

1 **SENATE FLOOR VERSION**

2 February 23, 2021

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 634

By: Daniels, Bergstrom and
Bullard of the Senate

and

O'Donnell of the House

8
9 An Act relating to school employee payroll
10 deductions; amending 70 O.S. 2011, Section 5-139, as
11 amended by Section 1, Chapter 193, O.S.L. 2018 (70
12 O.S. Supp. 2020, Section 5-139), which relates to
13 payroll deductions for professional organizations;
14 subjecting certain payroll deductions and political
15 contributions to certain provisions; prohibiting
16 certain deductions from exceeding one year without
17 reauthorization; prohibiting accrual of certain debt
18 after certain request to terminate is provided;
19 requiring authorization for professional organization
20 dues and political contributions to be on certain
21 form containing certain statement; requiring certain
22 authorization to include certain information;
23 requiring a school district to confirm certain
24 authorization; providing for expiration of certain
authorization if certain action is not taken in
certain school year; providing for codification; and
declaring an emergency.

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

1 Section 5-139. School districts shall make payroll deductions
2 for either or both professional organization dues and political
3 contributions at the written request of any school employee subject
4 to the provisions of Section 2 of this act and shall transmit
5 deducted funds to the organization designated by the school district
6 employee. Such deductions shall be on a ten-month basis unless
7 otherwise designated by the employee organization but shall not
8 exceed one (1) year without reauthorization. However, a school
9 employee may request at any time in writing⁷, including by email or
10 fax, for the school district to immediately terminate or initiate
11 payroll deductions to a professional organization. Upon receipt of
12 any written request, the school district shall within five (5)
13 business days or by the next pay period, whichever is earlier,
14 terminate or initiate any future payroll deductions of the
15 requesting school employee to a professional organization. Upon
16 receipt of a written request, the school district shall notify the
17 professional organization of the initiation or termination of
18 payroll deductions within fifteen (15) business days. If the
19 request is to terminate a deduction, the school district shall not
20 make any advance payments to any professional organization of any
21 future dues on behalf of the school employee, and no further debt
22 from the school employee to the professional organization shall
23 accrue. No school district policy or negotiated agreement shall
24 place any other conditions or requirements⁷, including but not

1 limited to personal hand delivery, upon any employee to initiate or
2 terminate any payroll deduction to a professional organization
3 except for a written request as outlined in this section. Any
4 school district policy or provision in a negotiated agreement that
5 places additional conditions or requirements on initiation or
6 termination beyond those outlined in this section shall be null and
7 void. A school district which fails to terminate payroll deductions
8 for an employee in accordance with this section shall immediately
9 reimburse the employee the amount of all payroll deductions made by
10 the school district after the employee's request, and the amount due
11 the employee shall double every thirty (30) days until paid in full.

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

15 A. Authorization for professional organization dues and
16 political contributions as provided for in Section 5-139 of Title 70
17 of the Oklahoma Statutes shall be on a form prescribed by the
18 Secretary of Education and contain a statement in fourteen-point
19 boldface font reading:

20 "I am aware that I have a First Amendment right, as recognized
21 by the U.S. Supreme Court, to refrain from joining and paying dues
22 or making political contributions to a professional employee
23 organization. I further realize that membership and payment of dues
24 or political contributions are voluntary and that I may not be

1 discriminated against for my refusal to join or financially support
2 a professional employee organization. I hereby authorize my
3 employer to deduct dues and/or political contributions from my
4 salary in the amounts specified in accordance with my professional
5 employee organization's bylaws. I understand that I may revoke this
6 authorization at any time."

7 B. Authorization containing an employee's full name, position,
8 professional organization and signature shall be submitted to the
9 school district. The school district shall confirm the
10 authorization by emailing the employee's school district-provided
11 email address and shall wait for confirmation of the authorization
12 before starting any deduction. If the employee does not possess a
13 school district-provided email address, the school district may use
14 other means it deems appropriate to confirm the authorization.

15 C. An authorization shall expire at the start of the first full
16 pay period each school year unless it was authorized or reauthorized
17 during the previous school year.

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
23 February 23, 2021 - DO PASS AS AMENDED
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