

**NOTE:** At the time of the vote, the Legislature did not have an available copy of the bill text as voted on. For your convenience, Vote Smart staff has created this updated version of the bill by incorporating changes made by published Committee Reports and/or Amendments into the available text. This updated version accurately reflects the state of the bill as voted on.

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House Bill 294  
By Kane

Senate Bill 151

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 49, relative to K-12 education.

WHEREAS, the policy of Tennessee shall be to respect the free speech rights of all citizens; and

WHEREAS, since the adoption of the Collaborative Conferencing Act of 2011, Tennessee has adopted a policy where each teacher has a complete freedom of choice to choose whether to join a professional association; and

WHEREAS, some professional associations choose to directly and indirectly support partisan political and electioneering activity with the assistance of member dues; and

WHEREAS, local governments of the state of Tennessee have assisted these organizations in the collection of dues by way of deducting and collecting funds directly from the paychecks of teachers, at a significant cost to taxpayers; and

WHEREAS, the policy of Tennessee is to support the rights of teachers to choose who shall represent their interests in the form of professional association representation, free of intimidation; and

WHEREAS, while some teachers are permitted to pay their association dues by payroll deduction, not all local education agencies have granted equal access to payroll deduction for all professional associations; and

WHEREAS, the effect of this inequity in access has been to prefer one professional association over another; and

WHEREAS, the effect of this preference is that Tennessee taxpayers are currently subsidizing the direct and indirect partisan political activity of one professional association,

while denying that same access to another; now, therefore,

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

SECTION 1. This act shall be known and may be cited as the "Fair Access to Collection of Teacher Support (FACTS) Act".

SECTION 2. Tennessee Code Annotated, Section 49-5-608(a)(7), is amended by deleting the subdivision in its entirety and substituting instead the following:

(7) Payroll deduction, except as provided in subsection (b) and § 49-5- 610.

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

**49-5-610.**

(a) Any LEA whose board of education engages in collaborative conferencing shall be prohibited from engaging in the following:

(1) Deduction and remittance of dues deducted from the payroll of employees for a professional employee organization;

(2) Deduction and remittance of dues deducted from the payroll of employees for a professional employee organization, if any of that SA0492 010514 -3- organization's funds are contributed in any way to another organization that engages in political activity; and

(3) Deduction and remittance of dues deducted from the payroll of employees for a professional employee organization, if that organization is affiliated with an organization that funds, financially supports, or engages in political activity.

(b) Nothing in this act prohibits LEA employees from personally and voluntarily remitting dues to any professional employee organization of their choice.

(c) Nothing in this act prohibits a professional employee organization from establishing a separate system of dues collections, independent of an LEA-supported system of payroll deduction.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.