

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1485

By: Monson of the House

and

Roberts of the Senate

COMMITTEE SUBSTITUTE

An Act relating to the militia; amending 44 O.S. 1991, Section 47, which relates to qualifications for entry into the Oklahoma National Guard; prohibiting certain persons from being admitted or retained in the Oklahoma National Guard; requiring the awarding of a high school diploma for certain persons who have obtained a General Education Diploma; requiring the State Department of Education to issue such diploma; limiting the purpose of such diploma; specifying such purpose on the diploma; and declaring an emergency.

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

SECTION 1. AMENDATORY 44 O.S. 1991, Section 47, is amended to read as follows:

Section 47. A. Enlistments in the National Guard.

Hereafter, the period of enlistment in the National Guard of this state shall be for three (3) years or such other time as prescribed by National Guard Regulations, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army or Regular Air Force or National Guard regulations; provided that the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in the said service shall not be denied except as herein otherwise provided. Unless otherwise prohibited by federal law or by Department of Army, Department of Air Force or National Guard Bureau regulations, enlisted members and prospective members of the Oklahoma Army and Air National Guard who have successfully

completed the requirements for and have obtained a General Education Diploma (G.E.D.) shall be awarded a high school diploma by the State of Oklahoma. The State Department of Education shall issue this high school diploma. Such diploma shall be limited to the purposes of enlistment and admission in the National Guard pursuant to the provisions of this section. Such purpose shall be specified on the high school diploma. All enlisted men of the National Guard of this state shall sign an enlistment contract and take and subscribe to the oath required by National Guard Regulations. Any officer or warrant officer of the Armed Forces of the United States may administer the enlistment oath.

B. 1. By complying with this subsection, a single custodial parent who is an applicant for enlistment in the Oklahoma National Guard satisfies the requirements of National Guard Regulation 600-200 or Air National Guard Regulation 39-09 regarding relinquishment of custody by relinquishing custody of a minor child to an adult blood relative of the child within the third degree of consanguinity for all periods of active duty during the term of enlistment; provided, such relinquishment shall:

- a. be in writing,
- b. clearly identify the child, the person to whom custody is being relinquished, that person's relationship to the child, and the period of enlistment for which custody is to be relinquished,
- c. be executed by the parent/applicant before a notary public, and
- d. clearly state that it is for all purposes, including health care, during the periods of time in question.

2. A certified copy or executed copy of the written relinquishment shall become a part of the applicant's permanent Oklahoma National Guard file.

3. Nothing in this section shall terminate, interfere, delay or negate any right of visitation by the noncustodial parent, or any person granted visitation by court order.

4. It is the intent of the Legislature that relinquishment pursuant to the provisions of this section shall not be a

substantial change to any existing custody decree nor shall it be deemed a voluntary relinquishment of custody.

SECTION 2. 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.

44-1-1040

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