

1 **SENATE FLOOR VERSION**

2 April 12, 2023

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1080

By: Steagall, Menz, Talley,
West (Kevin), Fugate,
Hardin, West (Tammy),
Caldwell (Trey), Cornwell,
Baker, Kendrix, Townley,
Roberts, Ranson and Roe of
the House

8 and

9 Stanley of the Senate

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11
12 An Act relating to Oklahoma Veterans Commission;
13 amending 72 O.S. 2021, Section 63.2, which relates to
14 the Oklahoma Veterans Commission; modifying
15 appointment process for Commission members; deleting
16 obsolete language; removing requirement to submit
17 performance and financial audits; specifying members
18 serve at the pleasure of their appointing authority;
19 providing for removal or replacement without cause;
20 directing vacancies to be appointed by their
21 appointing authority; prohibiting members from voting
22 on certain issues; requiring submission of certain
23 information within a certain time period; providing
24 for termination of current members' terms; providing
staggered terms of office; amending 72 O.S. 2021,
Section 63.3, which relates to the powers and duties
of the Oklahoma Veterans Commission; requiring the
advice and consent of the Senate for appointing an
executive director; and declaring an emergency.

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

SECTION 1. AMENDATORY 72 O.S. 2021, Section 63.2, is amended to read as follows:

Section 63.2 A. The Oklahoma Veterans Commission shall consist of nine (9) members all of whom shall be honorably discharged veterans; ~~provided, one of the members shall be a veteran of the Vietnam Conflict and two shall be veterans of the Persian Gulf Wars.~~ The members shall be selected in the following manner:

1. The state executive board or committees of the veterans' organizations named in this section shall each submit to ~~the Governor~~ their respective appointing authority a list of five persons qualified to serve as members of the Oklahoma Veterans Commission. All appointments shall be broadly representative ~~of~~ to reflect the best interests of veterans of this state ~~in terms of age, gender, and race or ethnicity.~~ The list shall be submitted to the ~~Governor~~ appointing authority not later than three (3) months prior to the expiration of the terms of office of the members of the Oklahoma Veterans Commission-;

2. The Governor shall name one member at large and one member from each of the following ~~Veterans'~~ veterans' groups: ~~the American Legion; the Veterans of Foreign Wars; the Disabled American Veterans; the Paralyzed Veterans of America, and the Military Order of the Purple Heart; and the National Guard Association of Oklahoma.~~ ~~The members representing the American Legion and the Paralyzed Veterans of America shall take office no later than July 1, 2015.~~

~~The members representing the Veterans of Foreign Wars and the Military Order of the Purple Heart shall take office no later than July 1, 2016. The members representing the Disabled American Veterans and the National Guard Association of Oklahoma shall take office no later than July 1, 2017. The Governor shall also appoint three members at large.~~

~~The executive officer of each veterans' organization operating within this state shall, on or before January 1 of the year in which the organization's appointee's term expires, submit to the Secretary of State, the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives a copy of the performance audit and the financial audit of the organization for the immediately preceding fiscal year of the organization. Such audits shall be conducted in accordance with auditing standards generally accepted in the United States and shall clearly show the total paid membership of the organization and shall be certified to by a certified public accountant. Failure to comply with this section shall render the organization ineligible to submit a nominee to the Governor. At least one of the Governor's appointments shall be a veteran of the Persian Gulf Wars;~~

3. The Speaker of the House of Representatives shall name one at-large member and one member from each of the following veterans' groups: the American Legion and the National Guard Association of

1 Oklahoma. At least one of the Speaker's appointments shall be a
2 veteran of the Vietnam Conflict; and

3 4. The President Pro Tempore of the Senate shall name one at-
4 large member and one member from each of the following veterans'
5 groups: the Veterans of Foreign Wars and the Disabled American
6 Veterans. At least one of the President Pro Tempore's appointments
7 shall be a veteran of the Persian Gulf Wars.

8 B. The members of the Commission shall be appointed by the
9 ~~Governor with advice and consent of the Senate,~~ their appointing
10 authority and shall serve at the pleasure of the Governor their
11 appointing authority and may be removed or replaced without cause.

12 When a vacancy on the Oklahoma Veterans Commission occurs, the
13 organization which is represented by the vacant position shall
14 submit a list of five names to ~~the Governor.~~ The Governor their
15 appointing authority and the appointing authority shall choose a
16 replacement from that list. No person shall be appointed ~~by the~~
17 ~~Governor~~ to the Commission who is related by affinity or
18 consanguinity within the third degree to any person employed by the
19 Oklahoma Department of Veterans Affairs. Any member of the
20 Commission shall be prohibited from voting on any issue in which the
21 member has a direct financial interest. Each member appointed to
22 the Commission shall submit a financial disclosure form and military
23 history records including discharge records to the appointing
24 authority within thirty (30) days of his or her appointment to the

1 Commission. Before any member appointed as provided herein shall
2 enter upon his or her duties as a member of the Commission, he or
3 she shall take and subscribe to the oath of office as required by
4 the Constitution of this state.

5 ~~Present~~

6 C. Terms for present members of the Commission shall ~~continue~~
7 ~~in office until the expiration of their terms and until their~~
8 ~~successors are appointed and enter upon the duties of their offices~~
9 terminate ninety (90) days after the effective date of this act.

10 The veterans' organizations named in this section shall have thirty
11 (30) days after the effective date of this act to submit lists of
12 qualified persons to the respective appointing authority, and the
13 appointing authority shall have thirty (30) days after receiving the
14 list to appoint a member to the Commission. Appointing authorities
15 shall have sixty (60) days to appoint at-large members to the
16 Commission.

17 D. Appointments to the Oklahoma Veterans Commission after the
18 effective date of this act shall be made as provided in this
19 section. The initial staggered terms of office of persons appointed
20 after the effective date of this act shall be as follows:

21 1. The initial terms of office of the persons appointed by the
22 Governor shall expire December 31, 2023;
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1 2. The initial terms of office of the persons appointed by the
2 Speaker of the House of Representatives shall expire December 31,
3 2024; and

4 3. The initial terms of office of the persons appointed by the
5 President Pro Tempore of the Senate shall expire December 31, 2025.
6 Appointments made after the expiration of the initial terms shall be
7 made for a three-year period. Any vacancy on the Commission
8 resulting from any cause shall be filled by appointment by the
9 ~~Governor~~ respective appointing authority for the remainder of the
10 term as provided in this section.

11 E. No member of the Oklahoma Veterans Commission shall be
12 employed by the Oklahoma Department of Veterans Affairs during the
13 time of his or her service on the Oklahoma Veterans Commission nor
14 shall any person who served as a member of the Oklahoma Veterans
15 Commission be employed by the Oklahoma Department of Veterans
16 Affairs subsequent to his or her service on the Commission for a
17 period of two (2) years.

18 SECTION 2. AMENDATORY 72 O.S. 2021, Section 63.3, is
19 amended to read as follows:

20 Section 63.3. The Oklahoma Veterans Commission shall perform
21 all acts necessary or proper to afford emergency, temporary and
22 permanent relief and assistance to all honorably discharged ex-
23 service persons of all wars of the United States of America and to
24 their dependents, and shall perform such other duties as may be

1 prescribed by law. The Commission shall promulgate rules and
2 regulations, in accordance with the Administrative Procedures Act,
3 for the operation and maintenance of the Oklahoma Department of
4 Veterans Affairs; provided, however, in all cases priority and
5 preference shall always be given to disabled or diseased ex-service
6 persons. The members of the Commission shall be reimbursed for
7 necessary travel as provided in the State Travel Reimbursement Act.
8 In addition to its other powers and duties as herein provided, the
9 Commission shall have the following specific powers and duties which
10 shall, however, not be deemed to be exclusive:

11 1. To organize itself by the election of a ~~Chairman~~ chair, ~~Vice~~
12 ~~Chairman~~ vice chair and Secretary, who shall perform the duties
13 required of them by the rules and regulations, but shall receive no
14 extra compensation therefor, and to provide for the time and place
15 of meetings of the Commission;

16 2. To appoint the Executive Director of the Oklahoma Department
17 of Veterans Affairs with the advice and consent of the Senate and
18 provide for the employment of all such other personnel as may be
19 necessary to carry out the provisions of Sections 63.1 through 63.4
20 of this title, and any other duties prescribed by law. The salary
21 and tenure of the Executive Director of the Department shall be
22 determined by the Commission; and
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1 3. To approve all claims or expenditures from such
2 appropriations as may be made to the Commission prior to the payment
3 thereof except as may be otherwise provided by law.

4 SECTION 3. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS
9 April 12, 2023 - DO PASS AS AMENDED BY CS
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