

HOUSE BILL 130

By Maggart

AN ACT to amend Tennessee Code Annotated, Section 5-23-107 and Title 49, relative to the Education Professional Negotiations Act.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 6, is amended by deleting the part in its entirety.

SECTION 2.

(a) On or after the effective date of this act, no local board of education shall negotiate with a professional employees' organization or teachers' union concerning the terms or conditions of professional service.

(b) Nothing in this act shall be construed to abridge or impair a contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization under the Education Professional Negotiations Act before the effective date of this act. Any such contract or agreement shall remain in full force and effect until the expiration of the contract or agreement. Upon the expiration of a contract or agreement negotiated by a board of education and a professional employees' organization, teachers employed by such board of education shall have the rights in their employment that are afforded to them under state law and the personnel policy applicable to them.

SECTION 3. Tennessee Code Annotated, Section 5-23-107(1), is amended by deleting the language "or negotiated agreement pursuant to title 49, chapter 5, part 6".

SECTION 4. Tennessee Code Annotated, Section 49-1-201(d)(2), is amended by deleting the subdivision in its entirety.

SECTION 5. Tennessee Code Annotated, Section 49-1-207(g), is amended by deleting the subsection in its entirety.

SECTION 6. Tennessee Code Annotated, Section 49-1-614(d)(2), is amended by deleting the language ", and the Education Professional Negotiations Act, compiled in chapter 5, part 6 of this title,".

SECTION 7. Tennessee Code Annotated, Section 49-2-301(b)(1)(EE), is amended by deleting the subdivision in its entirety and by substituting instead the following;

In the approved budget and consistent with existing state laws and board policies, employ, transfer, suspend, nonrenew and dismiss all personnel, licensed or otherwise, except as provided in § 49-2-203(a)(1) and in chapter 5, part 5 of this title.

SECTION 8. Tennessee Code Annotated, Section 49-3-306(h), is amended by deleting the language "and in compliance with § 49-5-611".

SECTION 9. Tennessee Code Annotated, Section 49-5-5012, is amended by deleting the section in its entirety.

SECTION 10. Tennessee Code Annotated, Section 49-13-118, is amended by deleting the section in its entirety.

SECTION 11. Because title 49, chapter 5, part 6, shall continue to be applicable to contracts or agreements governing terms and conditions of professional service that were negotiated and entered into by a board of education and a recognized professional employees' organization before the effective date of this act, the code commission is requested to place the Education Professional Negotiations Act together with an appropriate statement indicating its applicability in an appendix to title 49 for the sole purpose of providing a readily available reference for those affected by such contracts or agreements until the time that all contracts or agreements negotiated under the act have expired.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.