

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 195 (as enrolled)
Sponsor: Senator Mike Goschka
Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 3-21-01

RATIONALE

Under current law, the State Fire Marshal collects statistics on fires that occur by accident and those that are started by criminal acts. The Fire Marshal does not keep track, however, of fires that are intentionally set for legitimate purposes. Fire departments sometimes set fires for training purposes or as demonstrations to show how rapidly a fire can spread or to show or compare the effectiveness of certain alarms. Occasionally, demonstration fires get out of hand and nonfirefighters can be injured. For instance, on December 7, 1995, several media organizations apparently were invited by the Grand Blanc Fire Department to attend a demonstration burn. The fire was intended to show how quickly a Christmas tree could burn and to demonstrate the effectiveness of smoke alarms. The demonstration fire got out of control and two members of the media were trapped and seriously injured. Evidently, there was never any official investigation or report regarding the incident. As the law stands, there is no requirement that an investigation be undertaken or a report be made regarding incidents in which a training or demonstration fire gets out of hand. Some people believe that information should be required to be gathered and kept when injuries occur during training or demonstration fires.

CONTENT

The bill would amend the Fire Prevention Code to establish reporting requirements concerning fires that resulted in injury or death.

The bill would require the State Fire Marshal to investigate and report on the investigation when a demonstration fire resulted in injury to

or the death of an individual who was not a firefighter. "Demonstration fire" would mean a fire intentionally set by a fire department for training or other legitimate purposes.

The chief of a fire department would have to report immediately to the State Fire Marshal any injury to or death of a person who was not a firefighter resulting from a demonstration fire.

If a firefighter died or suffered a reportable injury as defined in the Michigan Occupational Safety and Health Act, resulting from a demonstration fire, the Department of Consumer and Industry Services (DCIS) would have to give the State Fire Marshal a copy of any report of the death or injury.

MCL 29.6

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

If a person is injured as the result of a training or demonstration fire, current law does not require an investigation of the incident. Since the fire department's negligence, if any, is not noted, the injured party's ability to bring a civil action can be hampered. Moreover, there is no record of information that could help prevent the occurrence of similar mistakes in the future. By establishing reporting and investigation requirements, the bill would help the State Fire Marshal to keep track of what went wrong in these mishaps. If a reporting and investigation procedure were

implemented, fire departments could learn from the mistakes of other departments and avoid future injuries to citizens and firefighters.

Supporting Argument

The Governor vetoed a similar bill in the previous legislative session (House Bill 6027 of 1999-2000), which would have required that an on-duty death of any firefighter be reported to the Fire Marshal. This requirement would have duplicated functions and responsibilities already performed by an existing agency of State government. The on-duty deaths of firefighters must be reported to the Bureau of Safety Regulation in the DCIS, which also performs an investigation of those deaths. Thus, there was no need for local fire chiefs to report to two State agencies (the DCIS *and* the State Fire Marshal). Senate Bill 195 (S-2) avoids this redundancy by providing, instead, that if a firefighter died or were injured as a result of a demonstration fire, the DCIS would have to give the State Fire Marshal a copy of any report of the death or injury.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an insignificant fiscal impact on State or local government. Investigations and reports required under the bill could be assumed by existing resources of governmental units mentioned in the bill.

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.