

1 ENGROSSED HOUSE
2 BILL NO. 2348

By: Roberts (Dustin) and Faught
of the House

3 and

4 Simpson of the Senate
5

6
7 An Act relating to military; authorizing Oklahoma
8 Army and Air National Guard personnel to carry
9 firearms under certain conditions; amending 44 O.S.
10 2011, Section 26, which relates to duties of the
11 Adjutant General; authorizing the Adjutant General to
12 delegate certain duties and promulgate rules;
13 amending 44 O.S. 2011, Section 232, which relates to
14 youth programs; authorizing the use of state-owned
15 vehicles for certain purposes; authorizing the
16 Adjutant General to execute certain agreements in
17 support of youth programs; amending 44 O.S. 2011,
18 Section 233.2, which relates to agreements with the
19 United States; authorizing the Adjutant General to
20 execute certain agreements in support of certain
21 programs; amending 47 O.S. 2011, Section 151, as
22 amended by Section 1, Chapter 316, O.S.L. 2012 (47
23 O.S. Supp. 2015, Section 151), which relates to
24 markings and colors for automobiles owned or leased
by state; providing certain exemption; amending 74
O.S. 2011, Section 78a, as amended by Section 729,
Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2015, Section
78a), which relates to requisition of motor vehicles;
providing certain exemption to the Oklahoma Military
Department; providing for codification; and providing
an effective date.

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2 2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1289.31 of Title 21, unless
3 there is created a duplication in numbering, reads as follows:

4 Oklahoma Army and Air National Guard personnel may carry a
5 firearm on his or her person while in uniform and in a duty status
6 throughout the State of Oklahoma if the person has successfully
7 completed an approved course of firearms training conducted by or
8 designated by the Adjutant General which is equal to the minimum
9 requirements for firearms training as set forth by the Council on
10 Law Enforcement Education and Training.

11 SECTION 2. AMENDATORY 44 O.S. 2011, Section 26, is
12 amended to read as follows:

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

22 B. The Adjutant General, when absent from the state, may
23 delegate any authority vested under this title and any such duties
24 as an agency appointing authority to an Assistant Adjutant General,

1 other state officer or employee within the Oklahoma Military
2 Department. The Adjutant General is authorized to promulgate rules
3 to provide for the delegation of any such authority.

4 SECTION 3. AMENDATORY 44 O.S. 2011, Section 232, is
5 amended to read as follows:

6 Section 232. A. Pursuant to rules promulgated by the Adjutant
7 General of the State of Oklahoma, the Oklahoma Military Department
8 is authorized to establish and operate youth programs utilizing
9 National Guard or state-owned facilities, state-owned vehicles and
10 civilian or National Guard personnel to provide military-styled
11 training and other benefits to civilian youth pursuant to agreement
12 with federal, state and local governmental agencies.

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

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

19 2. The execution of grant agreements;

20 3. The execution of grant agreements with the federal
21 government;

22 4. The execution of agreements with the federal government for
23 reimbursement to the Oklahoma Military Department for the use and
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1 operation of Oklahoma Military Department state-owned vehicles and
2 equipment in support of youth programs;

3 5. The execution of other contracts and agreements; and

4 ~~5.~~ 6. The expenditure of Oklahoma Military Department funds for
5 the purpose of advertising.

6 C. The Adjutant General is hereby authorized to accept gifts or
7 donations for and on behalf of the state to be used for the use and
8 benefit of the youth programs authorized by this section and their
9 participants. The Oklahoma Military Department is directed to
10 maintain and preserve appropriate records for all gifts made to the
11 state pursuant to this section.

12 SECTION 4. AMENDATORY 44 O.S. 2011, Section 233.2, is
13 amended to read as follows:

14 Section 233.2 A. The Adjutant General is hereby authorized and
15 directed to enter into, in the name of the state, and to take all
16 actions necessary to execute the terms of a National Guard armory
17 building construction or expansion, rehabilitation or conversion of
18 existing building agreements with the United States of America.

19 B. The Adjutant General is hereby authorized to execute
20 agreements with the federal government for reimbursement to the
21 Oklahoma Military Department for the use and operation of Oklahoma
22 Military Department state-owned vehicles and equipment in support of
23 the federally reimbursable programs through cooperative agreements
24 with the National Guard Bureau.

1 SECTION 5. AMENDATORY 47 O.S. 2011, Section 151, as
2 amended by Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015,
3 Section 151), is amended to read as follows:

4 Section 151. A. A state agency that owns or leases vehicles
5 shall affix the words "State of Oklahoma" and the name of the
6 department or institution that owns or leases the vehicle in
7 conspicuous letters.

8 B. 1. In lieu of the provisions of subsection A of this
9 section, Department of Public Safety vehicles used regularly as
10 patrol units shall be distinctively painted black and white and
11 shall bear the wording "Oklahoma Highway Patrol" on each side of the
12 vehicle in letters of such size as to be easily distinguishable, it
13 being the purpose and intention of the Legislature that said patrol
14 units shall be marked in the future in the same manner as those now
15 in use.

16 2. The Commissioner of Public Safety may designate colors and
17 markings, in lieu of those authorized by the provisions of this
18 section, for patrol units used for patrol purposes and for selective
19 traffic law enforcement.

20 C. Oklahoma State Bureau of Narcotics and Dangerous Drugs
21 Control vehicles for use in undercover investigations and Oklahoma
22 State Bureau of Investigation vehicles shall not be subject to the
23 provisions of this section.
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1 D. Department of Corrections vehicles designated for use by
2 probation and parole operations and other administrative operations,
3 as approved by the Director of the Department of Corrections, shall
4 not be subject to the provisions of this section.

5 E. Vehicles utilized by CLEET-certified officers or state
6 employees primarily employed in investigative activities may be
7 exempt from the provisions of this section subject to the approval
8 of the State Fleet Manager.

9 F. Oklahoma Military Department vehicles designated for use by
10 the Adjutant General or Assistant Adjutant General in performance of
11 his or her duties and Oklahoma Military Department vehicles
12 designated for use in the State Transition and Reintegration System
13 (STARS) program for tracking youth, as approved by the Adjutant
14 General, shall not be subject to the provisions of this section.

15 SECTION 6. AMENDATORY 74 O.S. 2011, Section 78a, as
16 amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
17 2015, Section 78a), is amended to read as follows:

18 Section 78a. A. State agencies with authority to own motor
19 vehicles shall submit a requisition to the Director of the Office of
20 Management and Enterprise Services prior to acquisition of a motor
21 vehicle. The requisition shall state the type of vehicle, the
22 intended purpose of the vehicle, a statement that the agency has
23 actual need for the vehicle, the supplier of the vehicle, that the
24 state agency has sufficient funds to acquire and maintain the

1 vehicle and cite the statutory authority of the state agency to
2 acquire a vehicle.

3 B. The Director of the Office of Management and Enterprise
4 Services shall review the requisition and approve or deny the
5 request of the state agency within fifteen (15) days of receipt.

6 C. The provisions of subsections A and B of this section shall
7 not apply to the Department of Public Safety ~~or~~, the Oklahoma State
8 Bureau of Narcotics and Dangerous Drugs Control or the Oklahoma
9 Military Department.

10 D. The provisions of subsections A and B of this section shall
11 not apply to CompSource Oklahoma if CompSource Oklahoma is operating
12 pursuant to a pilot program authorized by Sections 3316 and 3317 of
13 this title.

14 SECTION 7. This act shall become effective November 1, 2016.
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1 Passed the House of Representatives the 10th day of February,
2016.

4 Presiding Officer of the House
of Representatives

6 Passed the Senate the ____ day of _____, 2016.

8 Presiding Officer of the Senate