



1 O.S. 2001, Section 232.2, which relates to use and  
2 operation of armories; clarifying language; amending  
3 44 O.S. 2001, Section 232.4, as amended by Section 3,  
4 Chapter 254, O.S.L. 2006 (44 O.S. Supp. 2010, Section  
5 232.4), which relates to duties and responsibilities  
6 of the Adjutant General; allowing the Adjutant  
7 General to establish rules and regulations for the  
8 use and operations of facilities owned and operated  
9 by the Military Department; amending 44 O.S. 2001,  
10 Section 233.2, which relates to agreements with the  
11 United States for operations of facilities; deleting  
12 obsolete language; amending 44 O.S. 2001, Section  
13 233.3, as last amended by Section 4, Chapter 172,  
14 O.S.L. 2008 (44 O.S. Supp. 2010, Section 233.3),  
15 which relates to the sale and disposition of  
16 property; authorizing the Adjutant General to sell,  
17 dispose, demolish or transfer title of property owned  
18 or controlled by the Military Department; exempting  
19 the Military Department from the Oklahoma Surplus  
20 Property Act for certain purposes; requiring the  
21 Adjutant General to execute certain deeds and  
22 conveyances; removing certain restrictions on  
23 construction of new armories; amending 44 O.S. 2001,  
24 Section 233.5, as amended by Section 161, Chapter 86,  
O.S.L. 2007 (44 O.S. Supp. 2010, Section 233.5),  
which relates to the conveyance of property; allowing  
conveyances of property by individuals or  
corporations without the approval of the Governor and  
acceptance by the Adjutant General; removing certain  
authorization concerning expenditure of fund on  
certain conveyances; amending 44 O.S. 2001, Section  
233.11, which relates to contracts for professional  
services; removing contract limits for professional  
services; repealing 44 O.S. 2001, Sections 2, 30, 31,  
32, 42, 214, 226, 231.11, 232.5, 232.6, as last  
amended by Section 4, Chapter 254, O.S.L. 2006,  
232.7, as last amended by Section 7, Chapter 212,  
O.S.L. 2010, 233.4, 233.6, 233.8 and 236 (44 O.S.  
Supp. 2010, Sections 232.6 and 232.7), which relate  
to the Oklahoma Military Advisory Commission, the  
organization of the Oklahoma National Guard,  
punishment for destruction of military property,  
location of National Guard armory, obsolete language,  
assignment of military organizations to armories,  
leasing and hiring out of armories or facilities,  
armory board funds, control and operation of  
buildings, transfer of powers and duties of Special

1 Armory Construction Board, petty cash fund, and  
2 acquisition of certain real property in Pontotoc  
3 County; and providing an effective date.  
4

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

6 SECTION 1. AMENDATORY 44 O.S. 2001, Section 21.1, is  
7 amended to read as follows:

8 Section 21.1 Personnel appointed as state employees in the  
9 Military Department shall be in the ~~classified~~ unclassified service  
10 of the state, ~~except as otherwise provided by law, and shall be~~  
11 ~~subject to the provisions of the Oklahoma Personnel Act concerning~~  
12 ~~appointments, promotions, adverse actions, and all other personnel~~  
13 ~~matters. However, the Adjutant General may establish a requirement~~  
14 ~~for membership in the National Guard as a special requirement for~~  
15 ~~appointment to, and continued employment in, certain positions in~~  
16 ~~the classified service which require special military training,~~  
17 ~~exercise of command authority, direct specified military programs,~~  
18 ~~or perform other functions directly related to administration and~~  
19 ~~training of the National Guard or the maintenance or repair of~~  
20 ~~National Guard facilities, equipment, or supplies. Such designated~~  
21 ~~positions shall include the specified military grade or grades~~  
22 ~~authorized by the Adjutant General for appointment to the position~~  
23 ~~and continued employment therein. An employee in a designated~~  
24 ~~position who is separated from the National Guard or who does not~~

1 ~~hold the specified military grade for the position will be~~  
2 ~~reclassified, promoted, demoted, transferred or separated in~~  
3 ~~accordance with the provisions of the Oklahoma Personnel Act and the~~  
4 ~~Merit Rules for Employment.~~ The Adjutant General may grant leave to  
5 state civilian employees consistent with the rules governing the  
6 federal workforce in support of the National Guard.

7 SECTION 2. AMENDATORY 44 O.S. 2001, Section 26, is  
8 amended to read as follows:

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

18 SECTION 3. AMENDATORY 44 O.S. 2001, Section 43, is  
19 amended to read as follows:

20 Section 43. No person shall be commissioned as an officer of  
21 the National Guard who is under the age of eighteen (18) years and  
22 is not temperate and of good morals, and unless he or she shall have  
23 successfully passed such tests as to his or her physical, mental,  
24 and professional fitness as may be prescribed by the laws and

1 regulations applicable to the federally recognized National Guard-  
2 ~~In the selection and appointment of commissioned officers,~~  
3 ~~preference shall be given to persons with prior active military~~  
4 ~~service, enlisted men of the National Guard, and graduates of~~  
5 ~~schools wherein Military Science is taught.~~

6 SECTION 4. AMENDATORY 44 O.S. 2001, Section 208, is  
7 amended to read as follows:

8 Section 208. No person shall discriminate against any officer  
9 or enlisted ~~man~~ member of the National Guard because of his or her  
10 membership therein. No person shall prohibit or refuse entrance to  
11 any officer or enlisted ~~man~~ member ~~of the Army or Navy~~ of the United  
12 States Armed Forces, or of the military forces of this state, into  
13 any public entertainment or place of amusement because such officer  
14 or enlisted ~~man~~ member is wearing a uniform of the organization to  
15 which he or she belongs. No employer, officer or agent of any  
16 corporation, company, firm or other person, shall discharge any  
17 person from employment because of being an officer, warrant officer  
18 or enlisted ~~man~~ member of the military forces of the state, or  
19 hinder or prevent him or her from performing any military service he  
20 or she may be called upon to perform by proper authority, in respect  
21 to his or her employment, trade or business. Any person violating  
22 any of the provisions of this section, shall be punished by a fine  
23 of not to exceed One Hundred Dollars (\$100.00), or by imprisonment

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1 in the county jail for a period of not to exceed thirty (30) days,  
2 or by both such fine and imprisonment.

3 SECTION 5. AMENDATORY 44 O.S. 2001, Section 227, is  
4 amended to read as follows:

5 Section 227. The architect for the construction of the ~~armory~~  
6 facilities of building ~~for the housing, occupancy, or quartering of~~  
7 ~~the officers, personnel, and equipment of~~ the National Guard of the  
8 State of Oklahoma shall be selected by a board appointed by the  
9 Adjutant General of the State of Oklahoma ~~and~~ to be named the  
10 Architect Selection Board. The Architect Selection Board shall be  
11 comprised of three (3) members from the Oklahoma National Guard  
12 Directorate of Engineering Office. The Adjutant General shall enter  
13 into contracts in the name of the State of Oklahoma for the  
14 construction of such ~~armory building~~ buildings. The Oklahoma  
15 Military Department may use federal contracting procedures for  
16 construction of such ~~armory building~~ facilities.

17 SECTION 6. AMENDATORY 44 O.S. 2001, Section 232.1, as  
18 amended by Section 2, Chapter 130, O.S.L. 2005 (44 O.S. Supp. 2010,  
19 Section 232.1), is amended to read as follows:

20 Section 232.1 A. ~~All armories, vehicle storage buildings,~~  
21 ~~warehouses, and other buildings and facilities, real and personal~~  
22 ~~property in connection therewith, state or federally owned,~~  
23 ~~procured, leased, or constructed from federal or state funds,~~  
24 ~~occupied or used by the Militia, National Guard, or other authorized~~

1 ~~military organizations under state control, shall be operated,~~  
2 ~~maintained, altered, repaired, and controlled by the Military~~  
3 ~~Department. When existing armories or facilities are not available~~  
4 ~~at any station to which an organization of the National Guard has~~  
5 ~~been assigned, then, the The Adjutant General is authorized to enter~~  
6 ~~into contracts to lease or hire buildings and rent facilities and to~~  
7 ~~pay reasonable rental from any funds appropriated for operating and~~  
8 ~~maintenance expenses of the Military Department or the Adjutant~~  
9 ~~General.~~

10 B. "Military reservations", without limitation, include  
11 military installations, armories, air bases, and facilities owned or  
12 controlled by the state for military purposes.

13 C. The Adjutant General shall have charge of military  
14 reservations of the state and shall be responsible for the  
15 protection and safety of those military reservations, and promulgate  
16 rules for the maintenance of order thereon, for the enforcement of  
17 traffic rules and for all other lawful rules as may be ordered for  
18 the operation, care, and preservation of existing facilities and  
19 installations on all state military reservations.

20 SECTION 7. AMENDATORY 44 O.S. 2001, Section 232.2, is  
21 amended to read as follows:

22 Section 232.2 The Adjutant General shall promulgate rules and  
23 regulations for the use and operation of armories, buildings, and  
24 other facilities under control of the Military Department. The

1 Adjutant General is authorized to expend monies ~~appropriated for~~  
2 ~~operating and maintenance expenses to the Military Department or to~~  
3 ~~the Adjutant General for the purpose of improvements, including~~  
4 ~~street~~ for improvements, repair repairs, alterations, and  
5 ~~maintaining of armories and facilities enumerated in Section 1 of~~  
6 ~~this act~~ maintenance of facilities.

7 SECTION 8. AMENDATORY 44 O.S. 2001, Section 232.4, as  
8 amended by Section 3, Chapter 254, O.S.L. 2006 (44 O.S. Supp. 2010,  
9 Section 232.4), is amended to read as follows:

10 Section 232.4 ~~The armory boards are appointed to assist the~~  
11 ~~Adjutant General and are responsible to him for the use, care and~~  
12 ~~maintenance of the armories, in accordance with~~ or a representative  
13 may establish and proscribe by policy the applicable rules and  
14 regulations promulgated by the Adjutant General. ~~The boards shall~~  
15 ~~have the general supervision and authority over the armory building,~~  
16 ~~the grounds, approaches, and other facilities~~ for the use and  
17 operation, management, rental, and fiscal oversight for facilities  
18 owned or controlled by the Military Department.

19 SECTION 9. AMENDATORY 44 O.S. 2001, Section 233.2, is  
20 amended to read as follows:

21 Section 233.2 ~~The Oklahoma Military Department, with the~~  
22 ~~approval of the Governor, attested by the Secretary of State~~  
23 ~~thereon,~~ Adjutant General is hereby authorized and directed to enter  
24 into, in the name of the state, and to take all actions necessary to

1 execute the terms of a National Guard armory building construction  
2 or expansion, rehabilitation or conversion of existing building  
3 agreements with the United States of America, ~~by and through the~~  
4 ~~Department of the Army or other representative federal agency, under~~  
5 ~~the provisions of Public Law 783, 81st Congress, and amendments~~  
6 ~~thereto, under which agreements the United States of America will~~  
7 ~~contribute a sum not in excess of seventy five percent (75%) and the~~  
8 ~~state will contribute a sum not in excess of twenty five percent~~  
9 ~~(25%) of the cost of constructing, erecting and completing of each~~  
10 ~~armory building constructed by virtue hereof or the expansion,~~  
11 ~~rehabilitation, or conversion of existing armory buildings; and any~~  
12 ~~money so granted by the United States of America, in carrying out~~  
13 ~~the objects of Sections 232.1 through 232.5 of this title, shall be~~  
14 ~~used and expended in accordance with the requirements of the~~  
15 ~~Department of the Army or other representative federal agency;~~  
16 ~~provided, that the state, in addition to such contribution of~~  
17 ~~twenty five percent (25%), shall pay without federal participation~~  
18 ~~or contribution, such sums as are necessary for the purpose of~~  
19 ~~providing workable public utility lines, connections and~~  
20 ~~installations for each of such armory buildings; provided, further,~~  
21 ~~that the Oklahoma Military Department may pay from funds heretofore~~  
22 ~~or hereafter appropriated for the purposes of carrying out the~~  
23 ~~provisions of Section 233.2 et seq. of this title, without federal~~  
24 ~~participation, all such capital improvements, construction costs or~~

1 ~~expenses as may be reasonably and necessarily included in connection~~  
2 ~~with such projects, where federal laws or regulations do not permit~~  
3 ~~federal participation in payment of such capital improvements,~~  
4 ~~construction costs or expenses and even though such capital~~  
5 ~~improvements, construction costs or expenses exceed twenty-five~~  
6 ~~percent (25%) of the total cost of the project.~~

7 SECTION 10. AMENDATORY 44 O.S. 2001, Section 233.3, as  
8 last amended by Section 4, Chapter 172, O.S.L. 2008 (44 O.S. Supp.  
9 2010, Section 233.3), is amended to read as follows:

10 Section 233.3 A. ~~The Oklahoma Military Department, with the~~  
11 ~~approval of the Governor, attested by the Secretary of State~~  
12 ~~thereon,~~ Adjutant General or a representative of the State of  
13 Oklahoma is hereby authorized and directed to enter into contracts  
14 in the name of the ~~State of Oklahoma~~ state for the purpose of  
15 ~~carrying out the provisions of Section 233.2 et seq. of this title,~~  
16 ~~provided that the contracting method selected by the Department for~~  
17 ~~the construction, erection and completion of any armory buildings~~  
18 ~~hereby authorized~~ this title and shall:

19 1. Result in contracts awarded to the lowest and best bidder,  
20 approved by the Department of the Army or other representative  
21 federal agency, and that any contractor, to whom a contract may be  
22 awarded hereunder, shall execute with a qualified surety company,  
23 doing business in this state, as surety, bonds in such amounts and  
24 with such conditions as prescribed by law and by the Department of

1 the Army or other representative federal agency. Such bonds shall  
2 be upon a form with such conditions and in such amounts as may meet  
3 the requirements of the representative federal agency and in such  
4 further amounts as willfully protect and cover the construction  
5 contributions of the state;

6 2. Assure that any contracts requiring federal funds are  
7 awarded in the same federal fiscal year of appropriation by  
8 Congress;

9 3. Result in full compliance with federal military construction  
10 standards; and

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

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

1 ~~armory, or building for a public purpose, the Adjutant General may~~  
2 ~~transfer the property to the municipality, county, state agency, or~~  
3 ~~other public entity. For purposes of transferring real estate,~~  
4 ~~armories, or buildings to a municipality, the Oklahoma Military~~  
5 ~~Department shall be exempt from the Oklahoma Surplus Property Act~~  
6 ~~for purposes of selling surplus property. If the municipality,~~  
7 ~~county, state agency, or other public entity does not use the real~~  
8 ~~estate, armory, or building for public purposes, the property shall~~  
9 ~~revert back to the Oklahoma Military Department on behalf of the~~  
10 ~~State of Oklahoma. Necessary deeds and other conveyances shall be~~  
11 ~~executed by the Adjutant General in the name of the State of~~  
12 ~~Oklahoma~~ The Adjutant General is authorized to sell or dispose of  
13 property and improvements thereon. The Adjutant General is  
14 authorized to demolish structures owned or controlled by the  
15 Military Department. The Adjutant General may transfer title to any  
16 property and improvements thereon to a municipality, county, state  
17 agency, or other public or non-profit entity. The Oklahoma Military  
18 Department shall be exempt from the Oklahoma Surplus Property Act  
19 for purposes of selling surplus property. Necessary deeds and other  
20 conveyances shall be executed by the Adjutant General in the name of  
21 the State of Oklahoma.

22 Proceeds of the sale or other disposition of such property shall  
23 be deposited in a revolving fund in the State Treasury designated as  
24 the Surplus Property Revolving Fund of the Oklahoma Military

1 Department. Monies deposited in such revolving fund may be expended  
2 by the Adjutant General, for construction, repairs, and maintenance,  
3 or equipment for facilities of the Oklahoma National Guard. ~~No new~~  
4 ~~armory shall be constructed unless authorized by the Legislature.~~

5 SECTION 11. AMENDATORY 44 O.S. 2001, Section 233.5, as  
6 amended by Section 161, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2010,  
7 Section 233.5), is amended to read as follows:

8 Section 233.5 The governing body of any school district, town,  
9 city, county or any other political subdivision of state government  
10 is hereby authorized to convey to this state, title or other  
11 adequate property interest to acceptable and suitable real estate  
12 under its control and proper jurisdiction as sites for the  
13 construction, erection and completion of ~~armory buildings~~ facilities  
14 under ~~this act~~ Section 233.2 et seq. of this title, and any  
15 individual and any corporation is authorized to convey by deed to  
16 this state, any of his, her or its lands, situated in the state for  
17 such purpose and use; ~~provided, each such conveyance shall be~~  
18 ~~subject to acceptance by the Adjutant General, on behalf of the~~  
19 ~~state, and provided further that the Adjutant General shall not~~  
20 ~~accept any such deed unless the approval of the Governor of the~~  
21 ~~acceptance be endorsed thereon, attested by the Secretary of State.~~  
22 ~~After such deed or other conveyance has been delivered and accepted,~~  
23 ~~the Adjutant General shall be authorized to expend funds~~  
24 ~~appropriated to the Military Department of the state for the~~

1 ~~maintenance, repair and improvement of the armory buildings and~~  
2 ~~appurtenances erected on such lands.~~

3 SECTION 12. AMENDATORY 44 O.S. 2001, Section 233.11, is  
4 amended to read as follows:

5 Section 233.11 The Oklahoma Military Department is hereby  
6 authorized to enter into agreements and contracts with licensed  
7 individuals, partnerships, corporations or firms for professional  
8 services for the development of designs, plans, and specifications,  
9 and further, the construction, renovation, and remodeling of  
10 buildings, structures, or ~~appurtenances~~ equipment deemed necessary  
11 and appropriate by the Adjutant General ~~for the conduct of Oklahoma~~  
12 ~~National Guard activities in accordance with rules and procedures~~  
13 ~~for the administration of such professional services by the Office~~  
14 ~~of Public Affairs. Said contractual agreements shall not exceed One~~  
15 ~~Hundred Seventy five Thousand Dollars (\$175,000.00) per year,~~  
16 ~~exclusive of funds being specifically appropriated by the~~  
17 ~~Legislature for specific projects of new construction, appropriated~~  
18 ~~for this purpose or allocated from other operating, revolving or~~  
19 ~~capital funds of the Oklahoma Military Department.~~

20 SECTION 13. REPEALER 44 O.S. 2001, Sections 2, 30, 31,  
21 32, 42, 214, 226, 231.11, 232.5, 232.6, as last amended by Section  
22 4, Chapter 254, O.S.L. 2006, 232.7, as last amended by Section 7,  
23 Chapter 212, O.S.L. 2010, 233.4, 233.6, 233.8 and 236 (44 O.S. Supp.  
24 2010, Sections 232.6 and 232.7), are hereby repealed.

1 SECTION 14. This act shall become effective November 1, 2011.

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-05-2011 - DO  
4 PASS.  
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