

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1786

BY: HEFNER

AS INTRODUCED

AN ACT RELATING TO VETERANS; DEFINING TERMS RELATING TO VETERANS; AMENDING 72 O.S. 1991, SECTION 2, WHICH RELATES TO EX-SERVICE PERSONS; AMENDING 74 O.S. 1991, SECTION 840.3, WHICH RELATES TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; MODIFYING CERTAIN DEFINITIONS RELATING TO EX-SERVICE PERSONS AND VETERANS; REPEALING 72 O.S. 1991, SECTION 224, WHICH RELATES TO THE DEFINITION OF VETERAN; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50.32 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. As used in the Oklahoma Statutes, unless otherwise specified or defined by law, "veteran", "war veteran" or "ex-service person" means an honorably discharged person who served on active duty in the Armed Forces of the United States during any of the periods of war or conflict specified as follows:

1. World War I - April 6, 1917 through November 11, 1918, both dates inclusive;

2. World War II - December 7, 1941 through December 31, 1946, both dates inclusive;

3. Korean Conflict - June 27, 1950 through January 31, 1955, both dates inclusive;

4. Vietnam Conflict - August 5, 1964 through May 7, 1975, both dates inclusive; and

5. Any war, conflict, campaign, expedition or other action on dates as prescribed and established by the United States Congress.

B. For the purpose of establishing eligibility for benefits administered by the Oklahoma War Veterans Commission through the Oklahoma Department of Veterans Affairs, a veteran, war veteran or ex-service person shall have served:

1. On active duty in the Armed Forces of the United States for at least ninety (90) days during at least one of the periods of war or conflict as specified in subsection A of this section, except when discharged due to or as a result of a service-connected disability as established by the United States Department of Veterans Affairs; or

2. In the Armed Forces of the United States for a period not less than ninety (90) days and such period began or ended during a period of war or conflict as specified in subsection A of this section; or

3. In the Armed Forces of the United States for an aggregate of at least ninety (90) days during two or more separate periods of war or conflict as specified in subsection A of this section.

SECTION 2. AMENDATORY 72 O.S. 1991, Section 2, is amended to read as follows:

Section 2. The words "ex-service person" used in ~~this act shall be construed to mean such honorably discharged persons as served in any branch of the military or naval service of the United States during the period of any war in which the United States participated as a belligerent~~ Sections 1 through 6 of this title shall mean an ex-service person as defined in Section 1 of this act.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 840.3, is amended to read as follows:

Section 840.3 As used in this act:

1. "Agency" means any office, department, board, commission or institution of the state government. The Governor of the State of Oklahoma, upon determining that the Merit System of Personnel Administration with the rules and regulations adopted thereunder should be required, is hereby empowered and authorized, at his discretion, by an Executive Order, to place any agency or department of the state government, and the employees thereof, with exempt positions as stipulated by said Order, under the Merit System of Personnel Administration prescribed by this act and the rules and regulations promulgated hereunder by the Office of Personnel Management and the Oklahoma Merit Protection Commission. This section shall not authorize by Executive Order the removal of any agency or department of state government placed under the Merit System of Personnel Administration prescribed by this act.

Notwithstanding any provisions to the contrary, this act shall not be extended to any department or agency or employee, except in the manner and as provided in this section. Pending the issuance of any such Executive Order by the Governor and pending the effective date of the Merit System as specified in any of said Orders by the Governor, the agency or departmental merit system for personnel administration heretofore established in any of the state departments shall be in full force and effect.

Any Executive Order of the Governor may provide that the agencies or departments affected thereby shall transfer to the Office of Personnel Management hereafter created, all books, records, registers, equipment and other property heretofore made available for the operation of its agency or departmental merit system;

2. "State employee" means an elected or appointed officer or employee of the executive, judicial or legislative branch of government except members of the House of Representatives and the Senate;

3. "Appointing authority" means the chief administrative officer of a state agency;

4. "Merit System" means the Oklahoma Merit System of Personnel Administration;

5. "Administrator" means the chief administrative officer of the Office of Personnel Management;

6. "Executive Director" means the appointing authority of the Oklahoma Merit Protection Commission;

7. "Office" means the Office of Personnel Management;

8. "Commission" means the Oklahoma Merit Protection Commission;

9. "Substantial financial interest" means an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of ownership or interest in a business entity, or as a result of salary, gratuity or other compensation or remuneration from any individual, partnership, organization or association; and

10. "Veteran" means a ~~person who has been honorably discharged from the Armed Forces of the United States and~~ veteran as defined in Section 1 of this act who has been a resident of Oklahoma for at least one (1) year prior to the date of the examination.

SECTION 4. REPEALER 72 O.S. 1991, Section 224, is hereby repealed.

SECTION 5. This act shall become effective July 1, 1992.

SECTION 6. 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.

