

SUBSTITUTE FOR  
HOUSE BILL NO. 5036

A bill to amend 1941 PA 207, entitled  
"Fire prevention code,"  
by amending section 2c (MCL 29.2c), as amended by 2006 PA 189.

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

1       Sec. 2c. (1) ~~To implement and enforce this act, the bureau may~~  
2 ~~charge hospitals operation and maintenance inspection fees and may~~  
3 ~~charge hospitals and schools plan review and construction~~  
4 ~~inspection fees as provided in this section.~~ **THE STATE FIRE**  
5 **SERVICES FUND IS CREATED IN THE STATE TREASURY. THE STATE TREASURER**  
6 **SHALL BE THE CUSTODIAN OF THE FUND AND MAY INVEST THE SURPLUS OF**  
7 **THE FUND IN INVESTMENTS AS, IN THE STATE TREASURER'S JUDGMENT, ARE**  
8 **IN THE BEST INTERESTS OF THE FUND. MONEY IN THE FUND AT THE CLOSE**  
9 **OF EACH FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO**  
10 **THE GENERAL FUND. THE STATE FIRE MARSHAL SHALL SUPERVISE AND**

1 ADMINISTER THE FUND. FEES RECEIVED BY THE BUREAU AND MONEY  
2 COLLECTED UNDER THIS ACT SHALL BE DEPOSITED IN THE FUND AND SHALL  
3 BE APPROPRIATED BY THE LEGISLATURE FOR THE OPERATION OF THE BUREAU,  
4 INCLUDING INDIRECT OVERHEAD EXPENSES.

5 ~~(2) Fees charged under subsection (1) shall be deposited in~~  
6 ~~the general fund in a restricted account. The fees collected under~~  
7 ~~this act and placed in the restricted account shall be used only to~~  
8 ~~fund the services for which the fees were collected and shall~~  
9 ~~remain in the restricted account at the end of the fiscal year.~~

10 UNTIL 5 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
11 ADDED THIS SENTENCE, THE STATE FIRE MARSHAL, AFTER NOTIFYING THE  
12 CHAIRPERSON OF THE HOUSE AND SENATE APPROPRIATIONS COMMITTEE OF HIS  
13 OR HER INTENT TO ESTABLISH THE FEES AND AFTER APPROVAL OF THE BOARD  
14 AND FOLLOWING A PUBLIC HEARING HELD BY THE BOARD, SHALL ESTABLISH  
15 REASONABLE FEES TO BE CHARGED BY THE BUREAU FOR ACTS AND SERVICES  
16 PERFORMED BY THE BUREAU INCLUDING, BUT NOT LIMITED TO, INSPECTIONS,  
17 REVIEW OF PLANS AND SPECIFICATIONS, ISSUANCE OF CERTIFICATES OF  
18 ACCEPTABILITY, TESTING AND EVALUATION OF NEW PRODUCTS, METHODS AND  
19 PROCESSES OF CONSTRUCTION OR ALTERATION, INSPECTION OF CONSTRUCTION  
20 AND ALTERATION, INSPECTION OF CONSTRUCTION UNDERTAKEN PURSUANT TO A  
21 PERMIT, THE ISSUANCE OF CERTIFICATES OF USE AND OCCUPANCY, AND THE  
22 HEARING OF APPEALS. THE FEES SHALL BEAR A DIRECT RELATIONSHIP TO  
23 THE COST OF THE SERVICE OR ACT, INCLUDING OVERHEAD. THE STATE  
24 TREASURER SHALL NOTIFY THE STATE FIRE MARSHAL AND THE LEGISLATURE  
25 OF INTEREST CREDITED AND THE BALANCE OF THE FUND AS OF SEPTEMBER 30  
26 OF EACH YEAR.

27 ~~(3) The fees charged under this section shall be established~~

1 ~~in a fee schedule contained in each fiscal year's appropriations~~  
2 ~~act for the department.~~ WITHIN 30 DAYS AFTER THE SETTING OF FEES  
3 UNDER SUBSECTION (2), THE STATE FIRE MARSHAL SHALL REPORT TO THE  
4 LEGISLATURE ON THE FOLLOWING:

5 (A) THE FACTORS CONSIDERED IN THE FEE CHANGES INCLUDING, BUT  
6 NOT LIMITED TO, THE INCREASE IN THE NATURE AND COST OF THE SERVICES  
7 AND THE PRESENCE, ABSENCE, OR CHANGE OF ANY STATE OR FEDERAL  
8 MANDATES RELATED TO THE SERVICES.

9 (B) SPECIFIC COST INCREASES, IF ANY, RELATED TO SPECIFIC  
10 SERVICES AND THE METHOD OF DETERMINING THAT INCREASED COST.

11 (C) THE INDIVIDUALS WITH DIRECT KNOWLEDGE OF THE FEE CHANGES  
12 THAT ARE AVAILABLE TO ANSWER QUESTIONS REGARDING THOSE CHANGES.