

THE HOUSE OF REPRESENTATIVES
Tuesday, March 6, 2007

Committee Substitute for
House Bill No. 1523

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1523 - By: MARTIN (SCOTT) of the House and JOLLEY of the Senate.

An Act relating to sunset; amending 11 O.S. 2001, Section 51-104, which relates to the Public Employees Relations Board; re-creating the Board; modifying termination date; modifying appointments to Board; amending 74 O.S. 2001, Section 3908, as amended by Section 3, Chapter 208, O.S.L. 2006 (74 O.S. Supp. 2006, Section 3908), which relates to the termination of certain statutory entities; re-creating certain entities; and modifying termination date.

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

1 SECTION 1. AMENDATORY 11 O.S. 2001, Section 51-104, is amended to read
2 as follows:
3 Section 51-104. A. There is hereby re-created, to continue until July 1, ~~2007~~ 2013,
4 in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of
5 Title 74, the Public Employees Relations Board, which shall be composed of ~~three (3)~~ five
6 (5) members: one appointed by the Governor, ~~one~~ of whom shall be an impartial
7 appointment and designated as Chairman, two appointed by the President Pro Tempore
8 of the State Senate, one of whom shall be a representative from the labor industry, and
9 one of whom shall be an impartial representative from a community with a population of
10 less than one hundred thousand (100,000) and two appointed by the Speaker of the

1 Oklahoma House of Representatives, one of whom shall be a representative of a
2 municipality, and one of whom shall be an impartial representative from a community
3 with a population of more than one hundred thousand (100,000). The Chairman shall be
4 appointed for a term of ~~five (5)~~ three (3) years, commencing from July 1, 1972. The other
5 members shall be appointed for terms of one (1) and three (3) years, respectively, from
6 July 1, 1972, but their successors shall be appointed for terms of ~~five (5)~~ three (3) years.
7 No member shall serve on the Board for more than two terms. No member within two (2)
8 years of being appointed to the Board or while serving on the Board shall have served or
9 worked in a capacity as an advocate, be a member or receive payment, compensation, or
10 money from a labor or union group association or its subordinate affiliates or
11 municipality. ~~Two~~ Three members of the Board shall constitute a quorum. Any
12 individual chosen to fill a vacancy on the Board shall be appointed only for the unexpired
13 term. The Chairman and members of the Board shall not receive a salary but shall
14 receive compensation in lieu of expenses in the amount of Fifty Dollars (\$50.00) per day
15 for any meeting or the conduct of official duties, whether acting singly or collectively.

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

1 evidence about the matter under investigation. A failure to obey such order may be
2 punished by the court as a contempt.

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

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

16 SECTION 2. AMENDATORY 74 O.S. 2001, Section 3908, as amended by
17 Section 3, Chapter 208, O.S.L. 2006 (74 O.S. Supp. 2006, Section 3908), is amended to
18 read as follows:

19 Section 3908. The following statutory entities and their successors shall be
20 terminated on July 1, ~~2007~~ 2013, and all powers, duties and functions shall be abolished
21 one (1) year thereafter:

- 1 1. State Accrediting Agency as created by Section 241 of Title 72 of the Oklahoma
2 Statutes;
- 3 2. Public Employees Relations Board as created by Section 51-104 of Title 11 of the
4 Oklahoma Statutes;
- 5 3. Capitol-Medical Center Improvement and Zoning Commission as created by
6 Section 83.1 of Title 73 of the Oklahoma Statutes;
- 7 4. Archives and Records Commission as created by Section 305 of Title 67 of the
8 Oklahoma Statutes;
- 9 ~~5. Oklahoma Prison Industry Marketing Development Advisory Task Force as~~
10 ~~created by Section 549.2 of Title 57 of the Oklahoma Statutes;~~
- 11 ~~6.~~ Oklahoma Energy Resources Board as created by Section 288.3 of Title 52 of the
12 Oklahoma Statutes;
- 13 ~~7.~~ 6. Advisory Committee on Pedorthics as created by Section 2305 of Title 59 of the
14 Oklahoma Statutes;
- 15 ~~8.~~ 7. Advisory Committee on Orthotics and Prosthetics as created by Section 3005
16 of Title 59 of the Oklahoma Statutes; and
- 17 ~~9.~~ 8. Sheep and Wool Utilization, Research and Market Development Commission
18 as created by Section 18-181 of Title 2 of the Oklahoma Statutes.

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
20 TRANSPORTATION, dated 03-05-07 - DO PASS, As Amended and Coauthored.