



Senate Fiscal Agency
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 BILL ANALYSIS

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Senate Bills 1133 through 1145 (as introduced 3-14-06)
House Bill 5860 (Substitute H-1 as passed by the House)
House Bills 5861, 5862, and 5863 (as passed by the House)
House Bill 5864 (Substitute H-1 as passed by the House)
House Bills 5865 through 5871 (as passed by the House)

Sponsor: Senator Mike Prusi (S.B. 1133)
Senator Gerald Van Woerkom (S.B. 1134)
Senator Mike Prusi (S.B. 1135)
Senator Gilda Z. Jacobs (S.B. 1136)
Senator Hansen Clarke (S.B. 1137)
Senator Ron Jelinek (S.B. 1138)
Senator Dennis Olshove (S.B. 1139)
Senator Valde Garcia (S.B. 1140 & S.B. 1144)
Senator Laura M. Toy (S.B. 1141)
Senator Martha G. Scott (S.B. 1142)
Senator Bill Hardiman (S.B. 1143)
Senator Deborah Cherry (S.B. 1145)
Representative David Farhat (H.B. 5860)
Representative John Stahl (H.B. 5861)
Representative John Proos (H.B. 5862)
Representative Rich Brown (H.B. 5863)
Representative Marsha G. Cheeks (H.B. 5864)
Representative Roger Kahn (H.B. 5865)
Representative Rick Shaffer (H.B. 5866)
Representative Barbara Farrah (H.B. 5867)
Representative James Marleau (H.B. 5868)
Representative Morris Hood III (H.B. 5869)
Representative Gino Polidori (H.B. 5870)
Representative Chris Kolb (H.B. 5871)

Senate Committee: Economic Development, Small Business and Regulatory Reform
House Committee: Appropriations (H.B. 5860-5871)

Date Completed: 4-19-06

CONTENT

Senate Bill 1133 would amend the Fire Prevention Code to create the Bureau of Fire Services in the Department of Labor and Economic Growth (DLEG); require the DLEG Director to appoint a State Fire Marshal to serve as the Bureau head; transfer the powers and duties of the Fire Marshal Division of the Michigan Department of State Police (MSP) to the Bureau; and do the following:

-- Describe the responsibilities of the Bureau and the State Fire Marshal.

- Provide that the administration and the enforcement of the Code would be the responsibility of the Bureau.**
- Increase the membership of the State Fire Safety Board from 16 to 17 members.**
- Require the Bureau, instead of the Board, to establish fire safety requirements for the construction, operation, and maintenance of certain buildings, and the qualifications for certification of a fire inspector.**

- Allow the Bureau to charge certain maintenance and inspection fees as established in a schedule contained in each year's DLEG appropriations act.
- Require the Department of Environmental Quality (DEQ), instead of the Board, to promulgate rules for certain dry cleaning establishments and for the storage, transportation, and handling of liquefied petroleum, and handling of certain other materials.
- Transfer the State Fire Marshal's responsibilities regarding vehicles transporting hazardous materials to the Motor Carrier Division of the MSP.
- Make the DEQ, instead of the State Fire Marshal, responsible for certifying compressed gas or liquefied petroleum gas container filling locations and some aboveground storage locations; and some aboveground storage locations.

Senate Bills 1134 through 1143 and House Bills 5860 (H-1) and 5862 through 5871 amend various statutes to replace references to the State Fire Marshal Division with references to the Bureau of Fire Services. Senate Bill 1136, House Bill 5860 (H-1), and House Bill 5864 would make additional changes, described below.

Senate Bills 1144 and 1145 would amend Public Acts 456 and 457 of 1988 (which provide for civil immunity to certain instructors and institutions), respectively, to refer to actions taken under the Fire Fighters Training Council Act, instead of by the Michigan Fire Fighters Training Council.

House Bill 5861 would repeal a section of Public Act 59 of 1935 (which provides for the MSP) that transferred certain departments to the MSP and requires the Commissioner of the Michigan State Police ex-officio to serve as State Fire Marshal.

Senate Bill 1133 is tie-barred to Senate Bills 1134 through 1142 and House Bills 5860 through 5870. Senate Bills 1135 through 1143 and House Bills 5862 through 5870 are tie-barred to Senate Bill 1133. Senate Bills 1144 and 1145 are tie-barred to House Bill

5860. House Bill 5860 (H-1) is tie-barred to Senate Bills 1133, 1144, and 1145 and House Bill 4871. House Bill 5871 is tie-barred to House Bill 5860.

Senate Bill 1133

Bureau of Fire Services

The bill would create the Bureau of Fire Services in the Department of Labor and Economic Growth. The DLEG Director would have to appoint a State Fire Marshal to serve as the head of the Bureau and of the Office of the State Fire Marshal. The State Fire Marshal would have to be a member of the classified State civil service.

The Bureau would have to include the following:

- The Fire Fighters Training Council created under Section 3 of the Fire Fighters Training Council Act.
- The State Fire Safety Board.
- Any other agency, board, or commission designated as a part of the Bureau by law.

The Bureau would have 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 No. 2003-1 (which transferred from the MSP to DLEG any authority, powers, duties, functions, and responsibilities of the State Fire Marshal, with the exception of the arson strike force unit, fire investigations, and criminal enforcement). The Department of Labor and Economic Growth would have to perform the budgeting, procurement, and related management functions of the Bureau. The Bureau would have to administer the authority, powers, duties, functions, and responsibilities vested in it efficiently and could make internal organizational changes to ensure efficient administration.

The Bureau would have to do all of the following:

- Serve as a focal point for matters relating to fire services in the State.
- Coordinate with the fire investigation unit of the MSP activities relating to fire investigations, fire investigator training, and the provisions of related assistance

to local law enforcement and fire service agencies.

- Provide forms that cities, villages, and townships could use to grant permits for fireworks under the Michigan Penal Code.

The Bureau could do one or more of the following:

- Establish a program for the reporting and central compilation of fire service personnel credentials, including qualifications, tests, examinations, certifications, educational experience, and training.
- In conjunction with the Office of Financial and Insurance Services, establish a system for the reporting of 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.
- Do all other things necessary or convenient to achieve the objectives and purposes of the Bureau under the Fire Prevention Code and other laws that relate to the purposes and responsibilities of the Bureau.

The bill states that it would not affect the transfer of authority, powers, duties, functions, and responsibilities under the Code to the Department of Environmental Quality under Executive Reorganization Order No. 1997-2 (which transferred various inspection and fire-safety responsibilities of the MSP Fire Marshal Division to the DEQ and DLEG), or the Department of State Police and the Director of the Department of State Police under Executive Reorganization Order No. 2003-1.

State Fire Marshal

The State Fire Marshal could organize or reorganize the Bureau and appoint assistants and employees with titles, powers, and duties related to the administration and enforcement of the Code.

The State Fire Marshal would have to do all of the following:

- Oversee and direct fire service programs in the State that were vested in the Bureau.

- Perform the powers and duties of the State Fire Marshal under the Code in a manner that maximized the effective administration of the fire service of the State.
- Serve as 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 Michigan Emergency Management Plan required under the Emergency Management Act.

Fire Safety Board

Under the bill, the Fire Safety Board would be within the Bureau of Fire Services. The bill would increase the membership of the Board from 16 to 17 members. The additional member would have to be the State Fire Marshal or an employee of the Bureau designated by the State Fire Marshal.

Under the Code, the State Fire Safety Board may maintain an office, hire employees, and purchase, rent, or lease equipment and supplies considered essential to the proper discharge of its responsibilities. The bill would delete this provision.

Administration, Rules, & Enforcement

Under the Code, except as otherwise provided, the administration and enforcement of the Code are vested in the MSP. The Director may create and maintain a division of the Department as he or she deems necessary or expedient, and appoint division heads, assistants, and employees with titles, powers, and duties related to the administration and enforcement of the Code. The bill would delete this provision. Under the bill, except as otherwise provided, the administration and enforcement of the Code would be the responsibility of the Bureau.

The Code requires the State Fire Marshal to appoint ad hoc committees to assist the State Fire Safety Board in the promulgation of rules. The committees must serve during the promulgation of the rules, must make recommendations on the content of the

rules, and may recommend revisions in the rules. Under the bill, the State Fire Marshal, after consultation with the State Fire Safety Board, could appoint ad hoc committees to assist the Bureau, including the Board and the State Fire Marshal, in promulgating rules. The committees would have to serve during the promulgation of the rules, and could make recommendations on their content and recommend revisions.

The Board would have to make recommendations on the content of the rules promulgated under the Code and could recommend revisions in proposed or existing rules.

Currently, upon the request of the governing body of a city, village, or township, the State Fire Marshal may delegate to one or more employees of the city, village, or township employed as full-time fire inspectors the authority to enforce one or more of the fire safety rules promulgated under the Code, if the employees have been certified as certified fire inspectors by the State Fire Marshal and that certification has not been revoked. Under the bill, on request of the governing body of an organized fire department, the Bureau could delegate to one or more individuals employed as full-time fire inspectors by the organized fire department and certified by the State Fire Marshal the authority to enforce one or more of the fire safety rules promulgated under the Code.

The Code requires the State Fire Safety Board to promulgate rules establishing the qualifications for the certification of fire inspectors who may be delegated the authority by the State Fire Marshal to enforce one or more of the fire safety rules promulgated under the Code. The bill, instead, would require the Bureau to promulgate rules establishing qualifications for certification of an individual.

Fees

To implement and enforce the Code, the Director of the Department of State Police may charge hospitals operation and maintenance inspection fees and may charge hospitals and schools plan review and construction inspection fees. Under the bill, the Bureau could charge the fees.

Under the Code, the fees must be established in accordance with the fee schedules set forth in that fiscal year's appropriations act for the MSP. Under the bill, the fees would have to be established in a schedule contained in each fiscal year's DLEG appropriations act.

Bureau Rules

Under the Code, the Board must promulgate rules pertaining to fire safety requirements for the construction, operation, or maintenance of the following:

- Schools and dormitories, including State-supported schools, colleges, and universities and school, college, and university dormitories.
- Buildings owned or leased by the State.
- A health facility or agency as defined in the Public Health Code.
- Places of public assemblage.
- Penal facilities as described in the Corrections Code.
- Dry cleaning establishments using flammable liquids.
- Mental facilities as described in the Mental Health Code.

The bill would require that the Bureau promulgate these rules (except rules for dry cleaning establishments), as well as other rules necessary to implement the Code.

The Code also requires the Board to promulgate rules for the storage, transportation, and handling of liquefied petroleum gas and for the storage, noncommercial transportation, and handling of other hazardous materials and for the implementation of the Code. Under the bill, the DEQ would have to promulgate these rules, as well as rules pertaining to fire safety requirements for dry cleaning establishments that use flammable liquids, consistent with Executive Reorganization Order 1997-2.

The bill also would require the Bureau, rather than the Board, to promulgate rules pertaining to uniform fire safety requirements for the operation and maintenance, but not the construction, of commercial, industrial, and residential buildings, except one- and two-family dwellings and mobile homes.

Under the Code, the Board was required to submit rules for the certification of firms that install fire suppression systems, or (except as exempted) test, service, or inspect fire alarm systems or fire suppression systems. The bill would require the Bureau to promulgate rules for the certification of these firms.

State Fire Marshal

Under the Act, the State Fire Marshal is not required to consider fire safety rules other than those provided for in the Act and in Public Act 306 of 1937 (which regulates the construction, reconstruction, and remodeling of school buildings). The bill would delete this provision.

The bill would require that the State Fire Marshal consult with the Board with respect to developing rules for the delegation of authority to firefighters and fire chiefs.

Under the bill, the Bureau, rather than the State Fire Marshal, would be responsible for certifying firms that install fire suppression systems, or test, service, or inspect fire alarm systems or fire suppression systems.

Under the Code, the State Fire Marshal, the chief of an organized fire department or police department, a peace officer, or a firefighter in uniform acting under the orders and directions of the local fire chief may inspect a vehicle transporting hazardous material. The bill would refer to the Motor Carrier Division of the Department of State Police, rather than the State Fire Marshal. The bill would transfer to the Motor Carrier Division all of the State Fire Marshal's current responsibilities regarding vehicles transporting hazardous material under the Code.

The Code defines "organized fire department" as an organization or department that provides fire suppression and other fire-related services within a city, village, or township, or a fire service designated by a city, village, or township, pursuant to a contract. The term includes a department of county employees who are responsible for fire suppression and other fire-related services for an airport operated by the county or an agency of the county. Under the bill, "organized fire department" would mean a department, authority, or other governmental entity that safeguards

life and property from damage from explosion, fire, or disaster and that provides fire suppression and other related services in the State. It would include any lawfully organized firefighting force in the State.

Filling/Storage Certificates

The Code prohibits a firm or person from establishing or maintaining one or more of the following without a certificate from the State Fire Marshal:

- A flammable compressed gas or liquefied petroleum gas container filling location.
- An aboveground flammable compressed gas or liquefied petroleum gas storage location that has a tank with a water capacity of more than 2,000 gallons or has two or more tanks with an aggregate water capacity of more than 4,000 gallons.
- An aboveground storage location for a flammable liquid or combustible liquid, which storage location has an individual tank storage capacity of more than 1,100 gallons (except for some crude petroleum collection tanks).

The certificates must be issued every three years by the State Fire Marshal after he or she determines by an inspection that the firm location is in satisfactory compliance with the Code. Under the bill, the DEQ would be responsible for issuing the certificates and conducting the inspections. Additionally, the DEQ could authorize a firm to conduct the inspections, as the State Fire Marshal may do under the Code.

Dry Cleaning Operations

Under the Code, each location of a firm operating in the State that is engaged in a dry cleaning operation, using a flammable liquid, may not be established or maintained without a certificate from the State Fire Marshal.

Under the bill, the certification requirement would apply when a class IV installation was operated in the same building or establishment as other classes of dry cleaning installations. "Class IV installation" would mean that term as defined in Section 13301 of the Public Health Code, i.e., a dry cleaning system using solvents classified as nonflammable or as nonflammable at

ordinary temperatures and only slightly flammable at higher temperatures.

Repeals

The bill would repeal Sections 3d, 27, and 34 of the Fire Prevention Code. Section 3d limits the scope of rules promulgated by the Board with respect to movie theaters. Section 27 provided for provisional certification of fire alarm and suppression systems for two years after the section was added by Public Act 144 of 1982. Under Section 34, each vehicle transporting flammable liquids, combustible liquids, or liquefied petroleum gas, in bulk, in the State, may not be operated without annual certification by the Motor Carrier Division of the Department of State Police.

Senate Bill 1134

The bill would amend Public Act 170 of 1978, which created a State arson strike force unit within the MSP and the Fire Marshal Division, to delete reference to the Division.

Senate Bill 1135

The bill would amend the Aeronautics Code to refer to rules promulgated by the Bureau of Fire Services, rather than the State Fire Marshal, for the storage, dispensing, and sale of volatile fuels.

Senate Bill 1136

The bill would repeal Section 13310 of the Public Health Code. The section provides that when a class IV dry cleaning installation is operated in the same building or establishment as other classes of dry cleaning installations, Section 5i of the Fire Prevention Code (which requires that a dry cleaning operation using flammable liquid to obtain a certificate from the State Fire Marshal) applies.

The bill also would refer to the Bureau of Fire Services, rather than the State Fire Marshal or the Fire Marshal Division, in provisions concerning surveys and inspections of health facilities, and rules promulgated for facilities and agencies.

Senate Bill 1137

The bill would amend the Mechanical Contractors Act to refer to the DLEG Director, rather than the State Fire Marshal, in a provision concerning members of the Board of Mechanical Rules.

Senate Bill 1138

The bill would amend Public Act 306 of 1937, which regulates the construction, reconstruction, and remodeling of certain school buildings, to provide for the inspection of school buildings by the Bureau of Fire Services, rather than the State Fire Marshal.

Senate Bill 1139

The bill would amend the Adult Foster Care Facility Licensing Act to provide for the Bureau of Fire Services, rather than the State Fire Safety Board or the State Fire Marshal, to promulgate rules for adult foster care facilities, and to inspect these facilities.

Senate Bill 1140

The bill would amend Public Act 9 of 1942 (1st Ex Sess) (which provides for compensation to certain fire fighters injured in the safeguarding of life and property and payment to the surviving spouse and dependents in case of death) to provide for the Bureau of Fire Services, rather than the State Fire Marshal, to determine whether damage caused by an explosion, fire, or other disaster is of such an emergency character that the public welfare and safety are affected. The bill also would require a local fire department to cooperate with the Bureau, rather than the Fire Marshal.

Senate Bill 1141

The bill would amend Public Act 52 of 1944 (1st Ex Sess) (which provides for the establishment of and quieting title to and the recreating of the public records of lands in counties where records of title have been destroyed in whole or in any material part by fire, flood, or other major disaster) to provide for approval of plans for a fireproof structure by the Bureau of Fire Services, rather than the State Fire Marshal.

Senate Bill 1142

The bill would amend the Mental Health Code to require the Bureau of Fire Services, rather than the State Fire Marshal, to inspect a psychiatric hospital or unit before it may be licensed.

Senate Bill 1143

The bill would amend the Michigan Penal Code to refer to forms provided by the Bureau of Fire Services, rather than the MSP Director, for fireworks permits.

Senate Bill 1144

The bill would amend Public Act 456 of 1988, which provides for civil immunity for firefighter instructors, to refer to an instructor certified, assigned, approved, or contracted under the Fire Fighters Training Council Act, rather than by the Michigan Fire Fighters Training Council.

Senate Bill 1145

The bill would amend Public Act 457 of 1988, which provides for civil immunity for institutions of higher instruction and health facilities that train firefighters, to refer to an institution or facility that participates in a program approved under the Fire Fighters Training Council Act, rather than by the Michigan Fire Fighters Training Council.

House Bill 5860 (H-1)

Training Council

The Fire Fighters Training Council Act created the Fire Fighters Training Council within the Department of State Police. Under the bill, the Firefighters Training Council would be in the Bureau of Fire Services in DLEG.

The Council consists of the following seven members:

- The Director of State Police, or his or her designated representative, who must be an ex-officio member.
- Two members appointed by the Governor from a list of five submitted by the Michigan Association of Fire Chiefs.
- One member appointed by the Governor from a list of three submitted by the Michigan State Fire Fighter's Association.

- One member appointed by the Governor from a list of three names submitted by the Michigan State Firemen's Association.
- One member appointed by the Governor from a list of three names submitted by the Metropolitan Club of America.
- One member appointed by the Governor from a list of two names submitted by the Michigan Townships Association and two names submitted by the Michigan Municipal League.

Under the bill, an organization that submitted a list of possible candidates for a Council position to the Governor would be allowed to submit more than the number of names currently required by the Act. Additionally, the State Fire Marshal, instead of the MSP Director, would serve on the Council. The bill would refer to the Michigan Professional Fire Fighters Union, instead of the Michigan State Fire Fighters Association, and to the Michigan Fire Service Instructors Association, instead of the Metropolitan Club of America.

Responsibilities

The Act requires the Council to prepare and publish various standards and to develop and administer an examination. The bill would require the State Fire Marshal, with the approval of the Council, to perform these functions.

The Act also permits the Council to visit and inspect firefighter training schools, issue certificates for schools, make recommendations on firefighter qualifications and training to the Legislature, and perform other functions. Under the bill, either the Council or the State Fire Marshal could do these things.

Training Reimbursement

Under the Act, the amounts annually appropriated by the Legislature must be paid by the State Treasurer in accordance with the accounting laws of the State upon certification of the executive secretary of the Council for the purpose of reimbursing the city, county, township, or village for regular fire fighters in the fire department in an amount not to exceed one-half of the salary paid to each fire fighter meeting the recruitment standards and participating in training meeting the standard prescribed pursuant to the Act during the period

covered by the allocation, plus \$8 of the necessary living expenses incurred by such fire fighter that are necessitated by training requiring that he or she be away from his or her residence overnight.

The State Treasurer also must pay appropriated amounts upon certification of the executive secretary of the Council for the purpose of reimbursing the local unit for volunteer fire fighters in an amount not to exceed \$12.50 for lost wages, to be matched by the local municipality for each fire fighter meeting the recruitment standards and participating in training meeting the standard prescribed under the Act during the period covered by the allocation, plus \$8 of the necessary living expenses, to be matched by the local municipality, incurred by the fire fighter that are necessitated by overnight training requirements.

If the money in the Fire Fighter Training Fund to be appropriated by the Legislature for salary and expense reimbursement is insufficient to allocate these amounts to each participating city, county, township, or village, the amount allocated to each must be reduced proportionately. No allocations may be made to any city, county, township, or village that has not, throughout the period covered by the allocation, adhered to the standards established by the Council as applicable to personnel recruited or trained by the local unit during that period.

The bill would delete these provisions.

Under the bill, from the amount appropriated by law for the Council, the Council could request and the State Fire Marshal could approve annual training expenditures for the purposes of payments to counties to reimburse organized fire departments for firefighter training and other activities required under the Act. The money would have to be disbursed to counties using a formula composed of 70% of county population and 30% of square miles within the county. A minimum disbursement to each county could be requested by the Council and approved by the State Fire Marshal.

The chairperson of a firefighter training committee established in each county would have to survey the training needs of organized fire departments in the county

and distribute the money received by the county as prioritized by them. If money distributed to a county for a fiscal year were not designated by the chairperson for distribution by January 1 of the fiscal year, the undesignated money would have to be returned to the Council for redistribution.

Money could be distributed only to an organized fire department that had adhered to the standards established under the Act for personnel recruited or trained by the organized fire department during the current and prior fiscal years.

Other Provisions

The Act requires the Council to develop and provide to each fire department, upon request at no charge, a videotape to be used in training firefighters. Under the bill, the Council would have to develop and provide a videotape, digital video disc, or other electronic form of video display.

The bill would define "firefighter training" as education or training designed and intended to enhance the ability of an organized fire department or the personnel of an organized fire department to safeguard life and property from damage from explosion, fire, or disaster, and to deliver fire suppression and other related fire services.

Under the Act, "fire department or other organization" means an organization or department that provides fire suppression and other fire related services within a city, village, township, or county. Under the bill, "organized fire department" would mean that term as defined in the Fire Prevention Code.

House Bill 5861

The bill would repeal Section 5 of Public Act 59 of 1935. The section provides that the Commissioner of the Michigan State Police ex-officio must be the State Fire Marshal; abolished the offices of deputy state fire marshal and assistant state fire marshal; and provides that the powers of the State Fire Marshal must be exercised and performed by any employee of the Michigan State Police deputized or appointed by the commissioner to exercise and perform such duties. The section also transferred to the jurisdiction of the Michigan State Police the State oil inspector's department; the

department of public safety; and the Department of the Michigan State Police, as it was constituted on the Act's effective date.

House Bill 5862

The bill would amend the Single State Construction Code Act to include on the State Construction Code Commission the State Fire Marshal or an employee of the Bureau of Fire Services designated by the State Fire Marshal, instead of a designee of the Office of Fire Safety.

House Bill 5863

The bill would amend Part 771 (Mackinac Island Fire Protection) of the Natural Resources and Environmental Protection Act to require that fire protection service and apparatus meet the approval of the Bureau of Fire Services, rather than the State Fire Marshal.

House Bill 5864 (H-1)

Under the Electrical Administrative Act, the Electrical Administrative Board must consist of a representative of the Fire Marshal Division appointed by the Director of State Police and nine other members who are residents of the State, appointed by the Governor with the advice and consent of the Senate. Under the bill, the State Fire Marshal or his or her representative, instead of a representative of the Fire Marshal Division, would serve on the board.

The Act created a fire alarm industry advisory committee whose purpose is to consider issues and prepare recommendations to the Board regarding policy, regulation, and implementation of Public Act 130 of 1992 relating to fire alarm technicians and fire alarm contractors. The bill would delete this provision. The bill would allow the Board to establish industry advisory committees as the board deemed advisable to consider issues and prepare recommendations to it regarding policy, regulation, and implementation of the Act.

Additionally, the bill would delete a provision creating an electric sign industry advisory committee.

House Bill 5865

The bill would amend the Revised School Code to refer to a child care center located in a school building that was approved and inspected by the Bureau of Fire Services, rather than the State Fire Marshal.

House Bill 5866

The bill would amend the Social Welfare Act to require that a county medical care facility be inspected and approved by the Bureau of Fire Services, rather than the State Fire Marshal, before opening.

House Bill 5867

The bill would amend Public Act 227 of 1967 (which regulates the inspection, construction, installation, alteration, maintenance, repair, and operation of elevators and the licensing of elevator contractors) to refer to a noncombustible receptacle approved by the Bureau of Fire Services, rather than the State Fire Marshal.

House Bill 5868

The bill would amend the Motor Carrier Safety Act to provide for approval by the Bureau of Fire Services, rather than the State Fire Marshal, of a hazardous material transfer under emergency services.

House Bill 5869

The bill would amend Public Act 116 of 1973, which provides for the licensing and regulation of child care organizations, to require a representative of the Bureau of Fire Services, rather than the Fire Marshal Division, on an ad hoc committee formulating or amending rules under the Act.

The bill also would refer to the Bureau, rather than the Fire Marshal, in several provisions.

House Bill 5870

Under the Insurance Code, if an insured motor vehicle incurs loss or damage caused by fire or explosion, the insured must submit to the fire or local enforcement agency designated by the city, village, or township, a report prescribed by the State Fire Marshal. The bill would refer to a report

prescribed by the Office of Financial and Insurance Services in conjunction with the Bureau of Fire Services.

House Bill 5871

The bill would amend the Motor Vehicle Code to refer to driver training standards published under the Fire Fighters Training Council, rather than driver training standards of the Michigan Fire Fighters' Training Council.

MCL 29.1 et al. (S.B. 1133)
28.72 (S.B. 1134)
259.204 (S.B. 1135)
333.20155 et al. (S.B. 1136)
338.973 (S.B. 1137)
388.851b et al. (S.B. 1138)
400.710 et al. (S.B. 1139)
419.201 (S.B. 1140)
561.16 (S.B. 1141)
330.1138 et al. (S.B. 1142)
750.243b (S.B. 1143)
29.401 (S.B. 1144)
29.412 (S.B. 1145)
29.361 et al. (H.B. 5860)
28.5 (H.B. 5861)
125.1503a & 125.1508b (H.B. 5862)
324.77101 (H.B. 5863)
338.882 (H.B. 5864)
380.1285a (H.B. 5865)
400.58 (H.B. 5866)
408.820 (H.B. 5867)
480.22 (H.B. 5868)
722.112 et al. (H.B. 5869)
500.3010 (H.B. 5870)
257.312e (H.B. 5871)

Legislative Analyst: J.P. Finet

FISCAL IMPACT

These bills would create a new Bureau of Fire Services in the Department of Labor and Economic Growth. The fire safety programs are housed within the Bureau of Construction Codes, which allows revenue from the Construction Code Fund to be used as a fund source for these programs. With the creation of a separate Bureau, the fire safety programs could no longer be supported with revenue from the Construction Code Fund in accordance with the State Construction Code Act, MCL 125.1522, which states that these funds are to be used to fund programs in the Bureau of Construction Codes. Under the Governor's FY 2006-07 budget proposal for

this Department, the \$3 million of Construction Code Fund revenue has been replaced with Corporations and Securities Fees revenue.

Fiscal Analyst: Bruce Baker
Jessica Runnels
Maria Tyszkiewicz

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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.