

Fire Standards and Training Sub-Committee meeting March 6, 2019.  
(Approved on May 2, 2019)

The Fire Standards and Training (FST) Rules Sub-Committee met on March 6, 2019, at FST in classroom 5 at 9 am before the full Council meeting. Present: Michael Joyal, Nancy Smith, Justin Cutting and Jeffery Phillips.

The minutes from the meeting of January 30, 2019 were unanimously approved.

The two edited drafts circulated by Mike were discussed. A section regarding the professional background of the person responding will be added to both. With some other minor changes it was agreed that they should be circulated to the full Council at the meeting. Jeff prepared copies.

Distribution of the survey when finalized was discussed. The intent is to reach as broad an audience as possible.

On the credentialing issue, the committee discussed whether an AG opinion on if statutory change is needed should be sought and decided that the chair should ask staff to work with the AG's office to obtain that advice. The issue is primarily 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;)

Specifically the question is whether the "certificates" or "credentials" that the Council issues or proposes are "licenses" so that they fall within this rule.