

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut **REGULATION** of

Department of Administrative Services

Concerning

Classes of Certification and Standards of Qualification for Local Fire Marshals,
Deputy Fire Marshals, Fire Inspectors, and Other Local Fire Officials

Section 1. Sections 29-298-1 to 29-298-3, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 29-298-1. Definitions

(a) As used herein, “certificate” means the written document issued by the State Fire Marshal and the Codes and Standards Committee stating that the holder is [eligible to be] certified.

(b) As used herein, [“candidate”] “local authority” means [a person who holds a certificate] the local entity with the authority to appoint a local fire official pursuant to section 29-297 of the Connecticut General Statutes.

(c) As used herein, [“eligible to be certified”] “local fire official” means [that a person has (1) successfully passed an oral, written, or practical examination approved by the State Fire Marshal and Codes and Standards Committee, or (2) successfully completed a program or programs of training developed by public agencies and approved by the State Fire Marshal and Codes and Standards Committee, or (3) successfully completed the Fire Marshal/Inspector Certification Course administered by the Bureau of State Fire Marshal and approved by the State Fire Marshal and Codes and Standards Committee] a local fire marshal, deputy fire marshal, fire inspector, fire code inspector or fire investigator.

(d) As used herein, “certified” means a candidate holds a certificate and has met the standards for certification pursuant to section 29-298 of the Connecticut General Statutes.

Sec. 29-298-2. Classes of [certification of] local fire officials

There shall be [six] five classes of local fire officials:

- (a) Fire [Safety] Code Inspector;
- (b) [Hazardous Materials Inspector;
- (c)] Fire Investigator;
- [(d)] (c) Fire Inspector;
- [(e)] (d) Deputy Fire Marshal; and
- [(f)] (e) Fire Marshal.

Sec. 29-298-3. Fire [safety] code inspector

(a) A fire [safety] code inspector is a person who has been [appointed and] certified after having demonstrated the knowledge and ability to perform the duties and carry out the responsibilities set forth in the Connecticut State Fire Safety Code and Connecticut State Fire Prevention Code and sections of the Connecticut General Statutes as they relate to [the Connecticut Fire Safety Code] said codes.

(b) A fire [safety] code inspector carries out fire [safety] code inspection activities at the direction of the local fire marshal and under such supervision as the local fire marshal deems appropriate.

Sec. 2. Sections 29-298-5 to 29-298-11, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 29-298-5. Fire investigator

(a) A fire investigator is a person who has been [appointed and] certified after having demonstrated the knowledge and ability to perform the duties of and carry out the responsibilities of Chapter 541 of the Connecticut General Statutes, as well as other sections of the General Statutes, as they relate to the investigation of [fire, explosion, and the crime of arson] fires and explosions.

(b) A fire investigator performs investigations of [fire, explosion, and the crime of arson] fires and explosions, including, but not limited to, determining the cause of such fires and explosions, at the direction of the local fire marshal and under such supervision as the local fire marshal deems appropriate.

Sec. 29-298-6. Fire inspector

(a) A fire inspector is a person who has been [appointed and] certified after having demonstrated the knowledge and ability to perform the duties of and carry out the responsibilities of a local fire marshal as set forth in the statutes and regulations of the State of Connecticut.

(b) A fire inspector performs duties at the direction of and under such supervision as the local fire marshal deems appropriate.

Sec. 29-298-7. Deputy fire marshal

(a) A deputy fire marshal is a person who has been [appointed and] certified after having demonstrated the knowledge and ability to perform the duties of and carry out the responsibilities of a local fire marshal as set forth in the statutes and regulations of the State of Connecticut.

(b) A deputy fire marshal performs duties at the direction of and under such supervision as the local fire marshal deems appropriate.

Sec. 29-298-8. Fire marshal

(a) A fire marshal is a person who has been [appointed and] certified after having demonstrated the knowledge and ability to perform the duties of and carry out the responsibilities of a local fire marshal as set forth in the statutes and regulations of the State of Connecticut.

(b) A fire marshal performs, or causes to be performed, the duties of a local fire marshal and ensures that the responsibilities of a local fire marshal are carried out as set forth in the statutes and regulations of the State of Connecticut.

Sec. 29-298-9. Minimum standards of qualification of fire marshals, deputy fire marshals, and fire inspectors

In order to meet the minimum standard of qualification for fire marshal, deputy fire marshal or fire inspector, an individual must:

(a) [hold a certificate issued by the State Fire Marshal and the Codes and Standards Committee] meet the requirements of section 29-298 of the Connecticut General Statutes; and

(b) [have been appointed and sworn, if applicable, in accordance with the Connecticut General Statutes;

(c)] be certified as a fire marshal by the State Fire Marshal and the Codes and Standards Committee.

Sec. 29-298-10. Minimum standards of qualification of other classes of local fire officials

In order to meet the minimum standard of qualification for other classes of local fire officials, an individual must [:

- (a) hold a certificate issued by the State Fire Marshal and the Codes and Standards Committee for the position to which the individual desires appointment;
- (b) have been appointed by the local appointing authority;
- (c) have a copy of the appointment on file with the State Fire Marshal; and
- (d)] be certified by the State Fire Marshal and the Codes and Standards Committee for the appropriate class of local fire official.

Sec. 29-298-11. Issuance and lapse of certificates

(a) A certificate shall be issued by the State Fire Marshal and the Codes and Standards Committee upon a determination that an individual [is eligible to be certified] has met the qualifications for certification.

(b) [In the event that a person holding a certificate is not appointed to a position commensurate with such certificate, the certificate shall be of no effect under these regulations after the passage of three years next following the date of the certificate.] An individual certified as a fire marshal may be appointed by a local authority to the position of fire marshal, deputy fire marshal or fire inspector. An individual certified as a fire investigator or fire code inspector may be appointed by a local authority to the position of fire investigator or fire code inspector as applicable.

[(c) In the event that a person appointed to a position commensurate with a certificate ceases to hold the position, then the certificate shall be of no effect under these regulations after the passage of three years next following the date upon which the person ceased to hold the position.]

Sec. 3. Section 29-298-16 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 29-298-16. Minimum hours of continuing education and training required to maintain certification

(a) The minimum hours required to maintain fire marshal certification [for fire inspectors, deputy fire marshals and fire marshals] shall be as set forth in Chapter 541 of the Connecticut General Statutes.

(b) The minimum hours required to maintain fire investigator certification [for other classes of fire officials] shall [consist of] be not less than thirty hours over a three-year period.

(c) The minimum hours required to maintain fire code inspector certification shall be not less than sixty hours over a three-year period.

Sec. 4. Sections 29-298-4 and sections 29-298-12 to 29-298-15, inclusive, of the Regulations of Connecticut State Agencies are repealed.

Statement of Purpose

To address the requirements of P.A. 14-137, specifically those concerning additional pre-requisite qualifications and eliminating the “eligible to be certified” status. Pursuant to P.A. 14-137, any candidate for certification as a fire marshal, fire code inspector, or fire investigator who has the pre-requisite experience and passes the exam will be certified, regardless of appointment to one of the five classes of local fire official by a local appointing authority.

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CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. Connecticut General Statutes section(s) 29-298.
- b. Public Act Number(s) 14-137.
 (Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on _____;
 (Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on _____;
 (Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
- When filed with the Secretary of the State
- OR on (insert date) _____

DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
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APPROVED by the **Attorney General** as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c) or (for emergency regulations) CGS Section 4-168(f)(2)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/> .
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the certification statement)

1. Indicate whether the regulation is a regular regulation or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2. a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt the regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a *later* specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation, or the date of filing with the Secretary of the State.

Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.

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