

1 ENGROSSED SENATE  
2 BILL NO. 46

By: Dahm and Holt of the Senate

3 and

4 Jordan of the House

5  
6 [ cities and towns - Public Employees Relations Board -  
7 emergency ]

8  
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-104, as  
11 last amended by Section 7, Chapter 15, O.S.L. 2013 (11 O.S. Supp.  
12 2016, Section 51-104), is amended to read as follows:

13 Section 51-104. A. There is hereby re-created, to continue  
14 until July 1, ~~2016~~ 2020, in accordance with the provisions of the  
15 Oklahoma Sunset Law, the Public Employees Relations Board, which  
16 shall be composed of five (5) members to be appointed or selected as  
17 follows:

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

20 2. Two appointed by the President Pro Tempore of the State  
21 Senate, one of whom shall be an impartial appointment and one of  
22 whom shall be a representative from the labor industry chosen from a  
23 list of four nominees to be submitted jointly by an Oklahoma  
24 organization the primary purpose of which is to provide services to

1 members who are municipal police officers, which shall provide two  
2 nominees, and by an Oklahoma organization the primary purpose of  
3 which is to provide services to members who are municipal  
4 firefighters, which shall provide two nominees; and

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

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

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

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

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

1 office receipt, when registered or certified mail is used, is proof  
2 of service.

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

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

17  
18  
19  
20  
21  
22  
23  
24

