

1 **SENATE FLOOR VERSION**

2 March 28, 2012

3 ENGROSSED HOUSE  
4 BILL NO. 1577

By: Martin (Scott) of the House

5 and

6 Holt of the Senate

7  
8 An Act relating to cities and towns; amending 11 O.S.  
9 2011, Section 51-104, which relates to the Public  
10 Employees Relations Board; modifying membership;  
11 modifying provisions related to duration of terms;  
12 imposing restrictions related to certain  
13 associations; and providing an effective date.

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

15 SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-104, is  
16 amended to read as follows:

17 Section 51-104. A. There is hereby re-created, to continue  
18 until July 1, 2012, in accordance with the provisions of the  
19 Oklahoma Sunset Law, Section 3901 et seq. of Title 74, the Public  
20 Employees Relations Board, which shall be composed of ~~three (3)~~ five  
21 (5) members to be appointed or selected as follows:

22 1. One appointed by the Governor, ~~one of whom~~ shall be an  
impartial appointment and designated as Chairman;

23 2. Two appointed by the President Pro Tempore of the State  
24 Senate, one of whom shall be an impartial appointment and one of

1 whom shall be a representative from the labor industry chosen from a  
2 list of four nominees to be submitted jointly by an Oklahoma  
3 organization the primary purpose of which is to provide services to  
4 members who are municipal police officers, which shall provide two  
5 nominees, and by an Oklahoma organization the primary purpose of  
6 which is to provide services to members who are municipal  
7 firefighters, which shall provide two nominees; and

8 3. Two appointed by the Speaker of the Oklahoma House of  
9 Representatives, one of whom shall be an impartial appointment and  
10 one of whom shall be a representative of a municipality to be  
11 selected from a list of four nominees submitted by a statewide  
12 organization the membership of which consists primarily of  
13 incorporated cities and towns within Oklahoma.

14 B. The Chairman shall be appointed for a term of five (5)  
15 years, commencing from July 1, 1972. The other members shall be  
16 appointed for terms of one (1) and three (3) years, respectively,  
17 from July 1, 1972, but their successors shall be appointed for terms  
18 of ~~five (5)~~ three (3) years. ~~Two~~ No member shall serve on the Board  
19 for more than two terms. No impartial member appointed by either  
20 the President Pro Tempore of the Oklahoma State Senate or by the  
21 Speaker of the Oklahoma House of Representatives shall, within two  
22 (2) years of being appointed to the Board or while serving on the  
23 Board, have served or worked in a capacity as an advocate, be a  
24 member or receive compensation from a labor union group association

1 or its subordinate affiliates or have served or worked in a capacity  
2 as an advocate, appointed or elected official of or received  
3 compensation from a municipality or municipalities.

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

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

22 ~~C.~~ E. Any subpoena, notice of hearing, or other process or  
23 notice of the Board issued under the provisions of this article may  
24 be served personally, by registered mail, or by leaving a copy at

1 the principal office of the person required to be served. A return  
2 made and verified by the individual making such service and setting  
3 forth the manner of such service is proof of service, and a returned  
4 post office receipt, when registered or certified mail is used, is  
5 proof of service.

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

16 SECTION 2. This act shall become effective November 1, 2012.

17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-26-12  
18 - DO PASS.  
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