

HOUSE BILL No. 5856

May 5, 2004, Introduced by Rep. Bieda and referred to the Committee on Insurance.

A bill to amend 1966 PA 291, entitled "Fire fighters training council act of 1966," by amending sections 2, 3, 9, 12, and 13 (MCL 29.362, 29.363, 29.369, 29.372, and 29.373), 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 a city, county, township, or village who
8 is responsible for, or is in a capacity ~~which~~ **that** includes
9 responsibility for, the extinguishment of fires, the directing of

1 the extinguishment of fires, the prevention and detection of
2 fires, ~~and~~ the enforcement of the general fire laws of this
3 state, **and other fire-related services.** ~~This definition shall~~
4 ~~not apply to a person whose job description, duties, or~~
5 ~~responsibilities do not include direct involvement in fire~~
6 ~~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 a
11 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 within a city, village, township,
19 or county **and is a fire department of a city, village, township,**
20 **or county, or a fire service designated by a city, village,**
21 **township, or county pursuant to a contract. Fire department**
22 **includes a department of county employees who are responsible for**
23 **fire suppression and other fire-related services for an airport**
24 **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~~ 9 members selected as follows:

1 (a) The director of **the department of** state police, or his or
2 her designated representative, ~~shall be ex officio a~~ **as an ex**
3 **officio** member.

4 (b) Two members appointed to the council by the governor from
5 a list of ~~5 active members~~ **3 names** submitted by the Michigan
6 ~~fire chief's~~ association **of fire chiefs**.

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~~ **professional** fire fighter's ~~association~~
10 **union**.

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

14 (e) One member appointed to the council by the governor from
15 a list of 3 names submitted by the ~~metropolitan club of America,~~
16 ~~incorporated~~ **Michigan townships association**.

17 (f) One member appointed to the council by the governor from
18 a list of 3 names submitted by the Michigan municipal league.

19 (g) ~~(f)~~ One member appointed to the council by the governor
20 from a list of ~~2 names submitted by the Michigan townships~~
21 ~~association and 2 names submitted by the Michigan municipal~~
22 ~~league~~ **3 names submitted by the Michigan fire service**
23 **instructors association**.

24 (h) One member appointed to the council by the governor from
25 a list of 2 names submitted by the office of financial and
26 insurance services of a person employed in the insurance
27 industry.

1 (2) All appointments **to the council** made by the governor
2 shall be with the advice and consent of the senate.

3 Sec. 9. (1) The council shall prepare and publish standards
4 with due consideration to varying factors and special
5 requirements of fire departments or other organizations in the
6 following areas:

7 (a) Advisory standards of physical, educational, mental and
8 moral fitness which shall govern the recruitment, selection, and
9 appointment of fire fighters.

10 (b) The approval by the council of fire fighter training
11 schools. The standards shall address, at least, the following
12 issues:

13 (i) The qualification and certification of instructors.

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

16 (iii) The visitation and evaluation of instructors and
17 schools by the council.

18 (c) The establishment of subordinate regional training
19 centers in strategic geographic locations in order to serve the
20 greatest number of fire departments that are unable to support
21 their own **fire fighter** training programs.

22 (2) Each fire department ~~or other organization~~ shall file a
23 statement with the council designating at least 1 training
24 officer or training coordinator for the fire department by
25 November 30, 1988. If a training officer or training coordinator
26 is changed, the fire department, ~~or other organization,~~ within
27 7 days of the change, shall file a statement notifying the

1 council of the change.

2 ~~(3) The council shall develop and provide to each fire~~
3 ~~department or other organization, upon request of the fire~~
4 ~~department or other organization and at no charge, a videotape to~~
5 ~~be used in training fire fighters. The videotape shall not~~
6 ~~include training that requires a practical demonstration. The~~
7 ~~videotape shall be based on the fire fighters I and II standards~~
8 ~~set forth in the "fire fighter professional qualifications",~~
9 ~~national fire protection association pamphlet no. 1001, 1987~~
10 ~~edition. The council may impose a reasonable fee for loss,~~
11 ~~damage, or late return of a videotape provided to a fire~~
12 ~~department or other organization under this subsection.~~

13 ~~(3) -(4)-~~ The council shall develop and administer an
14 examination, which shall include a practical demonstration, a
15 written or oral test, or a combination thereof, to determine a
16 person's competency in regard to the knowledge and skill
17 requirements set forth in ~~fire fighter I and II standards of the~~
18 ~~"fire fighter professional qualifications", national fire~~
19 ~~protection association pamphlet no. 1001, 1987 edition~~ **standards**
20 **pursuant to rules promulgated by the council under section 16 or**
21 **adopted by reference in the manner provided for by law.** The
22 council, upon the request of a fire department, ~~or other~~
23 ~~organization,~~ shall administer the examination in each county at
24 least once every year. ~~The examination shall be administered in~~
25 ~~2 parts. Part 1 shall test the knowledge and skill requirements~~
26 ~~set forth in fire fighter I, and part 2 shall test the knowledge~~
27 ~~and skill requirements set forth in fire fighter II. The~~

1 examination may be retaken, as necessary, upon request from a
2 fire department or other organization.

3 (4) ~~-(5)-~~ Within 12 months after a person's hiring date as a
4 full-time fire fighter, the person must pass ~~both part 1 and~~
5 ~~part 2 of~~ the examination **described in subsection (3)** to be
6 eligible for continued or permanent full-time employment as a
7 fire fighter.

8 (5) ~~-(6)-~~ Within 24 months after a person's appointment date
9 as a volunteer or paid on-call fire fighter, a person must pass
10 ~~part 1 of~~ the examination **described in subsection (3)** to be
11 eligible for continued volunteer or paid on-call service as a
12 fire fighter.

13 (6) ~~-(7)-~~ The examination described in this section ~~shall~~
14 **does** not apply to a person who is employed or under appointment
15 as a fire fighter on October 1, 1988, unless a person
16 subsequently changes his or her status from a volunteer or paid
17 on-call fire fighter to a full-time fire fighter.

18 (7) ~~-(8)-~~ The council shall review and monitor the state and
19 federal standards relating to live fire **fighter** training
20 exercises in structures and make recommendations to the general
21 industry safety standards commission for any new or modified
22 standards which in their opinion are necessary for the protection
23 of fire fighter trainees.

24 Sec. 12. ~~There~~ **The council** shall ~~be~~ **appoint** an
25 executive ~~secretary~~ **director** of the council ~~who shall be~~
26 ~~appointed by the council, and~~ who shall hold office during the
27 pleasure of the council. He **or she** shall perform such functions

1 and duties as ~~may be~~ assigned ~~to him~~ by the council. He or
2 **she** shall receive compensation and reimbursement for expenses
3 within the amounts available by appropriation.

4 Sec. 13. (1) There is created in the state treasury a fire
5 fighters training fund. ~~from which the legislature shall~~
6 ~~appropriate such sums as are deemed necessary for the purposes of~~
7 ~~this act but in no case shall such appropriations be in excess of~~
8 ~~75% of the amounts paid into the fund.~~ The money in the fire
9 fighters training fund is restricted and shall not revert to the
10 general fund at the end of any fiscal year and shall be available
11 for the purposes for which the fire fighters training fund was
12 created, as further described in subsection (4). Any interest or
13 earnings of the fire fighters training fund shall be deposited
14 back into the fire fighters training fund. The fire fighters
15 training fund shall be audited by the auditor general every 2
16 years.

17 (2) The fire fighters training fund is composed of money
18 collected pursuant to section 452 of the insurance code of 1956,
19 1956 PA 218, MCL 500.452.

20 (3) The council shall annually distribute the fire fighters
21 training fund as follows:

22 (a) Seventy-five percent to the fire departments to be used
23 for the training of the members of the fire department.

24 (b) An amount sufficient to cover the reasonable operational
25 expenses of the council including, but not limited to, the
26 delivery of training, program design, instructional development,
27 continuing education, volunteer training, curriculum development,

1 administration of testing, and certification, but not to exceed
2 25%.

3 (c) The balance remaining after the distributions under
4 subdivisions (a) and (b) shall remain in the fund for
5 disbursement in the following years.

6 (4) A fire department receiving a disbursement from the fire
7 fighters training fund under this section shall use the entire
8 disbursement for fire fighter training and any equipment or
9 services directly utilized to facilitate that fire fighter
10 training. Fire fighter training shall occur within 3 years after
11 receiving a disbursement. If money generated under this act is
12 not utilized within the timeline provided by the act, it shall be
13 redistributed to fulfill requests from departments for additional
14 training allocations over and above their standard allocations.
15 If there are no other requests for additional money and a surplus
16 still remains, that money may be distributed to departments, upon
17 their request, to improve or expand existing fire training
18 centers including, but not limited to, improvements to training
19 towers and live burn buildings. A fire department failing or
20 refusing to use a disbursement in the manner provided for in this
21 subsection is disqualified from receiving an additional
22 disbursement until the fire department demonstrates to the
23 council that the entire prior disbursement was used in the manner
24 provided for in this subsection.

25 (5) Disbursements under this section shall be made in annual
26 installments on a date determined by the council. Funds in the
27 fire fighters training fund shall be disbursed to fire

1 departments using a weighted formula within the local unit of
 2 government in which population shall count for 50% of the
 3 weighted factor and state equalized valuation shall count for
 4 50%. Each fire department shall receive a minimum of \$3,000.00.
 5 The formulation for distribution of training funds is based 50%
 6 on population and 50% on state equalized value. Money remaining
 7 after allocations for operational expenses are paid would first
 8 be distributed to departments that qualify under the \$3,000.00
 9 minimum appropriation. Then the fund is distributed to remaining
 10 departments with appropriations over the \$3,000.00 amount, using
 11 the following formula:

12 States population factor formula:

13 (Total training fund divided by total state population)
 14 divided by 2.

15 States SEV factor formula:

16 (Total training fund divided by total state SEV) divided by
 17 2.

18 Department allocation formula:

19 Department's population multiplied by states population
 20 factor plus department's SEV multiplied by states SEV factor.

21 (6) A fire department utilizing money from the fire fighters
 22 training fund shall make and maintain detailed records of the
 23 actual costs associated with the preparation for, the
 24 administration of, and the conduct of a fire fighter training
 25 program financed in whole or in part by a disbursement under this
 26 section and shall annually report to the council on the results
 27 of its fire fighter training programs as prescribed by the

1 council. The fire department shall separately identify each
2 cost.

3 (7) The council shall annually report to the governor and
4 each house of the legislature. The report shall include
5 information regarding the standards established under this act,
6 the degree of participation of the municipalities, and the nature
7 of the disbursements from the fire fighters training fund.

8 (8) The council shall not disburse money from the fire
9 fighters training fund under this section for any of the
10 following purposes:

11 (a) Fire fighter training conducted by a provider not based
12 in this state or fire fighter training not occurring in this
13 state unless the fire fighter training has been approved by the
14 council.

15 (b) Meal expenditures in excess of the per diem meal
16 expenditures authorized by the department of management and
17 budget for civil service employees.

18 (c) Expenditures for alcoholic beverages.

19 (d) Travel costs associated with fire fighter training
20 programs unless the fire fighter training is the sole purpose of
21 the program or unless the program offers at least 6 hours of
22 qualified fire fighter training within a 24-hour period.

23 (e) Wages of fire fighters attending fire fighter training.

24 Enacting section 1. This amendatory act does not take
25 effect unless Senate Bill No. _____ or House Bill No. 5855
26 (request no. 06506'04) of the 92nd Legislature is enacted into
27 law.