

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1523

6 By: Shannon

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; modifying
11 termination date; modifying appointments to Board;
12 amending 74 O.S. 2001, Section 3908, as amended by
13 Section 3, Chapter 208, O.S.L. 2006 (74 O.S. Supp.
14 2006, Section 3908), which relates to the termination
15 of certain statutory entities; re-creating certain
16 entities; and modifying termination date.

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

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

20 Section 51-104. A. There is hereby re-created, to continue
21 until July 1, ~~2007~~ 2013, in accordance with the provisions of the
22 Oklahoma Sunset Law, Section 3901 et seq. of Title 74, the Public
23 Employees Relations Board, which shall be composed of ~~three~~ ~~(3)~~ five
24 (5) members: one appointed by the Governor, one of whom shall be an
impartial appointment and designated as Chairman, two appointed by
the President Pro Tempore of the State Senate, one of whom shall be

1 a representative from the labor industry, and one of whom shall be
2 an impartial representative from a community with a population of
3 less than one hundred thousand (100,000) and two appointed by the
4 Speaker of the Oklahoma House of Representatives, one of whom shall
5 be a representative of a municipality, and one of whom shall be an
6 impartial representative from a community with a population of more
7 than one hundred thousand (100,000). The Chairman shall be
8 appointed for a term of ~~five (5)~~ three (3) years, commencing from
9 July 1, 1972. The other members shall be appointed for terms of one
10 (1) and three (3) years, respectively, from July 1, 1972, but their
11 successors shall be appointed for terms of ~~five (5)~~ three (3) years.
12 No member shall serve on the Board for more than two terms. No
13 member within two (2) years of being appointed to the Board or while
14 -serving on the Board shall have served or worked in a capacity as an
15 advocate, be a member or receive payment, compensation, or money
16 from a labor or union group association or its subordinate
17 affiliates or municipality. ~~Two~~ Three members of the Board shall
18 constitute a quorum. Any individual chosen to fill a vacancy on the
19 Board shall be appointed only for the unexpired term. The Chairman
20 and members of the Board shall not receive a salary but shall
21 receive compensation in lieu of expenses in the amount of Fifty
22 Dollars (\$50.00) per day for any meeting or the conduct of official
23 duties, whether acting singly or collectively.
24

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

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

20 D. The Board shall adopt, promulgate, amend, or rescind such
21 rules as it deems necessary to carry out the provisions of this
22 article. Public hearings shall be held by the Board on any proposed
23 rule of general applicability designed to implement, interpret, or
24 prescribe policy, procedure or practice requirements under the

1 provisions of this article and on any proposed change to such
2 existing rule. Reasonable notice shall be given prior to such
3 hearings, which shall include the time, place, and nature of such
4 hearing and the terms or substance of the proposed rule or the
5 changes to such rule.

6 SECTION 2. AMENDATORY 74 O.S. 2001, Section 3908, as
7 amended by Section 3, Chapter 208, O.S.L. 2006 (74 O.S. Supp. 2006,
8 Section 3908), is amended to read as follows:

9 Section 3908. The following statutory entities and their
10 successors shall be terminated on July 1, ~~2007~~ 2013, and all powers,
11 duties and functions shall be abolished one (1) year thereafter:

12 1. State Accrediting Agency as created by Section 241 of Title
13 72 of the Oklahoma Statutes;

14 2. Public Employees Relations Board as created by Section 51-
15 104 of Title 11 of the Oklahoma Statutes;

16 3. Capitol-Medical Center Improvement and Zoning Commission as
17 created by Section 83.1 of Title 73 of the Oklahoma Statutes;

18 4. Archives and Records Commission as created by Section 305 of
19 Title 67 of the Oklahoma Statutes;

20 5. ~~Oklahoma Prison Industry Marketing Development Advisory Task~~
21 ~~Force as created by Section 549.2 of Title 57 of the Oklahoma~~
22 ~~Statutes;~~

23 6. Oklahoma Energy Resources Board as created by Section 288.3
24 of Title 52 of the Oklahoma Statutes;

1 ~~7.~~ 6. Advisory Committee on Pedorthics as created by Section
2 2305 of Title 59 of the Oklahoma Statutes;

3 ~~8.~~ 7. Advisory Committee on Orthotics and Prosthetics as
4 created by Section 3005 of Title 59 of the Oklahoma Statutes; and

5 ~~9.~~ 8. Sheep and Wool Utilization, Research and Market
6 Development Commission as created by Section 18-181 of Title 2 of
7 the Oklahoma Statutes.

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