

ENROLLED SENATE
BILL NO. 1701

By: Sykes, Ivester and
Johnson (Constance) of
the Senate

and

Jordan, Wesselhoft and
Bennett of the House

An Act relating to the Adjutant General; amending 44 O.S. 2011, Sections 6, 23, 24, 26, 75 and 233.10, which relate to the duties and qualifications of the Adjutant General; making language gender-neutral; specifying that the Adjutant General is the chief military adviser to the Governor; clarifying language; exempting the Oklahoma Military Department from certain contracts; repealing 44 O.S. 2011, Section 232.3, which relates to armory boards; and declaring an emergency.

SUBJECT: Military affairs

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

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

Section 6. The Governor may appoint an honorary staff to consist of such number of honorary aides with the brevet title of Colonel, Lieutenant Colonel or Major, ~~as he may desire~~. All ~~of these~~ staff officers shall be appointed by the Governor and hold office at ~~his~~ will and their commissions shall expire with the term of office of the Governor making such appointment. Staff officers shall not be subject to jury duty during the period of their service. The Adjutant General shall be ex officio Chief of Staff.

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

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

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

Section 24. The Adjutant General shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall serve ~~during~~ at the pleasure of the Governor. No person shall be eligible to hold the office of the Adjutant General of this state, unless, at the time of appointment, he or she is a federally recognized officer of the National Guard of Oklahoma, and of the National Guard of the United States, not below the rank of Colonel, and that the status as a federally recognized officer, both of the National Guard of Oklahoma and of the National Guard of the United States, shall have existed for at least three (3) years prior to the time of such appointment; or unless, within two (2) years prior to the time of the appointment, he or she has been a federally recognized officer of the National Guard of Oklahoma, and of the National Guard of the United States, not below the rank of Colonel, and that during military service he or she served for a period of three (3) years as a federally recognized officer, both of the National Guard of Oklahoma and of the National Guard of the United States; provided that if the National Guard of Oklahoma is in active federal service and no persons having the above qualifications are available within the state, then the Governor may appoint, subject to the advice and consent of the Senate, any suitably qualified

person who at any time in the preceding ten (10) years would have been qualified, as above, and who has served at least two (2) years in active federal service in the grade of Colonel or higher.

SECTION 4. AMENDATORY 44 O.S. 2011, Section 26, is amended to read as follows:

Section 26. The Adjutant General shall be in control of the Military Department of the state, subordinate only to the Governor. The Adjutant General shall be the chief military adviser to the Governor. Within the limitations and under the provisions of law, he or she shall supervise and direct the National Guard within the service of the state and when under state control in all of its organization, training and other activities; shall receive and give effect to the orders of the Governor; and shall perform such other military and defense duties, not otherwise assigned by law, as the Governor may prescribe.

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

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

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

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

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

Section 233.10 The Oklahoma Military Department is hereby authorized to purchase ~~commercial~~ vehicles to replace ~~commercial~~ vehicles deemed unserviceable by the Adjutant General from funds appropriated for maintenance operations or specially authorized and appropriated for this purpose shall be exempt from mandatory statewide contracts.

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

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 9th day of May, 2012.

Presiding Officer of the Senate

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

Presiding Officer of the House
of Representatives