

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1071

By: Wright

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to sunset; amending 11 O.S. 2001,
9 Section 51-104, which relates to the Public Employees
10 Relations Board; re-creating the Board; and modifying
11 termination date.

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

14 SECTION 1. AMENDATORY 11 O.S. 2001, Section 51-104, is
15 amended to read as follows:

16 Section 51-104. A. There is hereby re-created, to continue
17 until July 1, ~~2007~~ 2008, in accordance with the provisions of the
18 Oklahoma Sunset Law, Section 3901 et seq. of Title 74, the Public
19 Employees Relations Board, which shall be composed of three (3)
20 members appointed by the Governor, one of whom shall be designated
21 as Chairman. The Chairman shall be appointed for a term of five (5)
22 years, commencing from July 1, 1972. The other members shall be
23 appointed for terms of one (1) and three (3) years, respectively,
24 from July 1, 1972, but their successors shall be appointed for terms

1 of five (5) years. Two members of the Board shall constitute a
2 quorum. Any individual chosen to fill a vacancy on the Board shall
3 be appointed only for the unexpired term. The Chairman and members
4 of the Board shall not receive a salary but shall receive
5 compensation in lieu of expenses in the amount of Fifty Dollars
6 (\$50.00) per day for any meeting or the conduct of official duties,
7 whether acting singly or collectively.

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

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

1 office receipt, when registered or certified mail is used, is proof
2 of service.

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

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