

SENATE BILL 1397

By Bell

AN ACT to amend Tennessee Code Annotated, Section 8-23-204 and Title 49, Chapter 5, Part 6, relative to payroll deduction of professional employees' organizations.

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

SECTION 1. Tennessee Code Annotated, Section 49-5-608(a)(7), is amended by deleting the subdivision and substituting instead:

(7) Payroll deductions, but only for employee benefits available through, or as a result of, employment by the LEA or charitable contributions to nonprofit organizations that are 501(c)(3) organizations exempt from federal income taxation under § 501(a) of the Internal Revenue Code, codified in 26 U.S.C. § 501(a), as an organization described in § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3).

SECTION 2. Tennessee Code Annotated, Section 49-5-608(b)(6), is amended by deleting the words "for political activities" and substituting instead the words "of dues for professional employees' organizations or for political activities".

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 5, Part 6, is amended by adding the following language as a new section:

(a) Payroll deductions, whether resulting from collaborative conferencing by an LEA and a professional employees' organization or initiated solely by an LEA, must be limited to deductions for employee benefits available through, or as a result of, employment by the LEA or charitable contributions to nonprofit organizations that are 501(c)(3) organizations exempt from federal income taxation under § 501(a) of the Internal Revenue Code, codified in 26 U.S.C. § 501(a), as an organization described in § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3).

(b) Any payroll deduction for dues of a professional employees' organization resulting from a memorandum of understanding entered into under title 49, chapter 5, part 6, prior to the effective date of this act must remain in effect until the expiration of the memorandum of understanding. Parties to a memorandum of understanding that contains a provision concerning deduction of dues of a professional employees' organization entered into under this part, prior to the effective date of this act shall not renew the provision after the effective date of this act. On or after the effective date of this act, a local board of education and its professional employees, or the professional employees' respective representatives, shall not enter into a memorandum of understanding under this part, if it includes provisions for payroll deductions other than those permitted under § 49-5-608(a)(7).

SECTION 4. Tennessee Code Annotated, Section 8-23-204(a)(5), is amended by adding the word "higher" between the word "professional" and the word "education" wherever they appear.

SECTION 5. Tennessee Code Annotated, Section 8-23-204(a)(6), is amended by deleting the subdivision.

SECTION 6. If payroll deduction for dues of a professional education association is occurring at a state special school on the effective date of this act, then the state special school shall not deduct any professional education association dues after the next date on which the association is to offer proof of continued membership under § 8-23-204(a)(6)(D), as it existed prior to the effective date of this act.

SECTION 7. Tennessee Code Annotated, Section 49-5-602, is amended by adding the following language as a new subdivision:

"Employee benefits available through, or as a result of, employment by the LEA" means a benefit, including, but not limited to, optional life insurance; dental insurance; long-term care insurance; payroll deductions for savings plans or loan payments at banks, credit unions, and other lending institutions; and other arrangements whereby the

LEA confers a benefit on some or all of its employees by providing an easy, convenient, and efficient means for payment of a service or obligation through payroll deduction.

"Employee benefits available through, or as a result of, employment by the LEA" does not include payroll deductions for dues of professional employees' organizations.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.