

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2409

6 By: Faught

7 COMMITTEE SUBSTITUTE

8 An Act relating to sunset; amending 11 O.S. 2011,
9 Section 51-104, as last amended by Section 7, Chapter
10 15, O.S.L. 2013 (11 O.S. Supp. 2015, Section 51-104),
11 which relates to the Public Employees Relations
12 Board; re-creating the Board; and modifying
13 termination date.

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

15 SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-104, as
16 last amended by Section 7, Chapter 15, O.S.L. 2013 (11 O.S. Supp.
17 2015, Section 51-104), is amended to read as follows:

18 Section 51-104. A. There is hereby re-created, to continue
19 until July 1, ~~2016~~ 2020, in accordance with the provisions of the
20 Oklahoma Sunset Law, the Public Employees Relations Board, which
21 shall be composed of five (5) members to be appointed or selected as
22 follows:

23 1. One appointed by the Governor shall be an impartial
24 appointment and designated as Chairman;

1 2. Two appointed by the President Pro Tempore of the State
2 Senate, one of whom shall be an impartial appointment and one of
3 whom shall be a representative from the labor industry chosen from a
4 list of four nominees to be submitted jointly by an Oklahoma
5 organization the primary purpose of which is to provide services to
6 members who are municipal police officers, which shall provide two
7 nominees, and by an Oklahoma organization the primary purpose of
8 which is to provide services to members who are municipal
9 firefighters, which shall provide two nominees; and

10 3. Two appointed by the Speaker of the Oklahoma House of
11 Representatives, one of whom shall be an impartial appointment and
12 one of whom shall be a representative of a municipality to be
13 selected from a list of four nominees submitted by a statewide
14 organization the membership of which consists primarily of
15 incorporated cities and towns within Oklahoma.

16 B. The Chairman shall be appointed for a term of five (5)
17 years, commencing from July 1, 1972. The other members shall be
18 appointed for terms of one (1) and three (3) years, respectively,
19 from July 1, 1972, but their successors shall be appointed for terms
20 of three (3) years. No member shall serve on the Board for more
21 than two terms. No impartial member appointed by either the
22 President Pro Tempore of the Oklahoma State Senate or by the Speaker
23 of the Oklahoma House of Representatives shall, within two (2) years
24 of being appointed to the Board or while serving on the Board, have

1 served or worked in a capacity as an advocate, be a member or
2 receive compensation from a labor union group association or its
3 subordinate affiliates or have served or worked in a capacity as an
4 advocate, appointed or elected official of or received compensation
5 from a municipality or municipalities.

6 C. Three members of the Board shall constitute a quorum. Any
7 individual chosen to fill a vacancy on the Board shall be appointed
8 only for the unexpired term. The Chairman and members of the Board
9 shall not receive a salary but shall receive compensation in lieu of
10 expenses in the amount of Fifty Dollars (\$50.00) per day for any
11 meeting or the conduct of official duties, whether acting singly or
12 collectively.

13 D. To accomplish the objectives and to perform the duties
14 prescribed by this article, the Board may subpoena witnesses, issue
15 subpoenas to require the production of books, papers, records, and
16 documents which may be needed as evidence of any matter under
17 inquiry, and administer oaths and affirmations. In cases of neglect
18 or refusal to obey a subpoena issued to any person, the district
19 court of the county in which the investigations or the public
20 hearings are taking place, upon application by the Board, may issue
21 an order requiring such person to appear before the Board and
22 produce evidence about the matter under investigation. A failure to
23 obey such order may be punished by the court as a contempt.

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1 E. Any subpoena, notice of hearing, or other process or notice
2 of the Board issued under the provisions of this article may be
3 served personally, by registered mail, or by leaving a copy at the
4 principal office of the person required to be served. A return made
5 and verified by the individual making such service and setting forth
6 the manner of such service is proof of service, and a returned post
7 office receipt, when registered or certified mail is used, is proof
8 of service.

9 F. The Board shall adopt, promulgate, amend, or rescind such
10 rules as it deems necessary to carry out the provisions of this
11 article. Public hearings shall be held by the Board on any proposed
12 rule of general applicability designed to implement, interpret, or
13 prescribe policy, procedure or practice requirements under the
14 provisions of this article and on any proposed change to such
15 existing rule. Reasonable notice shall be given prior to such
16 hearings, which shall include the time, place, and nature of such
17 hearing and the terms or substance of the proposed rule or the
18 changes to such rule.

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