

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB634 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Terry ODonnell

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE  
FOR ENGROSSED

SENATE BILL NO. 634

By: Daniels, Bergstrom and  
Bullard of the Senate

and

O'Donnell, McDugle and  
Lepak of the House

FLOOR SUBSTITUTE

An Act relating to schools; amending 70 O.S.  
2021, 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 to  
administer program and promulgate rules;  
authorizing contract for private insurance or  
creation of a self-insured risk pool; requiring  
competitive process for selecting insurer;  
directing Legislature to appropriate funds for  
the program annually; requiring written  
notification of coverage and program; prescribing  
contents of notice; construing provisions;

1 providing for codification; and declaring an  
2 emergency.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-139, is  
6 amended to read as follows:

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

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

3 "The State of Oklahoma wishes to make you aware that you have a  
4 First Amendment right, as recognized by the U.S. Supreme Court, to  
5 refrain from joining and paying dues or making political  
6 contributions to a professional employee organization. Membership  
7 and payment of dues or political contributions are voluntary and you  
8 will not be discriminated against for your refusal to join or  
9 financially support a professional employee organization or your  
10 decision to join and pay such an organization. By signing this form  
11 you are authorizing your employer to deduct dues and/or political  
12 contributions from your salary in the amounts specified in  
13 accordance with your professional organization's bylaws. You may  
14 revoke this authorization at any time."

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

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

20 D. The provisions of this section and Section 5-139 of Title 70  
21 of the Oklahoma Statutes shall apply to any new or modified  
22 collective bargaining agreement entered into after the effective  
23 date of this act.

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

4       A. There is hereby created the Educators' Professional  
5 Liability Insurance Program for all school employees, including  
6 full-time and part-time personnel of public schools, as defined in  
7 Section 1-106 of Title 70 of the Oklahoma Statutes, and charter  
8 schools, as defined in subsection D of Section 3-132 of Title 70 of  
9 the Oklahoma Statutes.

10       B. The program shall provide liability coverage for employees  
11 of up to One Million Dollars (\$1,000,000.00) in coverage per  
12 occurrence.

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

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

19       E. The insurance carrier providing any portion of coverage  
20 provided under this section shall be selected by a competitive  
21 process.

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

1       G. Each school district shall notify annually, in writing, all  
2 eligible employees about the coverage provided by the Educators'  
3 Professional Liability Insurance Program.

4       H. OMES and the State Department of Education shall notify, in  
5 writing, all eligible employees about the Educators' Professional  
6 Liability Insurance Program. The notice shall specifically inform  
7 employees that coverage is provided automatically as part of their  
8 employment. The notice shall be given upon hiring and annually  
9 thereafter.

10       I. Nothing in this section shall be construed to exempt a local  
11 school district from any current obligations or duties nor amend or  
12 alter The Governmental Tort Claims Act.

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

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18       58-2-11450       LRB       04/26/22

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