

BILL SUMMARY

1st Session of the 59th Legislature

Bill No.:	HB 2382
Version:	Introduced
Request Number:	5090
Author:	Rep. Burns
Date:	2/17/2023
Impact:	Please see previous summary of this measure

Research Analysis

HB2382, as introduced, requires the joint forces headquarters of the Military Department to be jointly staffed by personnel of the state military forces and requires that officers, personnel, and civilians be assigned to the joint force headquarters as may be considered necessary by the Governor and Adjutant General. The Governor will be the Commander in Chief of the Militia and will have command of state forces until they are ordered into actual service of the United States. While in the service of Oklahoma, the Governor will have the power to muster out any state military forces, discharge enlisted personnel, and perform such other acts. No armed military force from another state or territory will be permitted to enter the state without the Governor's permission.

Beginning on Jan.1, 2027, the Adjutant General will be appointed for five years, with a new reappointment process for additional terms. The Adjutant General may be removed for cause by the Governor during the appointed term. To be eligible for Adjutant General, the appointee must be a currently serving Oklahoma National Guard officer who has never retired and has at least three years of service in the national guard. If there is no eligible person due to the Oklahoma National Guard being in active service, the Governor may appoint someone who would have been eligible within the last 10 years. The Adjutant General will be compensated at the same rate of pay and allowances afforded to a Major General regardless of whether or not they have been federally recognized at that rank. The measure authorizes the Adjutant General to establish rules allowing the Oklahoma Military Department to accept donations and bequests to create a scholarship program to benefit National Guard members. The Adjutant General may delegate oversight to a nonprofit public charity.

All matters not otherwise provided in code may be decided according to customs, regulations, and usage of the US Army, Air Force, or National Guard regulations. Officers will not receive any compensation from the state except when in state active duty. The measure adds Article 21 on convening of court-martial by federal officials. This section prohibits the President, Secretary of Defense, the Secretary of a military department, or a military officer on active duty, or any other federal official from convening a court-martial proceeding without prior written and published consent from the Governor. A commissioned officer who has been dismissed can be reappointed by the Governor to a rank that they believe the individual would have attained if not dismissed. The reappointment will be without regard to vacancy and will affect promotions of others insofar as the Governor may direct. Time between dismissal and reappointment will be considered actual service for all purposes, including pay and allowances. 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. The measure adds an article on forgery which determines that an individual who falsely makes or alters any signature that would impose a legal liability on another or change their legal right or

liability or knowingly utters, offers, issues, or transfers such a writing will be guilty of forgery and will be punished as a court-martial may direct.

Prepared By: Suzie Nahach

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

Other Considerations

None.