

State Budget Office
Office of Regulatory Reinvention
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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@michigan.gov.

1. Agency Information

Agency name:	Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Fire Services
Name, title, phone number, and e-mail of person completing this form:	Hollie Metts, Assistant to the State Fire Marshal Phone: 517-241-2074, Email: mettsh@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Firefighters Training Council General
Rule number(s) or range of numbers:	R 29.401 – R 29.415
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

October 1, 2019

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>This rule set deals with the administrative procedures and processes governing the scope, authority and conduct of the Michigan Firefighters Training Council and the approval and certification of courses, instructors, institutions and fire fighter credentials in the state. The Firefighters Training Council Act (Public Act 291 of 1966) was recently amended by Public Act 144 of 2017, which took effect on January 31, 2018.</p> <p>Public Act 144 amended the current Act to do the following, including but not limited to, revising and expanding the duties of the State Fire Marshal and the Council pertaining to the development of standards and examination requirements for certification as a fire service member; establishing continuing education requirements for maintaining certification; establishing a disciplinary process for the suspension or revocation of a certification for certain violations; and, promulgating rules for the development, conduct, and responsibilities of a county training committee in each county in the State. Because the current rule set does not reflect the requirements in the current statute, as amended, the rules are being revised to implement the provisions added to the Act under Public Act 144.</p>
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5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

The State Fire Marshal, with the approval of the Firefighters Training Council, has the authority to promulgate rules to implement the Firefighters Training Council Act under the following provisions in the Act:

- Section 9(1) of the Act, MCL 29.369(1), requires the State Fire Marshal, with the approval of the majority of the Council, to prepare and publish rules that establish minimum standards for certification as a fire service member.
- Section 11(1)(k), MCL 29.371(1)(k) permits the Council, under the direction of the State Fire Marshal, to promulgate rules for the development, conduct, and responsibilities of a county training committee in each county in the state.
- Section 11a, MCL 29.371a, requires the State Fire Marshal, with the approval of the Council, to promulgate rules establishing a disciplinary process for the suspension or revocation of certification and any necessary retraining requirements to maintain or restore certification after a suspension or revocation for a fire service member for one or more of the following: (a) conviction of a felony; (b) making a materially false statement, causing a materially false statement to be made, or otherwise committing fraud during the application for certification process; or (c) violating council and fire marshal-adopted policies regarding a fire service member's use of the fire marshal's training information network because the fire service member wrongfully disclosed exam information from the fire marshal's information network.
- Section 16 of the Act, MCL 29.376, requires the Council to adopt rules and regulations in accordance with the Administrative Procedures Act, MCL 24.201 to 24.328, to carry out its duties under the Act.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The Firefighters Training Council Act was recently updated to reflect the addition of job positions and classifications present in the fire service that are not included in the current rules. The Act allows for the Michigan Firefighters Training Council and the Fire Marshal to develop certifications for all classifications within public safety and fire departments and to create and implement a certification process. The Act also requires the Fire Marshal to recognize training from other states and the military for those who seek reciprocity in Michigan.

The current rules will be revised to adopt by reference standards of the National Fire Protection Association on professional qualifications for various job positions and classifications. In addition, the rules will note that certification for each position with the fire service will have to comply with the Michigan Occupational Safety and Health Administration General Industry Safety Standard, R 408.17411 of the Michigan Administrative Code, as required in Section 2(c)(i) of the Act, MCL 29.362(c)(i).

The proposed rules will not conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional or federal level.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

No, the subject matter of these rules is not currently contained in any guidance, handbook, manual, instructional bulletin, form with instructions, or operational memo.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

The proposed rules will be promulgated under the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

No.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

No.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received: 2-11-2019

Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.

ORR assigned rule set number:	2019-021 LR
Date of approval:	2/12/19

Based on the information in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	