

EHB 2317

1 THE STATE SENATE
2 Thursday, April 8, 2004

3 ENGROSSED

4 House Bill No. 2317

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2317 - By: RICE of the House and HELTON of
7 the Senate.

8 [militia - disposition of property - expanding powers -
9 45th Infantry Division Museum - effective date]

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

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

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

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

6 B. The Oklahoma Military Department shall from time to time, as
7 the occasion therefor arises, determine whether any real estate,
8 armory or building belonging to the State of Oklahoma and under the
9 control of the Oklahoma Military Department is needed by the
10 Oklahoma Military Department. If the ~~Department~~ Adjutant General
11 determines that there is no ~~such need therefor, it~~ the Adjutant
12 General shall so declare and sell or dispose of the same in such
13 manner and upon such terms as approved by the ~~Office~~ Department of
14 ~~Public Affairs~~ Central Services and the Governor. If the Adjutant
15 General determines that a municipality, county, state agency, or
16 other public entity can use the real estate, armory, or building for
17 a public purpose, the Adjutant General may transfer the property to
18 the municipality, county, state agency, or other public entity. For
19 purposes of transferring real estate, armories, or buildings to a
20 municipality, the Oklahoma Military Department shall be exempt from
21 the Oklahoma Surplus Property Act for purposes of selling surplus
22 property. If the municipality, county, state agency, or other
23 public entity does not use the real estate, armory, or building for

1 public purposes, the property shall revert back to the Oklahoma
2 Military Department on behalf of the State of Oklahoma. Necessary
3 deeds and other conveyances shall be executed by the Adjutant
4 General in the name of the State of Oklahoma.

5 Proceeds of the sale or other disposition of such property shall
6 be deposited in a revolving fund in the State Treasury designated as
7 the Surplus Property Revolving Fund of the Oklahoma Military
8 Department. Monies deposited in such revolving fund may be expended
9 by the Adjutant General, for construction, repairs, and maintenance,
10 or equipment for facilities of the Oklahoma National Guard. No new
11 armory shall be constructed unless authorized by the Legislature.

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

14 Section 235. There is hereby created the 45th Infantry Division
15 Museum, to be under the supervision of the Adjutant General. The
16 Adjutant General may appoint an Executive Director to oversee the
17 daily operations and maintenance of the museum and perform other
18 duties as requested by the Adjutant General. Appropriate state
19 agencies are directed to make available, for display of items of
20 historical significance and necessary space for administration, the
21 buildings presently occupied by the Oklahoma Military Department,
22 located in the vicinity of 36th Street and North Eastern in Oklahoma
23 City, Oklahoma. The building herein referred to shall be made

1 available by the Adjutant General as soon as same is no longer
2 needed by and is vacated by the Oklahoma Military Department. The
3 Executive Director, subject to the approval of the Adjutant General,
4 may lease to the 45th Infantry Division Association, for periods not
5 exceeding one (1) year and with provisions for renewal from year to
6 year, an area to be used as a gift shop, if the lease does not
7 interfere with its use by the 45th Infantry Division Museum. The
8 proceeds of the sales from the gift shop shall remain with the 45th
9 Infantry Division Association for operating purposes.

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

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

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

21 Upon declaring that certain military artifacts or military books
22 and maps belonging to the 45th Infantry Division Museum are surplus
23 to the needs of the museum, the ~~Board of Directors~~ Executive

1 Director of the 45th Infantry Division Museum is authorized to
2 effect an exchange of the same on an equitable basis for military
3 artifacts or military books and maps needed by the museum with the
4 approval of the ~~Office~~ Department of ~~Public Affairs~~ Central
5 Services.

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

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-31-04 - DO
8 PASS, As Amended.