

BILL SUMMARY

1st Session of the 59th Legislature

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| Bill No.: | HB2382 |
| Version: | PCS1 |
| Request Number: | 7354 |
| Author: | Rep. Burns |
| Date: | 2/21/2023 |
| Impact: | \$0 |

Research Analysis

The proposed committee substitute for HB 2382 provides that the joint forces headquarters will be jointly staffed by personnel of the state military forces. The Adjutant General, along with the Governor, will assign officers, enlisted personnel, and civilians as necessary to the joint forces headquarters. The Governor as Commander in Chief of the Militia will have supreme command of the military forces until they are ordered into the actual service of the United States. For individuals in service to Oklahoma, the Governor will have the power to muster out any state force organization, discharge enlisted personnel, and perform other such acts. The Governor must also give permission to other armed military forces to enter the state.

The PCS also provides that, beginning Jan. 1, 2027, the appointment of the Adjutant General will be a five year term with a new reappointment process for any additional term. The Adjutant General may be removed with cause by the Governor. The Adjutant General must be a currently serving individual who is not or never has retired from the Oklahoma National Guard and must have at least three years of service with the Oklahoma National Guard. If the Oklahoma National Guard is in active federal service, any person who would have met the requirements within 10 years may be appointed. The Adjutant General will be compensated at the same rate or pay and allowances given to a Major General, whether or not they have achieved this rank. The Adjutant General is authorized to establish rules allowing the Military Department of Oklahoma to accept donations and bequests to create a scholarship program that benefits member of the Oklahoma National Guard. Oversight of these funds may be delegated to a nonprofit public charity for creating and administering a scholarship endowment fund.

Military Department personnel matters must be preempted and governed by federal law and then managed by the Adjutant General. The measure authorizes matters not provided in code to be decided according to Army, Air Force, or National Guard customs. The Military Department is also authorized to purchase information technology. Officers and enlisted personnel of the Oklahoma National Guard will not receive compensation or monetary allowed except when in state active duty.

The measure adds Article 21 on the convening of court-martial by federal officials, which prohibits the President, the Defense Secretary, the secretary of a military department, a military officer on active duty, or other federal official from convening a court-martial proceeding unless prior written consent has been given by the Governor.

The measure allows a commissioned officer who was previously dismissed by a sentence of dismissal not imposed on a new trial to be reappointed solely by the Governor to such grade and rank they would have attained had they not been dismissed. The reappointment will be without regard for a vacancy and will affect the promotion status of other officers only as directed by the Governor. All time between dismissal and reappointment will be considered actual service for all

purposes. The Governor or Adjutant General will prescribe regulations governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial sentence is set aside.

Last, the measure adds Article 105 on Forgery which determines that forgery includes any person subject to the Oklahoma Uniform Code of Military Justice who, with the intent to defraud, falsely makes or alters any signature or part of writing which would apparently impose a legal liability on another or change their legal right or liability to their prejudice or utters, offers, issues, or transfers such a writing known to be made or altered. These individuals are guilty of forgery and must be punished as a court-martial may direct.

Prepared By: Suzie Nahach

Fiscal Analysis

HB 2382 modifies various sections of statute regarding the Oklahoma Military Department (OMD). Per the OMD, the changes and additions in this measure would have no direct fiscal or revenue considerations for the state.

Prepared By: Jay St Clair, House Fiscal Staff

Other Considerations

None.