

SENATE BILL 29

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 8, Chapter 50; Title 8, Chapter 8; Title 38, Chapter 8; Title 68, Chapter 140 and Title 68, Chapter 102, relative to residency requirements.

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

SECTION 1. Tennessee Code Annotated, Section 8-50-107, is amended by adding the following as a new subsection:

(d)

(1) Notwithstanding any law, private act, charter, resolution, or ordinance to the contrary, a local government shall not have a residency requirement for first responders as a condition of employment.

(2) As used in this subsection (d):

(A) "First responder" means paid, full-time law enforcement officers, firefighters, and emergency medical personnel other than the chief or head of the department; and

(B) "Local government" means any county, metropolitan government, municipality, or other political subdivision of this state.

(3) This subsection (d) does not affect a local government's policy regarding the use of a vehicle while not on duty.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Briggs
Signature of Sponsor

AMEND Senate Bill No. 29*

House Bill No. 105

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-50-107, is amended by adding the following as a new subsection:

(d)

(1) Notwithstanding any law, private act, charter, resolution, or ordinance to the contrary, a local government shall not dismiss, discipline, fine, or penalize a first responder employed by a local government, or deny employment to a person applying to be a first responder, based on where the first responder or person applying to be a first responder resides.

(2) As used in this subsection (d):

(A) "First responder" means paid, full-time law enforcement officers, firefighters, emergency medical personnel, and dispatchers of law enforcement, fire, and emergency medical service departments.

"First responder" does not mean the chief or head of the department; and

(B) "Local government" means any county, metropolitan government, municipality, or other political subdivision of this state.

(3) This subsection (d) does not affect a local agency's policies:

(A) Regarding the use of a department vehicle while not on duty;

or

(B) That require responses by employees who, based upon their assignment, are required to respond to an emergency or call out within a specific time period.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 29*

House Bill No. 105

by adding the following after the caption:

WHEREAS, courts have repeatedly found that a residency requirement for government employees is rationally related to a legitimate government interest; and

WHEREAS, Hamilton County has a legitimate government interest to require firefighters to be residents of this State due to pay issues for out-of-state resident employees arising from other state's income tax; now, therefore,

AND FURTHER AMEND by deleting subdivision (d)(2)(B) in Section 1 and substituting the following:

(B)

(i) "Local government" means a county, metropolitan government, municipality, or other political subdivision of this state;

(ii) "Local government" does not include a county with a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than three hundred thirty-six thousand five hundred (336,500), according to the 2010 federal census or any subsequent federal census.