

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 46

By: Dahm and Holt of the Senate

and

Jordan of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 2011, Section 51-104, as last amended by Section 7, Chapter 15, O.S.L. 2013 (11 O.S. Supp. 2016, Section 51-104), which relates to the Public Employees Relations Board; re-creating the Public Employees Relations Board; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-104, as last amended by Section 7, Chapter 15, O.S.L. 2013 (11 O.S. Supp. 2016, Section 51-104), is amended to read as follows:

Section 51-104. A. There is hereby re-created, to continue until July 1, ~~2016~~ 2018, in accordance with the provisions of the Oklahoma Sunset Law, the Public Employees Relations Board, which

1 shall be composed of five (5) members to be appointed or selected as
2 follows:

3 1. One appointed by the Governor shall be an impartial
4 appointment and designated as Chairman;

5 2. Two appointed by the President Pro Tempore of the State
6 Senate, one of whom shall be an impartial appointment and one of
7 whom shall be a representative from the labor industry chosen from a
8 list of four nominees to be submitted jointly by an Oklahoma
9 organization the primary purpose of which is to provide services to
10 members who are municipal police officers, which shall provide two
11 nominees, and by an Oklahoma organization the primary purpose of
12 which is to provide services to members who are municipal
13 firefighters, which shall provide two nominees; and

14 3. Two appointed by the Speaker of the Oklahoma House of
15 Representatives, one of whom shall be an impartial appointment and
16 one of whom shall be a representative of a municipality to be
17 selected from a list of four nominees submitted by a statewide
18 organization the membership of which consists primarily of
19 incorporated cities and towns within Oklahoma.

20 B. The Chairman shall be appointed for a term of five (5)
21 years, commencing from July 1, 1972. The other members shall be
22 appointed for terms of one (1) and three (3) years, respectively,
23 from July 1, 1972, but their successors shall be appointed for terms
24 of three (3) years. No member shall serve on the Board for more

1 than two terms. No impartial member appointed by either the
2 President Pro Tempore of the Oklahoma State Senate or by the Speaker
3 of the Oklahoma House of Representatives shall, within two (2) years
4 of being appointed to the Board or while serving on the Board, have
5 served or worked in a capacity as an advocate, be a member or
6 receive compensation from a labor union group association or its
7 subordinate affiliates or have served or worked in a capacity as an
8 advocate, appointed or elected official of or received compensation
9 from a municipality or municipalities.

10 C. Three members of the Board shall constitute a quorum. Any
11 individual chosen to fill a vacancy on the Board shall be appointed
12 only for the unexpired term. The Chairman and members of the Board
13 shall not receive a salary but shall receive compensation in lieu of
14 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
16 collectively.

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

1 an order requiring such person to appear before the Board and
2 produce evidence about the matter under investigation. A failure to
3 obey such order may be punished by the court as a contempt.

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

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

22 SECTION 2. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this resolution shall take
2 effect and be in full force from and after its passage and approval.

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