

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 634

By: Daniels, Bergstrom and
Bullard of the Senate

7 and

8 O'Donnell, **McDugle** and
9 **Lepak** of the House

10
11 COMMITTEE SUBSTITUTE

12 An Act relating to schools; amending 70 O.S.
13 2011, Section 5-139, as amended by Section 1,
14 Chapter 193, O.S.L. 2018 (70 O.S. Supp. 2020,
15 Section 5-139), which relates to payroll
16 deductions for professional organizations;
17 subjecting certain payroll deductions and
18 political contributions to certain provisions;
19 prohibiting certain deductions from exceeding one
20 year without reauthorization; prohibiting accrual
21 of certain debt after certain request to
22 terminate is provided; requiring authorization
23 for professional organization dues and political
24 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

1 insurer; directing Legislature to appropriate
2 funds for the program annually; requiring written
3 notification of coverage; prescribing contents of
4 notice; construing provisions; providing for
5 codification; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 H. OMES and the State Department of Education shall notify, in
24 writing, all eligible employees about the Educators' Professional

1 Liability Insurance Program. The notice shall specifically inform
2 employees that coverage is provided automatically as part of their
3 employment. The notice shall be given upon hiring and annually
4 thereafter.

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/08/2021 - DO PASS,
15 As Amended and Coauthored.

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