

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1701

By: Sykes and Ivester of the
Senate

3
4 and

Jordan of the House
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6
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8 An Act relating to the Adjutant General; amending 44
9 O.S. 2011, Section 26, which relates to the duties of
10 the Adjutant General; specifying that the Adjutant
11 General is the chief military adviser to the
12 Governor; and declaring an emergency.

13 AUTHORS: Add the following House Coauthors: Wesselhoft and Bennett

14 AMENDMENT NO. 1. Page 1, line 12 1/2 insert new Sections 1 through
15 3 to read

16 "SECTION 1. AMENDATORY 44 O.S. 2011, Section 6, is
17 amended to read as follows:

18 Section 6. The Governor may appoint an honorary staff to
19 consist of such number of honorary aides with the brevet title of
20 Colonel, Lieutenant Colonel or Major, ~~as he may desire~~. All ~~of~~
21 ~~these~~ staff officers shall be appointed by the Governor and hold
22 office at ~~his~~ will and their commissions shall expire with the term
23 of office of the Governor making such appointment. Staff officers
24

1 shall not be subject to jury duty during the period of their
2 service. The Adjutant General shall be ex officio Chief of Staff.

3 SECTION 2. AMENDATORY 44 O.S. 2011, Section 23, is
4 amended to read as follows:

5 Section 23. The Governor of the state shall be the Commander in
6 Chief of the Militia, and as such shall have supreme command of the
7 military forces of the state while in the service of the state or
8 until they are ordered and accepted into the service of the United
9 States. While in the service of the state, ~~he~~ the Governor shall
10 have power to muster out any organization of the state, discharge
11 enlisted men, as provided herein, and perform such other acts in
12 keeping with the laws of the Commander in Chief, subject to the laws
13 of the United States and regulations prescribed by the President of
14 the United States. No armed military force from another state or
15 territory shall be permitted to enter the state without ~~his~~ the
16 permission of the Governor, unless such military force be a part of
17 the United States, or is acting under the authority of the United
18 States. No independent military organization, except as a corps of
19 cadets at the educational institutions, shall be permitted to bear
20 arms without first securing permission of the Commander in Chief.

21 SECTION 3. AMENDATORY 44 O.S. 2011, Section 24, is
22 amended to read as follows:

23 Section 24. The Adjutant General shall be appointed by the
24 Governor, by and with the advice and consent of the Senate, and

1 shall serve ~~during~~ at the pleasure of the Governor. No person shall
2 be eligible to hold the office of the Adjutant General of this
3 state, unless, at the time of appointment, he or she is a federally
4 recognized officer of the National Guard of Oklahoma, and of the
5 National Guard of the United States, not below the rank of Colonel,
6 and that the status as a federally recognized officer, both of the
7 National Guard of Oklahoma and of the National Guard of the United
8 States, shall have existed for at least three (3) years prior to the
9 time of such appointment; or unless, within two (2) years prior to
10 the time of the appointment, he or she has been a federally
11 recognized officer of the National Guard of Oklahoma, and of the
12 National Guard of the United States, not below the rank of Colonel,
13 and that during military service he or she served for a period of
14 three (3) years as a federally recognized officer, both of the
15 National Guard of Oklahoma and of the National Guard of the United
16 States; provided that if the National Guard of Oklahoma is in active
17 federal service and no persons having the above qualifications are
18 available within the state, then the Governor may appoint, subject
19 to the advice and consent of the Senate, any suitably qualified
20 person who at any time in the preceding ten (10) years would have
21 been qualified, as above, and who has served at least two (2) years
22 in active federal service in the grade of Colonel or higher."

23 and renumbering subsequent sections
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1 and on page 2, line 1/2 insert new Sections 5
2 through 7 to read

3 "SECTION 5. AMENDATORY 44 O.S. 2011, Section 75, is
4 amended to read as follows:

5 Section 75. Officers and~~er~~ enlisted men who suffer injuries or
6 contract disease, in line of duty, while on duty or in active
7 service, shall receive hospitalization and medical treatment, and
8 the pay and allowances of their grade during the period that they
9 are unable to resume their civilian occupation; but no commissioned
10 officer shall be paid after the termination of said service or duty
11 more than the pay and allowances of a Second Lieutenant.

12 All payments herein provided for shall be paid on the approval
13 of the Adjutant General by warrant drawn against the funds
14 appropriated for that purpose in the Military Department or other
15 funds made available.

16 In the event of compensation for said service, death or
17 injuries, being paid in part by the federal government, the state
18 shall pay only the balance necessary to make the above designated
19 amounts.

20 SECTION 6. AMENDATORY 44 O.S. 2011, Section 233.10, is
21 amended to read as follows:

22 Section 233.10 The Oklahoma Military Department is hereby
23 authorized to purchase ~~commercial~~ vehicles to ~~replace commercial~~
24 ~~vehicles deemed unserviceable by the Adjutant General from funds~~

1 ~~appropriated for maintenance operations or specially authorized and~~
2 ~~appropriated for this purpose shall be exempt from mandatory~~
3 ~~statewide contracts.~~

4 SECTION 7. REPEALER 44 O.S. 2011, Section 232.3, is
5 hereby repealed."

6 and renumber subsequent section
7 and amend title to conform

8 Passed the House of Representatives the 2nd day of April, 2012.

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11 _____
12 Presiding Officer of the House of
Representatives

13 Passed the Senate the ____ day of _____, 2012.

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17 Presiding Officer of the Senate

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