

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1577

By: Martin (Scott)

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5  
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.  
8 2001, Section 51-104, as last amended by Section 1,  
9 Chapter 16, O.S.L. 2008 (11 O.S. Supp. 2010, Section  
10 51-104), which relates to the Public Employees  
11 Relations Board; modifying membership; modifying  
12 provisions related to duration of terms; imposing  
13 restrictions related to certain associations; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 11 O.S. 2001, Section 51-104, as  
17 last amended by Section 1, Chapter 16, O.S.L. 2008 (11 O.S. Supp.  
18 2010, Section 51-104), is amended to read as follows:

19 Section 51-104. A. There is hereby re-created, to continue  
20 until July 1, 2012, in accordance with the provisions of the  
21 Oklahoma Sunset Law, Section 3901 et seq. of Title 74, the Public  
22 Employees Relations Board, which shall be composed of ~~three~~ (3) five  
23 (5) members: one appointed by the Governor, one of whom shall be an  
24 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 thirty-five thousand (35,000) persons and two appointed by  
4 the Speaker of the Oklahoma House of Representatives, one of whom  
5 shall be a representative of a municipality, and one of whom shall  
6 be an impartial representative from a community with a population of  
7 more than thirty-five thousand (35,000) persons. The Chairman shall  
8 be appointed for a term of five (5) years, commencing from July 1,  
9 1972. The other members shall be appointed for terms of one (1) and  
10 three (3) years, respectively, from July 1, 1972, but their  
11 successors shall be appointed for terms of ~~five (5)~~ three (3) years.  
12 ~~Two~~ 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 union group association or its subordinate affiliates  
17 or municipality. Three (3) members of the Board shall constitute a  
18 quorum. Any individual chosen to fill a vacancy on the Board shall  
19 be appointed only for the unexpired term. The Chairman and members  
20 of the Board shall not receive a salary but shall receive  
21 compensation in lieu of expenses in the amount of Fifty Dollars  
22 (\$50.00) per day for any meeting or the conduct of official duties,  
23 whether acting singly or collectively.

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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. This act shall become effective November 1, 2011.

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