STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2317 By: Rice

COMMITTEE SUBSTITUTE

An Act relating to militia; amending 44 O.S. 2001, Section 233.3, which relates to disposition of property; expanding powers of Adjutant General to make certain determinations; providing exemption; providing for reversion of property under certain circumstances; amending 44 O.S. 2001, Sections 235 and 235.2, which relate to the 45th Infantry Division Museum; providing for the appointment of an Executive Director; providing duties; allowing for lease of museum upon certain approval; providing lease conditions; replacing entity responsible for maintaining certain records; replacing entity authorized to exchange surplus items; and providing an effective date.

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

SECTION 1. AMENDATORY 44 O.S. 2001, Section 233.3, is amended to read as follows:

Section 233.3 A. The Oklahoma Military Department, with the approval of the Governor, attested by the Secretary of State thereon, is hereby authorized and directed to enter into contracts in the name of the State of Oklahoma for the purpose of carrying out the provisions of Section 233.2 et seq. of this title, provided that contracts for the construction, erection and completion of any armory buildings hereby authorized shall be awarded to the lowest responsible bidder, approved by the Department of the Army or other representative federal agency, and that any contractor, to whom a contract may be awarded hereunder, shall execute with a qualified surety company, doing business in this state, as surety, bonds in such amounts and with such conditions as prescribed by law and by

the Department of the Army or other representative federal agency. Such bonds shall be upon a form with such conditions and in such amounts as may meet the requirements of the representative federal agency and in such further amounts as willfully protect and cover the construction contributions of the state.

B. The Oklahoma Military Department shall from time to time, as the occasion therefor arises, determine whether any real estate, armory or building belonging to the State of Oklahoma and under the control of the Oklahoma Military Department is needed by the Oklahoma Military Department. If the ~~Department~~ Adjutant General determines that there is no ~~such~~ need ~~therefor~~, ~~it~~ the Adjutant General shall so declare and sell or dispose of the same in such manner and upon such terms as approved by the ~~Office~~ Department of ~~Public Affairs~~ Central Services and the Governor. If the Adjutant General determines that a municipality, county, state agency, or other public entity can use the real estate, armory, or building for a public purpose, the Adjutant General may transfer the property to the municipality, county, state agency, or other public entity. For purposes of transferring real estate, armories, or buildings to a municipality, the Oklahoma Military Department shall be exempt from the Oklahoma Surplus Property Act for purposes of selling surplus property. If the municipality, county, state agency, or other public entity does not use the real estate, armory, or building for public purposes, the property shall revert back to the Oklahoma Military Department on behalf of the State of Oklahoma. Necessary deeds and other conveyances shall be executed by the Adjutant General in the name of the State of Oklahoma.

Proceeds of the sale or other disposition of such property shall be deposited in a revolving fund in the State Treasury designated as the Surplus Property Revolving Fund of the Oklahoma Military Department. Monies deposited in such revolving fund may be expended by the Adjutant General, for construction, repairs, and maintenance,

or equipment for facilities of the Oklahoma National Guard. No new armory shall be constructed unless authorized by the Legislature.

SECTION 2. AMENDATORY 44 O.S. 2001, Section 235, is amended to read as follows:

Section 235. There is hereby created the 45th Infantry Division Museum, to be under the supervision of the Adjutant General. The Adjutant General may appoint an Executive Director to oversee the daily operations and maintenance of the museum and perform other duties as requested by the Adjutant General. Appropriate state agencies are directed to make available, for display of items of historical significance and necessary space for administration, the buildings presently occupied by the Oklahoma Military Department, located in the vicinity of 36th Street and North Eastern in Oklahoma City, Oklahoma. The building herein referred to shall be made available by the Adjutant General as soon as same is no longer needed by and is vacated by the Oklahoma Military Department. The Executive Director, subject to the approval of the Adjutant General, may lease to the 45th Infantry Division Association, for periods not exceeding one (1) year and with provisions for renewal from year to year, an area to be used as a gift shop, if the lease does not interfere with its use by the 45th Infantry Division Museum. The proceeds of the sales from the gift shop shall remain with the 45th Infantry Division Association for operating purposes.

SECTION 3. AMENDATORY 44 O.S. 2001, Section 235.2, is amended to read as follows:

Section 235.2 The Adjutant General of Oklahoma is hereby authorized to accept gifts for and on behalf of the state of military artifacts, military books and maps and materials, supplies and equipment which support the construction and operation of the museum which have been or may be specifically donated to the 45th Infantry Division Museum.

The ~~Board of Directors~~ Executive Director of the 45th Infantry Division Museum is directed to maintain and preserve appropriate records for all such gifts made to the museum.

Upon declaring that certain military artifacts or military books and maps belonging to the 45th Infantry Division Museum are surplus to the needs of the museum, the ~~Board of Directors~~ Executive Director of the 45th Infantry Division Museum is authorized to effect an exchange of the same on an equitable basis for military artifacts or military books and maps needed by the museum with the approval of the ~~Office~~ Department of ~~Public Affairs~~ Central Services.

SECTION 4. This act shall become effective November 1, 2004.

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