

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1545

By: Calvey

AS INTRODUCED

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 and 232.6, which relate to government and control of armories and armory buildings; adding definition; providing duties of Adjutant General; updating language; providing definitions; allowing certain extension for expired licenses; providing renewal procedures; 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 replaces the Soldiers' and Sailors' Civil Relief Act of 1940,~~as amended, Sections 501 through 593 of Title 50 of the United States Code App. (1988 and 1994);~~ and

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

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

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

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

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

SECTION 3. AMENDATORY 44 O.S. 2001, 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, include but are 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 ~~such~~ 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 ~~such~~ 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 ~~such~~ that person, firm, organization, corporation, or governmental agency shall enter into ~~such~~ the lease with the armory board, subject to approval of the Adjutant General, within thirty (30) days of the effective date hereof. If ~~such~~ that person, firm, organization, corporation, or governmental agency fails to enter into ~~such~~ an agreement within the ~~said~~ thirty-day period, then ~~such~~ that person, firm, organization, corporation, or governmental agency will vacate ~~such~~ 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 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 48.2 of Title 72, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

SECTION 5. This act shall become effective November 1, 2005.

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