

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H1/17/23 H3/2/23

A Bill

HOUSE BILL 1067

5 By: Representative Andrews
6 By: Senator Stone
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE QUALIFICATIONS FOR
10 FIREFIGHTERS; TO PROHIBIT MUNICIPAL FIRE DEPARTMENTS
11 AND FIRE PROTECTION DISTRICTS FROM HAVING A RESIDENCY
12 REQUIREMENT FOR CERTAIN FIREFIGHTERS; AND FOR OTHER
13 PURPOSES.
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Subtitle

16 TO PROHIBIT MUNICIPAL FIRE DEPARTMENTS
17 AND FIRE PROTECTION DISTRICTS FROM HAVING
18 A RESIDENCY REQUIREMENT FOR CERTAIN
19 FIREFIGHTERS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 14, Chapter 53, is amended to add an
26 additional section to read as follows:

27 14-53-113. Residency requirement prohibited.

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

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

33 (b)(1) Notwithstanding any law, resolution, or ordinance to the
34 contrary, a municipality shall not dismiss, discipline, fine, or penalize a
35 firefighter or deny employment to a person applying to be a firefighter based
36 on where the firefighter or person applying to be a firefighter resides.



1 (2)(A) Except as provided in subdivision (b)(2)(B) of this
2 section, the chief or head of a fire department may dismiss, discipline,
3 fine, or penalize a firefighter or deny employment to a person applying to be
4 a firefighter based on where the firefighter or person applying to be a
5 firefighter resides.

6 (B) The chief or head of a fire department shall not
7 dismiss, discipline, fine, or penalize a firefighter or deny employment to a
8 person applying to be a firefighter based on where the firefighter or person
9 applying to be a firefighter resides if the firefighter or person applying to
10 be firefighter:

11 (i) Resides within one hundred (100) miles of the
12 fire department; and

13 (ii) Meets the other requirements to be a
14 firefighter.

15 (C) The chief or head of a fire department may dismiss,
16 discipline, fine, or penalize a firefighter or deny employment to a person
17 applying to be a firefighter based on where the firefighter or person
18 applying to be a firefighter resides if the firefighter or person applying to
19 be a firefighter resides more than one hundred (100) miles from the fire
20 department.

21 (c) This section does not:

22 (1) Apply to a fire department that uses both full-time, paid
23 firefighters and volunteer firefighters; or

24 (2) Affect a municipal fire department's policies concerning:

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

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

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

33 14-284-126. Residency requirement prohibited.

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

1 fighting fires.

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

4 (b)(1) Notwithstanding any law, resolution, or ordinance to the
5 contrary, a board of commissioners of a fire protection district shall not
6 dismiss, discipline, fine, or penalize a firefighter or deny employment to a
7 person applying to be a firefighter based on where the firefighter or person
8 applying to be a firefighter resides.

9 (2)(A) Except as provided in subdivision (b)(2)(B) of this
10 section, the chief or head of a fire protection district may dismiss,
11 discipline, fine, or penalize a firefighter or deny employment to a person
12 applying to be a firefighter based on where the firefighter or person
13 applying to be a firefighter resides.

14 (B) The chief or head of a fire protection district shall
15 not dismiss, discipline, fine, or penalize a firefighter or deny employment
16 to a person applying to be a firefighter based on where the firefighter or
17 person applying to be a firefighter resides if the firefighter or person
18 applying to be firefighter:

19 (i) Resides within one hundred (100) miles of the
20 office location for the fire protection district; and

21 (ii) Meets the other requirements to be a
22 firefighter.

23 (C) The chief or head of a fire protection district may
24 dismiss, discipline, fine, or penalize a firefighter or deny employment to a
25 person applying to be a firefighter based on where the firefighter or person
26 applying to be a firefighter resides if the firefighter or person applying to
27 be a firefighter resides more than one hundred (100) miles from the office
28 location for the fire protection district.

29 (c) This section does not:

30 (1) Apply to a fire protection district that uses both full-
31 time, paid firefighters and volunteer firefighters; or

32 (2) Affect a fire protection district's policies concerning:

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

35 (B) Firefighters who, based on their assignment, are
36 required to respond to an emergency or call out within a specific time

1 period.

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

5 14-284-227. Residency requirement prohibited.

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

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

12 (b)(1) Notwithstanding any law, resolution, or ordinance to the
13 contrary, a board of commissioners of a fire protection district shall not
14 dismiss, discipline, fine, or penalize a firefighter or deny employment to a
15 person applying to be a firefighter based on where the firefighter or person
16 applying to be a firefighter resides.

17 (2)(A) Except as provided in subdivision (b)(2)(B) of this
18 section, the chief or head of a fire protection district may dismiss,
19 discipline, fine, or penalize a firefighter or deny employment to a person
20 applying to be a firefighter based on where the firefighter or person
21 applying to be a firefighter resides.

22 (B) The chief or head of a fire protection district shall
23 not dismiss, discipline, fine, or penalize a firefighter or deny employment
24 to a person applying to be a firefighter based on where the firefighter or
25 person applying to be a firefighter resides if the firefighter or person
26 applying to be firefighter:

27 (i) Resides within one hundred (100) miles of the
28 office location for the fire protection district; and

29 (ii) Meets the other requirements to be a
30 firefighter.

31 (C) The chief or head of a fire protection district may
32 dismiss, discipline, fine, or penalize a firefighter or deny employment to a
33 person applying to be a firefighter based on where the firefighter or person
34 applying to be a firefighter resides if the firefighter or person applying to
35 be a firefighter resides more than one hundred (100) miles from the office
36 location for the fire protection district.

1 (c) This section does not:

2 (1) Apply to a fire protection district that uses both full-
3 time, paid firefighters and volunteer firefighters; or

4 (2) Affect a fire protection district's policies concerning:

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

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

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