

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3274

By: Duncan

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5
6 AS INTRODUCED

7 An Act relating to militia; amending 44 O.S. 2001,
8 Section 195.5, which relates to medals, decorations
9 and awards; establishing the Oklahoma Medal of
10 Freedom; amending 44 O.S. 2001, Section 218, as
11 amended by Section 160, Chapter 86, O.S.L. 2007 (44
12 O.S. Supp. 2007, Section 218), which relates to
13 Adjutant General's authority to purchase real estate;
14 expanding authority; amending Section 3, Chapter 212,
15 O.S.L. 2003 (44 O.S. Supp. 2007, Section 232), which
16 relates to administration of youth programs; allowing
17 expenditures for advertising; amending 44 O.S. 2001,
18 Section 233.3, as last amended by Section 4, Chapter
19 130, O.S.L. 2005 (44 O.S. Supp. 2007, Section 233.3),
20 which relates to construction contracts for armory
21 buildings; modifying and expanding authority of
22 Adjutant General to manage construction contracts;
23 and providing an effective date.
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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

20 (c) An Oklahoma Meritorious Service Medal may be awarded to any
21 eligible person who, while as a member of the Oklahoma National
22 Guard, shall perform outstanding meritorious service which to a
23 marked degree is reflected in the increased efficiency and growth of
24 that branch of the Oklahoma National Guard to which he belongs or

1 which brings credit to the Oklahoma National Guard over and above
2 that which would occur by reason of the superior performance of
3 assigned duties.

4 (d) An Oklahoma Guardsman Medal which may be awarded to any
5 eligible person who, as a member of the National Guard having more
6 than fifteen (15) years total service, has contributed to the
7 efficiency and growth of the Oklahoma National Guard by an unusually
8 high character of performance of duty and, by the contribution of
9 extra time and effort, has made himself known as an outstanding
10 member of the Oklahoma National Guard.

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

19 (f) At the discretion of the Adjutant General, an Oklahoma
20 Recruiting Medal may be awarded to any member of the Oklahoma
21 National Guard who, in any one calendar year, is personally and
22 solely responsible for obtaining five (5) accessions to the strength
23 of the Oklahoma National Guard. The basic medal shall be awarded to
24 the individual for the first award and numeral, to be affixed to the

1 ribbon awarded with the basic medal, denoting second, third, fourth
2 and fifth awards, for a maximum of five (5) awards per individual
3 recruiter, shall be issued to denote succeeding awards.

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

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

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

23 (j) An Oklahoma Good Conduct Ribbon may be awarded to any
24 member of the Oklahoma National Guard for exemplary behavior,

1 efficiency, and fidelity while performing a continuous year of
2 military service in an enlisted status, subsequent to enactment. A
3 conviction by civil court, a court-martial, or a total of more than
4 six (6) minor traffic violations during the period considered for
5 the award will negate the creditability of the period. Subsequent
6 awards may be denoted by numeral devices affixed to the ribbon to
7 signify the cumulative number of years of qualifying service.

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

20 (l) A One Hundred Percent Drill Attendance Badge may be awarded
21 to enlisted members of the Oklahoma National Guard who attended one
22 hundred percent of the regularly scheduled drills of the unit to
23 which assigned and a minimum of fifteen (15) days field training
24 during a period of one (1) year. Credit will be given for

1 constructive attendance and authorized make-up drills. Year bars to
2 be attached to the badge will be awarded for each qualifying
3 subsequent year.

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

11 (n) Selected Reserve Force Medal may be awarded to any
12 individual who served honorably as a member of an Oklahoma National
13 Guard unit designated as a Selected Reserve Force (SRF) by the
14 Department of the Army. Service must have been for a minimum of
15 twelve (12) months, beginning October 1, 1965, during the period
16 through January 31, 1968, the units so designated in the Oklahoma
17 Army National Guard were HQ & HQ Co. 3rd Bde, 45th Inf Div; 2nd Bn
18 179th Inf; 2nd Bn 180th Inf; 2nd Bn 279th Inf and 1st Bn 160th FA.

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

1 (p) The Oklahoma Adjutant General's Award may be awarded to
2 recognize the outstanding service of any retiring member of the
3 Oklahoma National Guard or Military Department employee who is
4 distinguished in military and civilian pursuits and public service
5 activities. The award may be made to either full-time or part-time
6 members of the Oklahoma National Guard and to nonuniformed employees
7 of the Oklahoma Military Department.

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

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

18 (s) The Oklahoma Alfred P. Murrah Service Medal may be awarded
19 to any member of the Oklahoma National Guard, to nonuniformed
20 employees of the Oklahoma Military Department and to other persons
21 deemed appropriate by the Adjutant General who served in support of
22 disaster relief operations in Oklahoma City, Oklahoma, following the
23 April 19, 1995, bombing of the Alfred P. Murrah Federal Building.
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1 ~~(s)~~ (t) The Adjutant General's Staff Identification Badge may
2 be awarded to an individual serving as a member of the coordinating
3 staff in the State Headquarters of the Oklahoma Army National Guard
4 in a position designated as General Staff With Troops (GSWT). The
5 policy of the Military Department of this state shall determine the
6 eligibility for the awarding and wearing of the badge as specified
7 in this paragraph.

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

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

17 Section 218. The Adjutant General, with the approval of the
18 Governor, is authorized to ~~accept or purchase,~~ receive by donation,
19 or otherwise acquire or lease for and in the name of the State of
20 Oklahoma, acting as trustee for the Oklahoma National Guard, title
21 to parcels of real estate ~~on which an~~ for armory or armories ~~have~~
22 ~~been or may be constructed~~ storage purposes.

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1 SECTION 3. AMENDATORY Section 3, Chapter 212, O.S.L.
2 2003 (44 O.S. Supp. 2007, Section 232), is amended to read as
3 follows:

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

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

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

17 2. The execution of grant agreements;

18 3. The execution of grant agreements with the federal
19 government; ~~and~~

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

21 5. The expenditure of agency funds to advertise youth programs.

22 C. The Adjutant General is hereby authorized to accept gifts or
23 donations for and on behalf of the state to be used for the use and
24 benefit of the youth programs authorized by this section and their

1 participants. The Oklahoma Military Department is directed to
2 maintain and preserve appropriate records for all gifts made to the
3 state pursuant to this section.

4 SECTION 4. AMENDATORY 44 O.S. 2001, Section 233.3, as
5 last amended by Section 4, Chapter 130, O.S.L. 2005 (44 O.S. Supp.
6 2007, Section 233.3), is amended to read as follows:

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

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1 2. The Adjutant General may cooperate and contract with
2 authorized representatives of the United States government in
3 carrying out the provisions of this section, if the Adjutant General
4 determines that it is in the best interest of the state. In
5 determining if this course of action is in the best interest of the
6 state, the Adjutant General shall make findings in writing, and
7 shall consider all of the following criteria:

8 a. the contracting method selected results in the least
9 cost to the state,

10 b. the contracting method selected assures that any
11 contracts requiring federal funds are awarded in the
12 same federal fiscal year of appropriation by Congress,

13 c. the contracting method selected will result in full
14 compliance with federal military construction
15 standards, and

16 d. the contracting method will ensure full compliance
17 with all state building codes.

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

22 4. For any project using one hundred percent (100%) state funds
23 and built entirely on state-owned land, the Adjutant General shall
24 indicate to the Department of Central Services that the construction

1 project is being constructed in accordance with the State
2 Architectural and Interior Designers Act set forth in Title 59 of
3 the Oklahoma Statutes.

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

1 revert back to the Oklahoma Military Department on behalf of the
2 State of Oklahoma. Necessary deeds and other conveyances shall be
3 executed by the Adjutant General in the name of the State of
4 Oklahoma.

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

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

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