNDER THIS
12 SECTION SHALL USE THE ENTIRE DISBURSEMENT FOR THE IN-SERVICE OR
13 ADVANCED TRAINING OF FIRE FIGHTERS. THAT TRAINING SHALL OCCUR
14 WITHIN 3 YEARS AFTER RECEIVING THE DISBURSEMENT. AN ELIGIBLE
15 ENTITY FAILING OR REFUSING TO USE THE DISBURSEMENT IN THE MANNER
16 PROVIDED FOR IN THIS SUBSECTION IS DISQUALIFIED FROM RECEIVING AN
17 ADDITIONAL DISBURSEMENT UNTIL THE ELIGIBLE ENTITY DEMONSTRATES TO
18 THE COUNCIL THAT THE ENTIRE PRIOR DISBURSEMENT WAS USED IN THE
19 MANNER PROVIDED FOR IN THIS SUBSECTION.

20 (7) THE DISBURSEMENTS SHALL BE MADE IN 2 SEMIANNUAL INSTALL-
21 MENTS ON DATES DETERMINED BY THE COUNCIL. THE FUND SHALL BE DIS-
22 BURSED TO ELIGIBLE ENTITIES ON A PER CAPITA BASIS OF FIRE FIGHT-
23 ERS EMPLOYED BY THE ELIGIBLE ENTITIES. EACH QUALIFIED ELIGIBLE
24 ENTITY SHALL RECEIVE A MINIMUM DISBURSEMENT OF \$500.00.

25 (8) AN ELIGIBLE ENTITY SHALL MAKE AND MAINTAIN DETAILED
26 RECORDS OF THE ACTUAL COSTS ASSOCIATED WITH THE PREPARATION FOR,
27 THE ADMINISTRATION OF, AND THE CONDUCT OF A TRAINING PROGRAM

1 FINANCED IN WHOLE OR IN PART BY A DISBURSEMENT UNDER THIS SECTION
2 AND SHALL ANNUALLY REPORT TO THE COUNCIL ON THE RESULTS OF ITS
3 TRAINING PROGRAMS. THE ELIGIBLE ENTITY SHALL SEPARATELY IDENTIFY
4 EACH PROGRAM.

5 (9) THE COUNCIL SHALL ANNUALLY REPORT TO THE LEGISLATURE ON
6 THE RESULTS OF THE DISBURSEMENTS.

7 (10) MONEY SHALL NOT BE DISBURSED UNDER THIS SECTION FOR ANY
8 OF THE FOLLOWING:

9 (A) TRAINING CONDUCTED BY A PROVIDER NOT BASED IN THIS STATE
10 OR TRAINING NOT OCCURRING IN THIS STATE OR COUNTRY UNLESS THE
11 TRAINING HAS BEEN APPROVED BY THE COUNCIL.

12 (B) MEAL EXPENDITURES IN EXCESS OF THE PER DIEM MEAL EXPEN-
13 DITURES AUTHORIZED BY THE DEPARTMENT OF MANAGEMENT AND BUDGET FOR
14 CIVIL SERVICE EMPLOYEES.

15 (C) EXPENDITURES FOR ALCOHOLIC BEVERAGES.

16 (D) TRAVEL COSTS ASSOCIATED WITH TRAINING PROGRAMS UNLESS
17 THE FIRE FIGHTER TRAINING IS THE SOLE PURPOSE OF THE PROGRAM OR
18 UNLESS THE PROGRAM OFFERS AT LEAST 6 HOURS OF QUALIFIED TRAINING
19 WITHIN A 24-HOUR PERIOD.

20 (E) THE PUBLICATION OF A NEWSLETTER.

21 Sec. 15. (1) Any ~~city, county, township or village which~~
22 ELIGIBLE ENTITY THAT desires to receive ~~aid~~ A DISBURSEMENT pur-
23 suant to ~~this act~~ SECTION 13 shall ~~make application~~ APPLY to
24 the council for such ~~aid~~ DISBURSEMENT.

25 (2) A DISBURSEMENT SHALL BE IN COMPLIANCE WITH SECTION 13(5)
26 AND (6).

1 (3) A DISBURSEMENT SHALL BE MADE ONLY TO 1 OR BOTH OF THE
2 FOLLOWING:

3 (A) A STATE OR LOCAL AGENCY PROVIDING IN-SERVICE FIRE
4 FIGHTING TRAINING TO ITS EMPLOYEES.

5 (B) A STATE OR LOCAL AGENCY PROVIDING FIRE FIGHTING TRAINING
6 TO EMPLOYEES OR TO THE CONTRACTUAL SERVICE PROVIDERS OF ANOTHER
7 STATE OR LOCAL AGENCY. A DISBURSEMENT UNDER THIS SECTION IS IN
8 ADDITION TO ANY OTHER FUNDS AVAILABLE FOR FIRE FIGHTER TRAINING.

9 (4) AS USED IN THIS SECTION, "FIRE FIGHTER TRAINING" MEANS
10 TRAINING DESIGNED AND INTENDED TO ENHANCE THE DIRECT DELIVERY OF
11 FIRE FIGHTING SERVICES BY EMPLOYEES OF STATE AND LOCAL AGENCIES
12 WHICH IS NOT THE REQUIRED MINIMUM BASIC TRAINING FOR FIRE FIGHT-
13 ERS, IS NOT THE INITIAL TRAINING FOR EMPLOYEES OTHER THAN FIRE
14 FIGHTERS, AND IS 1 OR MORE OF THE FOLLOWING:

15 (A) A PROGRAM PRESENTED BY THE STATE OR LOCAL AGENCY ITSELF
16 OR BY A CONTRACTUAL PROVIDER HIRED BY THAT STATE OR LOCAL
17 AGENCY.

18 (B) A COURSE OR INSTRUCTION PACKAGE PROVIDED TO AN ELIGIBLE
19 TRAINEE FOR THE PAYMENT OF A FEE OR TUITION.

20 (C) SELF-EDUCATION PRESENTED BY MEANS OF AUDIOVISUAL
21 MATERIALS.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. _____ (request
24 no. 06936'96) is enacted into law.