

FIREFIGHTERS TRAINING COUNCIL ACT

Act 291 of 1966

AN ACT to create the firefighters training council; to prescribe the powers and duties of the council, the state fire marshal, and certain fire departments and other organizations; to create the firefighters training council fund and to provide for allocations from the fund to local agencies of government participating in a firefighters training program; and to make an appropriation.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 1987, Act 196, Eff. Oct. 1, 1988;—Am. 2006, Act 213, Imd. Eff. June 19, 2006.

The People of the State of Michigan enact:

29.361 Short title; firefighters training council act.

Sec. 1. This act shall be known and may be cited as the "firefighters training council act".

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 2006, Act 213, Imd. Eff. June 19, 2006.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.362 Definitions.

Sec. 2. As used in this act:

(a) "Council" means the firefighters training council.

(b) "Executive secretary" means the executive secretary of the council.

(c) "Firefighter" means a member, including volunteer members and members paid on call, of an organized fire department who is responsible for, or is in a capacity that includes responsibility for, the extinguishment of fires, the directing of the extinguishment of fires, the prevention and detection of fires, and the enforcement of the general fire laws of this state. Firefighter does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

(d) "Organized fire department" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

(e) "Firefighter training" means an education or training program eligible to receive grants for firefighter training from the fireworks safety fund created in section 11 of the Michigan fireworks safety act, 2011 PA 256, MCL 28.461, 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, emergency medical service, hazardous material response, technical rescue, airport rescue and firefighting, fire inspection, fire investigation, fire safety education, and other related fire services. Firefighter training includes, but is not limited to, the training required for fire fighter I and fire fighter II standards under "standard for fire fighter professional qualifications", National Fire Protection Association standard no. 1001.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 1987, Act 196, Eff. Oct. 1, 1988;—Am. 2006, Act 213, Imd. Eff. June 19, 2006;—Am. 2016, Act 405, Eff. Apr. 3, 2017.

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For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.363 Firefighters training council; creation; appointment of members; advice and consent of senate.

Sec. 3. (1) The firefighters training council is created in the bureau of fire services in the department of labor and economic growth and shall consist of 7 members selected as follows:

(a) The state fire marshal, or his or her designated representative, shall be ex-officio a member.

(b) Two members appointed to the council by the governor from a list of 5 or more members submitted by the Michigan association of fire chiefs.

(c) One member appointed to the council by the governor from a list of 3 or more members submitted by the Michigan professional fire fighters union.

(d) One member appointed to the council by the governor from a list of 3 or more names submitted by the Michigan state firemen's association.

(e) One member appointed to the council by the governor from a list of 3 or more names submitted by the Michigan fire service instructors association.

(f) One member appointed to the council by the governor from a list of 2 or more names submitted by the Michigan townships association and 2 or more names submitted by the Michigan municipal league.

(2) All appointments made by the governor shall be with the advice and consent of the senate.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 1987, Act 196, Eff. Oct. 1, 1988;—Am. 2006, Act 213, Imd. Eff. June 19, 2006.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of position as member of fire fighters training council to the director of the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

29.364 Training council; terms; vacancy; reappointment.

Sec. 4. A member of the council appointed before January 1, 2007 shall be appointed for a term of 3 years. A member of the council appointed after December 31, 2006 shall be appointed for a term of 4 years. A vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who is to succeed in the same manner as the original appointment. Any member may be reappointed for additional terms.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 2006, Act 213, Imd. Eff. June 19, 2006.

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29.365 Firefighters training council; chairperson; vice-chairperson; effect of membership.

Sec. 5. The governor may designate a member of the council to serve as chairperson of the council at the pleasure of the governor. The council may designate a member as vice-chairperson to serve for 1 year. The vice-chairperson may be reelected. Membership on the council does not constitute holding a public office. Members of the council are not required to take and file oaths of office before serving on the council. The council shall not exercise any portion of the sovereign power of this state. A member of the council is not disqualified from holding any public office or employment by reason of his or her appointment to membership on the council, nor shall he or she forfeit any such office or employment by reason of his or her appointment, notwithstanding the provisions of any general, special, or local laws or ordinances or city charters.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 1987, Act 196, Eff. Oct. 1, 1988;—Am. 2006, Act 213, Imd. Eff. June 19, 2006.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.366 Training council; meetings; conducting business at public meeting; notice of meeting; quorum, place, and conduct of meetings.

Sec. 6. The council shall meet at least 4 times each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson or when called by the chairperson upon the written request of 4 members of the council. The business which the council may perform shall be conducted at a public meeting of the council held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. The council shall establish its own procedures and requirements with respect to quorum, place, and conduct of its meetings and other matters.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 1980, Act 10, Imd. Eff. Feb. 14, 1980.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.367 Training council; annual report to governor, contents.

Sec. 7. The council shall make an annual report to the governor and each house of the legislature which will include pertinent data regarding the standards established and the degree of participation of municipalities in the training program.

History: 1966, Act 291, Eff. Jan. 1, 1968.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.368 Training council; members; compensation and expenses.

Sec. 8. The members of the council shall serve without compensation, but shall be entitled to their actual expenses in attending meetings and in the performance of their duties, subject to available appropriations.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 2006, Act 213, Imd. Eff. June 19, 2006.

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29.369 Preparation and publication of standards; statement designating training officer or training coordinator; training material in electronic format; examination; waiver; "armed forces" defined; review and monitoring of state and federal standards; recommendations; reciprocity; automatic certification under subsection (9).

Sec. 9. (1) The state fire marshal, with the approval of the council, shall prepare and publish standards with due consideration to varying factors and special requirements of organized fire departments in the following areas:

(a) Advisory standards of physical, educational, mental and moral fitness, which shall govern the recruitment, selection, and appointment of firefighters.

(b) The approval by the council of firefighter training schools. The standards shall address, at least, the following issues:

(i) The qualification and certification of instructors.

(ii) The courses of study, attendance, record-keeping requirements, equipment, and facilities.

(iii) The visitation and evaluation of instructors and schools.

(c) The establishment of subordinate regional training centers in strategic geographic locations in order to serve the greatest number of organized fire departments that are unable to support their own training programs.

(2) Each organized fire department shall file a statement with the council designating at least 1 training officer or training coordinator for the fire department. If a training officer or training coordinator is changed, the organized fire department, within 7 days of the change, shall file a statement notifying the council of the change.

(3) The council shall develop and provide to each organized fire department, upon request of the organized fire department and at no charge, as proposed by the state fire marshal, training material in an electronic format to be used in training firefighters. The electronic training material shall be based on the standards for fire fighter I and fire fighter II set forth in "Standard for Fire Fighter Professional Qualifications", National Fire Protection Association standard no. 1001.

(4) The state fire marshal, with the approval of the council, shall develop and administer an examination, which shall include a practical demonstration, a written or oral test, or a combination thereof, to determine a person's competency in regard to the knowledge and skill requirements set forth in standards for fire fighter I and fire fighter II set forth in "Standard for Fire Fighter Professional Qualifications", National Fire Protection Association standard no. 1001. The council, upon the request of an organized fire department, shall administer the examination in each county at least once every year. The examination shall be administered in 2 parts. Part 1 shall test the knowledge and skill requirements set forth in fire fighter I, and part 2 shall test the knowledge and skill requirements set forth in fire fighter II. The examination may be retaken, as necessary, upon request from an organized fire department.

(5) Except as provided in subsections (7) and (9), by 12 months after a person's hiring date as a full-time firefighter, the person must pass both part 1 and part 2 of the examination to be eligible for continued or permanent full-time employment as a firefighter.

(6) Except as provided in subsections (7) and (9), by 24 months after a person's appointment date as a volunteer or paid on-call firefighter, a person must pass part 1 of the examination to be eligible for continued volunteer or paid on-call service as a firefighter.

(7) The examination requirements under this section do not apply to a person who is employed or under appointment as a firefighter on October 1, 1988, unless the person subsequently changes his or her status from a volunteer or paid on-call firefighter to a full-time firefighter. The state fire marshal may waive the

examination requirements under this section for a veteran who served in and is separated from the armed forces and provides a form DD214 or DD215 or any other form that is satisfactory to the department that demonstrates that he or she was separated from service with an honorable character of service or under honorable conditions (general) character of service, upon verification that the veteran completed firefighter training that meets the standards for fire fighter I and fire fighter II set forth in "Standard for Fire Fighter Professional Qualifications", National Fire Protection Association standard no. 1001, while serving in the armed forces of the United States. As used in this subsection, "armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092.

(8) The state fire marshal, with the approval of the council, shall review and monitor the state and federal standards relating to live fire training exercises in structures and make recommendations to the general industry safety standards commission for any new or modified standards necessary for the protection of firefighter trainees.

(9) The state fire marshal shall waive the examination requirements under this section and extend reciprocity certification to a firefighter from another state who seeks to work as a firefighter in this state if the firefighter was certified in the other state after successfully completing a program that meets or exceeds the standards for fire fighter I and fire fighter II set forth in "Standard for Fire Fighter Professional Qualifications", National Fire Protection Association standard no. 1001 by an international accreditation fire service organization.

(10) The presentation of records evidencing certification under subsection (9) shall automatically result in certification by this state.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 1987, Act 196, Eff. Oct. 1, 1988;—Am. 1988, Act 458, Eff. Mar. 30, 1989;—Am. 2006, Act 213, Imd. Eff. June 19, 2006;—Am. 2013, Act 166, Eff. Feb. 11, 2014;—Am. 2015, Act 203, Imd. Eff. Nov. 30, 2015.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.369a Training council; availability of writings to public.

Sec. 9a. A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1980, Act 10, Imd. Eff. Feb. 14, 1980.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.370 Training council; cooperation with other agencies, colleges and universities.

Sec. 10. The council may enter into agreement with other agencies, colleges and universities to carry out the intent of this act.

History: 1966, Act 291, Eff. Jan. 1, 1968.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.371 State fire marshal or training council; powers.

Sec. 11. The state fire marshal or the council may:

(a) Visit and inspect any firefighter training school, or examine the curriculum or training procedures, for which application for approval has been made.

(b) Issue certificates to firefighter training schools qualifying under the regulations promulgated under this act.

(c) Authorize the issuance of certificates of graduation or diplomas by approved firefighter training schools to firefighters who have satisfactorily completed minimum courses of study.

(d) Cooperate with state, federal, and local fire agencies in establishing and conducting local or area schools or regional training centers for instruction and training of firefighters of this state and its cities, counties, townships, and villages.

(e) Make recommendations to the state fire marshal, the governor, and the legislature on matters pertaining to qualification and training of firefighters.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 2006, Act 213, Imd. Eff. June 19, 2006.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.372 Training council; executive secretary, appointment, term, duties, compensation.

Sec. 12. There shall be an executive secretary of the council who shall be appointed by the council, and who shall hold office during the pleasure of the council. He shall perform such functions and duties as may be assigned to him by the council. He shall receive compensation and reimbursement for expenses within the amounts available by appropriation.

History: 1966, Act 291, Eff. Jan. 1, 1968.

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29.373 Firefighter training; funding.

Sec. 13. Firefighter training provided under this act shall be funded by the money collected from fireworks safety fees imposed under section 8 of the Michigan fireworks safety act, 2011 PA 256, MCL 28.458, and deposited in the fireworks safety fund created in section 11 of the Michigan fireworks safety act, 2011 PA 256, MCL 28.461. The fund shall be distributed to fund firefighter training programs as provided in section 11 of the Michigan fireworks safety act, 2011 PA 256, MCL 28.461.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 2006, Act 213, Imd. Eff. June 19, 2006;—Am. 2016, Act 405, Eff. Apr. 3, 2017.

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29.374 Training expenditures; disbursement to counties; distribution.

Sec. 14. (1) From the amount annually deposited in and appropriated to the fireworks safety fund for firefighter training under section 11 of the Michigan fireworks safety act, 2011 PA 256, MCL 28.461, the council may request and the state fire marshal may approve annual training expenditures for the purposes of payments to counties to reimburse organized fire departments for firefighter training and other activities required under this act. The state fire marshal may deny requests not meeting the requirements of this act.

(2) The money approved under subsection (1) shall be disbursed to counties using a formula composed 70% of county population and 30% of square miles within the county. A minimum disbursement to each county may be requested by the council and approved by the state fire marshal.

(3) The chairperson of a firefighter training committee established in each county shall survey the training needs of organized fire departments in the county and shall distribute the money received by the county under this section as prioritized by the organized fire departments in the county. If money distributed to a county under this section for a fiscal year is not designated by the chairperson for distribution to organized fire departments in the county by January 1 of the fiscal year, the undesignated money shall be returned to the council and may be redistributed by the council through the application process under section 15. The state fire marshal may deny requests for redistribution that do not meet the requirements of this act. The council shall deposit undesignated money that is not redistributed through an application under section 15 into the fireworks safety fund created in section 11 of the Michigan fireworks safety act, 2011 PA 256, MCL 28.461.

(4) Money shall be distributed under this section only to an organized fire department that has adhered to the standards established under this act for personnel recruited or trained by the organized fire department during the current and prior fiscal years.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 2006, Act 213, Imd. Eff. June 19, 2006;—Am. 2016, Act 405, Eff. Apr. 3, 2017.

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29.375 Application by local units for aid under act.

Sec. 15. Any city, county, township or village which desires to receive aid pursuant to this act shall make application to the council for such aid.

History: 1966, Act 291, Eff. Jan. 1, 1968.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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29.376 Training council; rules and regulations.

Sec. 16. The council shall adopt rules and regulations in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1966, Act 291, Eff. Jan. 1, 1968.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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Administrative rules: R 29.401 et seq. of the Michigan Administrative Code.

29.377 Effective date.

Sec. 17. This act shall take effect January 1, 1968.

History: 1966, Act 291, Eff. Jan. 1, 1968.

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CAUTION
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