

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 2348, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Simpson

Simpson-MCG-FS-Req#3361
4/19/2016 2:11 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 2348

By: Roberts (Dustin), Faught,
Montgomery and Newell of
the House

and

Simpson and Brooks of the
Senate

FLOOR SUBSTITUTE

[military - firearms - duties of the Adjutant
General - youth programs - use of state-owned
vehicles - agreements with the United States -
markings and colors for automobiles - requisition of
motor vehicles - codification - effective date]

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.6, as
amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
Section 1289.6), is amended to read as follows:

Section 1289.6.

CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

A. A person shall be permitted to carry loaded and unloaded
shotguns, rifles and pistols, open and not concealed and without a

1 handgun license as authorized by the Oklahoma Self-Defense Act
2 pursuant to the following conditions:

3 1. When hunting animals or fowl;

4 2. During competition in or practicing in a safety or hunter
5 safety class, target shooting, skeet, trap or other recognized
6 sporting events;

7 3. During participation in or in preparation for a military
8 function of the state military forces to be defined as the Oklahoma
9 Army or Air National Guard, Federal Military Reserve and active
10 military forces. It is further provided that Oklahoma Army or Air
11 National Guard personnel with proper authorization and performing a
12 military function may carry loaded or unloaded and concealed weapons
13 on Oklahoma Military Department facilities in accordance with rules
14 promulgated by the Adjutant General;

15 4. During participation in or in preparation for a recognized
16 police function of either a municipal, county or state government as
17 functioning police officials;

18 5. During a practice for or a performance for entertainment
19 purposes;

20 6. For lawful self-defense and self-protection or any other
21 legitimate purpose in or on property that is owned, leased, rented,
22 or otherwise legally controlled by the person; or
23
24

1 7. For any legitimate purpose not in violation of the Oklahoma
2 Firearms Act of 1971 or any legislative enactment regarding the use,
3 ownership and control of firearms.

4 B. A person shall be permitted to carry unloaded shotguns,
5 rifles and pistols, open and not concealed and without a handgun
6 license as authorized by the Oklahoma Self-Defense Act pursuant to
7 the following conditions:

8 1. When going to or from the person's private residence or
9 vehicle or a vehicle in which the person is riding as a passenger to
10 a place designated or authorized for firearms repairs or
11 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
12 or hunting animals or fowl, or hunter safety course, or target
13 shooting, or skeet or trap shooting or any recognized firearms
14 activity or event and while in such places; or

15 2. For any legitimate purpose not in violation of the Oklahoma
16 Firearms Act of 1971.

17 C. The provisions of this section shall not be construed to
18 prohibit educational or recreational activities, exhibitions,
19 displays or shows involving the use or display of rifles, shotguns
20 or pistols or other weapons if the activity is approved by the
21 property owner and sponsor of the activity.

22 SECTION 2. AMENDATORY 44 O.S. 2011, Section 26, is
23 amended to read as follows:
24

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

10 B. The Adjutant General, when absent from the state, may
11 delegate any authority vested under this title and any such duties
12 as an agency appointing authority to an Assistant Adjutant General,
13 other state officer or employee within the Oklahoma Military
14 Department. The Adjutant General is authorized to promulgate rules
15 to provide for the delegation of any such authority.

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

18 Section 232. A. Pursuant to rules promulgated by the Adjutant
19 General of the State of Oklahoma, the Oklahoma Military Department
20 is authorized to establish and operate youth programs utilizing
21 National Guard or state-owned facilities, state-owned vehicles and
22 civilian or National Guard personnel to provide military-styled
23 training and other benefits to civilian youth pursuant to agreement
24 with federal, state and local governmental agencies.

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

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

7 2. The execution of grant agreements;

8 3. The execution of grant agreements with the federal
9 government;

10 4. The execution of agreements with the federal government for
11 reimbursement to the Oklahoma Military Department for the use and
12 operation of Oklahoma Military Department state-owned vehicles and
13 equipment in support of youth programs;

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

15 ~~5.~~ 6. The expenditure of Oklahoma Military Department funds for
16 the purpose of advertising.

17 C. The Adjutant General is hereby authorized to accept gifts or
18 donations for and on behalf of the state to be used for the use and
19 benefit of the youth programs authorized by this section and their
20 participants. The Oklahoma Military Department is directed to
21 maintain and preserve appropriate records for all gifts made to the
22 state pursuant to this section.

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

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

6 B. The Adjutant General is hereby authorized to execute
7 agreements with the federal government for reimbursement to the
8 Oklahoma Military Department for the use and operation of Oklahoma
9 Military Department state-owned vehicles and equipment in support of
10 the federally reimbursable programs through cooperative agreements
11 with the National Guard Bureau.

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

15 Section 151. A. A state agency that owns or leases vehicles
16 shall affix the words "State of Oklahoma" and the name of the
17 department or institution that owns or leases the vehicle in
18 conspicuous letters.

19 B. 1. In lieu of the provisions of subsection A of this
20 section, Department of Public Safety vehicles used regularly as
21 patrol units shall be distinctively painted black and white and
22 shall bear the wording "Oklahoma Highway Patrol" on each side of the
23 vehicle in letters of such size as to be easily distinguishable, it
24 being the purpose and intention of the Legislature that said patrol

1 units shall be marked in the future in the same manner as those now
2 in use.

3 2. The Commissioner of Public Safety may designate colors and
4 markings, in lieu of those authorized by the provisions of this
5 section, for patrol units used for patrol purposes and for selective
6 traffic law enforcement.

7 C. Oklahoma State Bureau of Narcotics and Dangerous Drugs
8 Control vehicles for use in undercover investigations and Oklahoma
9 State Bureau of Investigation vehicles shall not be subject to the
10 provisions of this section.

11 D. Department of Corrections vehicles designated for use by
12 probation and parole operations and other administrative operations,
13 as approved by the Director of the Department of Corrections, shall
14 not be subject to the provisions of this section.

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

19 F. Oklahoma Military Department vehicles designated for use by
20 the Adjutant General or Assistant Adjutant General in performance of
21 his or her duties and Oklahoma Military Department vehicles
22 designated for use in the State Transition and Reintegration System
23 (STARS) program for tracking youth, as approved by the Adjutant
24 General, shall not be subject to the provisions of this section.

1 SECTION 6. AMENDATORY 74 O.S. 2011, Section 78a, as
2 amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2015, Section 78a), is amended to read as follows:

4 Section 78a. A. State agencies with authority to own motor
5 vehicles shall submit a requisition to the Director of the Office of
6 Management and Enterprise Services prior to acquisition of a motor
7 vehicle. The requisition shall state the type of vehicle, the
8 intended purpose of the vehicle, a statement that the agency has
9 actual need for the vehicle, the supplier of the vehicle, that the
10 state agency has sufficient funds to acquire and maintain the
11 vehicle and cite the statutory authority of the state agency to
12 acquire a vehicle.

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

16 C. The provisions of subsections A and B of this section shall
17 not apply to the Department of Public Safety ~~or~~, the Oklahoma State
18 Bureau of Narcotics and Dangerous Drugs Control or the Oklahoma
19 Military Department.

20 D. The provisions of subsections A and B of this section shall
21 not apply to CompSource Oklahoma if CompSource Oklahoma is operating
22 pursuant to a pilot program authorized by Sections 3316 and 3317 of
23 this title.
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SECTION 7. This act shall become effective November 1, 2016.

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