

Legislative Analysis



BUREAU OF FIRE SERVICES

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House Bill 5860

Sponsor: Rep. David Farhat

House Bill 5866

Sponsor: Rep. Rick Shaffer

House Bill 5861

Sponsor: Rep. John Stahl

House Bill 5867

Sponsor: Rep. Barbara Farrah

House Bill 5862

Sponsor: Rep. John Proos

House Bill 5868

Sponsor: Rep. James Marleau

House Bill 5863

Sponsor: Rep. Rich Brown

House Bill 5869

Sponsor: Rep. Morris Hood III

House Bill 5864

Sponsor: Rep. Marsha G. Cheeks

House Bill 5870

Sponsor: Rep. Gino Polidori

House Bill 5865

Sponsor: Rep. Roger Kahn

House Bill 5871

Sponsor: Rep. Chris Kolb

Committee: Appropriations
Complete to 3-20-06

A SUMMARY OF HOUSE BILLS 5860-5871 AS INTRODUCED 3-14-06

House Bills 5860-5871 are part of a package of legislation that would:

- 1) Create in statute the Bureau of Fire Services within the Department of Labor and Economic Growth; and
- 2) Grant the Bureau all of the authority, powers, duties, functions, and responsibilities transferred from the Fire Marshal Division of the Department of State Police to DLEG under Executive Reorganization Order 2003-1.
- 3) Amend a series of other acts to reflect in statute the organization, duties, and powers of the new Bureau of Fire Services.

Generally speaking, the bills would put into statute the provisions of Executive Reorganization Order 2003-1 (MCL 445.2011) regarding the transfer of many functions of the Fire Marshal Division of the Department of State Police to the Department of Labor and Economic Growth (DLEG). The package also would codify the creation of the Bureau of Fire Services within DLEG, originally accomplished by Executive Directive 2005-10.

The central bill in the package is Senate Bill 1133, and most of the House Bills are tie-barred to that bill. Senate Bill 1133 would amend the Fire Prevention Code.

Under Senate Bill 1133, the Director of the Department of Labor and Economic Growth would appoint a State Fire Marshal to be the head of the Bureau of Fire Services and of the Office of State Fire Marshal. The bureau would include the Fire Fighters Training Council; the State Fire Safety Board; and any other agency, board, or commission designated as part of the bureau by law. DLEG would perform the budgeting, procurement, and related management function of the bureau. Additional information on the contents of Senate Bill 1133 can be found later in the summary.

House Bill 5860 would amend the Fire Fighters Training Council Act (MCL 29.363 et al.) to, among other things, move the council to the Bureau of Fire Services.

House Bill 5861 would repeal Section 5 of PA 59 of 1935, which located the state fire marshal in the State Police. (MCL 28.5)

House Bill 5862 would amend the State Construction Code Act to put the State Fire Marshal or a designee on the Construction Code Commission. (MCL 125.1503a et al.)

House Bill 5863 would amend provisions in the Natural Resources and Environmental Protection Act (NREPA) dealing with fire protection for Mackinac Island Park Commission and the city of Mackinac Island. (MCL 324.77101)

House Bill 5864 would amend a section of the Electrical Administrative Act dealing Electrical Administrative Board. (MCL 338.882)

House Bill 5865 would amend the Revised School Code. (MCL 380.1285a)

House Bill 5866 would amend provisions in the Social Welfare Act dealing with county medical care facilities. (MCL 400.58).

House Bill 5867 would amend Public Act 227 of 1967, dealing with elevator safety. (MCL 488.820)

House Bill 5868 would amend provisions in the Motor Carrier Safety Act dealing with the transport of hazardous materials. (MCL 480.22)

House Bill 5869 would amend the Child Care Licensing Act. (MCL 722.112)

House Bill 5870 would amend a section of the Insurance Code that allows the withholding of insurance proceeds until a motor vehicle fire or explosion has been investigated. (MCL 500.3010)

House Bill 5871 would amend the Michigan Vehicle Code. (MCL 257.312e)

The legislative package also includes Senate Bills 1134-1145, each of which amends a separate act to acknowledge the transfer of duties to the Bureau of Fire Services within DLEG.

Duties of the Bureau

The Fire Safety Bureau would be required to

- Serve as a focal point for matters relating to fire services in the state.
- Coordinate with the Fire Investigation Unit of the State Police activities relating to fire investigations, fire investigator training, and providing related assistance to local law enforcement and fire service agencies.
- Provide forms for local units to use in granting fireworks permits.

The Bureau would be empowered to do all things necessary and convenient to achieve its objectives and purposes under the act and other laws, and specifically to:

- Establish a program for the reporting and central compilation of fire service personnel credentials, including qualifications, tests, examinations, certifications, educational experience, and training.
- Establish, in conjunction with the Office of Insurance and Financial Services, a system for reporting uninsured fire loss and an insurance fraud program.
- Participate in the Child Fire Setting and Juvenile Arson Program.
- Participate in the National Fire Incident Reporting System.
- Operate an Accelerant Detecting Canine Program.

The State Fire Marshal would be empowered to organize or reorganize the bureau and appoint assistants and employees with titles, powers, and duties relating to the bureau's purposes and responsibilities.

State Fire Marshal Duties

The State Fire Marshal would be required to do all of the following.

- Oversee and direct fire service programs vested in the Bureau of Fire Services.
- Perform the duties of the office so as to maximize the effective administration of fire services in the state.

- Serve as a policy advisor to the Governor on the development and administration of fire service policies, programs, and procedures.
- Participate in the development, review, and implementation of the Michigan Hazard Mitigation Plan.
- Provide information for the development and regular updating of the Michigan Hazard Analysis, including the structural fires element and the required state Emergency Management Plan.

FISCAL IMPACT:

The bills would have no fiscal impact on state or local government.

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Fiscal Analyst: Richard Child

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.