

CHAPTER Fire 100 ORGANIZATIONAL RULES

Statutory Authority: RSA 21-P:27

PART Fire 101 DEFINITIONS

Repeal Fire 101.01, effective 8-1-00 (Doc. # 7331), as follows:

~~Fire 101.01 “Agency” means an establishment engaged in doing business for another.~~

Readopt with amendment and renumber Fire 101.02 and Fire 101.03, effective 8-1-00 (Doc.# 7331), as Fire 101.01 and Fire 101.02, to read as follows:

Fire 101.01 “Appointment” means the act of officially assigning a person to a fire service personnel position in a fire department or fire-related state agency.

Fire 101.02 “Candidate” means a person who has made application for appointment to a fire service personnel position in a fire department or fire-related state agency.

Adopt Fire 101.03 to read as follows:

Fire 101.03 "Certification" means official confirmation by the commission of a person that has successfully completed all required components of a curriculum and certification testing.

Repeal Fire 101.04, effective 8-1-00 (Doc. # 7331), as follows:

~~Fire 101.04 “Certified career fire fighter” means a fire fighter who has successfully completed the commission’s prescribed course of study for a career firefighter in accordance with Fire 701.02.~~

Readopt with amendment and renumber Fire 101.05 – Fire 101.08, effective 8-1-00 (Doc. # 7331), as Fire 101.04 – Fire 101.07, to read as follows:

Fire 101.04 “Chair” means presiding officer of the commission.

Fire 101.05 “Commission” means the New Hampshire fire standards and training commission, as defined in RSA 21-P:25,II(a).

Fire 101.06 “Complaint” means any submitted written petition which protests an action of any person in a fire service personnel position who holds a certification issued by the commission, where a remedy regarding the person’s certification or rights under these rules is available.

Fire 101.07 “Course” means the entire progression of training, consisting of one or more modules, leading to a person achieving certification by the commission at a particular level.

Repeal Fire 101.09, effective 8-1-00 (Doc. # 7331), as follows:

~~Fire 101.09 “Course coordinator” means an individual instructor who is present and oversees each area of instruction. The course coordinator is the primary person responsible for training delivery.~~

Adopt Fire 101.08 to read as follows:

Fire 101.08 “Curricula” means the combination of subject matter, learning objectives, instructional methodology, testing procedures and other specifications established for courses approved by the commission in accordance with Fire 402.

Readopt and renumber Fire 101.10, effective 8-1-00 (Doc. # 7331), as Fire 101.09, to read as follows:

Fire 101.09 “Days” means working days excluding Saturdays, Sundays, or state legal holidays.

Readopt with amendment and renumber Fire 101.11 – Fire 101.15, effective 8-1-00 (Doc. # 7331), as Fire 101.10 – Fire 101.14, to read as follows:

Fire 101.10 “Director” means the director of the division of fire standards and training and emergency medical services of the department of safety, as defined in RSA 21-P:25, II(b).

Fire 101.11 “Discharge” means the hiring authority’s dismissal of a person from a fire service personnel position.

Fire 101.12 “Division” means the division of fire standards and training and emergency medical services of the department of safety.

Fire 101.13 “Effective date” means the date on which action was taken concerning an appointment, a death, a promotion, retirement, or termination of a person in a fire service personnel position.

Fire 101.14 “Fire department” means the legally constituted municipal or privately incorporated entity that provides services such as, but not limited to, fire suppression, fire prevention, rescue, hazardous materials, emergency medical care, fire investigation, and fire or building inspections in the state, county, municipality, organized fire district, or area.

Readopt and renumber Fire 101.16, effective 11-12-08 (Doc. # 9319-A), as Fire 101.15, to read as follows:

Fire 101.15 “Fire service personnel” means “fire service personnel” as defined in RSA 21-P:25, II(c).

Readopt with amendment and renumber Fire 101.17 and Fire 101.18, effective 11-12-08 (Doc. # 7331), as Fire 101.16 and Fire 101.17, to read as follows:

Fire 101.16 “Full-time career fire service personnel” means permanent fireman as defined in RSA 100-A:1, VIII.

Fire 101.17 “Hiring authority” means any legally designated official(s) of a private, incorporated, or unincorporated entity or body politic that authorizes the appointment of fire service personnel.

Adopt Fire 101.18 and Fire 101.19 to read as follows:

Fire 101.18 “Mental disorder” means a condition defined in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association (5th edition)(2013), available as provided in Appendix B, diagnosed by a psychologist or psychiatrist, based upon mental status examination or psychological testing.

Fire 101.19 “Mentor” means an instructor who has been trained to properly evaluate education methodology.

Readopt and renumber Fire 101.19, effective 8-1-00 (Doc. # 7331), as Fire 101.20, to read as follows:

Fire 101.20 “Module” means a specific area of instruction which is a part of a course leading to certification.

Readopt with amendment and renumber Fire 101.20 - Fire 101.23, effective 8-1-00 (Doc. # 7331), as Fire 101.21 – Fire 101.24, to read as follows:

Fire 101.21 “Petition” means any of the following:

- (a) A written request submitted to the commission complaining of the actions of a person in a fire service personnel position where a remedy regarding that person’s certification or rights under these rules is available;
- (b) A written request submitted to the commission to adopt, amend, or repeal a rule; or
- (c) A written request submitted to the commission for a declaratory ruling.

Fire 101.22 “Promotion” means a raise in rank or a change authorized by a hiring authority in a fire service personnel position which allows for increased duties and responsibilities.

Fire 101.23 “Resignation” means when a person gives up a fire service personnel position or related office.

Fire 101.24 “Subject Matter Expert” means a person who possesses a specialized expertise in a particular subject area and who has met the requirements of these rules to teach only in that particular area.

Adopt Fire 101.25 to read as follows:

Fire 101.25 “Student” means a person enrolled and participating in an approved New Hampshire fire standards and training course or related module.

Readopt with amendment and renumber Fire 101.24, effective 8-1-00 (Doc. # 7331), as Fire 101.26, to read as follows:

Fire 101.26 “Termination” means resignation or discharge of a person from a fire service personnel position.

Repeal Fire 101.25, effective 8-1-00 (Doc. # 7331), as follows:

~~Fire 101.25 “Training coordinator” means the person responsible for the administration of a course or module.~~

Readopt with amendment and renumber Fire 101.26, effective 8-1-00 (Doc. # 7331), as Fire 101.27, to read as follows:

Fire 101.27 “Training outline” means the written compilation of the curricula information regarding a module or course which is approved by the commission in accordance with these rules.

Readopt with amendment Fire 102.01, effective 11-12-08 (Doc. # 9319-A), cited and to read as follows:

PART Fire 102 COMMISSION

Fire 102.01 Composition of the Commission. Pursuant to RSA 21-P:26, the commission consists of the commissioner of safety or designee, the commissioner of education or designee, the attorney general or designee, the chief of the forest protection, the director of the division of fire standards and training and emergency medical services, the director of the division of fire safety and 10 members, appointed by governor and executive council for a term specified by law.

Readopt with amendment Fire 102.02, effective 8-1-00 (Doc. # 7331), to read as follows:

Fire 102.02 Duties of the Commission. The responsibilities of the commission include:

- (a) Adopting rules pursuant to RSA 21-P:27;
- (b) Establishing minimum educational and training standards for employment as full-time career fire service personnel;
- (c) Establishing minimum selection standards for full-time career fire service personnel;
- (d) Establishing educational and training standards for fire service personnel;
- (e) Certifying fire service personnel as meeting the educational and training standard;
- (f) Holding hearings as required by RSA 21-P:29, III(c); and
- (g) Any other duty or power specified by statute.

Readopt with amendment Fire 103.01, effective 8-1-00 (Doc. #7331), as amended effective 11-12-08 (Doc. # 9319-A), cited and to read as follows:

PART Fire 103 ACCESS TO INFORMATION

Fire 103.01 Requests for Information.

- (a) Requests for information from the commission shall be sent to the:

Director, Division of Fire Standards and Training and Emergency Medical Services
33 Hazen Drive
Concord, NH 03305.

- (b) Public records, not otherwise declared confidential by law, shall be available for inspection by appointment.

(c) A person who receives copies of documents in response to a request pursuant to (a) above, shall be assessed the fee, as provided in RSA 91-A:4, IV.

Readopt with amendment Fire 201.01, effective 11-12-08 (Doc. # 9319-A), cited and to read as follows:

CHAPTER Fire 200 PETITIONS AND HEARING PRACTICE AND PROCEDURES

PART Fire 201 GENERAL PROVISIONS FOR PETITIONS AND HEARINGS

Fire 201.01 Applicability. This part shall apply to all petitions and where a hearing is required by law.

Adopt Fire 201.02 to read as follows:

Fire 201.02 Presiding Officer.

(a) The chair, with the advice and consent of a majority of the commission, shall appoint as designee any member of the commission to act as the presiding officer, when necessary to aid in the efficiency and integrity of the hearing.

(b) A presiding officer shall, at any stage of the hearing process, withdraw from a case if he or she:

- (1) Presently, or in the past, has had a personal or business relationship with a party, witness or attorney that could hinder him or her from arriving at an impartial decision on the issue(s); or
- (2) Cannot render an impartial decision for any other reason.

Readopt with amendment and renumber Fire 201.02 – Fire 201.05, effective 11-12-08 (Doc. # 9319-A), as Fire 201.03 – Fire 201.06, to read as follows:

Fire 201.03 Waiver. The commission or presiding officer, upon his or her own initiative or upon the motion of any party, shall suspend or waive any requirement or limitation imposed by this chapter upon reasonable notice to affected persons when the proposed waiver or suspension appears to be lawful, and would be more likely to promote the fair, accurate and efficient resolution of issues pending before the commission than would adherence to a particular rule or procedure.

Fire 201.04 Computation of Time Periods. In computing any period of time prescribed or allowed by these rules or RSA 21-P:27:

(a) The day of the act, event, or default after which the designated period of time begins to run shall not be included; and

(b) The last day of the period so computed shall be included unless it is a Saturday, Sunday, or state legal holiday, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, or state legal holiday as specified in RSA 288.

Fire 201.05 Filing of Documents.

(a) Each petition shall be in writing, signed, and shall accurately describe the nature of the petition and the relief sought.

(b) All petitions, motions, replies, answers, notices, and other pleadings relating to any petition shall, if mailed or hand-delivered, be addressed to:

Chair, Fire Standards and Training Commission
c/o Director, Division of Fire Standards and Training and Emergency Medical Services
33 Hazen Drive
Concord, NH 03305

(c) All documents shall be deemed to have been filed when received by the director.

Fire 201.06 Action on Petitions.

(a) Upon receipt, all petitions, or other documents shall be forwarded by the director to the chair.

(b) Within 60 days of receipt by the director, the chair shall examine the petition and notify the petitioner of any apparent errors or omissions. The petitioner may resubmit the completed petition within 30 days of the receipt of the chair's or presiding officer's notification. The commission shall deny in writing any untimely petitions.

Insert a new part heading for Fire 202, to read as follows:

PART Fire 202 PETITIONS OF COMPLAINT

Readopt with amendment and renumber Fire 201.06, effective 2-2-17 (Doc. #12099, Interim), as Fire 202.01, to read as follows:

Fire 202.01 Investigations of Complaints. The chair shall consult with the director and appoint staff member(s) of the division to investigate any complaint submitted by petition to the commission. Should the complaint pertain to any staff member of the division, the chair shall consult with the commissioner of the department of safety to coordinate the investigation. The investigator(s) shall report their findings and recommendations to the chair or presiding officer within 60 days of receipt of a complaint or petition.

Readopt with amendment and renumber Fire 201.07 – Fire 201.09, effective 11-12-08 (Doc. #9319-A), as Fire 202.02 – Fire 202.04, to read as follows:

Fire 202.02 Informal Settlements and Uncontested Cases.

(a) The chair or presiding officer is authorized to engage in non-adjudicative processes for the purposes of settling a complaint or petition to determine if settlement can be reached without a hearing.

(b) The chair or presiding officer shall, if needed, schedule one or more informal prehearing conferences, pursuant to RSA 541-A:31, V.

(c) No party shall be required to utilize informal procedures when a hearing is required.

(d) In the event a proposed informal settlement is reached, the chair or presiding officer shall advise the commission of the nature of the proposed settlement, which shall be approved by a majority of the commission prior to the settlement being entered.

Fire 202.03 Contested Cases.

(a) In the event a complaint petition is considered a contested case which cannot be settled under Fire 202.02, and a hearing is scheduled, all parties shall be notified of the:

- (1) Time, place, and nature of the hearing;
- (2) Statutory authority under which the hearing is to be held;
- (3) Particular sections of the statutes or rules involved;
- (4) Issues involved;
- (5) Right to have an attorney present to represent the party at the party's expense; and
- (6) Right to have the commission provide a certified shorthand court reporter at the party's expense.

Fire 202.04 Continuances.

(a) The presiding officer shall grant up to a 30-day extension of time to schedule a hearing pursuant to RSA 21-P:27 if a party:

- (1) Is absent from the jurisdiction;
- (2) Has a serious illness;
- (3) Is incarcerated;
- (4) Has had a death in his or her family; or
- (5) Other good cause shown.

(b) All requests for continuances shall:

- (1) Be in writing;
- (2) Be submitted to the presiding officer at least 5 working days before the scheduled hearing; and
- (3) Include:
 - a. The reason for the request; and
 - b. Optional dates when the party shall be available.

Readopt and renumber Fire 201.10 and Fire 201.11, effective 11-12-08 (Doc. # 9319-A), as Fire 202.05 and Fire 202.06, to read as follows:

Fire 202.05 Representation of Parties.

(a) Parties may be represented:

- (1) Pro se;
- (2) By legal counsel; or
- (3) Pursuant to RSA 311:1.

Fire 202.06 Discovery.

(a) Parties shall be provided with all documents and records requested relative to the issues raised by the request for hearing no later than 5 working days prior to the hearing date.

(b) All discovery requests shall be in writing and shall be honored unless the presiding officer rules that the request is not relevant to an issue(s).

Readopt with amendment and renumber Fire 201.12 - Fire 201.14, effective 11-12-08 (Doc. # 9319-A), as Fire 202.07 - Fire 202.09, to read as follows:

Fire 202.07 Role of Complainants. Unless called as witnesses or granted party or intervenor status, a person who initiates an adjudicative proceeding by complaining to the commission about the conduct of a person who becomes a party shall have no role in any enforcement or disciplinary hearing and is not a party.

Fire 202.08 Intervenors. If a person meets the criteria of RSA 541-A:32, that person shall be allowed on motion to intervene in any action before the presiding officer.

Fire 202.09 Division Staff. Division staff who have been designated by the chair to investigate and present the commission's case shall fully participate in the hearing. Other division staff shall have no role in the hearing unless called as a witness.

Readopt and renumber Fire 201.15, effective 11-12-08 (Doc. # 9319-A), as Fire 202.10, to read as follows:

Fire 202.10 Motions.

(a) All motions shall be submitted in writing unless presented orally at the hearing.

(b) The presiding officer shall rule on a motion when made or shall advise parties present that the motion shall be taken under advisement.

Readopt with amendment and renumber Fire 201.16 – Fire 201.18, effective 11-12-08 (Doc. # 9319-A), as Fire 202.11 – Fire 202.13, to read as follows:

Fire 202.11 Oaths or Affirmations.

(a) An oath or affirmation shall be administered to each witness by the presiding officer prior to receiving testimony in a hearing.

(b) Interpreters shall have an oath or affirmation administered to them to truthfully and accurately translate all questions asked and answers given.

(c) Once a witness has been sworn or affirmed at any hearing, it shall not be necessary for him/her to be sworn or affirmed again for subsequent testimony on the same day and in the same case. The record of the proceeding shall indicate that a person was recalled to testify, and reminded that he or she was still under oath or affirmation.

Fire 202.12 Applicable Rules of Evidence.

(a) The following shall govern the introduction and admissibility of evidence at hearings:

(1) Hearings shall not be bound by the rules of evidence;

(2) All relevant and material evidence shall be admissible;

(3) Evidence shall include but not be limited to:

a. Depositions;

b. Affidavits;

c. Official documents; and

d. Testimony of witnesses;

(4) The presiding officer shall exclude any irrelevant, immaterial, or unduly cumulative or repetitious evidence; and

(5) Applicable statutory and constitutional provisions and immunities requiring exclusion of evidence shall be recognized provided however, that nothing contained herein shall prohibit a party from waiving his or her privilege or immunity.

Fire 202.13 Burden of Proof and Standard of Proof. The party asserting the affirmative of a proposition shall have the burden of proving the truth of that proposition by a preponderance of the evidence.

Readopt and renumber Fire 201.19, effective 11-12-08 (Doc. # 9319-A) as Fire 202.14, to read as follows:

Fire 202.14 Proposed Findings of Fact and Conclusions of Law.

(a) Any party may submit proposed findings of fact and conclusions of law to the presiding officer prior to or at the hearing.

(b) Upon request of any party, or if the presiding officer determines that proposed findings of fact and conclusions of law would serve to clarify the issues presented at the hearing, the presiding officer

shall specify a date after the hearing for the submission of proposed findings of fact and conclusions of law.

(c) In any case where proposed findings of fact and conclusions of law are submitted, the decision shall include rulings on the proposals.

Readopt with amendment and renumber Fire 201.20 and Fire 201.21, effective 11-12-08 (Doc. # 9319-A), as Fire 202.15 and Fire 202.16, to read as follows:

Fire 202.15 Rendering a Decision.

(a) A commission member shall not participate in making a decision unless he or she personally heard the testimony in the case, unless the matter's disposition does not depend on the credibility of any witness and the record provides a reasonable basis for evaluating the testimony.

(b) If a presiding officer has been delegated the authority to conduct a hearing in the absence of a majority of the commission who are to render a final decision, the presiding officer shall submit to the commission a written proposal for decision, which shall contain a statement of the reasons for the decision and findings of fact and rulings of law necessary to the proposed decision.

(c) If a proposal for decision in a matter not personally heard by a commission member is adverse to a party to the proceeding other than the commission itself, the commission shall serve a copy of the proposal for decision on each party to the proceeding and provide an opportunity to file exceptions and present briefs and oral arguments to the commission.

(d) A proposal for decision shall become a final decision upon its approval by the commission.

(e) All decisions shall be reached on the basis of a preponderance of the evidence.

(f) The commission shall keep a decision on file in its records for at least 5 years following the date of the final decision or the date of the decision on any appeal, unless the director of the division of records management and archives of the department of state sets a different retention period pursuant to rules adopted under RSA 5:40.

Fire 202.16 Record.

(a) The record in a contested case shall include:

- (1) All notices, pleading, motions, orders and rulings;
- (2) All evidence received or considered;
- (3) A statement of any matter officially noticed;
- (4) Objections and rulings on questions, and offers of proof;
- (5) Proposed findings and exceptions;
- (6) Any decision, opinion, or report by the presiding officer at the hearing;

(7) All staff memoranda or data submitted to or considered by the presiding officer before making the decision;

(8) The tape recording or stenographic notes or symbols prepared for the presiding officer at the hearing, together with any transcript of all or part of the hearing considered by the presiding officer before making the decision; and

(9) Matters placed on the record after an ex parte communication.

Readopt and renumber Fire 201.22, effective 11-12-08 (Doc. # 9319-A), as Fire 202.17, to read as follows:

Fire 202.17 Transcripts.

(a) There shall be an audio recording of all hearings and all parties who are present shall be so notified.

(b) A copy of the recording, pursuant to RSA 541-A:31, VII shall be made available on written request by a party.

(c) All written requests for audio recordings or transcripts shall include the following:

(1) Name and address of the party making the request;

(2) Date of the hearing;

(3) Name of the presiding officer; and

(4) Docket number of the hearing.

(d) A party may request, in writing, a transcript of the hearing if all reasonable costs for transcription are paid first.

(e) The commission shall retain a copy of hearing recordings, for at least 60 days.

(f) Any person attending a hearing may tape or otherwise record the hearing. The presiding officer shall notify all parties present that the record is in addition to the official record being made by the commission.

Readopt with amendment and renumber Fire 201.23, effective 11-12-08 (Doc. # 9319-A), as Fire 202.18, to read as follows:

Fire 202.18 Reopening of Cases.

(a) A case shall be reopened whenever:

(1) A party alleges the existence of newly-discovered material evidence which due diligence would not have discovered prior to the hearing; or

(2) A party alleges any material error, omission, misconstruction of applicable statutes or rules or misrepresentation of applicable precedents.

(b) A request to reopen a case shall be in writing, and shall be filed within 30 days of the issuance of the decision. It shall outline newly discovered evidence or an allegation of material error, omission, or misconstrued statutes, rules, or misrepresentation of applicable precedents.

(c) A request to reopen a case shall be denied if it is determined that the request is:

- (1) Made solely to obtain a delay in the disposition of the case; or
- (2) Not in compliance with this section.

Readopt and renumber Fire 201.24, effective 11-12-08 (Doc. # 9319-A), as Fire 202.19, to read as follows:

Fire 202.19 Appeal of Administrative Action. The result of an administrative action shall remain in full force and effect, pending the outcome of the appeal or expiration of the sanction imposed.

Readopt with amendment and renumber Fire 202 – Fire 204, effective 11-12-08 (Doc. # 9319-A), as Fire 203 – Fire 205, to read as follows:

PART Fire 203 PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF A RULE

Fire 203.01 Petitions for Rulemaking.

(a) Any person may request the commission to commence a proceeding for the purpose of adopting, amending, or repealing a rule by filing a petition.

(b) The petition for rulemaking shall contain the following:

- (1) The text of the proposed rule or a statement of the results intended by the petitioner to flow from the implementation of the proposed rules; or
- (2) If the petitioner proposed to amend or repeal an existing rule, an identification of the particular rule sought to be amended or repealed.

(c) Petitions shall be filed in accordance with Fire 201.05.

(d) The petition shall be granted if the commission determines:

- (1) The commission has rulemaking authority pursuant to RSA 21-P:27 or RSA 541-A;
- (2) The petition clearly identifies issues which require rulemaking;
- (3) There is not an existing rule which addresses the issues raised in the petition; and
- (4) The petition is consistent with RSA 21-P:27 and any applicable case law.

Fire 203.02 Commission Action Upon Adoption, Amendment or Repeal of a Rule Petition. Within 30 days of filing, the commission shall, in writing, grant or deny a petition for rulemaking. If the

petition is denied, the commission shall state the reasons in the letter denying the petition. If the petition is granted, the commission shall commence rulemaking proceedings as prescribed by law.

PART Fire 204 DECLARATORY RULINGS

Fire 204.01 Petitions for Declaratory Rulings.

(a) Any person may file a petition requesting a declaratory ruling from the commission on the following matters:

- (1) Any statutory provision that vests authority in the commission;
- (2) Any rule of the commission; or
- (3) Any order of the commission.

(b) The petition for a declaratory ruling shall contain the following information:

- (1) The exact ruling being requested;
- (2) The statutory and factual basis for the ruling, including any supporting affidavits or memoranda of law;
- (3) Interest of the petitioner; and
- (4) The petitioner's name and mailing address.

(c) Petitions shall be filed in accordance with Fire 201.05.

Fire 204.02 Commission Action Upon Petition. Within 60 days of filing, the commission shall respond to the petitioner in writing. If the commission grants the petition, the commission shall provide its ruling to the director of legislative services as required by law. The commission shall reject the petition if it is inadequate or beyond the scope of the commission's authority as specified in RSA 21-P:27.

PART Fire 205 RULEMAKING HEARINGS

Fire 205.01 Scope. This part shall apply to rulemaking hearings required pursuant to RSA 541-A:11.

Fire 205.02 Notice. The commission shall cause to be published in the New Hampshire Rulemaking Register a notice of its intent to hold a rulemaking hearing pursuant to RSA 541-A:6.

Fire 205.03 Presiding Officer.

- (a) The hearing shall be presided over by the chair of the commission or his or her designee.
- (b) The chair or designee shall:
 - (1) Determine whether a quorum of the commission is present for the hearing;

- (2) Call the hearing to order;
- (3) Cause a recording of the hearing to be heard;
- (4) Recognize those who wish to be heard;
- (5) Maintain order during the hearing; and
- (6) Adjourn the hearing.

Fire 205.04 Order of the Hearing.

- (a) Any individual who wishes to testify at the hearing shall provide his or her full name on a speakers list furnished by the commission.
- (b) Individuals shall be called to testify in the order in which they signed up.
- (c) Before adjourning the public hearing and after all individuals who signed up have been heard, the chair or designee shall call for any new testimony from any new speaker.
- (d) When the chair or designee has determined that no other individual wishes to testify, he or she shall close the public hearing.

Fire 205.05 Postponement and Continuations.

- (a) The chair or designee shall postpone a hearing to a later date, time or place in the event of:
 - (1) Inclement weather;
 - (2) A lack of quorum; or
 - (3) Determination by the commission that postponement of the hearing shall facilitate greater participation by the public.
- (b) The chair or designee shall continue a hearing to a later date, time or place in the event that:
 - (1) The time allotted is not sufficient to give each individual who wishes to testify an opportunity to do so; or
 - (2) A lack of a quorum due to unavoidable absence.
- (c) Notice of postponement or continuation of a public hearing or of extension of the public comment period shall be provided pursuant to RSA 541-A:11, III and IV(d).

Fire 205.06 Written Comments. Individuals may submit comments in writing or electronic format to the commission on proposed rulemaking actions any time from the time notice has been published until the end of the public comment period as set forth in the notice of rulemaking.

Fire 205.07 Copies of Tapes.

- (a) All hearings shall be recorded.
- (b) A copy of the recording may be requested by submitting a written request to:

Fire Standards and Training Commission
c/o Director of Fire Standards and Training and Emergency Medical Services
33 Hazen Drive
Concord, NH 03305

(c) Pursuant to RSA 91-A:4, persons requesting a copy of the recording shall pay the actual cost of duplication.

(d) Recordings of proceedings shall be preserved for no less than 75 days from the conclusion of the hearing date.

Adopt Fire 206, previously effective 11-12-08 (Doc. # 9319-B) as Fire 205 and expired 11-12-16, to read as follows:

PART Fire 206 EXPLANATION OF RULE

Fire 206.01 Request for Rule Explanation.

(a) Within 30 days after the adoption of a rule, any interested person may request the commission to issue a statement explaining the following:

- (1) The principle reason(s) for and against the adoption of a rule in its final form; or
- (2) Reasons why the commission overruled arguments and considerations relative to the rule.

(b) Rule explanation requests shall be received and disposed of in the following manner:

- (1) Requests shall be submitted to the commission at:

Chair, Fire Standards and Training Commission
c/o Director, Division of Fire Standards and Training and Emergency Medical Services
33 Hazen Drive
Concord, NH 03305

- (2) When a request for rule explanation has been received by the commission, the commission shall issue a statement responsive to the request within 90 days. The statement shall provide the information required by (a) above.

APPENDIX A

RULE	STATUTE
Fire 101.01	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.02	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.03	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.04	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7; RSA 541-A:16, I(a)
Fire 101.05	RSA 21-P:25, II(a)
Fire 101.06	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.07	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.08	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.09	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7; RSA 541-A:16, I(a)
Fire 101.10	RSA 21-P:25, II(b)
Fire 101.11	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.12	RSA 21-P:12-a
Fire 101.13	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.14	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.15	RSA 21-P:25, II(c)
Fire 101.16	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 100-A:1, VIII
Fire 101.17	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.18	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.19	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.20	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.21	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7; RSA 541-A:16, I(b)—(d)
Fire 101.22	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.23	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.24	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.25	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.26	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 101.27	RSA 21-P:25, I; RSA 21-P:28, I(a); RSA 541-A:7
Fire 102.01	RSA 21-P:26; RSA 541-A:16, I(a)
Fire 102.02	RSA 21-P:25, I; RSA 21-P:26; RSA 21-P:27; RSA 21-P:28; RSA 21-P:29
Fire 103.01	RSA 541-A:16, I(a); RSA 91-A:4, IV
Fire 201.01	RSA 541-A:16, I(b)
Fire 201.02	RSA 541-A:16, I(b)
Fire 201.03	RSA 541-A:16, I(b); RSA 541-A:30-a, III(j)
Fire 201.04	RSA 541-A:16, I(b); RSA 541-A:30-a, III(f)
Fire 201.05	RSA 541-A:16, I(b); RSA 541-A:30-a, III(a)
Fire 201.06	RSA 541-A:16, I(b)
Fire 202.01	RSA 541-A:16, I(b)
Fire 202.02	RSA 541-A:16, I(b); RSA 541-A:31, V
Fire 202.03	RSA 541-A:16, I(b); RSA 541-A:31, III
Fire 202.04	RSA 541-A:16, I(b); RSA 541-A:30-a, III(h)
Fire 202.05	RSA 541-A:16, I(b); RSA 541-A:30-a, III(b)
Fire 202.06	RSA 541-A:16, I(b); RSA 541-A:30-a, III(c)

Fire 202.07 – 202.09	RSA 541-A:16, I(b); RSA 541-A:30-a, III(g)
Fire 202.10	RSA 541-A:16, I(b)
Fire 202.11	RSA 541-A:33, I
Fire 202.12	RSA 541-A:33, II
Fire 202.13	RSA 541-A:16, I(b); RSA 541-A:30-a, III(d)
Fire 202.14	RSA 541-A:31, VI (c); 541-A:35
Fire 202.15	RSA 541-A:34-35; 541-A:30-a, III (e)
Fire 202.16	RSA 541-A:16, I(b); RSA 541-A:31, VI
Fire 202.17	RSA 541-A:31, VII; RSA 91-A:4, IV
Fire 202.18	RSA 541-A:16, I(b); RSA 541-A:30-a, III(i)
Fire 202.19	RSA 541-A:16, I(b); RSA 541:18
Fire 203	RSA 541-A:4; RSA 541-A:16, I(c)
Fire 204	RSA 541-A:16, I(d)
Fire 205	RSA 541-A:16, I(b)
Fire 206	RSA 541-A:11, VII

**APPENDIX B
MATERIALS INCORPORATED BY REFERENCE**

Rule	Title	Obtain at:
Fire 101.18	Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, 5 th Edition (2013).	<p>American Psychiatric Association Publishing 1000 Wilson Boulevard Suite 1825 Arlington, VA 22209 Phone: 1-800-368-5777 Web site: www.appi.org</p> <p>Ordering and pricing options: Hardcover - \$210.00 for non-APA members and \$168.00 for members; Softcover - \$160.00 for non-APA members and \$128.00 for members</p> <p>Membership information is available at www.psychiatry.org/join-apa</p>