

HOUSE BILL 985

By Rogers

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 5; Title 6; Title 7; Title 8 and Title 12, relative
to county government.

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 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 December 1, 2015, shall not become disqualified and may continue in office as a member of the county legislative body pursuant to this subdivision (c)(1) for the remainder of the member's term. Any member of a county legislative body who is a county employee on December 1, 2015, who is reelected to the county legislative body on or after that date, 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 5-1-210(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(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 December 1, 2015, shall not become disqualified and may continue in office as a member of the county legislative body for the remainder of the member's term. Any member of a county legislative body who is a county employee on December 1, 2015, who is reelected to the county legislative body on or after that date, without any interruption in holding such office, may continue in office as a member of the county legislative body.

SECTION 3. Tennessee Code Annotated, Section 2-12-102(b), is amended by adding the following language at the end of the subsection:

As used in this subsection (b), "qualifies as a candidate for any public office" means when a person has made a formal announcement of candidacy; has filed a petition seeking nomination for election to public office; or has received contributions or made expenditures or given consent for a campaign committee to receive contributions or make expenditures for the person's election to public office.

SECTION 4. Tennessee Code Annotated, Section 12-4-101(c), is amended by adding the following language as a new subdivision:

(4)

(A) This subsection (c) shall apply to:

(i) Any member of a local governing body of a county who is also an employee of such county on December 1, 2015, and who continues in office for the remainder of the member's term; or

(ii) Any member of a local governing body of a county who is also an employee of such county on December 1, 2015, and who is reelected to the governing body, without any interruption in holding the member's office.

(B) Nothing in this subsection (c) shall authorize any member of a local governing body of a county who is also an employee of such county to qualify as a candidate for the local governing body after December 1, 2015.

SECTION 5. 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 that 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 6. This act shall take effect December 1, 2015, the public welfare requiring it, and shall apply to any election or vacancy occurring on or after such date.