

Fire Standards and Training Sub-Committee meeting Jan. 30, 2019.

The Fire Standards and Training (FST) Rules Sub-Committee met on January 30, 2019 3, at FST in classroom 1. Present: Robert Buxton, Michael Joyal, Nancy Smith, Justin Cutting, Jeremy Thibeault and Jeffery Phillips.

The minutes from the meeting of May 3, 2018 were unanimously approved.

On the credentialing issue, the committee discussed whether statutory change was needed. The recall of the discussion with Dave Hiltz, on this topic was vague. Nancy was to look into this and report back. (See Note below)

The sub-committee reviewed the draft issue statement and questionnaire regarding revision to the Fire Services rules regarding suspension and revocation and prepared an edited electronic version that Mike Joyal will circulate to the sub-committee for presentation to the full Council at the next meeting in March.

There was discussion of how this would be converted to a survey monkey and who should receive it. It should go to more than just the fire service. All constituent groups should be identified, including town managers, selectmen, risk managers.

The sub-committee agreed to meet again before the next scheduled regular full Commission meeting.

(Note: The basis for the concern raised is in the Rules for JLCAR 401.05 set out below:
401.05 Specific Authority Needed.

(a) The Committee may object to a proposed rule as being beyond the agency's authority if it is prohibited under RSA 541-A:22, III because there is no specific statutory authority for the rules.

(b) The Committee may also object to a proposed rule under paragraph (a) if the proposed rule creates categories or levels of a license as defined in RSA 541-A:1, VIII or a system of fees to engage in a profession, business, or other activity but the statute does not specifically authorize categories or levels of a license or a system of fees. For purposes of this paragraph, statutory authority to set fees for services provided by the agency may be considered by the Committee to be adequate to charge different fees for different services.

(c) The Committee may object to a proposed rule as being beyond an agency's authority if the proposed rule without specific statutory authority:

- (1) Grants subpoena power;
- (2) Delegates subpoena power to anyone other than the agency or individual named in the statute;
- (3) Requires continuing education for professional licensees, except that authority to set license renewal qualifications may be considered by the Committee as adequate to require continuing education;)