

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 634

By: Daniels, Bergstrom and
Bullard of the Senate

and

O'Donnell of the House

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 5-139, as amended by Section 1, Chapter 193, O.S.L. 2018 (70 O.S. Supp. 2020, Section 5-139), which relates to payroll deductions for professional organizations; subjecting certain payroll deductions and political contributions to certain provisions; prohibiting certain deductions from exceeding one year without reauthorization; prohibiting accrual of certain debt after certain request to terminate is provided; requiring authorization for professional organization dues and political contributions to be on certain form containing certain statement; requiring certain authorization to be submitted to school district; providing for expiration of authorization at specified time; creating the Educators' Professional Liability Insurance Program; defining eligible employees; requiring certain liability coverage for employees; directing Office of Management and Enterprise Services (OMES) to administer program and promulgate rules; authorizing OMES to contract for private insurance or create a self-insured risk pool; requiring competitive process for selecting insurer; directing Legislature to appropriate funds for the program annually; requiring written

1 notification of coverage; prescribing contents of
2 notice; construing provisions; providing for
3 codification; and declaring an emergency.
4

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-139, as
7 amended by Section 1, Chapter 193, O.S.L. 2018 (70 O.S. Supp. 2020,
8 Section 5-139), is amended to read as follows:

9 Section 5-139. School districts shall make payroll deductions
10 for either or both professional organization dues and political
11 contributions at the written request of any school employee, subject
12 to the provisions of Section 2 of this act, and shall transmit
13 deducted funds to the organization designated by the school district
14 employee. Such deductions shall be on a ten-month basis unless
15 otherwise designated by the ~~employee~~ professional organization but
16 shall not exceed one (1) year without reauthorization. However, a
17 school employee may request at any time in writing, including by
18 email or fax, for the school district to immediately terminate or
19 initiate payroll deductions to a professional organization. Upon
20 receipt of any written request, the school district shall within
21 five (5) business days or by the next pay period, whichever is
22 earlier, terminate or initiate any future payroll deductions of the
23 requesting school employee to a professional organization. Upon
24 receipt of a written request, the school district shall notify the

1 professional organization of the initiation or termination of
2 payroll deductions within fifteen (15) business days. If the
3 request is to terminate a deduction, the school district shall not
4 make any advance payments to any professional organization of any
5 future dues on behalf of the school employee, and no further debt
6 from the school employee to the professional organization shall
7 accrue. No school district policy or negotiated agreement shall
8 place any other conditions or requirements, including but not
9 limited to personal hand delivery, upon any employee to initiate or
10 terminate any payroll deduction to a professional organization
11 except for a written request as outlined in this section. Any
12 school district policy or provision in a negotiated agreement that
13 places additional conditions or requirements on initiation or
14 termination beyond those outlined in this section shall be null and
15 void. A school district which fails to terminate payroll deductions
16 for an employee in accordance with this section shall immediately
17 reimburse the employee the amount of all payroll deductions made by
18 the school district after the employee's request, and the amount due
19 the employee shall double every thirty (30) days until paid in full.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 5-139a of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Authorization for professional organization dues and
24 political contributions as provided for in Section 5-139 of Title 70

1 of the Oklahoma Statutes shall be on a form prescribed by the
2 Secretary of Education and contain a statement in fourteen-point
3 boldface font reading:

4 "I am aware that I have a First Amendment right, as recognized
5 by the U.S. Supreme Court, to refrain from joining and paying dues
6 to a professional organization or making political contributions. I
7 further realize that membership and payment of dues or political
8 contributions are voluntary and that I may not be discriminated
9 against for my refusal to join or financially support a professional
10 organization. I hereby authorize my employer to deduct dues and/or
11 political contributions from my salary in the amounts specified in
12 accordance with my professional organization's bylaws. I understand
13 that I may revoke this authorization at any time."

14 B. Authorization containing an employee's full name, position,
15 professional organization and signature shall be submitted to the
16 school district.

17 C. An authorization shall expire at the start of the first full
18 pay period each school year.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 5-140.1 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. There is hereby created the Educators' Professional
23 Liability Insurance Program for all school employees, including
24 full-time and part-time personnel of public schools, as defined in

1 Section 1-106 of Title 70 of the Oklahoma Statutes, and charter
2 schools, as defined in subsection D of Section 3-132 of Title 70 of
3 the Oklahoma Statutes.

4 B. The program shall provide liability coverage for employees
5 up to One Million Dollars (\$1 ,000,000.00) in coverage per
6 occurrence.

7 C. The program shall be administered by the Office of
8 Management and Enterprise Services (OMES). OMES shall promulgate
9 rules to implement the provisions of this act.

10 D. OMES shall be authorized to contract liability insurance
11 from a licensed insurer, to create a self-insured risk pool or to
12 use a combination of both.

13 E. The insurance carrier providing any portion of coverage
14 provided under this act shall be selected by a competitive process.

15 F. The Legislature shall provide an annual appropriation to
16 cover the costs and any associated premiums for the program.

17 G. Each school district shall notify annually, in writing,
18 eligible employees about the coverage provided by the Educators'
19 Professional Liability Insurance Program.

20 H. OMES and the State Department of Education shall notify, in
21 writing, all eligible employees about the Educators' Professional
22 Liability Insurance Program. The notice shall specifically inform
23 employees that coverage is provided automatically as part of their
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1 employment. The notice shall be given upon hiring and annually
2 thereafter.

3 I. Nothing in this section shall be construed to exempt a local
4 school district from any current obligations or duties nor amend or
5 alter The Governmental Tort Claims Act provided in Sections 151
6 through 172 of Title 51 of the Oklahoma Statutes.

7 SECTION 4. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 58-1-8115 LRB 04/08/21
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