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Senate Bill 1142 (as introduced 11-12-14)
Sponsor: Senator Mark C. Jansen
Committee: Education

Date Completed: 12-3-14

CONTENT

The bill would amend the Fire Prevention Code to remove colleges and universities from the application of existing fire and tornado drill requirements, and prescribe specific drill requirements for postsecondary educational institutions. Compared with the current requirements, the proposed requirements would do the following:

- Eliminate a requirement that fire drills be held on a monthly basis.**
- Decrease the number of fire drills required in a dormitory each school year from eight to three.**
- Eliminate a requirement that at least two tornado safety drills be conducted each school year.**

The bill also would do the following with regard to a postsecondary educational institution:

- Require an institution to retain a record of each fire drill and all emergency procedures training completed by its staff, and make the records available to the Bureau of Fire Services upon request.**
- Prescribe civil penalties for an institution that violated the fire drill requirements.**
- Authorize the Bureau to require an inspection of an institution's facilities and the preparation of a plan of action report, paid for by the institution.**
- Beginning in 2016, require an institution to submit to the Bureau an annual statement certifying the institution's compliance with the fire drill requirements in the preceding calendar year.**
- Beginning in 2016, require the Bureau to submit to the Legislature and the Department of Licensing and Regulatory Affairs an annual report describing each violation by a postsecondary educational institution in the preceding State fiscal year.**

Under the Code, the chief administrative officer and the teachers of all schools, including State-supported schools, colleges, and universities and the owner of all school dormitories must have a fire drill each month and ensure unrestricted emergency egress during school hours and when the school is open to the public. Each school teacher and school dormitory owner or owner's representative must comply with these requirements and keep a record of the drills.

A minimum of eight fire drills is required for each school year. If weather conditions do not permit fire drills to be held at least once a month, then at least five fire drills must be held in the fall of each year and three must be held during the remainder of the school year.

Additionally, at least two tornado safety drills must be held for each school year, including at least one during March.

The bill would delete the references to colleges and universities in these requirements. The bill provides that "school" would not include a postsecondary educational institution as defined in the bill and "school dormitory" would not include a school dormitory as defined in the bill.

The bill would define "postsecondary educational institution" as a degree- or certificate-granting public or private college or university, junior college, or community college that is located in Michigan. The term would include the institution's governing body. "School dormitory" would mean a building that is erected for, and used as, a place for housing and boarding students and other incidental purposes; is located on the campus of a postsecondary educational institution; and is owned, leased, or managed by, or under the direct control of, the postsecondary educational institution.

The bill would require a postsecondary educational institution to ensure that each school dormitory held three fire drills each year, kept a record of the drills, and ensured unrestricted emergency egress from the dormitory during school hours and when the building was open to the public. The institution would have to hold the fire drills during the following periods:

- One within 21 days after the start of fall semester classes.
- One in the spring semester.
- One in the summer semester.

A postsecondary educational institution would have to hold at least one of the fire drills while school was in session and between sunset and sunrise.

("Fall semester" would mean the semester in which the majority of scheduled classes are between September 1 and December 31. "Spring semester" would mean the semester in which the majority of scheduled classes are between January 1 and May 31. "Summer semester" would mean the semester in which the majority of scheduled classes are between June 1 and August 31.)

Additionally, a postsecondary educational institution would have to prepare a record of each drill, on a form prescribed by the Bureau of Fire Services. The institution would have to retain the records and a record of all emergency procedures training completed by its staff, and make the records available to the Bureau upon request.

By January 10 of each year, beginning in 2016, a postsecondary educational institution would have to submit to the Bureau, on a form it prescribed, a statement certifying that the institution complied with all of the requirements of the bill and of the Code in the preceding calendar year.

In addition to any other applicable penalties or remedies under the Code, if a postsecondary educational institution violated the bills requirements, the institution would be responsible for a civil fine of \$500 for a first violation and \$1,000 for a second or subsequent violation. A civil fine would have to be paid to the General Fund and credited to the Bureau of Fire Services for enforcement of the Code. Also, for a second or subsequent violation, the Bureau could require a mandatory inspection of the institution's facilities and the preparation of a plan of action report by the Bureau or its designee. The institution would be

responsible for payment of \$1,000 or the Bureau's costs associated with an inspection and plan of action report, whichever was less.

By February 15 of each year, beginning in 2016, the Bureau of Fire Services would have to submit a report to the Speaker of the House of Representatives, the Senate Majority Leader, the House and Senate Appropriations Committees, the House and Senate Appropriations Subcommittees on Higher Education and Joint Capital Outlay, and the Department of Licensing and Regulatory Affairs. The report would have to describe each violation of the bill by a postsecondary educational institution in the preceding State fiscal year.

MCL 29.19 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a positive fiscal impact on State-supported postsecondary educational institutions, and no fiscal impact on other local units of government. The bill would reduce the number of fire drills each public college or university must conduct each year, which would produce some savings for those institutions.

The bill would not have a significant fiscal impact on the Bureau of Fire Services within the Department of Licensing and Regulatory Affairs. The bill does not appear to significantly change the Bureau's administrative burden associated with the verification of fire drills at public colleges and universities. The bill could produce some new revenue for the Bureau from civil fines that would be charged to State-supported colleges and universities that failed to comply with the requirements contained in the bill. It is unknown how much revenue these fines would generate, but it is likely a small amount.

Fiscal Analyst: Bill Bowerman
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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.