

EHB 1545

THE STATE SENATE  
Wednesday, April 6, 2005

ENGROSSED  
House Bill No. 1545  
As Amended

ENGROSSED HOUSE BILL NO. 1545 - By: CALVEY and DUNCAN of the House and REYNOLDS of the Senate.

An Act relating to militia; amending 44 O.S. 2001, Section 208.1, which relates to the Oklahoma National Guard; updating reference to certain act; amending 44 O.S. 2001, Sections 232.1, 232.6, and 233.3, as amended by Section 1, Chapter 138, O.S.L. 2004 (44 O.S. Supp. 2004, Section 233.3), which relate to government and control of armories, armory buildings, and disposition of property; adding definition; providing duties of Adjutant General; updating language; providing definitions; allowing certain extension for expired licenses; providing renewal procedures; **authorizing the Adjutant General to order demolition of certain structures under certain circumstances**; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 44 O.S. 2001, Section 208.1, is amended to read as follows:

Section 208.1 The following provisions of federal law shall be adopted as state law and applied to members of the Oklahoma National Guard when such members are ordered to state active duty or full-time National Guard duty under Sections 501 through 507 of Title 32 of the United States Code:

1. The Servicemembers Civil Relief Act of 2003 (SCRA), codified at 50 U.S.C. App., Section 501 et seq., which updates, renames, and

1 replaces the Soldiers' and Sailors' Civil Relief Act of 1940, ~~as~~  
2 ~~amended, Sections 501 through 593 of Title 50 of the United States~~  
3 ~~Code App. (1988 and 1994); and~~

4 2. The Uniformed Services Employment and Reemployment Rights  
5 Act (USERRA), Sections 4301 through 4333 of Title 38 of the United  
6 States Code.

7 SECTION 2. AMENDATORY 44 O.S. 2001, Section 232.1, is  
8 amended to read as follows:

9 Section 232.1 A. All armories, vehicle storage buildings,  
10 warehouses, and other buildings and facilities, real and personal  
11 property in connection therewith, state or federally owned,  
12 procured, leased, or constructed from federal or state funds,  
13 occupied or used by the Militia, National Guard, or other authorized  
14 military organizations under state control, shall be operated,  
15 maintained, altered, repaired, and controlled by the Military  
16 Department. When existing armories or facilities are not available  
17 at any station to which an organization of the National Guard has  
18 been assigned, then, the Adjutant General is authorized to lease or  
19 hire buildings and facilities and to pay reasonable rental ~~therefor~~  
20 from any funds appropriated for operating and maintenance expenses  
21 of the Military Department or the Adjutant General.

1        B. "Military reservations", without limitation, include  
2 military installations, armories, air bases, and facilities owned or  
3 controlled by the state for military purposes.

4        C. The Adjutant General shall have charge of military  
5 reservations of the state and shall be responsible for the  
6 protection and safety of those military reservations, and promulgate  
7 rules for the maintenance of order thereon, for the enforcement of  
8 traffic rules and for all other lawful rules as may be ordered for  
9 the operation, care, and preservation of existing facilities and  
10 installations on all state military reservations.

11        SECTION 3.        AMENDATORY        44 O.S. 2001, Section 232.6, is  
12 amended to read as follows:

13        Section 232.6 The armory board, subject to the approval of the  
14 Adjutant General, may hire out or lease to any person, firm,  
15 corporation, or governmental agency, for any legal use for periods  
16 not exceeding one (1) year, with provisions for renewal from year to  
17 year, the armory or its facilities or portions thereof, provided the  
18 hiring out or leasing of the armory does not interfere with its use  
19 by the National Guard or other state military organizations. Hiring  
20 out of facilities includes, but is not limited to, the leasing of  
21 houses situated on the Whitaker Education and Training Center in  
22 Pryor, Oklahoma. The leasing or hiring of the armory shall not, in  
23 any event, be for the storage of anything that would be a detriment

1 to the property or a fire hazard to the building. Any ~~such~~ lease  
2 shall contain a clause permitting it to be canceled upon thirty (30)  
3 days' written notice by either party or terminated on order of the  
4 Adjutant General, should the public interest or military  
5 requirements necessitate. No armory shall be leased for less than  
6 an amount sufficient to cover all expenses, including utility bills,  
7 janitor service, and any repairs occasioned by ~~such~~ its use. Any  
8 person, firm, organization, corporation, federal, state, or  
9 municipal agencies now occupying any armory or portion thereof, and  
10 is not occupying same under written lease as herein provided, then  
11 ~~such~~ that person, firm, organization, corporation, or governmental  
12 agency shall enter into ~~such~~ the lease with the armory board,  
13 subject to approval of the Adjutant General, within thirty (30) days  
14 of the effective date hereof. If ~~such~~ that person, firm,  
15 organization, corporation, or governmental agency fails to enter  
16 into ~~such~~ an agreement within the ~~said~~ thirty-day period, then ~~such~~  
17 that person, firm, organization, corporation, or governmental agency  
18 will vacate ~~such~~ the armory or other facilities without further  
19 notice. The Attorney General is authorized to institute and  
20 prosecute on behalf of the state, suits for recovery of possession  
21 of buildings and facilities upon request of the Adjutant General.

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

4           Section 233.3 A. The Oklahoma Military Department, with the  
5 approval of the Governor, attested by the Secretary of State  
6 thereon, is hereby authorized and directed to enter into contracts  
7 in the name of the State of Oklahoma for the purpose of carrying out  
8 the provisions of Section 233.2 et seq. of this title, provided that  
9 contracts for the construction, erection and completion of any  
10 armory buildings hereby authorized shall be awarded to the lowest  
11 ~~responsible~~ and best bidder, approved by the Department of the Army  
12 or other representative federal agency, and that any contractor, to  
13 whom a contract may be awarded hereunder, shall execute with a  
14 qualified surety company, doing business in this state, as surety,  
15 bonds in such amounts and with such conditions as prescribed by law  
16 and by the Department of the Army or other representative federal  
17 agency. Such bonds shall be upon a form with such conditions and in  
18 such amounts as may meet the requirements of the representative  
19 federal agency and in such further amounts as willfully protect and  
20 cover the construction contributions of the state.

21           B. The Oklahoma Military Department shall from time to time, as  
22 the occasion therefore arises, determine whether any real estate,  
23 armory or building belonging to the State of Oklahoma and under the

1 control of the Oklahoma Military Department is needed by the  
2 Oklahoma Military Department. If the Adjutant General determines  
3 that there is no need, the Adjutant General shall so declare and  
4 sell or dispose of the same in such manner and upon such terms as  
5 approved by the Department of Central Services and the Governor. If  
6 the Adjutant General determines that the structure endangers the  
7 public health or safety, the Adjutant General may, in the manner  
8 provided by law, order the immediate demolition of the structure.  
9 If the Adjutant General determines that a municipality, county,  
10 state agency, or other public entity can use the real estate,  
11 armory, or building for a public purpose, the Adjutant General may  
12 transfer the property to the municipality, county, state agency, or  
13 other public entity. For purposes of transferring real estate,  
14 armories, or buildings to a municipality, the Oklahoma Military  
15 Department shall be exempt from the Oklahoma Surplus Property Act  
16 for purposes of selling surplus property. If the municipality,  
17 county, state agency, or other public entity does not use the real  
18 estate, armory, or building for public purposes, the property shall  
19 revert back to the Oklahoma Military Department on behalf of the  
20 State of Oklahoma. Necessary deeds and other conveyances shall be  
21 executed by the Adjutant General in the name of the State of  
22 Oklahoma.

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

8 **SECTION 5.** NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 48.2 of Title 72, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. As used in this section, "license" means any license issued  
12 pursuant to:

- 13 1. Title 59, Professions and Occupations; and
- 14 2. Title 5, Attorneys and State Bar.

15 B. Any license held by a member of the National Guard or  
16 reserve component of the armed forces that expires while the member  
17 is on active duty shall be extended until ninety (90) days after the  
18 member is discharged from active duty status.

19 C. The licensing agency shall renew a license extended pursuant  
20 to subsection B until the next date that the license expires or for  
21 the period that the license is normally issued, at no cost to the  
22 member of the National Guard or reserve component of the armed  
23 forces if all of the following conditions are met:

1           1. The National Guard member or reservist requests renewal of  
2 the license within ninety (90) days after being discharged;

3           2. The National Guard member or reservist provides the  
4 licensing agency with a copy of the official orders of the member or  
5 reservist calling the member or reservist to active duty, and  
6 official orders discharging the member or reservist from active  
7 duty; and

8           3. The National Guard member or reservist meets all the  
9 requirements necessary for the renewal of the license, except the  
10 member or reservist need not meet the requirements, if any, that  
11 relate to continuing education or training.

12           D. The provisions of this section do not apply to regularly  
13 scheduled annual training.

14           **SECTION 6.** This act shall become effective November 1, 2005.

15 COMMITTEE REPORT BY: COMMITTEE ON VETERANS & MILITARY AFFAIRS, dated  
16 4-4-05 - DO PASS, As Amended.