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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. **4452**

04/23/2018 Authored by Howe
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to firefighter licensing; clarifying the responsibilities and duties of the
1.3 Board of Firefighting Training and Education; specifying terms of licensing and
1.4 certification; amending Minnesota Statutes 2016, sections 299N.01, subdivision
1.5 2; 299N.02, subdivisions 2, 3; 299N.03, subdivisions 4, 5, 6; 299N.04; 299N.05,
1.6 subdivisions 1, 2, 5, 6, 9; 299N.06.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2016, section 299N.01, subdivision 2, is amended to read:

1.9 Subd. 2. **Fire department.** "Fire department" means a regularly organized fire
1.10 department, fire protection district, or fire company, as defined in the State Fire Code adopted
1.11 under section 326B.02, subdivision 6, regularly charged with the responsibility of providing
1.12 fire protection to the state or a local government and includes a private nonprofit fire
1.13 department directly serving a local government. It does not include industrial fire brigades
1.14 that do not have a fire department identification number issued by the state fire marshal.

1.15 Sec. 2. Minnesota Statutes 2016, section 299N.02, subdivision 2, is amended to read:

1.16 Subd. 2. **Terms; chair; compensation.** Members of the board shall serve for terms of
1.17 four years and ~~annually~~ biennially elect a chair from among the members. Terms and filling
1.18 of vacancies are subject to section 15.0575, subdivisions 2, 4, and 5. Members serve without
1.19 compensation.

1.20 Sec. 3. Minnesota Statutes 2016, section 299N.02, subdivision 3, is amended to read:

1.21 Subd. 3. **Powers and duties.** (a) The board shall:

2.1 (1) review fire service training needs and make recommendations on training to Minnesota
2.2 fire service organizations;

2.3 (2) establish standards for educational programs for the fire service and develop
2.4 procedures for continuing oversight of the programs;

2.5 (3) establish qualifications for fire service training instructors in programs established
2.6 under clause (2); ~~and~~

2.7 (4) maintain a list of instructors that have met the qualifications established under clause
2.8 (3), subject to application procedures and requirements established by the board; and

2.9 ~~(4)~~ (5) license full-time firefighters and volunteer firefighters under this chapter.

2.10 (b) The board may:

2.11 (1) hire or contract for technical or professional services according to section 15.061;

2.12 (2) pay expenses necessary to carry out its duties;

2.13 (3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity
2.14 may make to the board for the purposes of this chapter and may use any money given to it
2.15 consistent with the terms and conditions under which the money was received and for the
2.16 purposes stated;

2.17 (4) accept funding from the fire safety account and allocate funding to Minnesota fire
2.18 departments in the form of reimbursements that are consistent with the board's
2.19 recommendations and the Department of Public Safety firefighter training;

2.20 (5) set guidelines regarding how the allocated reimbursement funds must be disbursed;

2.21 (6) set and make available to the fire service standards governing the use of funds
2.22 reimbursed under this section;

2.23 ~~(4)~~ (7) make recommendations to the legislature to improve the quality of firefighter
2.24 training;

2.25 ~~(5)~~ (8) collect and provide data, subject to section 13.03;

2.26 ~~(6)~~ (9) conduct studies and surveys and make reports; and

2.27 ~~(7)~~ (10) conduct other activities necessary to carry out its duties.

2.28 Sec. 4. Minnesota Statutes 2016, section 299N.03, subdivision 4, is amended to read:

2.29 Subd. 4. **Fire department.** "Fire department" has the meaning given it in section
2.30 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department

3.1 also includes a division of a state agency, regularly charged with the responsibility of
 3.2 providing fire protection to the state or a local government, to include a private, nonprofit
 3.3 fire department directly serving a local government, but does not include ~~an~~ industrial fire
 3.4 ~~brigade~~ brigades that do not have a fire department identification number issued by the state
 3.5 fire marshal.

3.6 Sec. 5. Minnesota Statutes 2016, section 299N.03, subdivision 5, is amended to read:

3.7 Subd. 5. **Full-time firefighter.** A "full-time firefighter" means a person who is employed
 3.8 and charged with the prevention ~~and~~ or suppression of fires within the boundaries of the
 3.9 state on a full-time, salaried basis and who is directly engaged in the hazards of firefighting
 3.10 or is in charge of a designated fire ~~company or companies,~~ as defined in section 299N.01,
 3.11 subdivision 2, that are directly engaged in the hazards of firefighting. Full-time firefighter
 3.12 does not include a volunteer, part-time, or paid-on-call firefighter.

3.13 Sec. 6. Minnesota Statutes 2016, section 299N.03, subdivision 6, is amended to read:

3.14 Subd. 6. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter, to
 3.15 include a fire department employee, member, supervisor, state employee, or appointed
 3.16 official, who is licensed by the board and charged with the prevention or suppression of
 3.17 fires within the boundaries of the state. Licensed firefighter may also include a volunteer
 3.18 firefighter.

3.19 Sec. 7. Minnesota Statutes 2016, section 299N.04, is amended to read:

3.20 **299N.04 FIREFIGHTER CERTIFICATION EXAMINATION.**

3.21 Subdivision 1. **~~Certification Examination; requirements.~~** (a) The board must appoint
 3.22 an organization that is accredited by the International Fire Service Accreditation Congress
 3.23 to prepare and administer firefighter ~~certification~~ examinations. Firefighter ~~certification~~
 3.24 examinations ~~shall~~ must be designed to ensure and demonstrate competency ~~in at least the~~
 3.25 ~~following areas:~~ that meets the NFPA1001 standard or a national standard.

3.26 ~~(1) fire prevention;~~

3.27 ~~(2) fire suppression; and~~

3.28 ~~(3) hazardous materials operations.~~

3.29 ~~(b) To receive a certificate, an individual must demonstrate competency in fire prevention~~
 3.30 ~~and fire suppression.~~

4.1 ~~(e)~~ (b) Nothing in this section shall be construed to prohibit any requirement imposed
4.2 by a local fire department for more comprehensive training.

4.3 Subd. 2. **Eligibility for ~~certification~~ examination.** Except as provided in subdivision
4.4 3, any person may take the firefighter ~~certification~~ examination who has successfully
4.5 completed the following:

4.6 (1)(i) a firefighter course from a postsecondary educational institution, an accredited
4.7 institution of higher learning, or another entity that teaches a course that has been approved
4.8 by the board; or (ii) an apprenticeship or cadet program maintained by a fire department
4.9 ~~employing the person~~ that has been approved by the board; and

4.10 (2) a skills-oriented basic training course.

4.11 Subd. 3. **Certain baccalaureate or associate degree holders eligible to take**
4.12 **~~certification~~ examination.** A person with a baccalaureate degree or an associate degree in
4.13 applied fire science technology from an accredited college or university, who has successfully
4.14 completed the skills-oriented basic training course under subdivision 2, clause (2), is eligible
4.15 to take the firefighter ~~certification~~ examination notwithstanding the requirements of
4.16 subdivision 2, clause (1).

4.17 Sec. 8. Minnesota Statutes 2016, section 299N.05, subdivision 1, is amended to read:

4.18 Subdivision 1. **Licensure requirement.** A firefighter employed full time by a fire
4.19 department is not eligible for permanent employment without being licensed by the board,
4.20 and unless the following requirements are met:

4.21 (1) the firefighter successfully completes a firefighter examination under section 299N.04
4.22 or completes the examination while serving a probationary period, if any, as determined by
4.23 the hiring authority; and

4.24 (2) the chief firefighting officer or the chief designee completes the employment
4.25 verification portion of the licensing process.

4.26 Sec. 9. Minnesota Statutes 2016, section 299N.05, subdivision 2, is amended to read:

4.27 Subd. 2. **Optional licensing.** A volunteer firefighter affiliated with a department may
4.28 receive or apply for licensure under ~~this section~~ subdivision 1 and section 299N.04 under
4.29 the same terms as full-time firefighters.

5.1 Sec. 10. Minnesota Statutes 2016, section 299N.05, subdivision 5, is amended to read:

5.2 Subd. 5. **Obtaining a firefighter license.** To obtain a license, a firefighter must be
 5.3 affiliated with a fire department, complete the board application process, and meet the
 5.4 requirements of section 299N.04, this section, or 299N.06. A license is valid for a three-year
 5.5 period determined by the board, and the fee for the license is \$75. Fees under this subdivision
 5.6 may be prorated by the board for licenses issued with a three-year licensure period.

5.7 Sec. 11. Minnesota Statutes 2016, section 299N.05, subdivision 6, is amended to read:

5.8 Subd. 6. **License renewal; expiration and reinstatement.** (a) A license ~~shall~~ must be
 5.9 renewed ~~so long as~~ if the firefighter and the chief firefighting officer ~~provide evidence to~~
 5.10 ~~the board that the licensed firefighter has had 72 hours of approved firefighting training in~~
 5.11 ~~the preceding three years and the firefighter completes the renewal application. The fee for~~
 5.12 ~~renewing a firefighter license is \$75, and the license is valid for an additional three years;~~
 5.13 or chief designee completes the renewal application and:

5.14 (1) attests to the board that the licensed firefighter has met the required 72 hours of
 5.15 approved firefighter training in the preceding three years;

5.16 (2) upon request, provides evidence the licensed firefighter completed the required 72
 5.17 hours of approved firefighter training in the preceding three years;

5.18 (3) verifies that the licensed firefighter is actively serving on a department; and

5.19 (4) attests that the licensed firefighter has not been convicted of or pled guilty or nolo
 5.20 contendere to a felony, any arson-related charge, or another offense arising from the same
 5.21 set of circumstances.

5.22 (b) The fee to renew a firefighter license is \$75. The license is valid for an additional
 5.23 three-year period, unless submitted within the triennial period. Fees under this subdivision
 5.24 may be prorated by the board for licenses reinstated or renewed within the three-year
 5.25 licensure period.

5.26 ~~(b)~~ (c) If a license expires, a firefighter may apply to have it reinstated. In order to receive
 5.27 reinstatement, the firefighter must:

5.28 (1) complete a reinstatement application;

5.29 (2) satisfy all ~~prior firefighter training~~ requirements listed in paragraph (a), clauses (1)
 5.30 to (4);

5.31 (3) pay any outstanding renewal fees; and

6.1 (4) pay the delayed renewal fee set by the board.

6.2 (c) In lieu of a reinstatement application under paragraph (b), a firefighter may complete
6.3 a new application for licensure under section 299N.04.

6.4 Sec. 12. Minnesota Statutes 2016, section 299N.05, subdivision 9, is amended to read:

6.5 Subd. 9. **Fees; appropriation.** Fees collected under this section must be deposited in
6.6 the state treasury and credited to a special account and are appropriated to the board to pay
6.7 costs incurred under sections 299N.04 ~~and 299N.05~~, this section, and 299N.06.

6.8 Sec. 13. Minnesota Statutes 2016, section 299N.06, is amended to read:

6.9 **299N.06 ELIGIBILITY FOR RECIPROCITY AND EXAMINATION BASED ON**
6.10 **RELEVANT MILITARY EXPERIENCE.**

6.11 Subdivision 1. Reciprocity license requirements for out-of-state certified applicants.

6.12 A person may apply for licensure if the person (1) becomes employed by or becomes an
6.13 active member of a fire department, (2) has the appropriately certified accreditation by the
6.14 International Fire Service Accreditation Congress or Pro Board, and (3) has met the
6.15 requirements of section 299N.04.

6.16 Subd. 2. **Examination based on relevant military experience.** (a) For purposes of this
6.17 section:

6.18 (1) "active service" has the meaning given in section 190.05, subdivision 5; and

6.19 (2) "relevant military experience" means:

6.20 (i) four years' cumulative service experience in a military firefighting occupational
6.21 specialty;

6.22 (ii) two years' cumulative service experience in a military firefighting occupational
6.23 specialty, and completion of at least a two-year degree from a regionally accredited
6.24 postsecondary education institution; or

6.25 (iii) four years' cumulative experience as a full-time firefighter in another state combined
6.26 with cumulative service experience in a military firefighting occupational specialty.

6.27 (b) A person is eligible to take ~~the reciprocity~~ a firefighter examination and does not
6.28 have to otherwise meet the requirements of section 299N.04, subdivisions 2 and 3, if the
6.29 person has:

6.30 (1) relevant military experience; and

7.1 (2) been honorably discharged from military active service as evidenced by the most
7.2 recent form DD-214 or is currently in active service, as evidenced by:

7.3 (i) active duty orders providing service time in a military firefighting specialty;

7.4 (ii) a United States Department of Defense Manpower Data Center status report pursuant
7.5 to the Service Members Civil Relief Act, active duty status report; or

7.6 (iii) Military Personnel Center assignment information.

7.7 (c) A person who passed the examination under paragraph (b), clause (2), shall not be
7.8 eligible to be licensed as a firefighter until honorably discharged as evidenced by the most
7.9 recent form DD-214.

7.10 (d) To receive a firefighter license, a person who passed ~~the reciprocity certification a~~
7.11 firefighter examination must meet the requirements of section 299N.05, ~~subdivision 4~~.