

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2348

By: Roberts (Dustin) and Faught
of the House

4 and

5 Simpson of the Senate

6
7
8 An Act relating to military; authorizing Oklahoma
9 Army and Air National Guard personnel to carry
10 firearms under certain conditions; amending 44 O.S.
11 2011, Section 26, **** Adjutant General to execute
12 certain agreements in support of certain programs;
13 amending 47 O.S. 2011, Section 151, as amended by
14 Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp.
15 2015, Section 151), which relates to markings and
16 colors for automobiles owned or leased by state;
17 providing certain exemption **** providing for
18 codification; and providing an effective date.

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AUTHOR: Add the following House Coauthors: Montgomery and Newell

AUTHOR: Add the following Senate Coauthor: Brooks

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

"An Act relating to military; authorizing Oklahoma
Army and Air National Guard personnel to carry
firearms under certain conditions; amending 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), which relates to conditions under which
firearms may be carried; amending 44 O.S. 2011,
Section 26, which relates to duties of the Adjutant
General; authorizing the Adjutant General to delegate
certain duties and promulgate rules; amending 44 O.S.

1 2011, Section 232, which relates to youth programs;
2 authorizing the use of state-owned vehicles for
3 certain purposes; authorizing the Adjutant General to
4 execute certain agreements in support of youth
5 programs; amending 44 O.S. 2011, Section 233.2, which
6 relates to agreements with the United States;
7 authorizing the Adjutant General to execute certain
8 agreements in support of certain programs; amending
9 47 O.S. 2011, Section 151, as amended by Section 1,
10 Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015, Section
11 151), which relates to markings and colors for
12 automobiles owned or leased by state; providing
13 certain exemption; amending 74 O.S. 2011, Section
14 78a, as amended by Section 729, Chapter 304, O.S.L.
15 2012 (74 O.S. Supp. 2015, Section 78a), which relates
16 to requisition of motor vehicles; providing certain
17 exemption to the Oklahoma Military Department;
18 providing for codification; and providing an
19 effective date.

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

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

24 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
handgun license as authorized by the Oklahoma Self-Defense Act
pursuant to the following conditions:

1. When hunting animals or fowl;

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

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

12 4. During participation in or in preparation for a recognized
13 police function of either a municipal, county or state government as
14 functioning police officials;

15 5. During a practice for or a performance for entertainment
16 purposes;

17 6. For lawful self-defense and self-protection or any other
18 legitimate purpose in or on property that is owned, leased, rented,
19 or otherwise legally controlled by the person; or

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

23 B. A person shall be permitted to carry unloaded shotguns,
24 rifles and pistols, open and not concealed and without a handgun

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

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

10 2. For any legitimate purpose not in violation of the Oklahoma
11 Firearms Act of 1971.

12 C. The provisions of this section shall not be construed to
13 prohibit educational or recreational activities, exhibitions,
14 displays or shows involving the use or display of rifles, shotguns
15 or pistols or other weapons if the activity is approved by the
16 property owner and sponsor of the activity.

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

19 Section 26. A. The Adjutant General shall be in control of the
20 Military Department of the state, subordinate only to the Governor.
21 Within the limitations and under the provisions of law, he or she
22 shall supervise and direct the National Guard within the service of
23 the state and when under state control in all of its organization,
24 training and other activities; shall receive and give effect to the

1 orders of the Governor; and shall perform such other military and
2 defense duties, not otherwise assigned by law, as the Governor may
3 prescribe.

4 B. The Adjutant General, when absent from the state, may
5 delegate any authority vested under this title and any such duties
6 as an agency appointing authority to an Assistant Adjutant General,
7 other state officer or employee within the Oklahoma Military
8 Department. The Adjutant General is authorized to promulgate rules
9 to provide for the delegation of any such authority.

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

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

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

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

1 2. The execution of grant agreements;

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

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

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

9 ~~5.~~ 6. The expenditure of Oklahoma Military Department funds for
10 the purpose of advertising.

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

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

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

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

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

10 Section 151. A. A state agency that owns or leases vehicles
11 shall affix the words "State of Oklahoma" and the name of the
12 department or institution that owns or leases the vehicle in
13 conspicuous letters.

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

22 2. The Commissioner of Public Safety may designate colors and
23 markings, in lieu of those authorized by the provisions of this
24

1 section, for patrol units used for patrol purposes and for selective
2 traffic law enforcement.

3 C. Oklahoma State Bureau of Narcotics and Dangerous Drugs
4 Control vehicles for use in undercover investigations and Oklahoma
5 State Bureau of Investigation vehicles shall not be subject to the
6 provisions of this section.

7 D. Department of Corrections vehicles designated for use by
8 probation and parole operations and other administrative operations,
9 as approved by the Director of the Department of Corrections, shall
10 not be subject to the provisions of this section.

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

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

21 SECTION 6. AMENDATORY 74 O.S. 2011, Section 78a, as
22 amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
23 2015, Section 78a), is amended to read as follows:

24

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

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

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

17 D. The provisions of subsections A and B of this section shall
18 not apply to CompSource Oklahoma if CompSource Oklahoma is operating
19 pursuant to a pilot program authorized by Sections 3316 and 3317 of
20 this title.

21 SECTION 7. This act shall become effective November 1, 2016."
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1 Passed the Senate the 20th day of April, 2016.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2016.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2348

By: Roberts (Dustin) and Faught
of the House

3 and

4 Simpson of the Senate
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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.

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

1 SECTION 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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