

THE HOUSE OF REPRESENTATIVES
Tuesday, February 19, 2008

Committee Substitute for
House Bill No. 3274

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3274 - By: DUNCAN, INMAN, KIESEL, SHERRER AND SULLIVAN of the House and BASS of the Senate.

An Act relating to militia; amending 44 O.S. 2001, Section 195.5, which relates to medals, decorations and awards; establishing the Oklahoma Medal of Freedom; amending 44 O.S. 2001, Section 218, as amended by Section 160, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2007, Section 218), which relates to Adjutant General's authority to purchase real estate; expanding authority; amending Section 3, Chapter 212, O.S.L. 2003 (44 O.S. Supp. 2007, Section 232), which relates to administration of youth programs; allowing expenditures for advertising; amending 44 O.S. 2001, Section 233.3, as last amended by Section 4, Chapter 130, O.S.L. 2005 (44 O.S. Supp. 2007, Section 233.3), which relates to construction contracts for armory buildings; modifying and expanding authority of Adjutant General to manage construction contracts; and providing an effective date.

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

1 SECTION 1. AMENDATORY 44 O.S. 2001, Section 195.5, is amended to read
2 as follows:
3 Section 195.5 The following awards and decorations are hereby created and
4 established and shall be bestowed upon the federally recognized officers, warrant officers,
5 and enlisted personnel of the Oklahoma National Guard under the conditions and in the
6 manner provided in this act.

1 (a) An Oklahoma Distinguished Service Cross which may be awarded to any
2 eligible person who shall perform at great personal danger and risk of life or limb in the
3 line of military duty any act of heroism designed to protect life or property or who while
4 on active state duty during a period of martial law shall perform such acts over and
5 beyond the call of duty which act, danger or risk he could have failed to perform or incur
6 without being subject to censure for neglect of duty.

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

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

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

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

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

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

17 (g) An Oklahoma Star of Valor Medal may be awarded to any eligible person who,
18 while a member of the Oklahoma National Guard, performs an act of heroism involving
19 voluntary risk of life or limb designed to protect the life of another person under
20 conditions other than those of conflict with an armed enemy, the saving of a life or the
21 success of the act not being essential.

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

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

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

18 (k) The Governor's Distinguished Unit Award shall be awarded annually to the
19 outstanding Army and Air National Guard unit, selected by committees appointed by the
20 Adjutant General, such units to be presented the Governor's Trophy, Army, and the
21 Governor's Trophy, Air, respectively. The Governor's Trophy shall be designated "a
22 traveling trophy", with miniatures thereof being awarded each winning unit for

1 permanent possession. Membership in units awarded the distinguished unit award
2 during period covered by the selection process shall entitle individual guardsmen to wear
3 the Distinguished Unit Emblem on appropriate uniforms during their tenure in the
4 Oklahoma National Guard, and subsequent awards may be denoted by numeral devices
5 affixed thereto.

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

12 (m) Oklahoma Active Duty Service Medal may be awarded to any eligible person
13 who was a member of the Oklahoma National Guard on state active duty for state
14 disaster or civil disturbance for a period of time of not less than twenty-four (24) hours
15 and who has contributed to the success and recognition of his/her unit during their state
16 mission, with subsequent awards being denoted by numeral devices affixed thereto.

17 (n) Selected Reserve Force Medal may be awarded to any individual who served
18 honorably as a member of an Oklahoma National Guard unit designated as a Selected
19 Reserve Force (SRF) by the Department of the Army. Service must have been for a
20 minimum of twelve (12) months, beginning October 1, 1965, during the period through
21 January 31, 1968, the units so designated in the Oklahoma Army National Guard were

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 HQ & HQ Co. 3rd Bde, 45th Inf Div; 2nd Bn 179th Inf; 2nd Bn 180th Inf; 2nd Bn 279th
2 Inf and 1st Bn 160th FA.

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

8 (p) The Oklahoma Adjutant General's Award may be awarded to recognize the
9 outstanding service of any retiring member of the Oklahoma National Guard or Military
10 Department employee who is distinguished in military and civilian pursuits and public
11 service activities. The award may be made to either full-time or part-time members of
12 the Oklahoma National Guard and to nonuniformed employees of the Oklahoma Military
13 Department.

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

21 (r) The Oklahoma Medal of Freedom may be awarded to a person based on criteria
22 to be established by the Adjutant General.

1 (s) The Oklahoma Alfred P. Murrah Service Medal may be awarded to any member
2 of the Oklahoma National Guard, to nonuniformed employees of the Oklahoma Military
3 Department and to other persons deemed appropriate by the Adjutant General who
4 served in support of disaster relief operations in Oklahoma City, Oklahoma, following the
5 April 19, 1995, bombing of the Alfred P. Murrah Federal Building.

6 ~~(s)~~ (t) The Adjutant General's Staff Identification Badge may be awarded to an
7 individual serving as a member of the coordinating staff in the State Headquarters of the
8 Oklahoma Army National Guard in a position designated as General Staff With Troops
9 (GSWT). The policy of the Military Department of this state shall determine the
10 eligibility for the awarding and wearing of the badge as specified in this paragraph.

11 ~~(t)~~ (u) Any Oklahoma Medal heretofore awarded and any other medals for any war
12 or campaign or mobilization which the federal government shall recognize by awarding to
13 the members of the military or naval forces of the United States service medals therefor,
14 if any federally recognized unit or units of the Oklahoma National Guard shall
15 participate therein.

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

19 Section 218. The Adjutant General, with the approval of the Governor, is
20 authorized to ~~accept or purchase~~, receive by donation, or otherwise acquire or lease for
21 and in the name of the State of Oklahoma, acting as trustee for the Oklahoma National

1 Guard, title to parcels of real estate ~~on which an armory or armories have been or may be~~
2 ~~constructed.~~

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

5 Section 232. A. Pursuant to rules promulgated by the Adjutant General of the
6 State of Oklahoma, the Oklahoma Military Department is authorized to establish and
7 operate youth programs utilizing National Guard or state-owned facilities and civilian or
8 National Guard personnel to provide military-styled training and other benefits to
9 civilian youth pursuant to agreement with federal, state and local governmental
10 agencies.

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

- 14 1. The execution of memoranda of agreement for assistance to federal, state and
15 local governmental agencies;
- 16 2. The execution of grant agreements;
- 17 3. The execution of grant agreements with the federal government; ~~and~~
- 18 4. The execution of other contracts and agreements; and
- 19 5. The expenditure of agency funds to advertise youth programs.

20 C. The Adjutant General is hereby authorized to accept gifts or donations for and
21 on behalf of the state to be used for the use and benefit of the youth programs authorized
22 by this section and their participants. The Oklahoma Military Department is directed to

1 maintain and preserve appropriate records for all gifts made to the state pursuant to this
2 section.

3 SECTION 4. AMENDATORY 44 O.S. 2001, Section 233.3, as last amended by
4 Section 4, Chapter 130, O.S.L. 2005 (44 O.S. Supp. 2007, Section 233.3), is amended to
5 read as follows:

6 Section 233.3 A. 1. The Oklahoma Military Department, with the approval of the
7 Governor, attested by the Secretary of State thereon, is hereby authorized and directed
8 to enter into contracts in the name of the State of Oklahoma for the purpose of carrying
9 out the provisions of Section 233.2 et seq. of this title, provided that contracts for the
10 construction, erection and completion of any armory buildings hereby authorized shall be
11 awarded to the lowest and best bidder, approved by the Department of the Army or other
12 representative federal agency, and that any contractor, to whom a contract may be
13 awarded hereunder, shall execute with a qualified surety company, doing business in
14 this state, as surety, bonds in such amounts and with such conditions as prescribed by
15 law and by the Department of the Army or other representative federal agency. Such
16 bonds shall be upon a form with such conditions and in such amounts as may meet the
17 requirements of the representative federal agency and in such further amounts as
18 willfully protect and cover the construction contributions of the state.

19 2. The Adjutant General may cooperate and contract with authorized
20 representatives of the United States government in carrying out the provisions of this
21 section, if the Adjutant General determines that it is in the best interest of the state. In

1 determining if this course of action is in the best interest of the state, the Adjutant
2 General shall make findings in writing, and shall consider all of the following criteria:
3 a. the contracting method selected results in the least cost to the state,
4 b. the contracting method selected assures that any contracts requiring
5 federal funds are awarded in the same federal fiscal year of
6 appropriation by Congress,
7 c. the contracting method selected will result in full compliance with
8 federal military construction standards, and
9 d. the contracting method will ensure full compliance with all state
10 building codes.

11 3. In carrying out the provisions of paragraph 2 of this subsection, the Adjutant
12 General shall coordinate with the Department of Central Services to utilize the
13 department for any project that uses state matching funds.

14 4. For any project using one hundred percent (100%) state funds and built entirely
15 on state-owned land, the Adjutant General shall indicate to the Department of Central
16 Services that the construction project is being constructed in accordance with the State
17 Architectural and Interior Designers Act set forth in Title 59 of the Oklahoma Statutes.

18 B. The Oklahoma Military Department shall from time to time, as the occasion
19 therefore arises, determine whether any real estate, armory or building belonging to the
20 State of Oklahoma and under the control of the Oklahoma Military Department is
21 needed by the Oklahoma Military Department. If the Adjutant General determines that
22 there is no need, the Adjutant General shall so declare and sell or dispose of the same in

1 such manner and upon such terms as approved by the Department of Central Services
2 and the Governor. If the Adjutant General determines that the structure endangers the
3 public health or safety, the Adjutant General may, in the manner provided by law, order
4 the immediate demolition of the structure. If the Adjutant General determines that a
5 municipality, county, state agency, or other public entity can use the real estate, armory,
6 or building for a public purpose, the Adjutant General may transfer the property to the
7 municipality, county, state agency, or other public entity. For purposes of transferring
8 real estate, armories, or buildings to a municipality, the Oklahoma Military Department
9 shall be exempt from the Oklahoma Surplus Property Act for purposes of selling surplus
10 property. If the municipality, county, state agency, or other public entity does not use
11 the real estate, armory, or building for public purposes, the property shall revert back to
12 the Oklahoma Military Department on behalf of the State of Oklahoma. Necessary deeds
13 and other conveyances shall be executed by the Adjutant General in the name of the
14 State of Oklahoma.

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

21 SECTION 5. This act shall become effective November 1, 2008.

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
2 dated 02-18-08 - DO PASS, As Amended and Coauthored.