STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2380 By: Sullivan (John)

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 1991, Section 51-104, as amended by Section 1, Chapter 13, O.S.L. 1995 (11 O.S. Supp. 1997, Section 51-104), which relates to the Public Employees Relations Board; modifying compensation in lieu of expenses; providing for mileage reimbursement; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 51-104, as amended by Section 1, Chapter 13, O.S.L. 1995 (11 O.S. Supp. 1997, Section 51-104), is amended to read as follows:

Section 51-104. A. There is hereby re-created, to continue until July 1, 2001, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74, the Public Employees Relations Board, which shall be composed of three (3) members appointed by the Governor, one of whom shall be designated as Chairman. The Chairman shall be appointed for a term of five (5) years, commencing from July 1, 1972. The other members shall be appointed for terms of one (1) and three (3) years, respectively, from July 1, 1972, but their successors shall be appointed for terms

of five (5) years. Two members of the Board shall constitute a quorum. Any individual chosen to fill a vacancy on the Board shall be appointed only for the unexpired term. The Chairman and members of the Board shall not receive a salary but shall receive compensation in lieu of expenses in the amount of ~~Fifty Dollars ($50.00)~~ One Hundred Fifty Dollars ($150.00) per day and mileage reimbursement in the amount provided for in the State Travel Reimbursement Act for any meeting or the conduct of official duties, whether acting singly or collectively.

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

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

D. The Board shall adopt, promulgate, amend, or rescind such rules as it deems necessary to carry out the provisions of this article. Public hearings shall be held by the Board on any proposed rule of general applicability designed to implement, interpret, or

prescribe policy, procedure or practice requirements under the provisions of this article and on any proposed change to such existing rule. Reasonable notice shall be given prior to such hearings, which shall include the time, place, and nature of such hearing and the terms or substance of the proposed rule or the changes to such rule.

SECTION 2. This act shall become effective July 1, 1998.

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

46-2-8325 SCE