

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE
FOR
4 HOUSE BILL NO. 3940

By: West (Josh)

5

6

7 COMMITTEE SUBSTITUTE

8 An Act relating to militia; amending 44 O.S. 2021,
9 Section 26, as amended by Section 4, Chapter 344,
O.S.L. 2025 (44 O.S. Supp. 2025, Section 26), which
10 relates to authority under the Adjutant General;
providing additional authority; updating specific
11 titles; amending 44 O.S. 2021, Section 27, which
relates to compensation; removing Adjutant General;
12 amending 44 O.S. 2021, Section 243, as amended by
Section 6, Chapter 344, O.S.L. 2025 (44 O.S. Supp.
2025, Section 243), which relates to the Governor's
13 authority over state militia; deleting provision
subjecting the state militia to the Oklahoma Uniform
14 Code of Military Justice; amending Section 18,
Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section
15 271), which relates to supplemental pay; modifying
revolving fund name; amending Section 19, Chapter
16 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 272),
which relates to the Oklahoma National Guard
17 Supplemental Retention Pay Revolving Fund; modifying
fund name; amending 44 O.S. 2021, Section 815, as
18 amended by Section 7, Chapter 344, O.S.L. 2025 (44
O.S. Supp. 2025, Section 815), which relates to the
19 commanding officer's nonjudicial punishment
authority; deleting certain pay grade provisions;
amending Section 1, Chapter 390, O.S.L. 2025 (70 O.S.
20 Supp. 2025, Section 14-140), which relates to the
Oklahoma National Guard CareerTech Assistance Act;
21 updating eligibility requirements; amending 44 O.S.
22 2021, Section 235, which relates to the Oklahoma
National Guard Museum; modifying identifying
23 information regarding the Oklahoma National Guard
Museum; removing the lease policy for a gift shop;
24 establishing a permanent gift shop; directing funds

1 to the Oklahoma National Guard Museum Fund; amending
2 44 O.S. 2021, Section 235.1, which relates to the
3 Oklahoma National Guard Museum Fund; creating a
4 revolving fund; adding sources of funds to be
deposited in the Oklahoma National Guard Museum Fund;
providing for recodification; providing for
codification; and providing an effective date.

5

6

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

8 SECTION 1. AMENDATORY 44 O.S. 2021, Section 26, as
9 amended by Section 4, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025,
10 Section 26), is amended to read as follows:

11 Section 26. A. The Adjutant General shall be in control of the
12 Military Department of the State of Oklahoma, subordinate only to
13 the Governor. Within the limitations and under the provisions of
14 law, he or she shall supervise and direct the Oklahoma National
15 Guard within the service of the state and when under state control
16 in all of its organization, training and other activities; shall
17 receive and give effect to the orders of the Governor; and shall
18 perform such other military and defense duties, not otherwise
19 assigned by law, as the Governor may prescribe. The Adjutant
20 General shall have the authority to arm members of the state
21 military forces on military installations and other places under the
22 control of the Military Department with weaponry as the Adjutant
23 General deems necessary to adequately provide for the security of
24 the facilities and their occupants.

1 B. The Adjutant General, when absent from the state, may
2 temporarily delegate any authority vested under this title and any
3 such duties as an agency appointing authority to an Assistant
4 Adjutant General, other state officer or employee within the
5 Military Department of the State of Oklahoma. Such temporary
6 delegations of authority pursuant to this subsection shall be
7 accomplished in writing. The Adjutant General may also promulgate
8 regulations providing for the delegation of any such authority.

9 C. The Adjutant General shall develop, publish and maintain an
10 organizational chart depicting the chain of command between the
11 Adjutant General and the major commands of the Oklahoma National
12 Guard. Besides the major commands defined in Section 801 of this
13 title (Article 1), the Adjutant General, in his or her discretion,
14 may designate other military units within the Oklahoma National
15 Guard as major commands.

16 D. The organizational chart required in subsection C of this
17 section shall be updated no less than annually and shall include all
18 enlisted and officer billets assigned to joint ~~forces~~ force
19 headquarters and shall depict all existing command relationships
20 established by the Adjutant General within joint ~~forces~~ force
21 headquarters. The organizational chart required herein shall not be
22 considered a military publication within the meaning of Section 801
23 of this title (Article 1).

1 E. In accordance with all relevant requirements of the United
2 States Army, the United States Air Force or the National Guard
3 Bureau, the Adjutant General shall develop, publish and maintain an
4 enlisted and officer rating scheme for all enlisted and officer
5 billets assigned to joint ~~forces~~ force headquarters. The rating
6 scheme required herein shall not be considered a military
7 publication within the meaning of Section 801 of this title (Article
8 1).

9 F. Pursuant to the rules established by the Adjutant General,
10 the Military Department of the State of Oklahoma is authorized to
11 expend appropriated and nonappropriated funds to enhance recruiting
12 and retention efforts for the Oklahoma National Guard.

13 G. The Adjutant General may establish rules allowing the
14 Military Department of the State of Oklahoma to accept donations and
15 bequests to create a program for the benefit of members of the
16 Oklahoma National Guard. The purpose of any bequests may be
17 redefined by the Adjutant General in the event the original purpose
18 is covered by some other section of law or source of funding.

19 H. The Adjutant General shall serve as the chief of all fire
20 protection units operating under the Oklahoma Military Department
21 and shall supervise and administer the fire protection units in
22 accordance with the rules and procedures prescribed by the Military
23 Department.

1 I. The Adjutant General shall serve as the ~~chief~~ commissioner
2 of all police units and officers appointed under the Oklahoma
3 Military Department. The Adjutant General may appoint police
4 officers in accordance with Section 230 of this title.

5 SECTION 2. AMENDATORY 44 O.S. 2021, Section 27, is
6 amended to read as follows:

7 Section 27. The ~~Adjutant General~~ and Assistant Adjutants
8 General shall be paid a sum equivalent to the pay of his/her
9 federally recognized rank, exclusive of allowances. Other officers
10 and enlisted men and employees of the Department shall be paid in
11 amounts fixed by the Adjutant General and within amounts
12 appropriated for that purpose.

13 SECTION 3. AMENDATORY 44 O.S. 2021, Section 243, as
14 amended by Section 6, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025,
15 Section 243), is amended to read as follows:

16 Section 243. A. The Governor is hereby authorized to prescribe
17 rules and regulations governing the enlistment, organization,
18 administration, equipment, discipline and discharge of the personnel
19 of such military forces; to requisition from the Secretary of
20 Defense such arms and equipment as may be in the possession of and
21 can be spared by the Department of Defense and to extend thereto the
22 facilities of state armories, Armed Forces Reserve Centers,
23 readiness centers, logistics, aviation, and training facilities,
24 warehouses and their equipment and such other state premises and

1 property as may be available for the purpose of drill and
2 instruction.

3 ~~B. Members of the Oklahoma National Guard shall be considered~~
4 ~~part of state military forces as defined in Section 801 of this~~
5 ~~title and shall be subject to the Oklahoma Uniform Code of Military~~
6 ~~Justice.~~

7 ~~C. Any full-time state employee that serves in a military~~
8 ~~capacity shall receive compensation equaling the compensation,~~
9 ~~benefits, entitlements, or other compensation received by a full-~~
10 ~~time active-duty service member at the same rank and time in grade.~~

11 D. When prescribing the rules and regulations governing
12 enlistment, organization, administration, equipment, discipline and
13 discharge of the personnel of the Oklahoma National State Guard, the
14 Governor shall issue such rules and regulations in the form of an
15 executive order or in a series of such orders. An executive order
16 or a series of such orders prescribing the rules and regulations
17 governing enlistment, organization, administration, equipment,
18 discipline and discharge of the personnel of the Oklahoma National
19 State Guard shall also be published by the Adjutant General as a
20 military publication.

21 SECTION 4. AMENDATORY Section 18, Chapter 344, O.S.L.
22 2025 (44 O.S. Supp. 2025, Section 271), is amended to read as
23 follows:

1 Section 271. A. The provisions of this section shall not be
2 operative and no payments shall be made from the Oklahoma National
3 Guard Supplemental ~~Retirement~~ Retention Pay Revolving Fund created
4 in Section ~~19~~ 272 of this ~~act~~ title until ~~November 1, 2027~~ January
5 1, 2027, or until funds are appropriated, whichever date is earlier.

6 B. The provisions of this section shall only be applicable to a
7 member of the Oklahoma National Guard who has accrued enough service
8 credit ~~prior to the effective date of this act~~ in order to retire
9 from the system maintained by the Defense Finance and Accounting
10 Service, or its successor in interest, for the benefit of members of
11 state National Guards, but who has not attained the required age
12 prior to the effective date of this act in order to be paid the full
13 amount of such benefit. No member of the Oklahoma National Guard
14 shall be eligible to receive a payment pursuant to the provisions of
15 this section unless the member has completed twenty-five (25) years
16 of military service and retires as a member of the Oklahoma National
17 Guard.

18 C. The provisions of this section shall not be applicable to
19 any person who ~~retires with an active duty military pension is~~
20 receiving federal benefits pursuant to 10 U.S.C., Section 12732.

21 D. The amount of the payment shall be determined as follows:

22 1. Determine the amount of retirement the member would receive
23 if the member had reached the age to accrue federal retirement
24 benefits based upon total points accrued;

1 2. If the members of the active duty military retirement system
2 were eligible for a cost-of-living adjustment for the year for which
3 the computation of the payment amount authorized by this section is
4 to be made, the cost-of-living adjustment amount in an annualized
5 form shall be added to the result of the computation in paragraph 1
6 of this subsection each year; and

7 3. The resulting amount shall be paid to the Oklahoma National
8 Guard member in twelve (12) equal monthly amounts with allowance as
9 required for rounding.

10 E. Any benefit payable to an eligible member of the Oklahoma
11 National Guard shall only be payable during the member's lifetime,
12 and no benefit authorized pursuant to the provisions of this section
13 shall be payable to a beneficiary other than amounts paid to a
14 member prior to the member's death which are payable to another
15 person pursuant to the provisions of a joint tenancy bank account
16 with a right of survivorship naming a person or persons as
17 beneficiary, a bank account with a transfer on death or payable on
18 death feature, an express trust, including, but not limited to, a
19 trust created by the payee member during his or her lifetime, a will
20 or the statute of intestate succession for distribution of the
21 assets of a person who does not otherwise provide for the
22 disposition of his or her assets after death.

23 F. The payment otherwise authorized pursuant to the provisions
24 of this act title may only be made to a person who has become

1 eligible to receive retirement benefits from the retirement system
2 under the supervision of the Defense Finance and Accounting Service,
3 or its successor in interest, as of the date the first payment
4 pursuant to this ~~act~~ title is authorized.

5 G. The payments authorized by this section shall be paid to the
6 eligible member until the member begins to receive federal
7 retirement benefits from the Defense Finance and Accounting Service,
8 or its successor in interest, but shall not be paid for any period
9 of time after such time period.

10 H. In the event the funds required for full payment to all
11 eligible members pursuant to the provisions of this section are not
12 sufficient, the payments to the eligible members shall be prorated
13 by dividing the total number of eligible members by the total amount
14 of available funds. The resulting quotient shall be multiplied by
15 the payment amount otherwise due to the eligible member and the
16 result of that computation shall be the reduced dollar amount paid
17 to each member for the applicable period. For any period of time
18 during which payments are prorated pursuant to this subsection, the
19 next increment of available funds shall be used to make payments to
20 the eligible members whose payment amounts were prorated to
21 compensate for the reduction made in the prior payment period.

22 SECTION 5. AMENDATORY Section 19, Chapter 344, O.S.L.
23 2025 (44 O.S. Supp. 2025, Section 272), is amended to read as
24 follows:

1 Section 272. There is hereby created in the State Treasury a
2 revolving fund for the Oklahoma Military Department to be designated
3 the "Oklahoma National Guard Supplemental ~~Retirement~~ Retention Pay
4 Revolving Fund". The fund shall be a continuing fund, not subject
5 to fiscal year limitations, and shall consist of all monies received
6 by the Oklahoma Military Department from funds provided by law. All
7 monies accruing to the credit of said fund are hereby appropriated
8 and may be budgeted and expended by the Oklahoma Military Department
9 for the purpose of implementing the provisions of Section ~~18~~ 271 of
10 this ~~act~~ title. Expenditures from said fund shall be made upon
11 warrants issued by the State Treasurer against claims filed as
12 prescribed by law with the Director of the Office of Management and
13 Enterprise Services for approval and payment.

14 SECTION 6. AMENDATORY 44 O.S. 2021, Section 815, as
15 amended by Section 7, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025,
16 Section 815), is amended to read as follows:

17 Section 815. ARTICLE 15. Commanding officer's nonjudicial
18 punishment.

19 A. Except as provided in subsection B of this section, any
20 commanding officer may impose disciplinary punishments for minor
21 offenses arising under the punitive articles of the Oklahoma Uniform
22 Code of Military Justice without the intervention of a court-
23 martial.

24

1 B. Any commanding officer may limit or withhold the exercise of
2 nonjudicial punishment authority by subordinate commanders,
3 including limiting authority over certain categories of military
4 personnel or offenses. Likewise, individual cases may be reserved
5 by a superior commander. A superior authority may limit or withhold
6 any power that a subordinate might otherwise exercise under this
7 section.

8 C. Except as provided in subsection L of this section, the
9 Governor or Adjutant General may delegate the powers established
10 under this section to a commanding officer who is a member of the
11 state military forces and is also a member of the same force
12 component as the accused.

13 D. Except as provided in subsection S of this section, any
14 commanding officer may impose upon enlisted members of the officer's
15 command:

16 1. An admonition;

17 2. A reprimand;

18 3. The withholding of privileges for not more than six (6)
19 months which need not be consecutive;

20 4. The forfeiture of pay of not more than seven (7) days' pay;

21 5. A fine of not more than seven (7) days' pay;

22 6. A reduction to the next inferior pay grade, ~~if the grade~~
23 ~~from which demoted is within the promotion authority of the officer~~

1 ~~imposing the reduction or any officer subordinate to the one who~~
2 ~~imposes the reduction;~~

3 7. Extra duties, including fatigue or other duties, for not
4 more than fourteen (14) days, which need not be consecutive; and

5 8. Restriction to certain specified limits, with or without
6 suspension from duty, for not more than fourteen (14) days, which
7 need not be consecutive.

8 E. Except as provided in subsection S of this section, any
9 commanding officer of the grade of major or above may impose upon
10 enlisted members of the officer's command:

11 1. An admonition;

12 2. A reprimand;

13 3. The withholding of privileges for not more than six (6)
14 months which need not be consecutive;

15 4. The forfeiture of not more than one-half (1/2) of one (1)
16 month's pay per month for two (2) months;

17 5. A fine of not more than one (1) month's pay;

18 6. A reduction to the lowest or any intermediate pay grade, ~~if~~
19 ~~the grade from which demoted is within the promotion authority of~~
20 ~~the commanding officer imposing the reduction or any officer~~
21 ~~subordinate to the one who imposes the reduction, but an enlisted~~
22 member in a pay grade above E-4 shall not be reduced more than two
23 pay grades;

1 7. Extra duties, including fatigue or other duties, for not
2 more than forty-five (45) days which need not be consecutive; and

3 8. Restriction to certain specified limits, with or without
4 suspension from duty, for not more than sixty (60) days which need
5 not be consecutive.

6 F. The Governor, the Adjutant General, or an officer exercising
7 general or special court-martial convening authority may impose:

8 1. Upon officers of the officer's command:

9 a. any punishment authorized in subsection E of this
10 section, except for the punishments provided in
11 paragraphs 6 and 7 of subsection E of this section,
12 and

13 b. arrest in quarters for not more than thirty (30) days
14 which need not be consecutive; and

15 2. Upon enlisted members of the officer's command, any
16 punishment authorized in subsection E of this section.

17 Admonitions or reprimands given as nonjudicial punishment to
18 commissioned officers and warrant officers shall be administered in
19 writing. In all other cases, unless otherwise prescribed by
20 regulations promulgated by the Adjutant General, such punishments
21 may be administered either orally or in writing.

22 G. Whenever any punishments are combined to run consecutively,
23 the total length of the combined punishment shall not exceed the
24 authorized duration of the longest punishment included in the

1 combination, and there shall be an apportionment of punishments so
2 that no single punishment in the combination exceeds its authorized
3 length under this section.

4 H. Once the commanding officer has determined that nonjudicial
5 punishment is appropriate, the commanding officer shall provide
6 reasonable notice to the member of his or her intent to impose
7 nonjudicial punishment. At the time the commanding officer provides
8 notification as required in this subsection, the member shall be
9 entitled to examine all statements and other evidence that the
10 commander has examined and intends to rely upon as the basis for
11 punishment. The member shall be provided a copy of the documentary
12 evidence unless it is privileged, classified, or otherwise
13 restricted by law, regulation, or instruction. At the time the
14 commanding officer provides notification as required in this
15 subsection, the commanding officer shall also inform the member as
16 to the quantum of punishment potentially to be imposed. While a
17 member undergoing nonjudicial punishment is not entitled to
18 representation by a duly appointed defense counsel, the member may
19 seek legal advice from any judge advocate available for this
20 purpose. Upon notification by the officer of his or her intent to
21 impose judicial punishment, the member shall provide a response
22 within forty-five (45) calendar days, or three (3) duty days if on
23 active duty.

24

1 I. The right to demand trial by court-martial in lieu of
2 nonjudicial punishment shall arise only when arrest in quarters or
3 restriction will be considered as punishments. If the commanding
4 officer determines that arrest in quarters or restriction will be
5 considered as punishments, prior to the offer of nonjudicial
6 punishment the member shall be notified in writing of the right to
7 demand trial by court-martial. Should the commanding officer
8 determine that the punishment options will not include arrest in
9 quarters or restriction, the member shall be notified that there is
10 no right to trial by court-martial in lieu of nonjudicial
11 punishment. Upon notification by the commanding officer of his or
12 her intent to impose nonjudicial punishment that includes arrest in
13 quarters or restriction, the member shall be afforded a reasonable
14 amount of time to confer with legal counsel and to prepare a
15 response.

16 J. The commanding officer who imposes the punishment, or his or
17 her successor in command, may at any time suspend, set aside,
18 mitigate or remit any part or amount of the punishment and restore
19 all rights, privileges and property affected. The commanding
20 officer may also mitigate:

- 21 1. Reduction in grade to forfeiture of pay;
- 22 2. Arrest in quarters to restriction; or
- 23 3. Extra duties to restriction.

1 The mitigated punishment shall not be for a greater period than
2 the punishment mitigated. When mitigating reduction in grade to
3 forfeiture of pay, the amount of the forfeiture shall not be greater
4 than the amount that could have been imposed initially under this
5 article by the officer who imposed the punishment mitigated.

6 K. A person punished under this section who considers the
7 punishment unjust or disproportionate to the offense may, through
8 his or her chain of command, appeal to a senior officer designated
9 by the Adjutant General to adjudicate appeals arising from
10 nonjudicial punishment. A senior officer so designated by the
11 Adjutant General shall be a member of the same component of the
12 state military forces as the accused. An appeal made pursuant to
13 this subsection shall be lodged within fifteen (15) calendar days
14 after the punishment is announced to the member. The commanding
15 officer exercising appellate authority may, at his or her
16 discretion, extend the deadline for an appeal. The appeal shall be
17 promptly forwarded and decided, and the member shall not be punished
18 until the appeal is decided. The senior officer designated by the
19 Adjutant General as exercising appellate authority may exercise the
20 same powers with respect to the punishment imposed as may be
21 exercised under subsection I of this section by the officer who
22 imposed the punishment. Before acting on an appeal from a
23 punishment, the senior officer exercising appellate authority shall
24 refer the case to a judge advocate for consideration and advice.

1 When a senior officer is designated by the Adjutant General to
2 adjudicate appeals arising from nonjudicial punishment, such
3 designation shall be accomplished in writing and shall be considered
4 a military publication, as defined in Section 801 of this title
5 (Article 1).

6 L. Except for nonjudicial punishment imposed by the Governor or
7 the Adjutant General, the final appellate authority for nonjudicial
8 punishment imposed within state military forces is the Adjutant
9 General. A person punished under this section whose appeal was
10 previously denied by a senior officer designated to adjudicate
11 appeals may, through his or her chain of command, lodge an
12 additional appeal with the Adjutant General within five (5) days
13 after the appeal is denied. In the event the officer imposing
14 nonjudicial punishment is a senior officer who is also designated to
15 adjudicate appeals arising from nonjudicial punishment, an appeal
16 thereof shall be addressed directly to the Adjutant General. In the
17 event the officer imposing nonjudicial punishment is the Adjutant
18 General, an appeal thereof shall be addressed directly to the
19 Governor. An appeal offered pursuant to this subsection shall be
20 made only in writing. Neither the Governor nor the Adjutant General
21 shall delegate his or her duties as an appellate authority under
22 this subsection.

23 M. Whenever nonjudicial punishment is imposed under this
24 section:

1 1. After adjudication and while the punishment is being carried
2 out or while the adjudged punishment is pending before the appellate
3 authority, the commander or officer in charge who imposed the
4 nonjudicial punishment, upon the request of the ~~member~~ officer, may:

5 a. excuse the ~~member~~ officer from attendance at scheduled
6 unit training assemblies, or
7 b. arrange for the ~~member~~ officer to drill on alternate
8 dates and in alternate locations; or

9 2. If necessary to maintain good order and discipline within

10 the unit, the commanding officer who imposed the nonjudicial
11 punishment may order the member to drill on alternate dates and in
12 alternate locations. The order shall be reduced to writing and
13 shall become part of the record of nonjudicial punishment.

14 N. The imposition and enforcement of disciplinary punishment
15 under this section for any act or omission shall not be a bar to
16 trial by court-martial or a civilian court of competent jurisdiction
17 for a crime or offense arising out of the same act or omission; but
18 the fact that a disciplinary punishment has been enforced may be
19 demonstrated by the member upon trial and, when so demonstrated, it
20 shall be considered in determining the measure of punishment to be
21 adjudged in the event of a finding or verdict of guilty.

22 Nonjudicial punishment shall not be imposed for an offense
23 previously tried by a civilian court unless so authorized by
24 regulations promulgated by the Adjutant General.

1 O. When nonjudicial punishment has been imposed for an offense,
2 punishment shall not again be imposed for the same offense under
3 this section. Once nonjudicial punishment has been imposed, it may
4 not be increased, upon appeal or otherwise. When a commanding
5 officer determines that nonjudicial punishment is appropriate for a
6 particular member, all known offenses determined to be appropriate
7 for disposition by nonjudicial punishment and ready to be considered
8 at that time, including all offenses arising from a single incident
9 or course of conduct, shall be considered together and shall not be
10 made the basis for multiple punishments. This subsection shall in
11 no way restrict the right of a commanding officer to prefer court-
12 martial charges for an offense previously punished under the
13 provisions of this section.

14 P. In accordance with subsection B of Section 843 of this title
15 (Article 43, subsection B), a person accused of an offense is not
16 liable to be punished under this section if the offense was
17 committed more than two (2) years before the imposition of
18 punishment. Periods in which the member is absent without authority
19 shall be excluded in computing the period of limitation prescribed
20 in this section.

21 Q. Whenever a punishment of forfeiture of pay is imposed under
22 this section, the forfeiture shall not apply to pay accruing before
23 the date that punishment is imposed, but only pay accruing on or
24 after the date that punishment is imposed.

1 R. The Adjutant General may promulgate regulations prescribing
2 the type and form of records to be kept of proceedings conducted
3 pursuant to this section. The Adjutant General may promulgate any
4 other regulations necessary to carry out the provisions of this
5 section.

6 S. For purposes of this section, no member of the Oklahoma
7 National Guard of the rank of E-8 or E-9 shall be reduced in rank
8 pursuant to this section except when the reduction results from
9 nonjudicial punishment imposed by an officer of the Oklahoma
10 National Guard of the rank of Brigadier General or by the Adjutant
11 General. When imposing nonjudicial punishment on enlisted persons
12 of the rank of E-7 or below, a ~~commander or~~ commanding officer ~~in~~
13 ~~charge who possesses the rank of colonel~~ may consider reduction in
14 rank as a possible punishment.

15 SECTION 7. AMENDATORY Section 1, Chapter 390, O.S.L.
16 2025 (70 O.S. Supp. 2025, Section 14-140), is amended to read as
17 follows:

18 Section 14-140. A. ~~This act Sections 14-140 through 14-141 of~~
19 ~~this title~~ shall be known and may be cited as the "~~Oklahoma National~~
20 ~~Guard CareerTech Assistance Act~~" "Christopher A. Rau Act".

21 B. As used in this act:

22 1. "Technology center school" means a technology center school
23 under the governance of the State Board of Career and Technology
24 Education;

1 2. "Eligible Guard member" means a current member of the
2 Oklahoma National Guard in good standing who has a high school
3 diploma or who has completed General Educational Development (GED)
4 requirements and who has enrolled in a technology center school; and

5 3. "Program" means the Oklahoma National Guard CareerTech
6 Assistance Program established pursuant to the provisions of this
7 section.

8 C. 1. There is hereby created the Oklahoma National Guard
9 CareerTech Assistance Program to provide assistance to eligible
10 Guard members who enroll in a technology center school. Subject to
11 the availability of funds, the amount of assistance shall be
12 equivalent to the amount of tuition for a career and technology
13 program in which the eligible Guard member is enrolled leading to
14 certification or licensure, not to exceed a maximum of three (3)
15 years.

16 2. Assistance provided pursuant to this section shall be
17 granted without any limitation other than the amount of funds
18 available for the program and the number of eligible Guard members
19 who apply, subject to any cap established by the Military Department
20 of the State of Oklahoma.

21 3. Assistance allowed by this section shall not be allowed for
22 courses taken in excess of the requirements for completion of a
23 technology center school program leading to certification or
24 licensure.

1 D. Assistance provided pursuant to this section shall be
2 allocated to the technology center school from the Oklahoma National
3 Guard CareerTech Assistance Revolving Fund created pursuant to
4 Section ~~2~~ 14-141 of this ~~act~~ title.

5 E. ~~To be eligible to apply for the program, an eligible Guard~~
6 ~~member shall:~~

7 1. ~~Have at least one (1) year remaining on his or her~~
8 ~~enlistment contract at the beginning of any semester for which the~~
9 ~~member applies for assistance pursuant to this section;~~

10 2. ~~Agree in writing to complete his or her current service~~
11 ~~obligation in the Oklahoma National Guard; and~~

12 3. ~~Agree in writing to serve actively in good standing with the~~
13 ~~Oklahoma National Guard for not less than twenty-four (24) months~~
14 ~~after completion of the last semester for which the member receives~~
15 ~~assistance pursuant to this section.~~

16 F. To retain eligibility for the program, an eligible Guard
17 member shall:

18 1. Maintain good academic standing and satisfactory progress
19 according to standards of the technology center school in which the
20 member is enrolled;

21 2. Maintain the requirements for retention and completion as
22 established by the technology center school in which the member is
23 enrolled;

1 3. Maintain a minimum grade point ~~of~~ average of 2.0 on a 4.0
2 scale;

3 4. Maintain satisfactory participation in the Oklahoma National
4 Guard; and

5 5. Possess a Military Occupational Specialty (MOS) or Air Force
6 Specialty Code (AFSC) after his or her first semester.

7 G. F. An eligible Guard member seeking assistance pursuant to
8 the provisions of this section shall submit an application on a form
9 prescribed by the Military Department of the State of Oklahoma to
10 the Educational Service Office of the Military Department prior to
11 the semester for which assistance is sought. The eligible Guard
12 member's Commander or his or her designee shall confirm a member's
13 standing and eligibility to the technology center school in which
14 the student is enrolled. The Military Department may establish a
15 cap on the number of eligible Guard members allowed to participate
16 per semester per technology center school program.

17 H. G. The eligible Guard member's Commander may deny an
18 application submitted by an eligible Guard member for continued
19 program assistance if he or she fails to comply with the provisions
20 of paragraph 1, 2, 3, 4, or 5 of subsection F E of this section.

21 I. An eligible Guard member seeking assistance pursuant to this
22 ~~section who is eligible for federal education benefits for~~
23 ~~vocational training shall exhaust all such federal benefits, when~~
24 ~~available, first.~~

1 J. H. An eligible Guard member who has received program
2 assistance pursuant to the provisions of this section and who fails
3 to comply with the provisions of paragraph 4 of subsection ~~F~~ E of
4 this section shall be required to repay an amount to be calculated
5 as follows:

6 1. Determine the total amount of assistance provided pursuant
7 to the provisions of this section;

8 2. Divide the amount determined in paragraph 1 of this
9 subsection by twenty-four (24); and

10 3. Multiply the amount determined in paragraph 2 of this
11 subsection by the number of months the member did not fulfill the
12 requirements of paragraph 4 of subsection ~~F~~ E of this section.

13 Repayments shall be deposited into the Oklahoma National Guard
14 CareerTech Assistance Revolving Fund created pursuant to Section 2
15 14-141 of this ~~act~~ title.

16 K. I. An eligible Guard member who has received program
17 assistance pursuant to the provisions of this section and who fails
18 to comply with the provisions of paragraph 4 of subsection ~~F~~ E of
19 this section due to hardship circumstances may request a waiver from
20 repayment. A waiver request shall be submitted in writing to the
21 Adjutant General.

22 L. J. By July 1 annually, the State Board of Career and
23 Technology Education shall notify the Adjutant General of the amount
24 of funding available in the Oklahoma National Guard CareerTech

1 Assistance Revolving Fund created pursuant to Section 2 14-141 of
2 this ~~act~~ title.

3 M. K. The State Board of Career and Technology Education shall
4 promulgate rules to implement the provisions of this ~~act~~, including
5 deadlines for submission of applications required by subsection E F
6 of this section. The Military Department of the State of Oklahoma
7 shall promulgate regulations pertaining to the application process
8 and the determination of eligibility for the program. The Board and
9 the Department shall coordinate the promulgation of rules and
10 regulations, respectively. ~~The Adjutant General may promulgate~~
11 ~~regulations to implement the provisions of this act.~~

12 L. An eligible Guard member seeking assistance pursuant to this
13 section who is eligible for federal education benefits for
14 vocational training or higher education shall first exhaust all such
15 federal benefits, subject to availability.

16 SECTION 8. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 14-140.1 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. Subject to the provisions of this section, the Adjutant
20 General may permit a qualifying member as described in Section 5 of
21 this act to elect to transfer benefits to one or more of their
22 dependents. The Adjutant General may promulgate any rules necessary
23 to carry out the purpose of this act.

1 B. The following requirements must be met in order to qualify
2 for the transfer of benefits:

3 1. Complete at least six (6) years of service by the date the
4 request is approved;

5 2. Agree to add four (4) or more years of service; or

6 3. Has twenty (20) or more years of service.

7 C. The spouse of a qualifying member may use the benefits
8 whether the member is on active duty or separated from service.

9 D. A dependent child of the qualifying member may start to use
10 the benefits once transferred if:

11 1. The child has received a high school diploma or equivalent
12 or the child is at least eighteen (18) years of age; and

13 2. The child is less than twenty-six (26) years of age.

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3231.1 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Subject to the provisions of this section, the Adjutant
18 General may permit a qualifying member described in Section 3231 of
19 this title who is entitled to education assistance to elect to
20 transfer to one or more of the dependents specified in subsection C
21 of this section a portion of such individual's entitlement to such
22 assistance, subject to the limitation under subsection D of this
23 section.

24 B. The following requirements must be met in order to qualify:

1 1. Completed at least six (6) years of service by the date the
2 request is approved, subject to paragraph 4 of this subsection;

3 2. Agree to add four (4) or more years of service, subject to
4 paragraph 4 of this subsection;

5 3. The transferring recipient is enrolled in the Defense
6 Enrollment Eligibility Reporting System; and

7 4. The service requirement in paragraph 1 of subsection B of
8 this section does not apply if the qualifying member is a Purple
9 Heart recipient but must request to transfer benefits while still on
10 active duty.

11 C. The spouse of a qualifying member may use the benefits
12 whether the member is on active duty or separated from service under
13 the following provisions:

14 1. If the member separated from active duty before January 1,
15 2013, the spouse may use the benefits for up to fifteen (15) years
16 after the member's separation from active duty; and

17 2. If the member separated from active duty on or after January
18 1, 2013, the spouse may use the benefits at any time with no time
19 limitations.

20 D. A dependent child of the qualifying member may start to use
21 the benefits after the member has completed at least ten (10) years
22 of service and may be used while on active duty or after separation
23 from service under the following provisions:

24

1 1. The child has received a high school diploma or equivalent
2 or the child is at least eighteen (18) years of age; and
3 2. The child is less than twenty-six (26) years of age.

4 SECTION 10. AMENDATORY 44 O.S. 2021, Section 235, is
5 amended to read as follows:

6 Section 235. There is hereby created the Oklahoma National
7 Guard Museum, to be under the supervision of the Adjutant General.
8 The Adjutant General may appoint an Executive Director to oversee
9 the daily operations and maintenance of the museum and perform other
10 duties as requested by the Adjutant General. Appropriate state
11 agencies are directed to make available, for display of items of
12 historical significance and necessary space for administration, ~~the~~
13 ~~buildings presently occupied by the Oklahoma Military Department,~~
14 ~~located in the vicinity of 36th Street and North Eastern in Oklahoma~~
15 ~~City, Oklahoma. The building herein referred to shall be made~~
16 ~~available by the Adjutant General as soon as same is no longer~~
17 ~~needed by and is vacated by the Oklahoma Military Department at the~~
18 Oklahoma National Guard Museum building located at 3301 NE Grand
19 Blvd. in Oklahoma City. The Executive Director, subject to the
20 approval of the Adjutant General, may ~~lease to the 45th Infantry~~
21 ~~Division Association, for periods not exceeding one (1) year and~~
22 ~~with provisions for renewal from year to year, an area to be used as~~
23 ~~a gift shop, if the lease does not interfere with its use by the~~
24 ~~Oklahoma National Guard Museum establish a gift shop in a designated~~

1 area of the Oklahoma National Guard Museum. The proceeds of the
2 sales from the gift shop shall ~~remain with the 45th Infantry~~
3 ~~Division Association for operating purposes~~ be deposited in the
4 Oklahoma National Guard Museum Fund.

5 SECTION 11. AMENDATORY 44 O.S. 2021, Section 235.1, is
6 amended to read as follows:

7 Section 235.1. There is hereby created in the State Treasury a
8 special revolving fund for the Oklahoma Military Department to be
9 known as the "Oklahoma National Guard Museum Fund", which fund shall
10 consist of donations received for operation and maintenance of the
11 museum, proceeds from the rental of the museum event center, and
12 monies received from the sale of Armed Forces Veterans Motorcycle
13 License Plates and Global War on Terrorism License Plates pursuant
14 to Section 1135.5 of Title 47 of the Oklahoma Statutes, and proceeds
15 from sales in the Oklahoma National Guard Museum gift shop. The
16 fund shall be a continuing fund not subject to fiscal year
17 limitations and shall be under the administrative direction of the
18 Oklahoma Military Department. Expenditures from the fund created by
19 this section shall be used exclusively for expenses of operation and
20 maintenance of the Oklahoma National Guard Museum and shall be made
21 pursuant to the laws of this state and without legislative
22 appropriation. Warrants for expenditures from the fund shall be
23 drawn by the State Treasurer, based on claims signed by an
24

1 authorized employee of the department and approved for payment by
2 the Director of the Office of Management and Enterprise Services.

3 SECTION 12. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 21.2 of Title 44, unless there
5 is created a duplication in numbering, reads as follows:

6 Insofar as applicable the procedure for the enlistment,
7 organization, pay, maintenance, equipment and disciplining of such
8 forces shall be in conformity with the law and the rules and
9 regulations governing and pertaining to the Oklahoma National Guard;
10 provided, that the officers and enlisted personnel in the Oklahoma
11 State Guard shall not receive any compensation or monetary
12 allowances from the state except when activated for state active
13 duty, as defined in Section 801 of this title, by order of the
14 Governor. Any full-time state employee who serves in a military
15 capacity shall receive compensation equivalent to the compensation,
16 benefits, entitlements, or other compensation received by a full-
17 time active-duty service member at the same rank and time in grade
18 for the same duration. Compensation under this subsection shall be
19 funded by Section 272 of this title or any other funds appropriated.

20 SECTION 13. RECODIFICATION 70 O.S. 2021, Section 14-140,
21 as last amended by Section 5 of this act, shall be recodified as
22 Section 14-140A of Title 70 of the Oklahoma Statutes, unless there
23 is created a duplication in numbering.

24

1 SECTION 14. This act shall become effective November 1, 2026.

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