

ENGROSSED HOUSE
BILL NO. 2587

By: Duncan and Wesselhoft of
the House

and

Brogdon of the Senate

An Act relating to militia; amending 44 O.S. 2001, Section 24, which relates to the Military Department; modifying qualification for eligibility for certain position; amending 44 O.S. 2001, Sections 232.3, 232.4, 232.6, as amended by Section 3, Chapter 130, O.S.L. 2005, and 232.7 (44 O.S. Supp. 2005, Section 232.6), which relate to government and control of armories and armory buildings; deleting certain procedures for appointment to armory board; deleting authorization for promulgation of rules for certain board; modifying authority for certain hiring or leasing; modifying control of certain funds; modifying submission of certain reports; modifying method of expending certain revenue; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 44 O.S. 2001, Section 24, is amended to read as follows:

Section 24. The Adjutant General shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall serve during the pleasure of the Governor. No person shall be eligible to hold the office of the Adjutant General of this state, unless, at the time of ~~his~~ appointment, he or she is a federally recognized officer of the National Guard of Oklahoma, and of the National Guard of the United States, not below the rank of Major, and that ~~his~~ the status as a federally recognized officer, both of the National Guard of Oklahoma and of the National Guard of the United States, shall have existed for at least three (3) years prior to the time of such appointment; or unless, within ~~five (5)~~ two (2) years prior to the time of ~~his~~ the appointment, he or she has been a federally recognized officer of the National Guard of Oklahoma, and

of the National Guard of the United States, not below the rank of Major, and that during ~~his~~ military service he or she served for a period of three (3) years as a federally recognized officer, both of the National Guard of Oklahoma and of the National Guard of the United States; provided that if the National Guard of Oklahoma is in active federal service and no persons having the above qualifications are available within the state, then the Governor may appoint, subject to the advice and consent of the Senate, any suitably qualified person who at any time in the preceding ten (10) years would have been qualified, as above, and who has served at least two (2) years in active federal service in the grade of Major or higher.

SECTION 2. AMENDATORY 44 O.S. 2001, Section 232.3, is amended to read as follows:

Section 232.3 ~~(a)~~ Each National Guard armory shall be supervised by an armory board consisting of three (3) or more persons appointed by the Adjutant General ~~according to the following:~~

~~1. The composition of the board for a single unit armory shall be at least one federally recognized National Guard officer or warrant officer, one National Guard enlisted man, and such other individual as the Adjutant General determines is necessary. The senior officer or warrant officer member shall be president of such board.~~

~~2. The composition of the board for a multiple unit armory shall include at least one federally recognized National Guard officer or warrant officer from each unit housed in the armory, a National Guard enlisted man from each unit housed in the armory, and such other individuals as the Adjutant General determines to be required to represent all local military interests and to meet all administrative requirements of the board. The senior officer or~~

~~warrant officer member shall be president of such board, unless otherwise designated by the Adjutant General.~~

~~(b) Each member of an armory board shall be appointed for a term of three (3) years, but may be removed by the Adjutant General.~~

~~(c) Whenever the United States is at war or units of the National Guard are called or ordered into service of the United States and officers or warrant officers of the National Guard are not available, the Governor may appoint to serve at his pleasure, for each such armory, a temporary armory board, to consist of not more than three (3) persons, residents in the county wherein is located the armory for which they are to serve. Each member of the temporary armory board is to serve without pay. Temporary armory boards will terminate upon notification by the Adjutant General that an armory board has been appointed in accordance with subsection (a) above.~~

SECTION 3. AMENDATORY 44 O.S. 2001, Section 232.4, is amended to read as follows:

Section 232.4 The armory boards are appointed to assist the Adjutant General and are responsible to him for the use, care and maintenance of the armories, in accordance with rules and regulations promulgated by the Adjutant General. The boards ~~at the various stations or locations~~ shall have the general supervision and authority over the armory building, the grounds, approaches, and other facilities. ~~They may promulgate rules and regulations, not inconsistent with rules and regulations issued by the Adjutant General, for the use and operation of said armories and facilities.~~

SECTION 4. AMENDATORY 44 O.S. 2001, Section 232.6, as amended by Section 3, Chapter 130, O.S.L. 2005 (44 O.S. Supp. 2005, Section 232.6), is amended to read as follows:

Section 232.6 ~~The armory board, subject to the approval of the Adjutant General,~~ may hire out or lease to any person, firm, corporation, or governmental agency, for any legal use for periods

not exceeding one (1) year, with provisions for renewal from year to year, the armory or its facilities or portions thereof, provided the hiring out or leasing of the armory does not interfere with its use by the National Guard ~~or other state military organizations~~. Hiring out of facilities includes, but is not limited to, the leasing of houses situated on the Whitaker Education and Training Center in Pryor, Oklahoma. The leasing or hiring of the armory shall not, in any event, be for the storage of anything that would be a detriment to the property or a fire hazard to the building. Any lease shall contain a clause permitting it to be canceled upon thirty (30) days' written notice by either party or terminated on order of the Adjutant General, should the public interest or military requirements necessitate. No armory shall be leased for less than an amount sufficient to cover all expenses, including utility bills, janitor service, and any repairs occasioned by its use. Any person, firm, organization, corporation, federal, state, or municipal agencies now occupying any armory or portion thereof, and is not occupying same under written lease as herein provided, then that person, firm, organization, corporation, or governmental agency shall enter into the lease with the armory board, subject to approval of the Adjutant General, within thirty (30) days of the effective date hereof. If that person, firm, organization, corporation, or governmental agency fails to enter into an agreement within the thirty-day period, then that person, firm, organization, corporation, or governmental agency will vacate the armory or other facilities without further notice. The Attorney General is authorized to institute and prosecute on behalf of the state, suits for recovery of possession of buildings and facilities upon request of the Adjutant General.

SECTION 5. AMENDATORY 44 O.S. 2001, Section 232.7, is amended to read as follows:

Section 232.7 ~~Individual armory~~ Armory board funds shall be controlled, deposited, expended and accounted for ~~as either petty cash funds or as an agency special account or sub account(s)~~ at the direction of the Adjutant General. A full and complete record of funds received and disbursed by the armory board ~~either as petty cash funds or agency special account or sub account(s) funds~~ shall be kept and shall be subject to audit, and reports submitted to the Adjutant General ~~as of 1 July each year, and at such other times as may be required by the Adjutant General~~ upon request. ~~Each armory board, subject to approval of the~~ The Adjutant General ~~is authorized to~~ may expend armory board revenue received for the improvement, including street improvement, alterations, repair and maintenance of the armory and facilities under its control and may further expend such funds for the benefit of state military organizations assigned thereto. If such funds are not needed for the operation, repair, and maintenance of the armory or if no military organization is assigned to the armory, the Adjutant General may order such funds to be turned over to ~~him~~ the Adjutant General and ~~he may~~ expend such funds for the benefit of the National Guard of the state as a whole.

SECTION 6. This act shall become effective July 1, 2006.

SECTION 7. 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.

Passed the House of Representatives the 16th day of February,
2006.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2006.

Presiding Officer of the Senate