HOUSE DOCKET, NO. 140 FILED ON: 1/7/2013

HOUSE . . . . . No. 2197

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to standards and qualifications for the position of fire chief or chief engineer in cities, towns, fire districts, or authorities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Timothy J. Toomey, Jr.	*26th Middlesex*	*1/7/2013*
Michael R. Knapik	*Second Hampden and Hampshire*	*1/7/2013*
Todd M. Smola	*1st Hampden*	*1/7/2013*
Nicholas A. Boldyga	*3rd Hampden*	*1/7/2013*
Donald Humason		*1/7/2013*
Anne M. Gobi	*5th Worcester*	*1/7/2013*
Denise Andrews	*2nd Franklin*	*1/7/2013*

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HOUSE . . . . . No. 2197

By Mr. Toomey of Cambridge, a petition (accompanied by bill, House, No. 2197) of Timothy J. Toomey, Jr. and others relative to the standards and qualifications for the position of fire chief or chief engineer in cities, towns, fire districts or authorities. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *666* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to standards and qualifications for the position of fire chief or chief engineer in cities, towns, fire districts, or authorities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, Chapter 6 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding after section 165B, the following new section:-

165C -

"No person shall be appointed, elected, or otherwise be qualified to hold the position of fire chief or chief engineer in any city, town, fire district, or authority unless said person shall have been certified by the Massachusetts Fire Service Commission pursuant to Section 165B of Chapter 6 of the General Laws.

The State Fire Marshal shall not issue a delegation of authority to any person named as fire chief or chief engineer who, at the time of their application for such delegation, has not submitted a proper certificate issued by the Massachusetts Fire Service Commission.

The Marshal may, upon proper application, issue a temporary delegation of authority to a city, town, fire district, or authority when there is no fire chief or chief engineer appointed or elected. Such delegation shall not be valid for more than 180 days.

For purposes of this Section, fire chief or chief engineer shall mean, any person who without regard to title is engaged full time or part time voluntary or paid in one or more of the following activities directly or indirectly related to the operation of the fire department or board of engineers including but not limited to: the administration, oversight, command control, personnel decisions, budget matters or any other executive or management functions of a fire department, however so organized.

SECTION 2.

Section 165B of Chapter 6 of the General Laws is hereby amended by adding after line 53 so as appearing in the 2006 Official Edition the following new subsection:-

"(6) the development of standards, in consultation with the Massachusetts Fire Training Council, for the certification of fire chiefs and chief engineers in cities, towns,

fire districts, or authorities appointed or elected after the effective date of this act. In creating such standards for certification, the Commission may promulgate all necessary rules and regulations and shall consider all necessary qualifications to hold such positions including, but not limited to: years of service, level of training, criminal history, character, and fitness. The Fire Service Commission shall develop and implement equivalency certification standards for all incumbents holding the position of fire chief or chief engineer in cities, towns, fire districts, or authorities appointed or elected prior to the effective date of this act.

SECTION 3.

The Fire Service Commission shall develop and implement certification standards no later than twenty-four months from the effective date of this act.