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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1570

03/09/2015 Authored by Howe, Dettmer, Lesch, Newton and Simonson

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; firefighters; modifying licensure requirements; providing
1.3 for license reciprocity; making technical changes; amending Minnesota Statutes
1.4 2014, sections 299N.01, subdivision 2; 299N.02, subdivision 2; 299N.03,
1.5 subdivisions 3, 5, 6, 7; 299N.04, subdivision 3; 299N.05, subdivisions 1, 5, 6, 7,
1.6 8; proposing coding for new law in Minnesota Statutes, chapter 299N; repealing
1.7 Minnesota Statutes 2014, section 299N.05, subdivisions 3, 4.

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

1.9 Section 1. Minnesota Statutes 2014, section 299N.01, subdivision 2, is amended to read:

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

1.16 Sec. 2. Minnesota Statutes 2014, section 299N.02, subdivision 2, is amended to read:

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

1.21 Sec. 3. Minnesota Statutes 2014, section 299N.03, subdivision 3, is amended to read:

2.1 Subd. 3. **Chief firefighting officer.** "Chief firefighting officer" means the highest
 2.2 ranking employee or appointed official of a fire department, or the highest ranking
 2.3 employee or appointed official's designee for the purposes of this chapter.

2.4 Sec. 4. Minnesota Statutes 2014, section 299N.03, subdivision 5, is amended to read:

2.5 Subd. 5. **Full-time firefighter.** A "full-time firefighter" means a person who is
 2.6 employed and charged with the prevention and suppression of fires within the boundaries
 2.7 of the state on a full-time, salaried basis and who is directly engaged in the hazards of
 2.8 firefighting or is in charge of a designated fire company or companies that are directly
 2.9 engaged in the hazards of firefighting. Full-time firefighter does not include a volunteer,
 2.10 part-time, ~~or paid, on-call~~ paid-on-call firefighter.

2.11 Sec. 5. Minnesota Statutes 2014, section 299N.03, subdivision 6, is amended to read:

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

2.16 Sec. 6. Minnesota Statutes 2014, section 299N.03, subdivision 7, is amended to read:

2.17 Subd. 7. **Volunteer firefighter.** A "volunteer firefighter" means a person who is
 2.18 charged with the prevention or suppression of fires within the boundaries of the state
 2.19 on a volunteer, part-time, ~~or paid, on-call~~ paid-on-call basis. Volunteer firefighter does
 2.20 not include a full-time firefighter.

2.21 Sec. 7. Minnesota Statutes 2014, section 299N.04, subdivision 3, is amended to read:

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

2.28 Sec. 8. Minnesota Statutes 2014, section 299N.05, subdivision 1, is amended to read:

2.29 Subdivision 1. **Licensure requirement.** A ~~full-time~~ firefighter employed ~~on or after~~
 2.30 ~~July 1, 2011,~~ full time by a fire department is not eligible for permanent employment
 2.31 without being licensed ~~as a firefighter~~ by the board.

3.1 Sec. 9. Minnesota Statutes 2014, section 299N.05, subdivision 5, is amended to read:

3.2 Subd. 5. **Issuance of Obtaining a firefighter license.** ~~The board shall license~~
 3.3 ~~any individual who meets the requirements of subdivision 3 or 4.~~ To obtain a license, a
 3.4 firefighter must complete the board application process and meet the requirements of section
 3.5 299N.04. A license is valid for three years from the date of issuance a three-year period
 3.6 determined by the board, and the fee for the license is \$75. Fees under this subdivision
 3.7 may be prorated by the board for licenses issued with a three-year licensure period.

3.8 Sec. 10. Minnesota Statutes 2014, section 299N.05, subdivision 6, is amended to read:

3.9 Subd. 6. **License renewal; expiration and reinstatement.** (a) A license shall be
 3.10 renewed so long as the firefighter and the chief firefighting officer provide evidence to the
 3.11 board that the licensed firefighter has had at least 72 hours of approved firefighting training
 3.12 in the ~~previous three-year period~~ preceding three years and the firefighter completes the
 3.13 renewal application. The fee for renewing a firefighter license is \$75, and the license is
 3.14 valid for an additional three years.

3.15 (b) If a license expires, a firefighter may apply to have it reinstated. In order to
 3.16 receive reinstatement, the firefighter must:

- 3.17 (1) complete a reinstatement application;
 3.18 (2) satisfy all prior firefighter training requirements;
 3.19 (3) pay any outstanding renewal fees; and
 3.20 (4) pay the delayed renewal fee set by the board.

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

3.23 Sec. 11. Minnesota Statutes 2014, section 299N.05, subdivision 7, is amended to read:

3.24 Subd. 7. **Duties of chief firefighting officer.** (a) ~~It shall be the duty of Every chief~~
 3.25 ~~firefighting officer has a duty to ensure that all every full-time firefighters have firefighter~~
 3.26 ~~has a license from issued by the board beginning July 1, 2011. Each full-time firefighter,~~
 3.27 ~~volunteer firefighter, and chief firefighting officer may apply for licensure after January 1,~~
 3.28 ~~2011.~~

3.29 (b) Every chief firefighting officer, provider, and individual licensee has a duty to
 3.30 ensure proper training records and reports are retained. Records must include, for the
 3.31 three-year period subsequent to the license renewal date:

- 3.32 (1) the dates, subjects, and duration of programs;
 3.33 (2) sponsoring organizations;
 3.34 (3) fire training hours earned;

4.1 (4) registration receipts; and

4.2 (5) other pertinent information.

4.3 (c) The board may require a licensee, provider, or fire department to provide the
 4.4 information under paragraph (b) to demonstrate compliance with the 72-hour firefighting
 4.5 training requirement under subdivision 6, paragraph (a).

4.6 Sec. 12. Minnesota Statutes 2014, section 299N.05, subdivision 8, is amended to read:

4.7 Subd. 8. **Revocation; suspension; denial.** (a) The board may revoke, suspend,
 4.8 or deny a license issued or applied for under this section to a firefighter or applicant if
 4.9 the firefighter or applicant has been convicted of any arson-related charge or a felony
 4.10 recognized by the board as a crime that would disqualify the licensee from participating
 4.11 in the profession of firefighting.

4.12 (b) Each applicant, licensee, or fire department must notify the board, in writing,
 4.13 within ten days if the applicant or licensee has been convicted of or pled guilty or nolo
 4.14 contendere to a felony, any arson-related charge, or another offense arising from the
 4.15 same set of circumstances.

4.16 Sec. 13. **[299N.06] ELIGIBILITY FOR RECIPROCITY EXAMINATION**
 4.17 **BASED ON RELEVANT MILITARY EXPERIENCE.**

4.18 (a) For purposes of this section:

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

4.20 (2) "relevant military experience" means:

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

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

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

4.29 (b) A person is eligible to take the reciprocity examination if the person has:

4.30 (1) relevant military experience; and

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

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

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

5.3 (iii) Military Personnel Center assignment information.

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

5.7 Sec. 14. **REPEALER.**

5.8 Minnesota Statutes 2014, section 299N.05, subdivisions 3 and 4, are repealed.

APPENDIX
Repealed Minnesota Statutes: 15-3064

299N.05 LICENSE REQUIRED.

Subd. 3. **Prior appointment.** A full-time firefighter or a volunteer firefighter who has received a permanent appointment with a fire department prior to July 1, 2011, shall be licensed by the board at the request of the firefighter upon providing the board with a statement signed by the chief firefighting officer of the fire department that employs the full-time or volunteer firefighter.

Subd. 4. **Newly employed firefighters.** Any full-time firefighter employed by a fire department on or after July 1, 2011, must obtain a license from the board. To obtain a license, an individual not covered by subdivision 3 must provide the board with a statement signed by the chief firefighting officer of the fire department that employs the full-time firefighter that the individual has met the certification requirements of section 299N.04.