

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2348

6 By: Roberts (Dustin) and Faught
7 of the House

8 and

9 Simpson of the Senate

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

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1289.31 of Title 21, unless
18 there is created a duplication in numbering, reads as follows:

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

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

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

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

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

20 Section 232. A. Pursuant to rules promulgated by the Adjutant
21 General of the State of Oklahoma, the Oklahoma Military Department
22 is authorized to establish and operate youth programs utilizing
23 National Guard or state-owned facilities, state-owned vehicles and
24 civilian or National Guard personnel to provide military-styled

1 training and other benefits to civilian youth pursuant to agreement
2 with federal, state and local governmental agencies.

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

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

9 2. The execution of grant agreements;

10 3. The execution of grant agreements with the federal
11 government;

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

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

17 ~~5.~~ 6. The expenditure of Oklahoma Military Department funds for
18 the purpose of advertising.

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

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

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

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

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

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

21 B. 1. In lieu of the provisions of subsection A of this
22 section, Department of Public Safety vehicles used regularly as
23 patrol units shall be distinctively painted black and white and
24 shall bear the wording "Oklahoma Highway Patrol" on each side of the

1 vehicle in letters of such size as to be easily distinguishable, it
2 being the purpose and intention of the Legislature that said patrol
3 units shall be marked in the future in the same manner as those now
4 in use.

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

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

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

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

21 F. Oklahoma Military Department vehicles designated for use by
22 the Adjutant General or Assistant Adjutant General in performance of
23 his or her duties and Oklahoma Military Department vehicles
24 designated for use in the State Transition and Reintegration System

1 (STARS) program for tracking youth, as approved by the Adjutant
2 General, shall not be subject to the provisions of this section.

3 SECTION 6. AMENDATORY 74 O.S. 2011, Section 78a, as
4 amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
5 2015, Section 78a), is amended to read as follows:

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

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

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

22 D. The provisions of subsections A and B of this section shall
23 not apply to CompSource Oklahoma if CompSource Oklahoma is operating
24

1 pursuant to a pilot program authorized by Sections 3316 and 3317 of
2 this title.

3 SECTION 7. This act shall become effective November 1, 2016.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 April 6, 2016 - DO PASS
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