

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2209

6 By: Wright

7 COMMITTEE SUBSTITUTE

8 An Act relating to sunset; amending 11 O.S. 2001,
9 Section 51-104, as amended by Section 1, Chapter 23,
10 O.S.L. 2007 (11 O.S. Supp. 2007, 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. 2001, Section 51-104, as
16 amended by Section 1, Chapter 23, O.S.L. 2007 (11 O.S. Supp. 2007,
17 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, ~~2008~~ 2012, in accordance with the provisions of the
20 Oklahoma Sunset Law, Section 3901 et seq. of Title 74, the Public
21 Employees Relations Board, which shall be composed of three (3)
22 members appointed by the Governor, one of whom shall be designated
23 as Chairman. The Chairman shall be appointed for a term of five (5)
24 years, commencing from July 1, 1972. The other members shall be
appointed for terms of one (1) and three (3) years, respectively,

1 from July 1, 1972, but their successors shall be appointed for terms
2 of five (5) years. Two members of the Board shall constitute a
3 quorum. Any individual chosen to fill a vacancy on the Board shall
4 be appointed only for the unexpired term. The Chairman and members
5 of the Board shall not receive a salary but shall receive
6 compensation in lieu of expenses in the amount of Fifty Dollars
7 (\$50.00) per day for any meeting or the conduct of official duties,
8 whether acting singly or collectively.

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

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

1 the manner of such service is proof of service, and a returned post
2 office receipt, when registered or certified mail is used, is proof
3 of service.

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

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