

**OKLAHOMA STATE SENATE
STANDING
COMMITTEE REPORT**

April 4, 2005

COMMITTEE ON VETERANS & MILITARY AFFAIRS

HB 1545

By: Calvey and Duncan of the House and Reynolds of the Senate

Title: Militia; armories; modifying duties of Adjutant General; modifying license renewal. Effective date.

Co-Authored By:

Recommendation: **DO PASS AS AMENDED**

Senator Randy Bass, Chair

Amendments:

1. Page 3, line 25 1/2, by inserting a new section and by renumbering subsequent sections:

“SECTION 4. AMENDATORY 44 O.S. 2001, Section 233.3, as amended by Section 1, Chapter 138, O.S.L. 2004, (44 O.S. Supp. 2004, Section 233.3), is amended to read as follows:

Section 233.3.

§44-233.3. Construction contracts - Disposition of property.

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~~ and best 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 therefore 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

Adjutant General determines that there is no need, the Adjutant General shall so declare and sell or dispose of the same in such manner and upon such terms as approved by the Department of Central Services and the Governor. If the Adjutant General determines that the structure endangers the public health or safety, the Adjutant General may, in the manner provided by law, order the immediate demolition of the structure. 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.

Added by Laws 1953, p. 177, § 3, emerg. eff. June 3, 1953. Amended by Laws 1985, c. 147, § 2, eff. July 1, 1985; Laws 2004, c. 138, § 1, eff. Nov. 1, 2004.

2. By amending the title to conform as follows:

Page 1, line 8 1/2, by deleting after the numerals "232.1" the word "and" and inserting a comma ",".

Page 1, line 8 1/2, by inserting after the comma the numerals and words "and 233.3 as amended by Section 1, Chapter 138, O.S.L. 2004 (44 O.S. Supp. 2004, Section 233.3)".

Page 1, line 9, by deleting after the word "armories" the word "and" and inserting a comma ",".

Page 1, line 9 1/2, by inserting after the word "buildings" the words ", and disposition of property".

Page 1, line 11, by inserting after the second semicolon ";" the words "authorizing the Adjutant General to order demolition of certain structures under certain circumstances;"