

CHAPTER 153—S.F.No. 1219

An act relating to occupations and professions; creating licensing standards for full-time firefighters; modifying restricted plumber license requirements; establishing fees; amending Minnesota Statutes 2008, sections 299N.02, subdivision 3; 326B.475, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299N.

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

Section 1. Minnesota Statutes 2008, section 299N.02, subdivision 3, is amended to read:

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

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

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

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

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

(b) The board may:

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

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

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

(4) make recommendations to the legislature to improve the quality of firefighter training;

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

(6) conduct studies and surveys and make reports; and

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

Sec. 2. **[299N.03] DEFINITIONS.**

Subdivision 1. **Scope.** The terms used in sections 299N.04 and 299N.05 have the meanings given them in this section.

Subd. 2. **Board.** "Board" means the Board of Firefighter Training and Education established under section 299N.02.

Subd. 3. **Chief firefighting officer.** "Chief firefighting officer" means the highest ranking employee or appointed official of a fire department.

Subd. 4. **Fire department.** "Fire department" has the meaning given it in section 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department also includes a division of a state agency, regularly charged with the responsibility of providing fire protection to the state or a local government, to include a private, nonprofit fire department directly serving a local government, but does not include an industrial fire brigade.

Subd. 5. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter, to include a fire department employee, member, supervisor, or appointed official, who is licensed by the board and who is charged with the prevention or suppression of fires within the boundaries of the state. Licensed firefighter may also include a volunteer firefighter.

Subd. 6. **Full-time firefighter.** A "full-time firefighter" means a person who is employed and charged with the prevention or suppression of fires within the boundaries of the state on a full-time, salaried basis. Full-time firefighter does not include a volunteer, part-time or paid, on-call firefighter.

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

Sec. 3. **[299N.04] FIREFIGHTER CERTIFICATION.**

Subdivision 1. **Certification examination; requirements.** (a) The board must appoint an organization that is accredited by the International Fire Service Accreditation Congress to prepare and administer firefighter certification examinations. Firefighter certification examinations shall be designed to ensure competency in at least the following areas:

- (1) fire prevention;
- (2) fire suppression; and
- (3) hazardous materials operations.

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

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

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

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

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

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

Sec. 4. **[299N.05] LICENSE REQUIRED.**

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

Subd. 2. **Optional licensing.** A volunteer firefighter may receive or apply for licensure under this section and section 299N.04 under the same terms as full-time firefighters.

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.

Subd. 5. **Issuance of license.** The board shall license any individual who meets the requirements of subdivision 3 or 4. A license is valid for three years from the date of issuance, and the fee for the license is \$75.

Subd. 6. **License renewal.** A license shall be renewed so long as the firefighter and the chief firefighting officer provide evidence to the board that the licensed firefighter has had at least 72 hours of firefighting training in the previous three-year period. The fee for renewing a firefighter license is \$75, and the license is valid for an additional three years.

Subd. 7. **Duties of chief firefighting officer.** It shall be the duty of every chief firefighting officer to ensure that all full-time firefighters have a license from the board beginning July 1, 2011. Each full-time firefighter, volunteer firefighter, and chief firefighting officer may apply for licensure after January 1, 2011.

Subd. 8. **Revocation; suspension; denial.** The board may revoke, suspend, or deny a license issued or applied for under this section to a firefighter or applicant if the firefighter or applicant has been convicted of a felony recognized by the board as a crime that would disqualify the licensee from participating in the profession of firefighting.

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

Sec. 5. Minnesota Statutes 2008, section 326B.475, subdivision 1, is amended to read:

Subdivision 1. **Licensure.** (a) The commissioner of labor and industry shall grant a restricted journeyman or restricted master plumber license to an individual if:

(1) the individual completes an application with information required by the commissioner of labor and industry;

(2) the completed application is accompanied by a fee of \$30;

(3) the commissioner of labor and industry receives the completed application and fee ~~before October 1, 2008~~ between October 1, 2009, and October 15, 2009;

(4) the completed application for a restricted journeyman plumber license demonstrates that, prior to the application, the applicant has had at least two years of practical plumbing experience in the plumbing trade; and

(5) the completed application for a restricted master plumber license demonstrates that, prior to the application, the applicant has had:

(i) at least four years of practical plumbing experience in the plumbing trade; or

(ii) at least two years of practical plumbing experience as a plumbing contractor in the plumbing trade.

(b) ~~Until October 1, 2008~~ For applications received between October 1, 2009, and October 15, 2009, the commissioner may waive penalties for an applicant who failed to post a bond after June 30, 1999, under section 326B.46, subdivision 2, if the commissioner finds that the penalty would cause undue hardship or the waiver is otherwise warranted under the circumstances.

Presented to the governor May 20, 2009

Signed by the governor May 22, 2009, 7:47 a.m.