

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 46

By: Dahm and Holt of the Senate

and

Jordan of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to cities and towns; amending 11 O.S.
12 2011, Section 51-104, as last amended by Section 7,
13 Chapter 15, O.S.L. 2013 (11 O.S. Supp. 2016, Section
14 51-104), which relates to the Public Employees
15 Relations Board; and re-creating the Public Employees
16 Relations Board.

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

18 SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-104, as
19 last amended by Section 7, Chapter 15, O.S.L. 2013 (11 O.S. Supp.
20 2016, Section 51-104), is amended to read as follows:

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

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

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

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

18 B. The Chairman shall be appointed for a term of five (5)
19 years, commencing from July 1, 1972. The other members shall be
20 appointed for terms of one (1) and three (3) years, respectively,
21 from July 1, 1972, but their successors shall be appointed for terms
22 of three (3) years. No member shall serve on the Board for more
23 than two terms. No impartial member appointed by either the
24 President Pro Tempore of the Oklahoma State Senate or by the Speaker

1 of the Oklahoma House of Representatives shall, within two (2) years
2 of being appointed to the Board or while serving on the Board, have
3 served or worked in a capacity as an advocate, be a member or
4 receive compensation from a labor union group association or its
5 subordinate affiliates or have served or worked in a capacity as an
6 advocate, appointed or elected official of or received compensation
7 from a municipality or municipalities.

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

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

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT OVERSIGHT AND
23 ACCOUNTABILITY, dated 04/13/2017 - DO PASS, As Amended.

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