

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Maryland Higher Education Commission
(DLS Control No. 15-372)**

Overview and Legal and Fiscal Impact

The regulations update the chapter in COMAR that regulates fire-rescue education and training.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland Higher Education Commission:

Fire-Rescue Education and Training Commission: Certification Standards and Procedures for Emergency Services Instructors: COMAR 13B.03.01.01-.06

Legal Analysis

Background

In accordance with COMAR 13B.03.01.12, every two years the agencies and organizations represented by the Maryland Instructor Certification Review Board (MICRB), a unit within the University System of Maryland, must review regulations and certification authority related to fire- rescue education and training. These regulations are the result of recommendations made to the Maryland Higher Education Commission (MHEC) during MICRB's most recent review.

Summary of Regulations

The regulations update the chapter in COMAR that regulates fire-rescue education and training. Specifically, the regulations: (1) specify that the 12 hours of approved instructor methodology required for a candidate who has taken the instructor training course between 5 and 10 years before submitting an application must be completed within 3 years of submission of the application and as a co-requisite; (2) authorize the completion of the Instructor Training Course Challenge process in lieu of a current MICRB-approved instructor training program for a candidate who has completed the course more than 10 years before submitting an application; and (3) update the edition of the National Fire Protection Association (NFPA) 1041: Standard for Fire Service Instructor Professional Qualifications, a document incorporated by reference.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

MHEC cites §§ 11-105(u) and Title 11, Subtitle 5 of the Education Article as statutory authority for the regulations. Section 11-105(u) authorizes MHEC to adopt regulations necessary to carry out its powers and duties. Title 11, Subtitle 5 establishes the Maryland Fire-Rescue Education and Training Commission, the entity that created MICRB in 1979, and sets forth the composition and duties of the commission, including cooperating and assisting in coordinating and improving emergency services education and training activities in the State.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

As submitted, the regulation fails to specify an edition number, year, or other specific indication of the National Fire Protection Association (NFPA) 1041: Standard for Fire Service Instructor Professional Qualifications being adopted, as required under § 7-207(a)(4) of the State Government Article. In response to a suggestion from the Department of Legislative Services, MHEC will add a year, in accordance with the statute, at final adoption.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The commission advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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