

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1970

By: Bass

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5
6 AS INTRODUCED

7 An Act relating to militia; amending 44 O.S. 2001,
8 Sections 195.5, 218, as amended by Section 160,
9 Chapter 86, O.S.L. 2007, Section 3, Chapter 212,
10 O.S.L. 2003, 233.3, as last amended by Section 4,
11 Chapter 130, O.S.L. 2005, and 233.7 (44 O.S. Supp.
12 2007, Sections 218, 232, 233.3 and 233.7), which
13 relate to awards and decorations, real estate titles,
14 youth programs, construction contracts, and the
15 Oklahoma Military Department Revolving Fund; creating
16 the Oklahoma Medal of Freedom; expanding the
17 authority of the Adjutant General to accept real
18 estate titles; authorizing the Adjutant General to
19 expend certain funds for certain advertising;
20 requiring that certain contracts be awarded in
21 certain fiscal year; requiring that certain contracts
22 comply with certain federal standards; requiring that
23 certain contracts comply with certain state codes;
24 authorizing the Adjutant General to direct certain
investment of monies; providing for accrual of
certain interest to certain fund; and providing an
effective date.

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

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 act
6 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 or she could have failed to perform or incur without being subject
10 to 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 or she

1 belongs or which brings credit to the Oklahoma National Guard over
2 and above that which would occur by reason of the superior
3 performance of 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 or herself known as an
10 outstanding 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 or she belongs through
14 performance of conspicuous military duty, distinct achievement, or
15 an act of 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 (100%) of the regularly scheduled drills of the unit
23 to 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) An 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) The 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 Alfred P. Murrah Service Medal may be awarded
17 to any member of the Oklahoma National Guard, to nonuniformed
18 employees of the Oklahoma Military Department and to other persons
19 deemed appropriate by the Adjutant General who served in support of
20 disaster relief operations in Oklahoma City, Oklahoma, following the
21 April 19, 1995, bombing of the Alfred P. Murrah Federal Building.

22 (s) The Adjutant General's Staff Identification Badge may be
23 awarded to an individual serving as a member of the coordinating
24 staff in the State Headquarters of the Oklahoma Army National Guard

1 in a position designated as General Staff With Troops (GSWT). The
2 policy of the Military Department of this state shall determine the
3 eligibility for the awarding and wearing of the badge as specified
4 in this paragraph.

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

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

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

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

21 SECTION 3. AMENDATORY Section 3, Chapter 212, O.S.L.
22 2003 (44 O.S. Supp. 2007, Section 232), is amended to read as
23 follows:
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1 Section 232. A. Pursuant to rules promulgated by the Adjutant
2 General of the State of Oklahoma, the Oklahoma Military Department
3 is authorized to establish and operate youth programs utilizing
4 National Guard or state-owned facilities and civilian or National
5 Guard personnel to provide military-styled training and other
6 benefits to civilian youth pursuant to agreement with federal, state
7 and local governmental agencies.

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

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

14 2. The execution of grant agreements;

15 3. The execution of grant agreements with the federal
16 government; ~~and~~

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

18 5. The expenditure of Oklahoma Military Department funds for
19 the purpose of advertising.

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

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

6 Section 233.3 A. The Oklahoma Military Department, with the
7 approval of the Governor, attested by the Secretary of State
8 thereon, is hereby authorized and directed to enter into contracts
9 in the name of the State of Oklahoma for the purpose of carrying out
10 the provisions of Section 233.2 et seq. of this title, provided that
11 ~~contracts~~ the contracting method selected by the Department for the
12 construction, erection and completion of any armory buildings hereby
13 authorized shall ~~be~~ be:

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

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 construction
5 standards; and

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

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

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

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

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

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

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

16 SECTION 6. This act shall become effective November 1, 2008.

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