

State of Arkansas As Engrossed: H1/17/23 H3/2/23 H3/14/23 H3/27/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1067

By: Representative Andrews

By: Senator Stone

## For An Act To Be Entitled

AN ACT CONCERNING THE QUALIFICATIONS FOR  
FIREFIGHTERS; TO MODIFY THE LAW CONCERNING RESIDENCY  
REQUIREMENTS FOR CERTAIN FIREFIGHTERS; AND FOR OTHER  
PURPOSES.

### Subtitle

TO MODIFY THE LAW CONCERNING RESIDENCY  
REQUIREMENTS FOR CERTAIN FIREFIGHTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 14, Chapter 53, is amended to add an additional section to read as follows:

14-53-113. Residency requirement.

(a)(1) As used in this section, "firefighter" means a full-time, paid member of a municipal fire department who is employed by the municipality and whose primary duty is fighting fires.

(2) "Firefighter" does not include the chief or head of the fire department.

(b) A residency requirement for a municipal fire department may be established by ordinance or resolution for firefighters or persons applying to be a firefighter only if the municipal fire department:

(1) Uses full-time, paid firefighters and volunteer firefighters;

(2) Is a volunteer fire department; or

(3) Uses part-time paid firefighters and firefighters who are



paid an appearance fee.

(c) A residency requirement that is enacted under subsection (b) of this section shall not affect the residency or employment status of a firefighter who is employed with the municipal fire department at the time the residency requirement is adopted.

(d) For the purpose of hiring, a municipal fire department may give preference to a person applying to be a firefighter who is a resident of the state or a county adjacent to the county in which the municipal fire department is located.

(e) This section does not affect a municipal fire department's policies concerning:

(1) The use of a vehicle owned by the municipal fire department by a firefighter who is not on duty; or

(2) Firefighters who, based on their assignment, are required to respond to an emergency or call out within a specific time period.

SECTION 2. Arkansas Code Title 14, Chapter 284, Subchapter 1, is amended to add an additional section to read as follows:

14-284-126. Residency requirement.

(a)(1) As used in this section, "firefighter" means a full-time, paid member of a fire protection district who is employed by the board of commissioners of a fire protection district and whose primary duty is fighting fires.

(2) "Firefighter" does not include the chief or head of the fire protection district.

(b) A residency requirement for a fire protection district may be established by ordinance or resolution for firefighters or persons applying to be a firefighter only if the fire protection district:

(1) Uses full-time, paid firefighters and volunteer firefighters;

(2) Is a volunteer fire department; or

(3) Uses part-time paid firefighters and firefighters who are paid an appearance fee.

(c) A residency requirement that is enacted under subsection (b) of this section shall not affect the residency or employment status of a firefighter who is employed with the fire protection district at the time the

residency requirement is adopted.

(d) For the purpose of hiring, a fire protection district may give preference to a person applying to be a firefighter who is a resident of the state or a county adjacent to the county in which the fire protection district is located.

(e) This section does not affect a fire protection district's policies concerning:

(1) The use of a vehicle owned by the fire protection district by a firefighter who is not on duty; or

(2) Firefighters who, based on their assignment, are required to respond to an emergency or call out within a specific time period.

SECTION 3. Arkansas Code Title 14, Chapter 284, Subchapter 2, is amended to add an additional section to read as follows:

14-284-227. Residency requirement.

(a)(1) As used in this section, "firefighter" means a full-time, paid member of a fire protection district who is employed by the board of commissioners of a fire protection district and whose primary duty is fighting fires.

(2) "Firefighter" does not include the chief or head of the fire protection district.

(b) A residency requirement for a fire protection district may be established by ordinance or resolution for firefighters or persons applying to be a firefighter only if the fire protection district:

(1) Uses full-time, paid firefighters and volunteer firefighters;

(2) Is a volunteer fire department; or

(3) Uses part-time paid firefighters and firefighters who are paid an appearance fee.

(c) A residency requirement that is enacted under subsection (b) of this section shall not affect the residency or employment status of a firefighter who is employed with the fire protection district at the time the residency requirement is adopted.

(d) For the purpose of hiring, a fire protection district may give preference to a person applying to be a firefighter who is a resident of the state or a county adjacent to the county in which the fire protection

district is located.

(e) This section does not affect a fire protection district's policies concerning:

(1) The use of a vehicle owned by the fire protection district by a firefighter who is not on duty; or

(2) Firefighters who, based on their assignment, are required to respond to an emergency or call out within a specific time period.

/s/Andrews

**APPROVED: 4/10/23**