

SENATE BILL 1513

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 2;  
Title 5; Title 6; Title 7 and Title 8, relative to local  
government employees.

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

SECTION 1. Tennessee Code Annotated, Section 5-5-102, is amended by deleting subdivision (c)(1) in its entirety and by substituting instead the following:

(1) Notwithstanding any law to the contrary, any county employee, shall be disqualified from serving as a member of the county legislative body for the county that employs such county employee, by reason of being a county employee. Any member of a county legislative body who is a county employee on the effective date of this act shall not become disqualified and may continue in office as a member of the county legislative body pursuant to this subdivision (c)(1). Any member of a county legislative body who is a county employee on the effective date of this act who is re-elected to the county legislative body, without any interruption in holding such office, may continue in office as a member of the county legislative body.

SECTION 2. Tennessee Code Annotated, Section 7-2-108, is amended by adding the following language as a new subsection:

(e) Notwithstanding subdivision (a)(12), any employee of the metropolitan government shall be disqualified from serving as a member of the metropolitan council by reason of being an employee of the metropolitan government. Any member of the metropolitan council who is an employee of the metropolitan government on the effective date of this act shall not become disqualified to continue in office as a member of the metropolitan council. Any member of a metropolitan council who is a metropolitan

government employee on the effective date of this act who is re-elected to the metropolitan council, without any interruption in holding such office, may continue in office as a member of the metropolitan council.

SECTION 3. Tennessee Code Annotated, Section 5-1-210(4), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(4) For the size, method of election, qualification for holding office, method of removal, and procedures of the county legislative body with such other provisions with respect to such body as are normally related to the organization, powers and duties of governing bodies in counties; provided, however, any county employee, shall be disqualified from serving as a member of the county legislative body for the county that employs such county employee, by reason of being a county employee; provided further, that any member of a county legislative body who is a county employee on the effective date of this act, shall not become disqualified to continue in office as a member of the county legislative body. Any member of a county legislative body who is a county employee on the effective date of this act who is re-elected to the county legislative body, without any interruption in holding such office, may continue in office as a member of the county legislative body.

SECTION 4. Tennessee Code Annotated, Section 6-3-103, is amended by adding the following language as a new subsection:

(e) No person shall be eligible for the office of alderman if such person is an employee of the municipality. Notwithstanding this subsection (e), any alderman who is an employee of the municipality of the effective date of this act, shall not be disqualified from the office of alderman. Any alderman who is a city employee on the effective date of this act who is re-elected to the office of alderman, without any interruption in holding such office, may continue to serve as an alderman.

SECTION 5. Tennessee Code Annotated, Section 6-20-104, is amended by designating the existing language as subsection (a) and by adding the following language as subsection (b):

(b) Any city employee shall be ineligible for the office of commissioner by reason of being a city employee. Any commissioner who is a city employee on the effective date of this act, shall not be disqualified from the office of commissioner. Any commissioner who is a city employee on the effective date of this act who is re-elected to the office of commissioner, without any interruption in holding such office, may continue to serve as a commissioner.

SECTION 6. Tennessee Code Annotated, Section 6-31-105, is amended by designating the existing language as subsection (a) and by adding the following language as subsection (b):

(b) Any employee of the city shall be ineligible for the office of council member. Any member of the council, who is a city employee on the effective date of this act, shall not be disqualified from the office of council member. Any member of the council who is a city employee on the effective date of this act and who is re-elected to the council, without interruption in holding such office, may continue to serve as a member of the council.

SECTION 7. Tennessee Code Annotated, Title 6, Chapter 53, Part 1, is amended by adding the following language as a new section:

6-53-112.

Notwithstanding any law, private act, or charter to the contrary, any employee of a municipal government shall be disqualified from serving as a member of the governing body of the municipality that employs such employee. Any member of a governing body of a municipality who is also an employee of the municipality on the effective date of this act, shall not be disqualified from serving as a member of the governing body of the municipality. Any member of a governing body who is a municipal government employee on the effective date of this act who is re-elected to the governing body, without any interruption in

holding such office, may continue in office as a member of the governing body.

For purposes of this section, "municipality" means any incorporated city or town including any incorporated city which has adopted home rule.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect December 1, 2014, the public welfare requiring it, and shall apply to any election or vacancy occurring on or after such date.