

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2292

By: Duncan of the House

and

Russell of the Senate

8 COMMITTEE SUBSTITUTE

9 An Act relating to the Oklahoma Military Department;
10 authorizing Adjutant General to receive certain
11 donated or appropriated funds; authorizing the
12 expenditure of certain funds for certain purposes;
13 limiting expenditure; amending 44 O.S. 2001, Section
14 21, which relates to the Military Department;
15 establishing a joint headquarters; amending 44 O.S.
16 2001, Section 71, which relates to duty of an
17 officer; limiting timeframe for certain duties;
18 updating language; amending 44 O.S. 2001, Section 74,
19 which relates to pay and allowances; authorizing
20 Adjutant General to determine certain compensation
21 and benefits; amending Section 1, Chapter 240, O.S.L.
22 2005 (44 O.S. Supp. 2009, Section 77), which relates
23 to life insurance; allowing for administration of
24 state funds; amending 44 O.S. 2001, Section 192,
which relates to military medals; modifying award
types; allowing for certain rules and procedures;
deleting approval by Board of Officers; amending 44
O.S. 2001, Section 232.7, as amended by Section 5,
Chapter 254, O.S.L. 2006 (44 O.S. Supp. 2009, Section
232.7), which relates to the management of armory
board funds; providing authority for Adjutant General
to expend certain funds for furnishings; adding
certain facilities to locations under board control;
amending Section 1, Chapter 238, O.S.L. 2005 (44 O.S.
Supp. 2009, Section 237), which relates to the
Oklahoma National Guard Relief Program; allowing for
additional support; modifying purpose of review
board; authorizing the appointment of the review
board by the Adjutant General; designating membership

1 of the review board; deleting current review board
2 membership; authorizing establishment of meeting
3 procedures by the Adjutant General; amending 44 O.S.
4 2001, Section 245, which relates to persons not to be
5 commissioned or enlisted; deleting limitation of non-
6 citizens; repealing 44 O.S. 2001, Sections 44, 50,
7 193, 195.1, 195.2, 195.3, 195.4, 195.5, as amended by
8 Section 1, Chapter 172, O.S.L. 2008 (44 O.S. Supp.
9 2009, Section 195.5), 195.6, 195.7, and 195.8;
10 providing for codification; and declaring an
11 emergency.

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

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 26.1 of Title 44, unless there
12 is created a duplication in numbering, reads as follows:

13 The Adjutant General may receive financial donations and expend
14 such donated funds or utilize state appropriated funds for mementos,
15 presentations or participation in events designed to promote the
16 interests and relationships of the Military Department or Oklahoma
17 National Guard, specifically, but not limited to, the State
18 Partnership Program. A full and complete record of such donated
19 funds received and disbursed by the Military Department shall be
20 kept and shall be subject to audit, and reports submitted to the
21 Adjutant General upon request. Such expenditures shall be limited
22 to Three Hundred Dollars (\$300.00) per occasion and shall not exceed
23 Two Thousand Five Hundred Dollars (\$2,500.00) per year.

1 SECTION 2. AMENDATORY 44 O.S. 2001, Section 21, is
2 amended to read as follows:

3 Section 21. The Military Department of the State of Oklahoma is
4 hereby established and shall be administered and controlled by the
5 Governor as Commander in Chief, with the Adjutant General as the
6 executive and administrative head thereof. The Military Department
7 is hereby organized into a joint headquarters with separate
8 ~~departments~~ branches for the Army National Guard and the Air
9 National Guard, and there shall be assigned to each, ~~department~~ such
10 officers, enlisted men and employees as may be considered necessary
11 by the Governor as Commander in Chief and as may be authorized by
12 law and Army National Guard regulations and Air National Guard
13 regulations.

14 SECTION 3. AMENDATORY 44 O.S. 2001, Section 71, is
15 amended to read as follows:

16 Section 71. ~~Each detachment and unit in the National Guard~~
17 ~~shall assemble for drill and instruction, including indoor target~~
18 ~~practice, not less than forty eight (48) times each year, and shall,~~
19 ~~in addition thereto, participate in encampments, maneuvers, or other~~
20 ~~exercises, including outdoor target practice, at least fifteen (15)~~
21 ~~days in training each year, including target practice, unless such~~
22 ~~unit or detachment shall have been excused from any participation in~~
23 ~~any part thereof by the Governor.~~ It shall be the duty of each
24 commissioned officer and enlisted ~~man or airman~~ person of the

1 Oklahoma National Guard to be present and perform all the duties
2 required of him or her at each assembly for drill and instruction,
3 encampment, maneuvers or other exercises, unless regularly excused
4 by competent authority. Any employer who refuses to permit an
5 employee who may be a member of the National Guard of this state to
6 attend any drill, ceremony, exercise, or any duty which he or she
7 may be legally called upon to perform shall be guilty of a
8 misdemeanor and upon conviction thereof shall be punished by a fine
9 of not less than Fifty Dollars (\$50.00) nor more than Two Hundred
10 Dollars (\$200.00), or by imprisonment for not less than ten (10)
11 days, nor more than sixty (60) days in the county jail, or by both
12 such fine and imprisonment.

13 SECTION 4. AMENDATORY 44 O.S. 2001, Section 74, is
14 amended to read as follows:

15 Section 74. ~~Officers and enlisted men and women while in active~~
16 ~~service of the state shall receive the same pay as paid for the same~~
17 ~~rank or grade for service in the Army or Air Force of the United~~
18 ~~States. Officers and enlisted men and women while in active service~~
19 ~~of the state shall receive the same allowances as paid for the same~~
20 ~~rank or grade of service in the Army or Air Force of the United~~
21 ~~States, unless the State of Oklahoma provides lodging quarters and~~
22 ~~meals for those personnel.~~ The Adjutant General is authorized to make
23 and publish policy to determine the amount of compensation and
24 benefits for members of the Oklahoma National Guard serving in

1 active service of the state and prescribe the applicable rules and
2 procedures.

3 SECTION 5. AMENDATORY Section 1, Chapter 240, O.S.L.
4 2005 (44 O.S. Supp. 2009, Section 77), is amended to read as
5 follows:

6 Section 77. The Adjutant General is hereby authorized to
7 administer, determine eligibility and expend state funds
8 ~~specifically~~ appropriated by the Legislature for
9 payment/reimbursement of insurance premiums to provide coverage up
10 to the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00)
11 under Serviceman's Group Life Insurance (SGLI) or State Sponsored
12 Life Insurance (SSLI) for the military members of the Oklahoma Army
13 and Air National Guard. ~~Qualification for this insurance benefit is~~
14 ~~limited to military members of the Oklahoma Army and Air National~~
15 ~~Guard who are in good standing in their unit and satisfactorily~~
16 ~~performing all required training.~~

17 SECTION 6. AMENDATORY 44 O.S. 2001, Section 192, is
18 amended to read as follows:

19 Section 192. The Adjutant General is authorized to establish,
20 design and award, without regard to military status, state military
21 medals, ribbons, certificates, or any other awards and or
22 ~~decorations provided for in this act shall be of a character and~~
23 ~~design which shall be decided upon and approved by a Board of~~
24 ~~Officers of the federally recognized Oklahoma National Guard~~

1 ~~selected by the Adjutant General by order of the Governor, the duty~~
2 ~~of which Board shall be to select proper and appropriate designs for~~
3 ~~medals and ribbons and symbols which will reflect the history and~~
4 ~~traditions of the State of Oklahoma~~ and prescribe by policy the
5 applicable rules and procedures.

6 SECTION 7. AMENDATORY 44 O.S. 2001, Section 232.7, as
7 amended by Section 5, Chapter 254, O.S.L. 2006 (44 O.S. Supp. 2009,
8 Section 232.7), is amended to read as follows:

9 Section 232.7 Armory board funds shall be controlled,
10 deposited, expended and accounted for at the direction of the
11 Adjutant General. A full and complete record of funds received and
12 disbursed by the armory board shall be kept and shall be subject to
13 audit, and reports submitted to the Adjutant General upon request.
14 The Adjutant General may expend armory board revenue received for
15 the improvement, including street improvement, alterations,
16 furnishings, repair and maintenance of the armory and facilities
17 under its control and may further expend such funds for the benefit
18 of state military organizations assigned thereto. If such funds are
19 not needed for the operation, repair, and maintenance of the armory
20 or facilities or if no military organization is assigned to the
21 armory or facility, the Adjutant General may order such funds to be
22 turned over to the Adjutant General and expend such funds for the
23 benefit of the National Guard of the state as a whole.

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1 SECTION 8. AMENDATORY Section 1, Chapter 238, O.S.L.
2 2005 (44 O.S. Supp. 2009, Section 237), is amended to read as
3 follows:

4 Section 237. A. The Military Department of the State of
5 Oklahoma shall create the Oklahoma National Guard Relief Program.
6 ~~This~~ The program is ~~being~~ created for the purpose of providing
7 ~~financial relief for approved expenses to qualified,~~ morale, welfare
8 and recreation support to members of the Oklahoma National Guard.

9 B. A review board shall be created for purposes of accepting
10 applications and donations for ~~relief and distributing~~ financial,
11 morale, welfare, and recreation support and to direct the
12 distribution of program monies accrued to those members with
13 ~~qualifying expenses. The board shall consist of:~~

14 1. ~~The Adjutant General;~~

15 2. ~~The Commanding Sergeant Major of the Army National Guard;~~

16 ~~and~~

17 3. ~~The Chief Master Sergeant of the Air National Guard~~ Adjutant
18 General shall appoint current and former members or their spouses of
19 the Oklahoma National Guard to serve as board members without
20 compensation or reimbursement of travel or personal expenses.

21 C. ~~Procedures~~ The Adjutant General is authorized to establish
22 procedures for meetings, qualifying expenses, approvals, and ~~minimum~~
23 ~~criteria for accepting applications shall be developed by the review~~
24 ~~board~~ funding financial hardships and morale, welfare and recreation

1 facilities, events or ceremonies in support of the members of the
2 Oklahoma National Guard.

3 SECTION 9. AMENDATORY 44 O.S. 2001, Section 245, is
4 amended to read as follows:

5 Section 245. No person shall be commissioned or enlisted in
6 such forces ~~who is not a citizen of the United States or~~ who has
7 been expelled or dishonorably discharged from any military ~~or naval~~
8 organization of this state, or of another state, or of the United
9 States.

10 SECTION 10. REPEALER 44 O.S. 2001, Section 44, is hereby
11 repealed.

12 SECTION 11. REPEALER 44 O.S. 2001, Section 50, is hereby
13 repealed.

14 SECTION 12. REPEALER 44 O.S. 2001, Section 193, is
15 hereby repealed.

16 SECTION 13. REPEALER 44 O.S. 2001, Section 195.1, is
17 hereby repealed.

18 SECTION 14. REPEALER 44 O.S. 2001, Section 195.2, is
19 hereby repealed.

20 SECTION 15. REPEALER 44 O.S. 2001, Section 195.3, is
21 hereby repealed.

22 SECTION 16. REPEALER 44 O.S. 2001, Section 195.4, is
23 hereby repealed.

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1 SECTION 17. REPEALER 44 O.S. 2001, Section 195.5, as
2 amended by Section 1, Chapter 172, O.S.L. 2008 (44 O.S. Supp. 2009,
3 Section 195.5), is hereby repealed.

4 SECTION 18. REPEALER 44 O.S. 2001, Section 195.6, is
5 hereby repealed.

6 SECTION 19. REPEALER 44 O.S. 2001, Section 195.7, is
7 hereby repealed.

8 SECTION 20. REPEALER 44 O.S. 2001, Section 195.8, is
9 hereby repealed.

10 SECTION 21. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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