

# HOUSE BILL No. 5347

October 29, 2001, Introduced by Reps. Allen, Raczkowski, Bisbee, DeRossett, Stamas, Mortimer, George, DeWeese, Shackleton, Mead, Cassis, Middaugh, Julian, Bishop, Toy, Birkholz, Cameron Brown, Richardville and Vander Veen and referred to the Committee on Insurance and Financial Services.

A bill to amend 1966 PA 291, entitled "Fire fighters training council act of 1966," by amending sections 2, 3, 9, 12, 13, and 14 (MCL 29.362, 29.363, 29.369, 29.372, 29.373, and 29.374), sections 2 and 3 as amended by 1987 PA 196 and section 9 as amended by 1988 PA 458.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

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

3       (b) "Executive ~~secretary~~ DIRECTOR" means the executive  
4 ~~secretary~~ DIRECTOR of the council.

5       (c) "Fire fighter" means ~~a~~ AN ACTIVE member, including  
6 volunteer members and members paid on call, of a fire department  
7 or other organization of THIS STATE, OF A FIRE PROTECTION  
8 AUTHORITY, OR OF a city, county, township, or village who is  
9 responsible for, or is in a capacity ~~which~~ THAT includes

1 responsibility for, the extinguishment of fires, the directing of  
2 the extinguishment of fires, the prevention and detection of  
3 fires, ~~and~~ the enforcement of the general fire laws of this  
4 state, AND OTHER FIRE-RELATED SERVICES. ~~This definition shall~~  
5 ~~not apply to a person whose job description, duties, or responsi-~~  
6 ~~bilities do not include direct involvement in fire suppression.~~

7 (D) "FIRE FIGHTER TRAINING" MEANS TRAINING DESIGNED AND  
8 INTENDED TO ENHANCE THE DELIVERY OF FIRE DEPARTMENT SERVICES BY A  
9 FIRE DEPARTMENT INCLUDING 1 OR MORE OF THE FOLLOWING:

10 (i) A PROGRAM PRESENTED BY THE FIRE DEPARTMENT ITSELF OR BY  
11 A CONTRACTUAL PROVIDER HIRED BY THAT FIRE DEPARTMENT.

12 (ii) A COURSE OR INSTRUCTION PACKAGE PROVIDED TO A FIRE  
13 DEPARTMENT FOR THE PAYMENT OF A FEE OR TUITION.

14 (iii) MATERIALS AND PROGRAMS RELATING TO AND USED FOR FIRE  
15 FIGHTER TRAINING.

16 (E) ~~(d)~~ "Fire department or other organization" means an  
17 organization or department ~~which~~ THAT provides fire suppression  
18 and other fire-related services FOR THIS STATE OR within a city,  
19 village, township, or county AND IS A FIRE DEPARTMENT OF A CITY,  
20 VILLAGE, TOWNSHIP, OR COUNTY, OR A FIRE SERVICE DESIGNATED BY A  
21 CITY, VILLAGE, TOWNSHIP, OR COUNTY PURSUANT TO A CONTRACT. FIRE  
22 DEPARTMENT INCLUDES A DEPARTMENT OF COUNTY EMPLOYEES WHO ARE  
23 RESPONSIBLE FOR FIRE SUPPRESSION AND OTHER FIRE-RELATED SERVICES  
24 FOR AN AIRPORT OPERATED BY A COUNTY OR AN AGENCY OF THE COUNTY.

25 Sec. 3. (1) The fire fighters training council is ~~hereby~~  
26 created within the department of state police and shall consist  
27 of 7 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~~ NAMES submitted by the Michigan  
6 STATE fire chief's association.

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

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~~ 2 names submitted by the ~~metropolitan club of~~  
15 ~~America, incorporated~~ MICHIGAN TOWNSHIPS ASSOCIATION AND 2 NAMES  
16 SUBMITTED BY THE MICHIGAN MUNICIPAL LEAGUE.

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

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

24 Sec. 9. (1) The council shall prepare and publish standards  
25 with due consideration to varying factors and special require-  
26 ments of fire departments or other organizations in the following  
27 areas:

1 (a) Advisory standards of physical, educational, mental and  
2 moral fitness which shall govern the recruitment, selection, and  
3 appointment of fire fighters.

4 (b) The approval by the council of fire fighter training  
5 schools. The standards shall address, at least, the following  
6 issues:

7 (i) The qualification and certification of instructors.

8 (ii) The courses of study, attendance, record-keeping  
9 requirements, equipment, and facilities.

10 (iii) The visitation and evaluation of instructors and  
11 schools by the council.

12 (c) The establishment of subordinate regional training cen-  
13 ters in strategic geographic locations in order to serve the  
14 greatest number of fire departments that are unable to support  
15 their own FIRE FIGHTER training programs.

16 (2) Each fire department ~~or other organization~~ shall file  
17 a statement with the council designating at least 1 training  
18 officer or training coordinator for the fire department by  
19 November 30, 1988. If a training officer or training coordinator  
20 is changed, the fire department, ~~or other organization,~~ within  
21 7 days of the change, shall file a statement notifying the coun-  
22 cil of the change.

23 ~~(3) The council shall develop and provide to each fire~~  
24 ~~department or other organization, upon request of the fire~~  
25 ~~department or other organization and at no charge, a videotape to~~  
26 ~~be used in training fire fighters. The videotape shall not~~  
27 ~~include training that requires a practical demonstration. The~~

1 ~~videotape shall be based on the fire fighters I and II standards~~  
2 ~~set forth in the "fire fighter professional qualifications",~~  
3 ~~national fire protection association pamphlet no. 1001, 1987~~  
4 ~~edition. The council may impose a reasonable fee for loss,~~  
5 ~~damage, or late return of a videotape provided to a fire depart-~~  
6 ~~ment or other organization under this subsection.~~

7       (3) ~~-(4)-~~ The council shall develop and administer an exami-  
8 nation, which shall include a practical demonstration, a written  
9 or oral test, or a combination thereof, to determine a person's  
10 competency in regard to the knowledge and skill requirements set  
11 forth in ~~fire fighter I and II standards of the "fire fighter~~  
12 ~~professional qualifications", national fire protection associa-~~  
13 ~~tion pamphlet no. 1001, 1987 edition~~ STANDARDS PURSUANT TO RULES  
14 PROMULGATED BY THE COUNCIL UNDER SECTION 16 OR ADOPTED BY REFER-  
15 ENCE IN THE MANNER PROVIDED FOR BY LAW. The council, upon the  
16 request of a fire department, ~~or other organization,~~ shall  
17 administer the examination in each county at least once every  
18 year. ~~The examination shall be administered in 2 parts. Part 1~~  
19 ~~shall test the knowledge and skill requirements set forth in fire-~~  
20 ~~fighter I, and part 2 shall test the knowledge and skill require-~~  
21 ~~ments set forth in fire fighter II.~~ The examination may be  
22 retaken, as necessary, upon request from a fire department or  
23 other organization.

24       (4) ~~-(5)-~~ Within 12 months after a person's hiring date as a  
25 full-time fire fighter, the person must pass ~~both part 1 and~~  
26 ~~part 2 of~~ the examination DESCRIBED IN SUBSECTION (3) to be

1 eligible for continued or permanent full-time employment as a  
2 fire fighter.

3       (5) ~~-(6)-~~ Within 24 months after a person's appointment date  
4 as a volunteer or paid on-call fire fighter, a person must pass  
5 ~~part 1 of~~ the examination DESCRIBED IN SUBSECTION (3) to be  
6 eligible for continued volunteer or paid on-call service as a  
7 fire fighter.

8       (6) ~~-(7)-~~ The examination described in this section ~~shall~~  
9 DOES not apply to a person who is employed or under appointment  
10 as a fire fighter on October 1, 1988, unless a person subse-  
11 quently changes his or her status from a volunteer or paid  
12 on-call fire fighter to a full-time fire fighter.

13       (7) ~~-(8)-~~ The council shall review and monitor the state and  
14 federal standards relating to live fire FIGHTER training exer-  
15 cises in structures and make recommendations to the general  
16 industry safety standards commission for any new or modified  
17 standards which in their opinion are necessary for the protection  
18 of fire fighter trainees.

19       Sec. 12. ~~There~~ THE COUNCIL shall ~~be~~ APPOINT an execu-  
20 tive ~~secretary~~ DIRECTOR of the council ~~who shall be appointed~~  
21 ~~by the council, and~~ who shall hold office during the pleasure of  
22 the council. He OR SHE shall perform such functions and duties  
23 as ~~may be~~ assigned ~~to him~~ by the council. He OR SHE shall  
24 receive compensation and reimbursement for expenses within the  
25 amounts available by appropriation.

26       Sec. 13. (1) There is created in the state treasury a fire  
27 fighters training fund. ~~from which the legislature shall~~

~~1 appropriate such sums as are deemed necessary for the purposes of~~  
~~2 this act but in no case shall such appropriations be in excess of~~  
~~3 75% of the amounts paid into the fund.~~ THE MONEY IN THE FIRE  
4 FIGHTERS TRAINING FUND IS RESTRICTED AND SHALL NOT REVERT TO THE  
5 GENERAL FUND AT THE END OF ANY FISCAL YEAR AND SHALL BE AVAILABLE  
6 FOR THE PURPOSES FOR WHICH THE FIRE FIGHTERS TRAINING FUND WAS  
7 CREATED. ANY INTEREST OR EARNINGS OF THE FIRE FIGHTERS TRAINING  
8 FUND SHALL BE DEPOSITED BACK INTO THE FIRE FIGHTERS TRAINING  
9 FUND. THE FIRE FIGHTERS TRAINING FUND SHALL BE AUDITED BY THE  
10 AUDITOR GENERAL EVERY 2 YEARS.

11 (2) THE FIRE FIGHTERS TRAINING FUND IS COMPRISED OF MONEY  
12 COLLECTED PURSUANT TO SECTION 452 OF THE INSURANCE CODE OF 1956,  
13 1956 PA 218, MCL 500.452.

14 (3) THE COUNCIL SHALL ANNUALLY DISTRIBUTE THE FIRE FIGHTERS  
15 TRAINING FUND AS FOLLOWS:

16 (A) SEVENTY-FIVE PERCENT TO THE FIRE DEPARTMENTS TO BE USED  
17 FOR THE TRAINING OF THE MEMBERS OF THE FIRE DEPARTMENT.

18 (B) AN AMOUNT SUFFICIENT TO COVER THE REASONABLE OPERATIONAL  
19 EXPENSES OF THE COUNCIL BUT NOT TO EXCEED 25% OR \$2,000,000.00,  
20 WHICHEVER IS GREATER.

21 (C) THE BALANCE REMAINING AFTER THE DISTRIBUTIONS UNDER SUB-  
22 DIVISIONS (A) AND (B) SHALL REMAIN IN THE FUND FOR DISBURSEMENT  
23 IN THE FOLLOWING YEARS.

24 (4) A FIRE DEPARTMENT RECEIVING A DISBURSEMENT FROM THE FIRE  
25 FIGHTERS TRAINING FUND UNDER THIS SECTION SHALL USE THE ENTIRE  
26 DISBURSEMENT FOR FIRE FIGHTER TRAINING AND ANY EQUIPMENT OR  
27 SERVICES DIRECTLY UTILIZED TO FACILITATE THAT FIRE FIGHTER

1 TRAINING. FIRE FIGHTER TRAINING SHALL OCCUR WITHIN 3 YEARS AFTER  
2 RECEIVING A DISBURSEMENT. A FIRE DEPARTMENT FAILING OR REFUSING  
3 TO USE A DISBURSEMENT IN THE MANNER PROVIDED FOR IN THIS SUBSEC-  
4 TION IS DISQUALIFIED FROM RECEIVING AN ADDITIONAL DISBURSEMENT  
5 UNTIL THE FIRE DEPARTMENT DEMONSTRATES TO THE COUNCIL THAT THE  
6 ENTIRE PRIOR DISBURSEMENT WAS USED IN THE MANNER PROVIDED FOR IN  
7 THIS SUBSECTION.

8 (5) DISBURSEMENTS UNDER THIS SECTION SHALL BE MADE IN ANNUAL  
9 INSTALLMENTS ON A DATE DETERMINED BY THE COUNCIL. FUNDS IN THE  
10 FIRE FIGHTERS TRAINING FUND SHALL BE DISBURSED TO FIRE DEPART-  
11 MENTS USING A WEIGHTED FORMULA UTILIZING POPULATION AND STATE  
12 EQUALIZED VALUE WITHIN THE LOCAL UNIT OF GOVERNMENT ESTABLISHING  
13 THE FIRE DEPARTMENT. POPULATION SHALL COUNT FOR 50% OF THE  
14 WEIGHTED FACTOR AND STATE EQUALIZED VALUATION SHALL COUNT FOR  
15 50%. EACH FIRE DEPARTMENT SHALL RECEIVE A MINIMUM DISBURSEMENT  
16 AS DETERMINED BY THE COUNCIL.

17 (6) A FIRE DEPARTMENT UTILIZING MONEY FROM THE FIRE FIGHTERS  
18 TRAINING FUND SHALL MAKE AND MAINTAIN DETAILED RECORDS OF THE  
19 ACTUAL COSTS ASSOCIATED WITH THE PREPARATION FOR, THE ADMINISTRA-  
20 TION OF, AND THE CONDUCT OF A FIRE FIGHTER TRAINING PROGRAM  
21 FINANCED IN WHOLE OR IN PART BY A DISBURSEMENT UNDER THIS SECTION  
22 AND SHALL ANNUALLY REPORT TO THE COUNCIL ON THE RESULTS OF ITS  
23 FIRE FIGHTER TRAINING PROGRAMS AS PRESCRIBED BY THE COUNCIL. THE  
24 FIRE DEPARTMENT SHALL SEPARATELY IDENTIFY EACH COST.

25 (7) THE COUNCIL SHALL ANNUALLY REPORT TO THE GOVERNOR AND  
26 EACH HOUSE OF THE LEGISLATURE. THE REPORT SHALL INCLUDE  
27 INFORMATION REGARDING THE STANDARDS ESTABLISHED UNDER THIS ACT,



1 THE DEGREE OF PARTICIPATION OF THE MUNICIPALITIES, AND THE NATURE  
2 OF THE DISBURSEMENTS FROM THE FIRE FIGHTERS TRAINING FUND.

3 (8) THE COUNCIL SHALL NOT DISBURSE MONEY FROM THE FIRE  
4 FIGHTERS TRAINING FUND UNDER THIS SECTION FOR ANY OF THE FOLLOW-  
5 ING PURPOSES:

6 (A) FIRE FIGHTER TRAINING CONDUCTED BY A PROVIDER NOT BASED  
7 IN THIS STATE OR FIRE FIGHTER TRAINING NOT OCCURRING IN THIS  
8 STATE UNLESS THE FIRE FIGHTER TRAINING HAS BEEN APPROVED BY THE  
9 COUNCIL.

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

13 (C) EXPENDITURES FOR ALCOHOLIC BEVERAGES.

14 (D) TRAVEL COSTS ASSOCIATED WITH FIRE FIGHTER TRAINING PRO-  
15 GRAMS UNLESS THE FIRE FIGHTER TRAINING IS THE SOLE PURPOSE OF THE  
16 PROGRAM OR UNLESS THE PROGRAM OFFERS AT LEAST 6 HOURS OF QUALI-  
17 FIED FIRE FIGHTER TRAINING WITHIN A 24-HOUR PERIOD.

18 (E) WAGES OF FIRE FIGHTERS ATTENDING FIRE FIGHTER TRAINING,  
19 SUBJECT TO SECTION 14(2).

20 Sec. 14. (1) The ~~amounts~~ AMOUNT annually appropriated by  
21 the legislature shall be paid by the state treasurer in accord-  
22 ance with the accounting laws of the state upon certification of  
23 the executive ~~secretary of the council~~ DIRECTOR for the purpose  
24 of reimbursing the city, county, township, or village for regular  
25 fire fighters in the fire department OR OTHER ORGANIZATION in an  
26 amount not to exceed 1/2 of the salary paid to each fire fighter  
27 meeting the recruitment standards and participating in FIRE

1 FIGHTER training meeting the standard prescribed pursuant to this  
2 act during the period covered by the allocation, plus \$8.00 of  
3 the necessary living expenses incurred by such fire fighter which  
4 are necessitated by FIRE FIGHTER training requiring that he OR  
5 SHE be away from his OR HER residence overnight.

6 (2) The ~~amounts~~ AMOUNT annually appropriated by the legis-  
7 lature shall be paid by the state treasurer in accordance with  
8 the accounting laws of the state upon certification of the execu-  
9 tive ~~secretary of the council~~ DIRECTOR for the purpose of reim-  
10 bursing the city, county, township, or village for volunteer fire  
11 fighters in an amount not to exceed \$12.50 for lost wages, to be  
12 matched by the local municipality for each fire fighter meeting  
13 the recruitment standards and participating in FIRE FIGHTER  
14 training meeting the standard prescribed pursuant to this act  
15 during the period covered by the allocation, plus \$8.00 of the  
16 necessary living expenses, to be matched by the local municipali-  
17 ty, incurred by ~~such~~ THAT fire fighter which are necessitated  
18 by FIRE FIGHTER training requiring that he OR SHE be away from  
19 his OR HER residence overnight.

20 (3) If the ~~moneys~~ MONEY in the fire fighter training fund  
21 to be appropriated by the legislature for such salary and expense  
22 reimbursement ~~are~~ IS insufficient to allocate ~~such~~ THAT  
23 amount to each participating city, county, township, or village,  
24 the amount allocated to each shall be reduced proportionately.  
25 In no event shall any allocations be made to any city, county,  
26 township, or village ~~which~~ THAT has not, throughout the period  
27 covered by the allocation, adhered to the standards established

1 by the council as applicable to personnel recruited or trained by  
2 ~~such~~ THAT city, county, township, or village during such  
3 period.

4 Enacting section 1. This amendatory act does not take  
5 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5348  
6 (request no. 03216'01) of the 91st Legislature is enacted into  
7 law.