

HOUSE BILL No. 4026

January 22, 2009, Introduced by Rep. Hammel and referred to the Committee on Appropriations.

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**

1 OF EACH FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO
2 THE GENERAL FUND. THE STATE FIRE MARSHAL SHALL SUPERVISE AND
3 ADMINISTER THE FUND. THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF
4 THE FUND FOR AUDITING PURPOSES. FEES RECEIVED BY THE BUREAU AND
5 MONEY COLLECTED UNDER THIS ACT SHALL BE DEPOSITED IN THE FUND AND
6 SHALL BE APPROPRIATED BY THE LEGISLATURE TO THE DEPARTMENT FOR THE
7 OPERATION OF THE BUREAU, INCLUDING INDIRECT OVERHEAD EXPENSES.

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

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

1 OF INTEREST CREDITED AND THE BALANCE OF THE FUND AS OF SEPTEMBER 30
2 OF EACH YEAR.

3 ~~(3) The fees charged under this section shall be established~~
4 ~~in a fee schedule contained in each fiscal year's appropriations~~
5 ~~act for the department.~~ WITHIN 30 DAYS AFTER THE SETTING OF FEES
6 UNDER SUBSECTION (2), THE STATE FIRE MARSHAL SHALL REPORT TO THE
7 LEGISLATURE ON THE FOLLOWING:

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

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

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