

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Fax: 615-741-5133
 Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 10-05-10
 Rule ID(s): 4838-4839
 File Date: 10/05/2010
 Effective Date: 03/31/2011

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Commission on Fire Fighting Personnel Standards and Education
Division:	
Contact Person:	Patrick W. Merkel
Address:	500 James Robertson Parkway, Davy Crockett Tower, 5 th Floor Nashville, TN
Zip:	37243
Phone:	615-741-2199
Email:	patrick.merkel@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0360-04-01	Examinations
Rule Number	Rule Title
0360-04-01-.06	Examination Form

Chapter Number	Chapter Title
0360-07-01	Educational Incentive Pay
Rule Number	Rule Title
0360-07-01-.07	Waiver

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0360-04-01
Examinations

Amendments

Subpart (i) of part 2 of subparagraph (a) of paragraph (1) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the subpart in its entirety and substituting instead the following language so that, as amended, the subpart shall read:

- (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter I Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 68-1-102.

Subpart (i) of part 2 of subparagraph (a) of paragraph (2) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the subpart in its entirety and substituting instead the following language so that, as amended, the subpart shall read:

- (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter II Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 68-1-102.

Chapter 0360-07-01
Educational Incentive Pay

Amendments

Subparagraphs (b) and (c) of paragraph (1) of rule 0360-07-01-.07 Waiver are amended by deleting the text of the subparagraphs in their entirety and substituting the following language so that, as amended, the subparagraphs shall read:

- (b) the deadline for submission of training programs for approval in Rule 0360-07-01-.05(4); and
- (c) the deadline for submitting requests for supplemental pay in Rule 0360-07-01-.06(9).

Authority: T.C.A. §§ 4-24-101, 4-24-107(3) and 4-24-107(6).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Clarence Cash	X				
Mark Finucane	X				
Ben Harris				X	
Errin Kinney				X	
Gerald Wakefield	X				
Matthew Sorge				X	
Charlie Vance	X				
Frank Cotton	X				
Randy Fox	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Commission on Fire Fighting Personnel Standards and Education on 07/28/2010, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 08/10/10

Signature: *Patrick W. Merkel*

Name of Officer: Patrick W. Merkel

Title of Officer: Chief Counsel for Fire Prevention and Law Enforcement

Subscribed and sworn to before me on: 8/10/10

Notary Public Signature: *Kristina D. Rust*

My commission expires on: 3/10/12

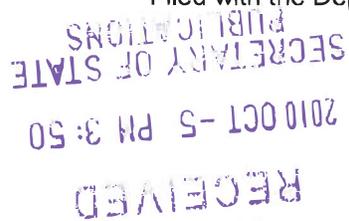


All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
9-24-10
 Date

Department of State Use Only

Filed with the Department of State on: 10/5/10
 Effective on: 03/16/11
Tre Hargett
 Tre Hargett
 Secretary of State



Regulatory Flexibility Addendum

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

This rulemaking will not impact small business.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The amendment should result in a decrease in local government expenditures. Most firefighters, particularly volunteers, do not obtain the Firefighter II certification. By splitting the live burn class, the time necessary to complete the examination for Firefighter I certification, a requirement for participation in the salary supplement program, is reduced enough to eliminate the need for a local government to pay for one night of a hotel room for those seeking Firefighter I certification.

The Tennessee Fire Service and Codes Enforcement Academy will still offer a combined Firefighter I and II burn class on a limited basis so that those interested in both certifications would not have to make two trips to the Academy if that is more economical.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The amendments to rule 0360-04-01-.06 update the examination requirements for Fire Fighter I and Fire Fighter II Certifications to reflect a change in how the live burn courses are offered by the Tennessee Fire Service and Codes Enforcement Academy (Academy). The Academy split their twenty two (22) hour live burn course into two different courses, a sixteen (16) hour course and a eight (8) hour course to meet revised National Fire Protection Association (NFPA) 1001 Standard for Fire Fighter Professional Qualifications and to ensure that the firefighters participating in the course have the classroom instruction on how to control all the types of fires experienced during the live burn course.

The amendments to rule 0360-07-01-.07 correct typos in the rules referenced in the paragraph.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

These rules are promulgated pursuant to Tenn. Code Ann. § 4-24-100 et seq. and Tenn. Code Ann. § 4-24-200 et seq.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rule changes will have the greatest impact on those fire departments, and the members of these departments, that participate in the State's educational incentive pay program for fire fighters and those paid and volunteer fire departments that participate in the State's certification program.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

I am unaware of any attorney general and reporter or any judicial ruling that directly relates to these rules.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The rules are expected to have minimal impact on state and local government revenues and expenditures.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Patrick Merkel, Chief Counsel for Fire Prevention and Law Enforcement with the Department of Commerce and Insurance, and Terry Woody, Director of the Tennessee Commission on Fire Fighting Personnel Standards and Education, have substantial knowledge and understanding of these rules.

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Patrick Merkel and Terry Woody will explain the rules at any scheduled meeting of the Government Operations Committee.

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Patrick Merkel can be reached at Office of General Counsel, 500 James Robertson Parkway, Davy Crockett Tower, 5th Floor Nashville, Tennessee 37243, (615) 741-9462. patrick.merkel@tn.gov
Terry Woody can be reached at Tennessee Commission on Fire Fighting Personnel Standards and Education, 500 James Robertson Parkway, Davy Crockett Tower 6th Floor, Nashville, Tennessee 37243, (615) 741-6780.

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 10-05-10
Rule ID(s): 4838-4839
File Date: 10/5/2010
Effective Date: 03/31/2011

Proposed Rule(s) Filing Form-REDLINE

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission: Tennessee Commission on Fire Fighting Personnel Standards and Education
Division:
Contact Person: Patrick W. Merkel
Address: 500 James Robertson Parkway,
Davy Crockett Tower, 5th Floor
Nashville, TN
Zip: 37243
Phone: 615-741-2199
Email: patrick.merkel@tn.gov

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0360-04-01	Examinations
Rule Number	Rule Title
0360-04-01-.06	Examination Form

Chapter Number	Chapter Title
0360-07-01	Educational Incentive Pay
Rule Number	Rule Title
0360-07-01-.07	Waiver

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0360-04-01
Examinations

Amendments

Subpart (i) of part 2 of subparagraph (a) of paragraph (1) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the subpart in its entirety and substituting instead the following language so that, as amended, the subpart shall read:

- (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter I Live Burn course or Firefighter I and II Live Burn course ~~twenty two (22) hour Live Fire Weekend course~~. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 68-1-102.

Subpart (i) of part 2 of subparagraph (a) of paragraph (2) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the subpart in its entirety and substituting instead the following language so that, as amended, the subpart shall read:

- (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter II Live Burn course or Firefighter I and II Live Burn course ~~twenty two (22) hour Live Fire Weekend course~~. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 68-1-102.

Chapter 0360-07-01
Educational Incentive Pay

Amendments

Subparagraphs (b) and (c) of paragraph (1) of rule 0360-07-01-.07 Waiver are amended by deleting the text of the subparagraphs in their entirety and substituting the following language so that, as amended, the subparagraphs shall read:

- (b) the deadline for submission of training programs for approval in Rule 0360-07-01-05(4); and
- (c) the deadline for submitting requests for supplemental pay in Rule 0360-07-01-06(9).

Authority: T.C.A. §§ 4-24-101, 4-24-107(3) and 4-24-107(6).