

ENGROSSED SENATE
BILL NO. 366

BY: CAIN, MICKLE, KERR and
HERBERT of the SENATE

and

LARASON of the HOUSE

AN ACT RELATING TO CITIES AND TOWNS, MILITIA AND
SOLDIERS AND SAILORS; AMENDING 11 O.S. 1981,
SECTION 23-108, WHICH RELATES TO LIFE, HEALTH AND
ACCIDENT INSURANCE FOR MUNICIPAL EMPLOYEES, 44 O.S.
1981, SECTION 209, AS AMENDED BY SECTION 1, CHAPTER
31, O.S.L. 1988 (44 O.S. SUPP. 1990, SECTION 209),
WHICH RELATES TO LEAVES OF ABSENCE FROM EMPLOYMENT
FOR PUBLIC OFFICERS AND EMPLOYEES ON ACTIVE
MILITARY SERVICE, AND 72 O.S. 1981, SECTION 48, AS
AMENDED BY SECTION 2, CHAPTER 31, O.S.L. 1988 (72
O.S. SUPP. 1990, SECTION 48), WHICH RELATES TO
LEAVES OF ABSENCE FROM EMPLOYMENT FOR PUBLIC
OFFICERS AND EMPLOYEES ON ACTIVE MILITARY SERVICE;
AUTHORIZING MUNICIPALITIES TO PROVIDE CERTAIN
INSURANCE BENEFITS WHEN OFFICER OR EMPLOYEE IS ON
ACTIVE MILITARY SERVICE UNDER CERTAIN
CIRCUMSTANCES; REQUIRING CERTAIN GOVERNMENTAL
ENTITIES TO PAY OFFICERS AND EMPLOYEES FULL PAY FOR
CERTAIN PERIOD OF ACTIVE MILITARY SERVICE;
AUTHORIZING DIFFERENTIAL PAY TO OFFICERS AND
EMPLOYEES ON ACTIVE MILITARY SERVICE AFTER CERTAIN
PERIOD; DIRECTING THE OFFICE OF PERSONNEL

MANAGEMENT TO DEVELOP RULES; AND DECLARING AN
EMERGENCY.

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

SECTION 1. AMENDATORY 11 O.S. 1981, Section 23-108, is amended to read as follows:

Section 23-108. A. A municipality may provide hospital and medical benefits, accident, health, and life insurance, or any of the aforesaid, ~~in~~ through any company authorized to do business in Oklahoma, for any or all of its officers or employees and their dependents, whether said officers or employees are engaged in a governmental or nongovernmental function of the municipality. A municipality may provide such benefits when an officer or employee is ordered by proper authority to active duty in the National Guard or Reserve Corps of the Armed Forces of the United States during a period of national emergency or when the United States is engaged in combat. The municipality may pay a portion or all of said premiums from any municipal general funds, and may deduct from the wages or salary of any such officer or employee, upon written authority signed by the officer or employee, amounts for the payment of all or any portion of the monthly premium for same.

B. Public and private educational institutions of the state not supported by any state appropriated funds may purchase annuity contracts for any of their full-time officers and employees from any insurance company organized and operated without profit to any private shareholder or individual exclusively for the purpose of aiding and strengthening educational institutions, whether or not such company be authorized to do business in Oklahoma.

SECTION 2. AMENDATORY 44 O.S. 1981, Section 209, as amended by Section 1, Chapter 31, O.S.L. 1988 (44 O.S. Supp. 1990, Section 209), is amended to read as follows:

Section 209. All officers and employees of the state, or a subdivision thereof, or a municipality therein, who are members of the National Guard, shall, when ordered by proper authority to active service, be entitled to a leave of absence from such civil employment for the period of such active service, without loss of status or efficiency rating, ~~and without loss of pay during the first twenty (20) calendar days of such leave of absence during any federal fiscal year. Neither the state, nor a subdivision thereof nor a municipality therein, shall be required to pay an officer or employee for more than twenty (20) calendar days of such leave of absence in any twelve-month period.~~ During the first twenty (20) calendar days of such leave of absence in any federal fiscal year, the officer or employee shall receive his full regular pay from the state, subdivision or municipality. During the remainder of such leave of absence in any federal fiscal year in which a national emergency exists or the United States is engaged in combat, the state, subdivision, or municipality may elect to pay the officer or employee an amount equal to the difference between his full regular pay from the state, subdivision or municipality and his National Guard pay.

The Office of Personnel Management shall promulgate rules as necessary to implement the provisions of this section that relate to state employees.

SECTION 3. AMENDATORY 72 O.S. 1981, Section 48, as amended by Section 2, Chapter 31, O.S.L. 1988 (72 O.S. Supp. 1990, Section 48), is amended to read as follows:

Section 48. All officers and employees of the state, or a subdivision thereof, or a municipality therein, who are members, either officers or enlisted men of the Reserve Corps of the Army,

the Navy, the Marine Corps, the Coast Guard, the Woman's Auxiliary Corps, or any other component of the Armed Forces of the United States, shall, when ordered by the proper authority to active duty or service, be entitled to a leave of absence from such civil employment for the period of such active service without loss of status or efficiency rating ~~and without loss of pay during the first twenty (20) calendar days of such leave of absence during any federal fiscal year.~~ Neither the state, nor a subdivision thereof nor a municipality therein, shall be required to pay an officer or employee for more than twenty (20) calendar days of such leave of absence in any twelve-month period. During the first twenty (20) calendar days of such leave of absence in any federal fiscal year, the officer or employee shall receive his full regular pay from the state, subdivision or municipality. During the remainder of such leave of absence in any federal fiscal year in which a national emergency exists or the United States is engaged in combat, the state, subdivision, or municipality may elect to pay the officer or employee an amount equal to the difference between his full regular pay from the state, subdivision or municipality and his military pay.

The Office of Personnel Management shall promulgate rules as necessary to implement the provisions of this section that relate to state employees.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 27th day of February, 1991.

President of the Senate

Passed the House of Representatives the ____ day of
_____, 1991.

Speaker of the House of
Representatives