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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-FIFTH  
SESSION**

**HOUSE FILE No. 3716**

March 3, 2008

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act  
1.2 relating to firefighters; adding duties to the Board of Firefighter Standards  
1.3 and Training; authorizing rulemaking; creating licensing standards; amending  
1.4 Minnesota Statutes 2006, sections 299F.012, subdivision 2; 299N.01; 299N.02,  
1.5 as amended; proposing coding for new law in Minnesota Statutes, chapter 299N.

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

1.7 Section 1. Minnesota Statutes 2006, section 299F.012, subdivision 2, is amended to  
1.8 read:

1.9 Subd. 2. **Fire Service Advisory Committee.** The Fire Service Advisory Committee  
1.10 shall provide recommendations to the commissioner of public safety on fire service-related  
1.11 issues and shall consist of representatives of each of the following organizations: two  
1.12 appointed by the president of the Minnesota State Fire Chiefs Association, two appointed  
1.13 by the president of the Minnesota State Fire Department Association, two appointed by  
1.14 the president of the Minnesota Professional Fire Fighters, two appointed by the president  
1.15 of the League of Minnesota Cities, one appointed by the president of the Minnesota  
1.16 Association of Townships, one appointed by the president of the Insurance Federation  
1.17 of Minnesota, one appointed jointly by the presidents of the Minnesota Chapter of the  
1.18 International Association of Arson Investigators and the Fire Marshals Association of  
1.19 Minnesota, and the commissioner of public safety or the commissioner's designee. The  
1.20 commissioner of public safety must ensure that at least three of the members of the  
1.21 advisory committee work and reside in counties outside of the seven-county metropolitan  
1.22 area. The committee shall provide funding recommendations to the commissioner of  
1.23 public safety from the fire safety fund for the following purposes:

- 1.24 (1) for the Minnesota Board of Firefighter Standards and Training ~~and Education~~;
- 1.25 (2) for programs and staffing for the State Fire Marshal Division; and

2.1 (3) for fire-related regional response team programs and any other fire service  
2.2 programs that have the potential for statewide impact.

2.3 Sec. 2. Minnesota Statutes 2006, section 299N.01, is amended to read:

2.4 **299N.01 DEFINITIONS.**

2.5 Subdivision 1. **Scope.** The terms used in this chapter have the meanings given  
2.6 them in this section.

2.7 Subd. 1a. **Board.** "Board" means the Board of Firefighter Standards and Training.

2.8 Subd. 1b. **Chief firefighting officer.** "Chief firefighting officer" means the highest  
2.9 ranking employee or appointed official of a fire department.

2.10 Subd. 1c. **Executive director.** "Executive director" means the executive director of  
2.11 the board.

2.12 Subd. 2. **Fire department.** "Fire department" means a regularly organized fire  
2.13 department, fire protection district, or fire company, as defined in the State Fire Code  
2.14 adopted under section 299F.011, or a division of a state agency, regularly charged with the  
2.15 responsibility of providing fire protection to the state or a local government and includes a  
2.16 private nonprofit fire department directly serving a local government. It does not include  
2.17 industrial fire brigades.

2.18 Subd. 3. **Licensed firefighter.** "Licensed firefighter" means ~~a volunteer, paid~~  
2.19 ~~on-call, part-time, or career firefighter serving a general population~~ an employee of a  
2.20 fire department who is licensed by the board and who is charged with the prevention or  
2.21 suppression of fires within the boundaries of the state. "Firefighter" includes full-time and  
2.22 part-time employees, their supervisors, and appointed officials of fire departments. "Part  
2.23 time" means that an individual is employed by a political subdivision in another capacity  
2.24 in addition to providing fire prevention and suppression services. "Firefighter" does not  
2.25 include volunteers.

2.26 Subd. 4. **Professional firefighter education.** "Professional firefighter education"  
2.27 means a postsecondary degree program, or a nondegree program for persons who already  
2.28 have a college degree, that is offered by a college or university in Minnesota, designed for  
2.29 persons seeking licensure as a firefighter and approved by the board.

2.30 Subd. 5. **Volunteer firefighter.** "Volunteer firefighter" has the meaning given in  
2.31 section 424A.001, subdivision 10.

2.32 Sec. 3. Minnesota Statutes 2006, section 299N.02, as amended by Laws 2007, chapter  
2.33 54, article 7, section 20, is amended to read:

2.34 **299N.02 BOARD OF FIREFIGHTER TRAINING AND EDUCATION.**

3.1 Subdivision 1. **Membership.** Notwithstanding any provision of chapter 15 to the  
3.2 contrary, the Board of Firefighter Standards and Training ~~and Education~~ consists of the  
3.3 following members:

3.4 (1) five members representing the Minnesota State Fire Department Association,  
3.5 four of whom must be volunteer firefighters and one of whom may be a ~~career~~ licensed  
3.6 firefighter, appointed by the governor;

3.7 (2) two members representing the Minnesota State Fire Chiefs Association, one of  
3.8 whom must be a volunteer fire chief, appointed by the governor;

3.9 (3) two members representing the Minnesota Professional Firefighters Association,  
3.10 appointed by the governor;

3.11 (4) two members representing Minnesota home rule charter and statutory cities,  
3.12 appointed by the governor;

3.13 (5) two members representing Minnesota towns, appointed by the governor;

3.14 (6) the commissioner of public safety or the commissioner's designee; and

3.15 (7) one public member not affiliated or associated with any member or interest  
3.16 represented in clauses (1) to (6), appointed by the governor.

3.17 The Minnesota State Fire Department Association shall recommend five persons to  
3.18 be the members described in clause (1), the Minnesota State Fire Chiefs Association  
3.19 shall recommend two persons to be the members described in clause (2), the Minnesota  
3.20 Professional Firefighters Association shall recommend two persons to be the members  
3.21 described in clause (3), the League of Minnesota Cities shall recommend two persons to  
3.22 be the members described in clause (4), and the Minnesota Association of Townships  
3.23 shall recommend two persons to be the members described in clause (5). In making the  
3.24 appointments the governor shall try to achieve representation from all geographic areas of  
3.25 the state.

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

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

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

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

3.35 ~~(3) establish qualifications for fire service training instructors in programs~~  
3.36 ~~established under clause (2).~~

4.1 ~~(b) The board may:~~

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

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

4.4 ~~(3) apply for, receive, and accept grants, gifts, devises, and endowments that any~~

4.5 ~~entity may make to the board for the purposes of this chapter and may use any money~~

4.6 ~~given to it consistent with the terms and conditions under which the money was received~~

4.7 ~~and for the purposes stated;~~

4.8 ~~(4) make recommendations to the legislature to improve the quality of firefighter~~

4.9 ~~training;~~

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

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

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

4.13 Subd. 4. **Limitation on certain board members.** Board members who are

4.14 volunteer firefighters or who are representatives of fire departments that deploy only

4.15 volunteer firefighters are not authorized to vote on any matter that is applicable only to

4.16 licensed firefighters.

4.17 **Sec. 4. [299N.03] POWERS AND DUTIES.**

4.18 Subdivision 1. **Powers and duties.** The board has the following powers and duties:

4.19 (1) to certify firefighters' training schools or programs administered by the state,

4.20 counties, and municipalities located within the state in whole or in part no later than 90

4.21 days after receipt of an application for certification. The reasons for noncertification of

4.22 any school or program or part thereof must be transmitted to the school within 90 days

4.23 and must contain a detailed explanation of the reasons for which the school or program

4.24 was disapproved and an explanation of what supporting material or other requirements

4.25 are necessary for the board to reconsider. Disapproval of a school or program does not

4.26 preclude the reapplication for certification of the school or program;

4.27 (2) to issue certificates to schools, and to revoke certification when necessary to

4.28 maintain the objectives and purposes of this chapter;

4.29 (3) to certify as qualified instructors at firefighter training schools and to issue

4.30 appropriate certificates to the instructors;

4.31 (4) to certify apprenticeship programs maintained by fire departments;

4.32 (5) to license firefighters who have satisfactorily completed certified basic training

4.33 programs, and passed examinations as required by the board;

4.34 (6) to cause studies and surveys to be made relating to the establishment, operation,

4.35 and approval of state, county, and municipal firefighter training schools;

5.1 (7) to consult and cooperate with state, county, and municipal firefighter training  
5.2 schools for the development of in-service training programs for firefighters;

5.3 (8) to consult and cooperate with universities, colleges, and technical colleges for  
5.4 the development of specialized courses of instruction and study in the state for licensed  
5.5 firefighters and firefighters in fire science and fire department administration;

5.6 (9) to consult and cooperate with other departments and agencies of the state and  
5.7 federal government concerned with firefighter standards and training;

5.8 (10) to perform other acts that are necessary and appropriate to carry out the powers  
5.9 and duties of this chapter;

5.10 (11) to coordinate the provision, on a regional basis, of skills-oriented basic training  
5.11 courses to graduates of certified professional firefighter education programs;

5.12 (12) to obtain criminal conviction data for persons seeking a license to be issued  
5.13 or possessing a license issued by the board. The board has authority to obtain criminal  
5.14 conviction data to the full extent that any law enforcement agency, as that term is defined  
5.15 by state or federal law, has to obtain the data;

5.16 (13) to prepare and transmit annually to the governor a report of its activities with  
5.17 respect to allocation of money appropriated to it for firefighter training, including the  
5.18 name and address of each recipient of money for that purpose, the amount awarded,  
5.19 and the purpose of the award; and

5.20 (14) to assist and cooperate with any political subdivision or state agency that  
5.21 employs persons licensed by the board to establish written procedures for the investigation  
5.22 and resolution of allegations of misconduct of persons licensed by the board, and to  
5.23 enforce licensing sanctions for failure to implement the procedures. In addition, the  
5.24 board may maintain data received from law enforcement agencies, provide the data to  
5.25 requesting fire departments who are conducting background investigations, and maintain  
5.26 data on applicants and licensees as part of firefighter license data. The data that may be  
5.27 maintained include the name of the fire department conducting the investigation and  
5.28 data on the candidate.

5.29 Subd. 2. **Additional authority.** The board may:

5.30 (1) recommend studies, surveys, and reports to be made by the executive director  
5.31 regarding carrying out the objectives and purposes of this chapter;

5.32 (2) visit and inspect any firefighter training school approved by the executive  
5.33 director or for which application for approval has been made;

5.34 (3) make recommendations, from time to time, to the executive director, state fire  
5.35 marshal, and the governor regarding carrying out the objectives and purposes of this  
5.36 chapter;

6.1 (4) cooperate with and receive financial assistance from and join in projects or enter  
6.2 into contracts with the federal government or its agencies;

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

6.4 (6) pay expenses necessary to carry out its duties;

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

6.9 (8) make recommendations to the legislature to improve the quality of firefighter  
6.10 training; and

6.11 (9) perform other acts that are necessary or appropriate to carry out the powers  
6.12 and duties of the board.

6.13 Subd. 3. **Reporting requirements.** The board shall report to the state fire marshal  
6.14 and to the governor at least every two years concerning the activities of the board. The  
6.15 board shall also report every two years to the chairs of the senate and house committees  
6.16 and divisions having jurisdiction over criminal justice funding concerning the activities of  
6.17 the board.

6.18 **Sec. 5. [299N.04] RULES; EXECUTIVE DIRECTOR.**

6.19 Subdivision 1. **Rules required.** The board shall adopt rules with respect to:

6.20 (1) the certification of firefighter training schools, programs, or courses. The schools,  
6.21 programs, and courses must include those administered by the state, county, school district,  
6.22 municipality, or joint or contractual combinations thereof, and must include preparatory  
6.23 instruction in firefighting and minimum basic training courses. The schools shall also  
6.24 grant credit toward a professional firefighter education degree for training or course work  
6.25 successfully completed as part of an apprenticeship program certified by the board;

6.26 (2) minimum courses of study, attendance requirements, and equipment and facilities  
6.27 to be required at each certified firefighter training school located within the state;

6.28 (3) minimum qualifications for instructors at certified firefighter training schools  
6.29 located within the state;

6.30 (4) minimum standards of physical, mental, and educational fitness governing the  
6.31 recruitment and licensing of firefighters within the state, by any state, county, municipality,  
6.32 or joint or contractual combination thereof;

6.33 (5) minimum standards of conduct that would affect an individual's performance  
6.34 of duties as a licensed firefighter. The board shall review the minimum standards of

7.1 conduct described in this clause for possible modification in 2011 and every three years  
7.2 after that time;

7.3 (6) minimum basic training which licensed firefighters appointed to temporary or  
7.4 probationary terms shall complete before being eligible for permanent appointment, and  
7.5 the time within which the basic training must be completed following any appointment to  
7.6 a temporary or probationary term;

7.7 (7) minimum specialized training which a part-time licensed firefighter must  
7.8 complete in order to be eligible for continued employment as a part-time licensed  
7.9 firefighter or permanent employment as a licensed firefighter, and the time within which  
7.10 the specialized training must be completed;

7.11 (8) recommended specialized training for volunteer firefighters;

7.12 (9) content of minimum basic training courses required of graduates of certified  
7.13 firefighting training schools or programs. The courses must not duplicate the content  
7.14 of certified academic or general background courses completed by a student but must  
7.15 concentrate on practical skills deemed essential for a firefighter. Successful completion of  
7.16 the course is considered satisfaction of the minimum basic training requirement;

7.17 (10) grading, reporting, attendance, and other records, and certificates of attendance  
7.18 or accomplishment;

7.19 (11) the procedures to be followed by a part-time licensed firefighter for notifying  
7.20 the board of intent to pursue the specialized training for part-time licensed firefighters who  
7.21 wish to become full-time under clause (7);

7.22 (12) the establishment and use by any political subdivision or state firefighting  
7.23 agency, that employs persons licensed by the board, of procedures for investigation and  
7.24 resolution of allegations of misconduct by persons licensed by the board. These rules are  
7.25 not subject to section 14.125, but must be adopted on or before October 1, 2010;

7.26 (13) citizenship requirements for licensed firefighters;

7.27 (14) driver's license requirements for licensed firefighters; and

7.28 (15) other matters consistent with this chapter.

7.29 Subd. 2. **Executive director.** An executive director shall be appointed by and  
7.30 serve in the unclassified service at the pleasure of the board. The executive director shall  
7.31 perform duties on behalf of the board as the board prescribes. The board shall appoint  
7.32 employees, agents, and consultants as necessary, prescribe their duties, and provide for  
7.33 reimbursement of their expenses. The employees shall be in the classified service.

7.34 Sec. 6. **[299N.05] TERMS; MEETINGS; COMPENSATION; REMOVAL;**  
7.35 **VACANCIES.**

8.1 Subdivision 1. **Board procedural matters.** Meetings shall be called at the request  
8.2 of the chair or upon the written request of a majority of the members of the board.  
8.3 Membership on the board does not constitute the holding of a public office, and members  
8.4 of the board are not required to take and file oaths of office or submit a public official's  
8.5 bond before serving on the board. No member of the board is disqualified from holding  
8.6 any public office or employment, by reason of appointment to the board, nor shall the  
8.7 member forfeit any such office or employment notwithstanding any general, special, or  
8.8 local restriction; ordinance; or city charter to the contrary.

8.9 Subd. 2. **Terms, compensation, removal, and filling of vacancies.** The  
8.10 membership terms, compensation, removal of members, and filling of vacancies for  
8.11 members appointed under section 299N.02; the provision of staff, administrative services,  
8.12 and office space; the review and processing of complaints; the setting of fees; and other  
8.13 matters relating to board operations are as provided in chapter 214.

8.14 **Sec. 7. [299N.06] AUTOMATIC LICENSE REVOCATION.**

8.15 The license of a licensed firefighter convicted of a felony is automatically revoked.  
8.16 For purposes of this section, "conviction" includes a finding of guilt, whether or not the  
8.17 adjudication of guilt is stayed or executed, an admission of guilt, or a no contest plea.

8.18 **Sec. 8. [299N.07] REVOCATION; SUSPENSION; DENIAL.**

8.19 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The board may  
8.20 refuse to issue, refuse to renew, refuse to reinstate, suspend, or revoke eligibility for  
8.21 licensure or may revoke a licensed firefighter's license for any of the following causes:

8.22 (1) fraud or misrepresentation in obtaining a license;

8.23 (2) failure to meet licensure requirements; or

8.24 (3) a violation of the standards of conduct set forth in rules adopted by the board.

8.25 (b) Unless otherwise provided by the board, a revocation or suspension applies  
8.26 to each license, renewal, or reinstatement privilege held by the individual at the time  
8.27 final action is taken by the board. A person whose license or renewal privilege has been  
8.28 suspended or revoked is ineligible to be issued any other license by the board during the  
8.29 pendency of the suspension or revocation.

8.30 Subd. 2. **Discovery of disqualifying conviction after licensure.** The board may  
8.31 suspend or revoke a licensed firefighter's license when the licensee has been convicted  
8.32 of a crime recognized by the board as a crime that would disqualify the licensee from  
8.33 participating in a professional firefighter education course, taking the firefighter licensing  
8.34 examination or maintaining eligibility for licensure under Minnesota Rules. The authority

9.1 to suspend or revoke a license applies to all individuals who have been granted a license  
9.2 when a disqualifying conviction that would have precluded eligibility for licensure is  
9.3 discovered after licensure.

9.4 **Sec. 9. [299N.08] MINIMUM EDUCATION AND TRAINING REQUIREMENTS**  
9.5 **FOR LICENSED FIREFIGHTERS.**

9.6 Subdivision 1. **Eligibility to take licensing examination.** A person is not eligible to  
9.7 take the licensing examination unless the person has successfully met the requirements  
9.8 of section 299N.14.

9.9 Subd. 2. **In-service training; board requirements.** The board must provide  
9.10 instructional materials to chief firefighting officers. These materials must meet board  
9.11 requirements for continuing education credit and be updated periodically as the board  
9.12 considers appropriate.

9.13 Subd. 3. **In-service training; chief firefighting officer requirements.** A chief  
9.14 firefighting officer must ensure that all licensed firefighters within the officer's department  
9.15 have been provided with the instructional materials provided by the board under  
9.16 subdivision 2 and informed of the availability of continuing education credit for the  
9.17 completion of these materials. The chief firefighting officer must also encourage these  
9.18 licensed firefighters to review or complete the materials.

9.19 Subd. 4. **Record keeping required.** The chief firefighting officer of every  
9.20 fire department shall maintain written records of the agency's compliance with the  
9.21 requirements of subdivisions 1 and 3.

9.22 Subd. 5. **Licensing sanctions; injunctive relief.** The board may impose licensing  
9.23 sanctions and seek injunctive relief under section 214.11 for failure to comply with the  
9.24 requirements of this section.

9.25 **Sec. 10. [299N.09] TRAINING IN FIRE SCENE RESPONSE AND ARSON**  
9.26 **AWARENESS.**

9.27 Subdivision 1. **Training course.** The board, in consultation with the state fire  
9.28 marshal, shall prepare objectives for a training course to instruct firefighters in fire scene  
9.29 response and arson awareness.

9.30 Subd. 2. **Preservice training requirement.** An individual is not eligible to take the  
9.31 firefighter licensing examination after August 1, 2011, unless the individual has received  
9.32 the training described in subdivision 1.

9.33 **Sec. 11. [299N.10] PROFESSIONAL CONDUCT OF FIREFIGHTERS.**

10.1 A chief firefighting officer shall report annually to the board summary data regarding  
10.2 the investigation and disposition of cases involving alleged misconduct by a licensed  
10.3 firefighter, indicating the total number of investigations, the total number by each subject  
10.4 matter, the number dismissed as unfounded, and the number dismissed on grounds that the  
10.5 allegation was unsubstantiated.

10.6 **Sec. 12. [299N.11] LICENSE REQUIRED.**

10.7 Subdivision 1. **Licensure requirement.** Notwithstanding any general or local law  
10.8 or charter to the contrary, a firefighter employed on or after July 1, 2011, by any state,  
10.9 county, municipality, or joint or contractual combination thereof of the state of Minnesota  
10.10 is not eligible for permanent appointment without being licensed by the board.

10.11 Subd. 2. **Forfeiture of position.** Every firefighter or firefighter who is appointed  
10.12 by any state, county, municipality, or joint or contractual combination thereof of the  
10.13 state of Minnesota on a temporary basis or for a probationary term shall forfeit the  
10.14 firefighter's position unless the officer has been licensed by the board within the time  
10.15 period determined by the board.

10.16 Subd. 3. **Grandparent provision.** A firefighter who has received a permanent  
10.17 appointment prior to July 1, 2011, within a fire department, shall be licensed by the board  
10.18 if the firefighter has met the requirements of this chapter in effect on June 30, 2011, and if  
10.19 the firefighter has requested licensing by the board.

10.20 Subd. 4. **Not applicable to volunteer firefighters.** This section does not apply  
10.21 to volunteer firefighters.

10.22 **Sec. 13. [299N.12] LICENSING EXAMINATIONS; COMPETENCY**  
10.23 **REQUIREMENTS.**

10.24 Firefighter licensing examinations must be prepared and administered by the  
10.25 Minnesota Fire Service Certification Board, or any other entity that is certified by the  
10.26 International Fire Service Accreditation Congress and approved by the board. Firefighter  
10.27 licensing examinations shall be designed to ensure competency in at least the following  
10.28 areas:

- 10.29 (1) fire prevention;  
10.30 (2) fire suppression;  
10.31 (3) hazardous materials;  
10.32 (4) fire apparatus operations; and  
10.33 (5) other areas as determined by the board.

11.1 The board shall prepare learning objectives for an 80-hour course to test competency  
11.2 under this section. Upon request, the board shall provide to any chief firefighting officer  
11.3 lesson plans and instructional materials reasonably necessary to conduct classes in the  
11.4 required areas of study. Nothing in this section may be construed to prohibit a requirement  
11.5 for more comprehensive training imposed by a local fire department.

11.6 **Sec. 14. [299N.13] TRAINING COURSES; LOCATIONS.**

11.7 Subject to board rules, the state fire marshal shall provide courses at convenient  
11.8 locations in the state for training firefighters and in the use of approved equipment and  
11.9 the latest techniques for prevention and suppression of fires and other public safety  
11.10 hazards. For this purpose, the state fire marshal may use the services and employees of  
11.11 the state. Nothing in this section shall be construed as establishing a mandatory training  
11.12 requirement for volunteer firefighters.

11.13 **Sec. 15. [299N.14] ELIGIBILITY FOR FIREFIGHTER LICENSING.**

11.14 Subdivision 1. **Eligibility for licensing examination.** Any person may take the  
11.15 firefighter licensing examination who has successfully completed:

11.16 (1) (i) a professional firefighter course certified by the board from a postsecondary  
11.17 educational institution approved by the Department of Education or an accredited  
11.18 institution of higher learning; or

11.19 (ii) an apprenticeship program certified by the board and maintained by a fire  
11.20 department employing the person; and

11.21 (2) a skills-oriented basic training course established under section 299N.03,  
11.22 subdivision 1, clause (9).

11.23 Subd. 2. **Certain baccalaureate degree holders eligible to take licensing**  
11.24 **examination.** A person with a baccalaureate degree from an accredited college or  
11.25 university who has successfully completed the skills-oriented basic training course under  
11.26 subdivision 1, clause (2), is eligible to take the firefighter licensing examination without  
11.27 complying with subdivision 1, clause (1).

11.28 **Sec. 16. [299N.15] ELIGIBILITY FOR RECIPROCITY EXAMINATION**  
11.29 **BASED ON RELEVANT MILITARY EXPERIENCE.**

11.30 A person who has five years of active duty military fire safety service and who has  
11.31 been honorably discharged from the military is eligible to take the reciprocity examination.

12.1       Sec. 17. **[299N.16] PROFESSIONAL FIREFIGHTER EDUCATION**  
 12.2 **PROGRAMS.**

12.3       Metropolitan State University and Minneapolis Community College, in consultation  
 12.4 with the Board of Firefighter Standards and Training and fire departments in the  
 12.5 seven-county metropolitan area, shall provide core professional firefighter education  
 12.6 courses in an accelerated time period. The schools shall grant priority admission to  
 12.7 students who have a bona fide offer of employment from a Minnesota fire department.  
 12.8 These courses shall be available at the beginning of the 2011-2012 academic year and are  
 12.9 contingent on sufficient program enrollment. The board, Metropolitan State University,  
 12.10 and Minneapolis Community College shall evaluate the accelerated professional firefighter  
 12.11 education programs and report their findings to the 2013 legislature.

12.12       Sec. 18. **[299N.17] POWERS OF FIREFIGHTERS.**

12.13       (a) Except as specifically provided by statute, only a licensed firefighter or volunteer  
 12.14 firefighter may:

12.15       (1) operate fire emergency vehicles and equipment owned or maintained by a  
 12.16 political subdivision at the scene of a fire, natural disaster, or other public safety hazard; or

12.17       (2) obtain access, without the consent of the owner or lawful occupant, to real  
 12.18 property or a structure on the property in the capacity of a member of a fire department in  
 12.19 response to a fire, natural disaster, or other public safety hazard.

12.20       (b) Notwithstanding paragraph (a), section 604A.01 applies to emergency situations.

12.21       Sec. 19. **[299N.18] FIREFIGHTER BACKGROUND INVESTIGATIONS.**

12.22       Subdivision 1. **Background investigation required.** (a) A fire department shall  
 12.23 conduct a thorough background investigation on an applicant for employment as a licensed  
 12.24 firefighter or an applicant for a position leading to employment as a licensed firefighter  
 12.25 before the applicant may be employed. The background investigation must determine, at a  
 12.26 minimum, whether the candidate meets the following standards:

12.27       (1) standards established by the board; and

12.28       (2) established security standards for access to state and national computerized  
 12.29 record and communication systems.

12.30       (b) This requirement does not prevent a fire department from establishing higher  
 12.31 standards for fire department employees if those standards are not contrary to applicable  
 12.32 law.

12.33       Subd. 2. **Disclosure of employment information.** Upon request of a fire  
 12.34 department, an employer shall disclose or otherwise make available for inspection

13.1 employment information of an employee or former employee who is the subject of an  
13.2 investigation under subdivision 1. The request for disclosure of employment information  
13.3 must be in writing, must be accompanied by an original authorization and release signed  
13.4 by the employee or former employee, and must be signed by a sworn firefighter or other  
13.5 authorized representative of the fire department conducting the background investigation.

13.6 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose  
13.7 employment information in accordance with this section, upon request the district court  
13.8 may issue an ex parte order directing the disclosure of the employment information. The  
13.9 request must be made by a sworn firefighter from the fire department conducting the  
13.10 background investigation and must include a copy of the original request for disclosure  
13.11 made upon the employer or former employer and the authorization and release signed by  
13.12 the employee or former employee. The request must be signed by the firefighter requesting  
13.13 the order and an attorney representing the state or the political subdivision on whose  
13.14 behalf the background investigation is being conducted. It is not necessary for the request  
13.15 or the order to be filed with the court administrator. Failure to comply with the court order  
13.16 subjects the person who fails to comply to civil or criminal contempt of court.

13.17 Subd. 4. **Immunity from liability.** In the absence of fraud or malice, an employer  
13.18 is immune from civil liability for employment information released to a fire department  
13.19 under this section, or for any subsequent publication made by the employee or former  
13.20 employee of employment information released to a fire department under this section.

13.21 Subd. 5. **Notice of investigation.** Upon initiation of a background investigation  
13.22 under this section, the fire department shall give written notice to the board of:

13.23 (1) the candidate's full name and date of birth; and

13.24 (2) the candidate's firefighter license number, if known.

13.25 The initiation of a background investigation does not include the submission of an  
13.26 application for employment. Initiation of a background investigation occurs when the fire  
13.27 department begins its determination of whether an applicant meets the agency's standards  
13.28 for employment as a firefighter.

13.29 Subd. 6. **Confidentiality agreements.** If employment information is subject to a  
13.30 confidentiality agreement between the employee or former employee and the employer,  
13.31 the employer shall disclose the fact that an agreement exists. If the employee or former  
13.32 employee has authorized the release of employment information without regard to any  
13.33 previous agreement to the contrary, the employer shall also disclose the employment  
13.34 information in accordance with subdivision 2. If employment information is sealed or  
13.35 otherwise subject to a nondisclosure order by a court of competent jurisdiction, the

14.1 employer shall disclose the fact that an order exists, along with information identifying  
14.2 the court and court's file number.

14.3 Subd. 7. **Employment information.** For purposes of this section, "employment  
14.4 information" means written information in connection with job applications, performance  
14.5 evaluations, attendance records, disciplinary actions, and eligibility for rehire.