

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1970

By: Bass, Rice, Adelson,  
Ballenger, Burrage,  
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6 Paddack, Riley, Rabon,  
Sparks, Sweeden, Wilson  
7 and Wyrick of the Senate

8 and

9 Duncan of the House

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11  
12 ( militia - awards and decorations - Oklahoma Medal of  
13 Freedom - legislative findings - terms - loan  
14 program - military installation - capital project -  
15 legislative intent - special fund - effective date -  
16 emergency )

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19 AUTHORS: Add the following House Coauthors: McCullough, Roan and  
20 Rousselot

21 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
22 entire bill and insert

23 "An Act relating to militia; amending 44 O.S. 2001,  
24 Sections 195.5, 218, as amended by Section 160,  
Chapter 86, O.S.L. 2007, Section 3, Chapter 212,

1 O.S.L. 2003, 233.3, as last amended by Section 4,  
2 Chapter 130, O.S.L. 2005, and 233.7 (44 O.S. Supp.  
3 2007, Sections 218, 232 and 233.3), which relate to  
4 awards and decorations, real estate titles, youth  
5 programs, construction contracts, and the Oklahoma  
6 Military Department Revolving Fund; creating the  
7 Oklahoma Medal of Freedom; expanding the authority  
8 of the Adjutant General to accept real estate  
9 titles; authorizing the Adjutant General to expend  
10 certain funds for certain advertising; requiring  
11 that certain contracts be awarded in certain fiscal  
12 year; requiring that certain contracts comply with  
13 certain federal standards; requiring that certain  
14 contracts comply with certain state codes;  
15 authorizing the Adjutant General to direct certain  
16 investment of monies; providing for accrual of  
17 certain interest to certain fund; and providing an  
18 effective date.

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

SECTION 1. AMENDATORY 44 O.S. 2001, Section 195.5, is  
amended to read as follows:

Section 195.5 The following awards and decorations are hereby  
created and established and shall be bestowed upon the federally  
recognized officers, warrant officers, and enlisted personnel of  
the Oklahoma National Guard under the conditions and in the manner  
provided in this act.

(a) An Oklahoma Distinguished Service Cross which may be  
awarded to any eligible person who shall perform at great personal  
danger and risk of life or limb in the line of military duty any  
act of heroism designed to protect life or property or who while on  
active state duty during a period of martial law shall perform such

1 acts over and beyond the call of duty which act, danger or risk he  
2 or she could have failed to perform or incur without being subject  
3 to censure for neglect of duty.

4 (b) An Oklahoma Distinguished Service Medal which may be  
5 awarded to any eligible person who, as a member of the Oklahoma  
6 National Guard, shall perform unusually distinguished and  
7 meritorious service which to a marked degree is reflected in the  
8 increased efficiency and growth of the Oklahoma National Guard or  
9 which brings exceptional honor and credit to the Oklahoma National  
10 Guard and commands the attention and respect of the citizens of the  
11 state and of members of the military establishment of the United  
12 States.

13 (c) An Oklahoma Meritorious Service Medal may be awarded to  
14 any eligible person who, while as a member of the Oklahoma National  
15 Guard, shall perform outstanding meritorious service which to a  
16 marked degree is reflected in the increased efficiency and growth  
17 of that branch of the Oklahoma National Guard to which he or she  
18 belongs or which brings credit to the Oklahoma National Guard over  
19 and above that which would occur by reason of the superior  
20 performance of assigned duties.

21 (d) An Oklahoma Guardsman Medal which may be awarded to any  
22 eligible person who, as a member of the National Guard having more  
23 than fifteen (15) years total service, has contributed to the  
24 efficiency and growth of the Oklahoma National Guard by an

1 unusually high character of performance of duty and, by the  
2 contribution of extra time and effort, has made himself or herself  
3 known as an outstanding member of the Oklahoma National Guard.

4 (e) The Long Service Medal shall be awarded for honest and  
5 faithful service in the Oklahoma National Guard for a period of  
6 five (5) years. Ribbons to accompany the medal will be awarded for  
7 periods of five (5) years, ten (10) years, fifteen (15) years,  
8 twenty (20) years, twenty-five (25) years and longer periods.  
9 Symbols denoting one (1) additional year may be worn on each ribbon  
10 until the recipient shall be entitled to the next ribbon. Only the  
11 latest awarded Long Service Ribbon may be worn.

12 (f) At the discretion of the Adjutant General, an Oklahoma  
13 Recruiting Medal may be awarded to any member of the Oklahoma  
14 National Guard who, in any one calendar year, is personally and  
15 solely responsible for obtaining five ~~(5)~~ accessions to the  
16 strength of the Oklahoma National Guard. The basic medal shall be  
17 awarded to the individual for the first award and numeral, to be  
18 affixed to the ribbon awarded with the basic medal, denoting  
19 second, third, fourth and fifth awards, for a maximum of five ~~(5)~~  
20 awards per individual recruiter, shall be issued to denote  
21 succeeding awards.

22 (g) An Oklahoma Star of Valor Medal may be awarded to any  
23 eligible person who, while a member of the Oklahoma National Guard,  
24 performs an act of heroism involving voluntary risk of life or limb

1 | designed to protect the life of another person under conditions  
2 | other than those of conflict with an armed enemy, the saving of a  
3 | life or the success of the act not being essential.

4 | (h) An Oklahoma Commendation Medal may be awarded to any  
5 | eligible person who, as a member of the Oklahoma National Guard,  
6 | influenced the success and recognition of that branch of the  
7 | Oklahoma National Guard to which he or she belongs through  
8 | performance of conspicuous military duty, distinct achievement, or  
9 | an act of courage.

10 | (i) An Oklahoma Exceptional Service Medal may be awarded to a  
11 | present or former employee of the Oklahoma Military Department who  
12 | has contributed to the efficiency and improvement of the Oklahoma  
13 | National Guard through sustained loyal and dedicated service,  
14 | demonstration of outstanding ability, or a specific noteworthy  
15 | accomplishment, with subsequent awards being denoted by numeral  
16 | devices affixed thereto.

17 | (j) An Oklahoma Good Conduct Ribbon may be awarded to any  
18 | member of the Oklahoma National Guard for exemplary behavior,  
19 | efficiency, and fidelity while performing a continuous year of  
20 | military service in an enlisted status, subsequent to enactment. A  
21 | conviction by civil court, a court-martial, or a total of more than  
22 | six ~~(6)~~ minor traffic violations during the period considered for  
23 | the award will negate the creditability of the period. Subsequent  
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1 awards may be denoted by numeral devices affixed to the ribbon to  
2 signify the cumulative number of years of qualifying service.

3 (k) The Governor's Distinguished Unit Award shall be awarded  
4 annually to the outstanding Army and Air National Guard unit,  
5 selected by committees appointed by the Adjutant General, such  
6 units to be presented the Governor's Trophy, Army, and the  
7 Governor's Trophy, Air, respectively. The Governor's Trophy shall  
8 be designated "a traveling trophy", with miniatures thereof being  
9 awarded each winning unit for permanent possession. Membership in  
10 units awarded the distinguished unit award during period covered by  
11 the selection process shall entitle individual guardsmen to wear  
12 the Distinguished Unit Emblem on appropriate uniforms during their  
13 tenure in the Oklahoma National Guard, and subsequent awards may be  
14 denoted by numeral devices affixed thereto.

15 (l) A One Hundred Percent Drill Attendance Badge may be  
16 awarded to enlisted members of the Oklahoma National Guard who  
17 attended one hundred percent (100%) of the regularly scheduled  
18 drills of the unit to which assigned and a minimum of fifteen (15)  
19 days field training during a period of one (1) year. Credit will  
20 be given for constructive attendance and authorized make-up drills.  
21 Year bars to be attached to the badge will be awarded for each  
22 qualifying subsequent year.

23 (m) An Oklahoma Active Duty Service Medal may be awarded to  
24 any eligible person who was a member of the Oklahoma National Guard

1 on state active duty for state disaster or civil disturbance for a  
2 period of time of not less than twenty-four (24) hours and who has  
3 contributed to the success and recognition of his/her unit during  
4 their state mission, with subsequent awards being denoted by  
5 numeral devices affixed thereto.

6 (n) The Selected Reserve Force Medal may be awarded to any  
7 individual who served honorably as a member of an Oklahoma National  
8 Guard unit designated as a Selected Reserve Force (SRF) by the  
9 Department of the Army. Service must have been for a minimum of  
10 twelve (12) months, beginning October 1, 1965, during the period  
11 through January 31, 1968, the units so designated in the Oklahoma  
12 Army National Guard were HQ & HQ Co. 3rd Bde, 45th Inf Div; 2nd Bn  
13 179th Inf; 2nd Bn 180th Inf; 2nd Bn 279th Inf and 1st Bn 160th FA.

14 (o) The Oklahoma Officer Candidate School Hall of Fame award  
15 may be awarded to any graduate of the Oklahoma National Guard State  
16 Officer Candidate School who is distinguished in military and  
17 civilian pursuits and public service activities. The award may be  
18 made to graduates who are current or former members of the Oklahoma  
19 National Guard or the U.S. Army Reserve.

20 (p) The Oklahoma Adjutant General's Award may be awarded to  
21 recognize the outstanding service of any retiring member of the  
22 Oklahoma National Guard or Military Department employee who is  
23 distinguished in military and civilian pursuits and public service  
24 activities. The award may be made to either full-time or part-time

1 members of the Oklahoma National Guard and to nonuniformed  
2 employees of the Oklahoma Military Department.

3 (q) The Oklahoma Desert Storm Service Medal and Ribbon may be  
4 awarded to any member of the Oklahoma National Guard who was called  
5 into active federal service during the Persian Gulf Crisis. It is  
6 not necessary that the member actually served in Saudi Arabia, but  
7 rather was called into active federal service for the Desert Storm  
8 operation and served honorably for a period of at least thirty (30)  
9 consecutive days during the period August 1, 1990, to the  
10 conclusion of the operation as determined by the Department of  
11 Defense.

12 (r) The Oklahoma Alfred P. Murrah Service Medal may be awarded  
13 to any member of the Oklahoma National Guard, to nonuniformed  
14 employees of the Oklahoma Military Department and to other persons  
15 deemed appropriate by the Adjutant General who served in support of  
16 disaster relief operations in Oklahoma City, Oklahoma, following  
17 the April 19, 1995, bombing of the Alfred P. Murrah Federal  
18 Building.

19 (s) The Adjutant General's Staff Identification Badge may be  
20 awarded to an individual serving as a member of the coordinating  
21 staff in the State Headquarters of the Oklahoma Army National Guard  
22 in a position designated as General Staff With Troops (GSWT). The  
23 policy of the Military Department of this state shall determine the  
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1 eligibility for the awarding and wearing of the badge as specified  
2 in this paragraph.

3 (t) The Oklahoma Medal of Freedom may be awarded to any person  
4 deemed eligible by the Adjutant General.

5 (u) Any Oklahoma Medal heretofore awarded and any other medals  
6 for any war or campaign or mobilization which the federal  
7 government shall recognize by awarding to the members of the  
8 military or naval forces of the United States service medals  
9 therefor, if any federally recognized unit or units of the Oklahoma  
10 National Guard shall participate therein.

11 SECTION 2. AMENDATORY 44 O.S. 2001, Section 218, as  
12 amended by Section 160, Chapter 86, O.S.L. 2007 (44 O.S. Supp.  
13 2007, Section 218), is amended to read as follows:

14 Section 218. The Adjutant General, with the approval of the  
15 Governor, is authorized to accept or purchase, for and in the name  
16 of the State of Oklahoma, acting as trustee for the Oklahoma  
17 National Guard, title to parcels of real estate ~~on which an armory~~  
18 ~~or armories have been or may be constructed.~~

19 SECTION 3. AMENDATORY Section 3, Chapter 212, O.S.L.  
20 2003 (44 O.S. Supp. 2007, Section 232), is amended to read as  
21 follows:

22 Section 232. A. Pursuant to rules promulgated by the Adjutant  
23 General of the State of Oklahoma, the Oklahoma Military Department  
24 is authorized to establish and operate youth programs utilizing

1 National Guard or state-owned facilities and civilian or National  
2 Guard personnel to provide military-styled training and other  
3 benefits to civilian youth pursuant to agreement with federal,  
4 state and local governmental agencies.

5 B. The Adjutant General is authorized further to enter into  
6 agreements and to do all things deemed necessary or incidental to  
7 the performance of any duty authorized by subsection A of this  
8 section, including, but not limited to:

9 1. The execution of memoranda of agreement for assistance to  
10 federal, state and local governmental agencies;

11 2. The execution of grant agreements;

12 3. The execution of grant agreements with the federal  
13 government; ~~and~~

14 4. The execution of other contracts and agreements; and

15 5. The expenditure of Oklahoma Military Department funds for  
16 the purpose of advertising.

17 C. The Adjutant General is hereby authorized to accept gifts  
18 or donations for and on behalf of the state to be used for the use  
19 and benefit of the youth programs authorized by this section and  
20 their participants. The Oklahoma Military Department is directed  
21 to maintain and preserve appropriate records for all gifts made to  
22 the state pursuant to this section.

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1 SECTION 4. AMENDATORY 44 O.S. 2001, Section 233.3, as  
2 last amended by Section 4, Chapter 130, O.S.L. 2005 (44 O.S. Supp.  
3 2007, 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  
8 out the provisions of Section 233.2 et seq. of this title, provided  
9 that ~~contracts~~ the contracting method selected by the Department  
10 for the construction, erection and completion of any armory  
11 buildings hereby authorized shall ~~be~~:

12 1. Result in contracts awarded to the lowest and best bidder,  
13 approved by the Department of the Army or other representative  
14 federal agency, and that any contractor, to whom a contract may be  
15 awarded hereunder, shall execute with a qualified surety company,  
16 doing business in this state, as surety, bonds in such amounts and  
17 with such conditions as prescribed by law and by the Department of  
18 the Army or other representative federal agency. Such bonds shall  
19 be upon a form with such conditions and in such amounts as may meet  
20 the requirements of the representative federal agency and in such  
21 further amounts as willfully protect and cover the construction  
22 contributions of the state;

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1        2. Assure that any contracts requiring federal funds are  
2 awarded in the same federal fiscal year of appropriation by  
3 Congress;

4        3. Result in full compliance with federal military  
5 construction standards; and

6        4. Result in full compliance with all state building codes.

7        B. The Oklahoma Military Department shall from time to time,  
8 as the occasion therefore arises, determine whether any real  
9 estate, armory or building belonging to the State of Oklahoma and  
10 under the control of the Oklahoma Military Department is needed by  
11 the Oklahoma Military Department. If the Adjutant General  
12 determines that there is no need, the Adjutant General shall so  
13 declare and sell or dispose of the same in such manner and upon  
14 such terms as approved by the Department of Central Services and  
15 the Governor. If the Adjutant General determines that the  
16 structure endangers the public health or safety, the Adjutant  
17 General may, in the manner provided by law, order the immediate  
18 demolition of the structure. If the Adjutant General determines  
19 that a municipality, county, state agency, or other public entity  
20 can use the real estate, armory, or building for a public purpose,  
21 the Adjutant General may transfer the property to the municipality,  
22 county, state agency, or other public entity. For purposes of  
23 transferring real estate, armories, or buildings to a municipality,  
24 the Oklahoma Military Department shall be exempt from the Oklahoma

1 Surplus Property Act for purposes of selling surplus property. If  
2 the municipality, county, state agency, or other public entity does  
3 not use the real estate, armory, or building for public purposes,  
4 the property shall revert back to the Oklahoma Military Department  
5 on behalf of the State of Oklahoma. Necessary deeds and other  
6 conveyances shall be executed by the Adjutant General in the name  
7 of the State of Oklahoma.

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

16 SECTION 5. AMENDATORY 44 O.S. 2001, Section 233.7, is  
17 amended to read as follows:

18 Section 233.7 There is hereby created in the State Treasury a  
19 revolving fund for the Oklahoma Military Department to be  
20 designated the "Oklahoma Military Department Revolving Fund". The  
21 fund shall be a continuing fund, not subject to fiscal year  
22 limitations, and shall consist of any monies received by the  
23 Oklahoma Military Department from the sale of surplus property,  
24 fees and receipts collected pursuant to the Oklahoma Open Records

1 Act, interagency reimbursements, federal funds unless otherwise  
2 provided by federal law or regulation, gifts, bequests,  
3 contributions, devises, any other source, and the proceeds of  
4 property sold or otherwise disposed of pursuant to the provisions  
5 of subsection B of Section 233.3 of this title. All monies  
6 accruing to the credit of said fund are hereby appropriated and may  
7 be budgeted and expended by the Oklahoma Military Department for  
8 construction, repairs, and maintenance, equipment for facilities of  
9 the Oklahoma National Guard, or for operating expenses of the  
10 Oklahoma Military Department. Expenditures from said fund shall be  
11 made upon warrants issued by the State Treasurer against claims  
12 filed as prescribed by law with the Director of State Finance for  
13 approval and payment. All monies in the fund may, at the direction  
14 of the Adjutant General, be invested by the State Treasurer in  
15 accordance with state investment practices. All earnings  
16 attributable to such investments shall likewise accrue to the  
17 credit of the fund.

18 SECTION 6. This act shall become effective November 1, 2008.”  
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1 Passed the House of Representatives the 16th day of April,  
2008.

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4 \_\_\_\_\_  
5 Presiding Officer of the House of  
6 Representatives

7 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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10 Presiding Officer of the Senate