



AN ACT REVISING QUALIFICATIONS OF FIREFIGHTERS; AND AMENDING SECTIONS 7-33-4107 AND 7-33-4108, MCA.

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

Section 1. Section 7-33-4107, MCA, is amended to read:

"7-33-4107. Qualifications of firefighters. The state of Montana determines that ~~age is a valid, bona fide occupational qualification for the position of firefighter because of the rigorous physical demands of~~ qualifications for the firefighting profession must recognize the rigorous physical demands placed on firefighters and the expectation of many years of emergency service. The qualifications of firefighters shall be that they To qualify as a firefighter, an applicant:

- ~~_____ (1) shall not be more than 34 years of age at the time of original appointment;~~
- ~~_____ (2) shall have passed a physical examination by a practicing physician duly authorized to practice in this state; and~~
- ~~_____ (3) at the option of said city or town, shall be qualified voters of the city or town~~
 - (1) must be a citizen of the United States;
 - (2) must be at least 18 years of age;
 - (3) must be a high school graduate or have passed the general educational development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;
 - (4) must possess or be eligible for a valid Montana driver's license;
 - (5) shall pass a physical examination by a qualified physician, physician assistant, or advanced practice registered nurse, who is not the applicant's personal physician, physician assistant, or advanced practice registered nurse, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect the applicant's performance of the duties of a firefighter;
 - (6) must be fingerprinted and a search must be made of the local, state, and national fingerprint files to

disclose any criminal record; and

(7) may not have been convicted of a crime for which the applicant could have been imprisoned in a federal or state penitentiary."

Section 2. Section 7-33-4108, MCA, is amended to read:

"7-33-4108. Physical examination. The examination required by 7-33-4107(2)(5) ~~shall~~ must be in writing and a written determination of the examination must be filed with the city or town clerk. ~~Such~~ The determination of the examination shall must disclose the ability of ~~such~~ the applicant to perform the physical work usually required of firefighters in the performance of their duty."

- END -

I hereby certify that the within bill,
SB 0222, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE BILL NO. 222
INTRODUCED BY S. AUGARE

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