

THE HOUSE OF REPRESENTATIVES
Thursday, February 26, 2009

House Bill No. 1754

HOUSE BILL NO. 1754 - By: MARTIN (SCOTT) of the House and JOLLEY of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 51-104, as last amended by Section 1, Chapter 16, O.S.L. 2008 (11 O.S. Supp. 2008, Section 51-104), which relates to the Public Employees Relations Board; modifying membership; modifying provisions related to duration of terms; imposing restrictions related to certain associations; and providing an effective date.

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

1 SECTION 1. AMENDATORY 11 O.S. 2001, Section 51-104, as last amended by
2 Section 1, Chapter 16, O.S.L. 2008 (11 O.S. Supp. 2008, Section 51-104), is amended to
3 read as follows:
4 Section 51-104. A. There is hereby re-created, to continue until July 1, 2012, in
5 accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title
6 74, the Public Employees Relations Board, which shall be composed of ~~three (3)~~ five (5)
7 members: one appointed by the Governor, one of whom shall be an impartial
8 appointment and designated as Chairman, two appointed by the President Pro Tempore
9 of the State Senate, one of whom shall be a representative from the labor industry, and
10 one of whom shall be an impartial representative from a community with a population of
11 less than thirty-five thousand (35,000) persons and two appointed by the Speaker of the

1 Oklahoma House of Representatives, one of whom shall be a representative of a
2 municipality, and one of whom shall be an impartial representative from a community
3 with a population of more than thirty-five thousand (35,000) persons. The Chairman
4 shall be appointed for a term of five (5) years, commencing from July 1, 1972. The other
5 members shall be appointed for terms of one (1) and three (3) years, respectively, from
6 July 1, 1972, but their successors shall be appointed for terms of ~~five (5)~~ three (3) years.
7 No member shall serve on the Board for more than two terms. No member within two (2)
8 years of being appointed to the Board or while serving on the Board shall have served or
9 worked in a capacity as an advocate, be a member or receive payment, compensation, or
10 money from a labor union group association or its subordinate affiliates or municipality.
11 ~~Two~~ Three (3) members of the Board shall constitute a quorum. Any individual chosen to
12 fill a vacancy on the Board shall be appointed only for the unexpired term. The
13 Chairman and members of the Board shall not receive a salary but shall receive
14 compensation in lieu of expenses in the amount of Fifty Dollars (\$50.00) per day for any
15 meeting or the conduct of official duties, whether acting singly or collectively.

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

1 evidence about the matter under investigation. A failure to obey such order may be
2 punished by the court as a contempt.

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

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

16 SECTION 2. This act shall become effective November 1, 2009.

17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-
18 25-09 - DO PASS, As Coauthored.