

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2543

By: O'Donnell

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Section 5-139, which relates to payroll deductions
9 for professional organizations; subjecting certain
10 payroll deductions and political contributions to
11 certain provisions; prohibiting certain deductions
12 from exceeding one year without reauthorization;
13 prohibiting accrual of certain debt after certain
14 request to terminate is provided; prohibiting certain
15 additional conditions or requirements; declaring
16 certain provisions be null and void; requiring
17 authorization for professional organization dues and
18 political contributions to be on certain form
19 containing specified statement; requiring certain
20 authorization to be submitted to school district;
21 providing for expiration of authorization at
22 specified time; providing for applicability; creating
23 the Educators' Professional Liability Insurance
24 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 to employees of coverage and
program; prescribing contents of notice; construing
provisions; providing for codification; and declaring
an emergency.

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

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

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

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

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 5-139.1 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Authorization for professional organization dues and
19 political contributions as provided for in Section 5-139 of Title 70
20 of the Oklahoma Statutes shall be on a form prescribed by each
21 school district and contain the following statement:

22 "The State of Oklahoma wishes to make you aware that you have a
23 First Amendment right, as recognized by the U.S. Supreme Court, to
24 refrain from joining and paying dues or making political

1 contributions to a professional employee organization. Membership
2 and payment of dues or political contributions are voluntary and you
3 will not be discriminated against for your refusal to join or
4 financially support a professional employee organization or your
5 decision to join and pay such an organization. By signing this form
6 you are authorizing your employer to deduct dues and/or political
7 contributions from your salary in the amounts specified in
8 accordance with your professional organization's bylaws. You may
9 revoke this authorization at any time."

10 B. Authorization containing an employee's full name, position,
11 professional organization, and signature shall be submitted to the
12 school district.

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

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

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 of 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 section shall be selected by a competitive
15 process.

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

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

21 H. OMES and the State Department of Education shall notify, in
22 writing, all eligible employees about the Educators' Professional
23 Liability Insurance Program. The notice shall specifically inform
24 employees that coverage is provided automatically as part of their

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.

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

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