

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

POLICY COMMITTEE

RECOMMENDATION

FOR

HOUSE BILL NO. 3940

By: West (Josh)

POLICY COMMITTEE RECOMMENDATION

An Act relating to militia; amending 44 O.S. 2021, Section 26, as amended by Section 4, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 26), which relates to authority under the Adjutant General; providing additional authority; updating specific titles; amending 44 O.S. 2021, Section 27, which relates to compensation; removing Adjutant General; 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 authority over state militia; deleting provision subjecting the state militia to the Oklahoma Uniform Code of Military Justice; amending Section 18, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 271), which relates to supplemental pay; modifying revolving fund name; amending Section 19, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 272), which relates to the Oklahoma National Guard Supplemental Retention Pay Revolving Fund; modifying fund name; amending 44 O.S. 2021, Section 815, as amended by Section 7, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 815), which relates to the commanding officer's nonjudicial punishment authority; deleting certain pay grade provisions; amending Section 1, Chapter 390, O.S.L. 2025 (70 O.S. Supp. 2025, Section 14-140), which relates to the Oklahoma National Guard CareerTech Assistance Act; updating eligibility requirements; amending 44 O.S. 2021, Section 235, which relates to the Oklahoma National Guard Museum; modifying identifying information regarding the Oklahoma National Guard

1 Museum; removing the lease policy for a gift shop;
2 establishing a permanent gift shop; directing funds
3 to the Oklahoma National Guard Museum Fund; amending
4 44 O.S. 2021, Section 235.1, which relates to the
5 Oklahoma National Guard Museum Fund; creating a
6 revolving fund; adding sources of funds to be
7 deposited in the Oklahoma National Guard Museum Fund;
8 providing for recodification; providing for
9 codification; and providing an effective date.

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

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

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

1 General deems necessary to adequately provide for the security of
2 the facilities and their occupants.

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

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

18 D. The organizational chart required in subsection C of this
19 section shall be updated no less than annually and shall include all
20 enlisted and officer billets assigned to joint ~~forces~~ force
21 headquarters and shall depict all existing command relationships
22 established by the Adjutant General within joint ~~forces~~ force
23 headquarters. The organizational chart required herein shall not be
24

1 considered a military publication within the meaning of Section 801
2 of this title (Article 1).

3 E. In accordance with all relevant requirements of the United
4 States Army, the United States Air Force or the National Guard
5 Bureau, the Adjutant General shall develop, publish and maintain an
6 enlisted and officer rating scheme for all enlisted and officer
7 billets assigned to joint ~~forces~~ force headquarters. The rating
8 scheme required herein shall not be considered a military
9 publication within the meaning of Section 801 of this title (Article
10 1).

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

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

21 H. The Adjutant General shall serve as the chief of all fire
22 protection units operating under the Oklahoma Military Department
23 and shall supervise and administer the fire protection units in
24

1 accordance with the rules and procedures prescribed by the Military
2 Department.

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

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

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

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

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

1 readiness centers, logistics, aviation, and training facilities,
2 warehouses and their equipment and such other state premises and
3 property as may be available for the purpose of drill and
4 instruction.

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

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

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

SECTION 4. AMENDATORY Section 18, Chapter 344, O.S.L.

2025 (44 O.S. Supp. 2025, Section 271), is amended to read as follows:

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

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

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

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

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

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

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

13 E. Any benefit payable to an eligible member of the Oklahoma
14 National Guard shall only be payable during the member's lifetime,
15 and no benefit authorized pursuant to the provisions of this section
16 shall be payable to a beneficiary other than amounts paid to a
17 member prior to the member's death which are payable to another
18 person pursuant to the provisions of a joint tenancy bank account
19 with a right of survivorship naming a person or persons as
20 beneficiary, a bank account with a transfer on death or payable on
21 death feature, an express trust, including, but not limited to, a
22 trust created by the payee member during his or her lifetime, a will
23 or the statute of intestate succession for distribution of the
24

1 assets of a person who does not otherwise provide for the
2 disposition of his or her assets after death.

3 F. The payment otherwise authorized pursuant to the provisions
4 of this ~~act~~ title may only be made to a person who has become
5 eligible to receive retirement benefits from the retirement system
6 under the supervision of the Defense Finance and Accounting Service,
7 or its successor in interest, as of the date the first payment
8 pursuant to this ~~act~~ title is authorized.

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

14 H. In the event the funds required for full payment to all
15 eligible members pursuant to the provisions of this section are not
16 sufficient, the payments to the eligible members shall be prorated
17 by dividing the total number of eligible members by the total amount
18 of available funds. The resulting quotient shall be multiplied by
19 the payment amount otherwise due to the eligible member and the
20 result of that computation shall be the reduced dollar amount paid
21 to each member for the applicable period. For any period of time
22 during which payments are prorated pursuant to this subsection, the
23 next increment of available funds shall be used to make payments to
24

1 the eligible members whose payment amounts were prorated to
2 compensate for the reduction made in the prior payment period.

3 SECTION 5. AMENDATORY Section 19, Chapter 344, O.S.L.
4 2025 (44 O.S. Supp. 2025, Section 272), is amended to read as
5 follows:

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

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

22 Section 815. ARTICLE 15. Commanding officer's nonjudicial
23 punishment.
24

1 A. Except as provided in subsection B of this section, any
2 commanding officer may impose disciplinary punishments for minor
3 offenses arising under the punitive articles of the Oklahoma Uniform
4 Code of Military Justice without the intervention of a court-
5 martial.

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

13 C. Except as provided in subsection L of this section, the
14 Governor or Adjutant General may delegate the powers established
15 under this section to a commanding officer who is a member of the
16 state military forces and is also a member of the same force
17 component as the accused.

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

- 21 1. An admonition;
- 22 2. A reprimand;
- 23 3. The withholding of privileges for not more than six (6)
24 months which need not be consecutive;

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

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

3 6. A reduction to the next inferior pay grade, ~~if the grade~~
4 ~~from which demoted is within the promotion authority of the officer~~
5 ~~imposing the reduction or any officer subordinate to the one who~~
6 ~~imposes the reduction;~~

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

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

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

15 1. An admonition;

16 2. A reprimand;

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

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

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

22 6. A reduction to the lowest or any intermediate pay grade, ~~if~~
23 ~~the grade from which demoted is within the promotion authority of~~
24 ~~the commanding officer imposing the reduction or any officer~~

1 ~~subordinate to the one who imposes the reduction~~, but an enlisted
2 member in a pay grade above E-4 shall not be reduced more than two
3 pay grades;

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

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

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

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

12 a. any punishment authorized in subsection E of this
13 section, except for the punishments provided in
14 paragraphs 6 and 7 of subsection E of this section,
15 and

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

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

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

1 G. Whenever any punishments are combined to run consecutively,
2 the total length of the combined punishment shall not exceed the
3 authorized duration of the longest punishment included in the
4 combination, and there shall be an apportionment of punishments so
5 that no single punishment in the combination exceeds its authorized
6 length under this section.

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

1 within forty-five (45) calendar days, or three (3) duty days if on
2 active duty.

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

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

- 23 1. Reduction in grade to forfeiture of pay;
- 24 2. Arrest in quarters to restriction; or

1 3. Extra duties to restriction.

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

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

1 refer the case to a judge advocate for consideration and advice.

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

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

1 M. Whenever nonjudicial punishment is imposed under this
2 section:

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

7 a. excuse the ~~member~~ officer from attendance at scheduled
8 unit training assemblies, or

9 b. arrange for the ~~member~~ officer to drill on alternate
10 dates and in alternate locations; or

11 2. If necessary to maintain good order and discipline within
12 the unit, the commanding officer who imposed the nonjudicial
13 punishment may order the member to drill on alternate dates and in
14 alternate locations. The order shall be reduced to writing and
15 shall become part of the record of nonjudicial punishment.

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

24 Nonjudicial punishment shall not be imposed for an offense

1 previously tried by a civilian court unless so authorized by
2 regulations promulgated by the Adjutant General.

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

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

23 Q. Whenever a punishment of forfeiture of pay is imposed under
24 this section, the forfeiture shall not apply to pay accruing before

1 the date that punishment is imposed, but only pay accruing on or
2 after the date that punishment is imposed.

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

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

17 SECTION 7. AMENDATORY Section 1, Chapter 390, O.S.L.
18 2025 (70 O.S. Supp. 2025, Section 14-140), is amended to read as
19 follows:

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

23 B. As used in this act:
24

1 1. "Technology center school" means a technology center school
2 under the governance of the State Board of Career and Technology
3 Education;

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

8 3. "Program" means the Oklahoma National Guard CareerTech
9 Assistance Program established pursuant to the provisions of this
10 section.

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

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

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

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

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

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

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

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

20 ~~F.~~ To retain eligibility for the program, an eligible Guard
21 member shall:

22 1. Maintain good academic standing and satisfactory progress
23 according to standards of the technology center school in which the
24 member is enrolled;

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

4 3. Maintain a minimum grade point ~~of~~ average of 2.0 on a 4.0
5 scale;

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

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

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

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

1 ~~I. An eligible Guard member seeking assistance pursuant to this~~
2 ~~section who is eligible for federal education benefits for~~
3 ~~vocational training shall exhaust all such federal benefits, when~~
4 ~~available, first.~~

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

10 1. Determine the total amount of assistance provided pursuant
11 to the provisions of this section;

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

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

17 Repayments shall be deposited into the Oklahoma National Guard
18 CareerTech Assistance Revolving Fund created pursuant to Section ~~2~~
19 14-141 of this ~~act~~ title.

20 ~~K.~~ I. An eligible Guard member who has received program
21 assistance pursuant to the provisions of this section and who fails
22 to comply with the provisions of paragraph 4 of subsection ~~F~~ E of
23 this section due to hardship circumstances may request a waiver from
24

1 repayment. A waiver request shall be submitted in writing to the
2 Adjutant General.

3 ~~H.~~ J. By July 1 annually, the State Board of Career and
4 Technology Education shall notify the Adjutant General of the amount
5 of funding available in the Oklahoma National Guard CareerTech
6 Assistance Revolving Fund created pursuant to Section ~~2~~ 14-141 of
7 this ~~act~~ title.

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

17 L. An eligible Guard member seeking assistance pursuant to this
18 section who is eligible for federal education benefits for
19 vocational training or higher education shall first exhaust all such
20 federal benefits, subject to availability.

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

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

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

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

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

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

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

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

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

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

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

22 A. Subject to the provisions of this section, the Adjutant
23 General may permit a qualifying member described in Section 3231 of
24 this title who is entitled to education assistance to elect to

1 transfer to one or more of the dependents specified in subsection C
2 of this section a portion of such individual's entitlement to such
3 assistance, subject to the limitation under subsection D of this
4 section.

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

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

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

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

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

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

19 1. If the member separated from active duty before January 1,
20 2013, the spouse may use the benefits for up to fifteen (15) years
21 after the member's separation from active duty; and

22 2. If the member separated from active duty on or after January
23 1, 2013, the spouse may use the benefits at any time with no time
24 limitations.

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

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

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

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

10 Section 235. There is hereby created the Oklahoma National
11 Guard Museum, to be under the supervision of the Adjutant General.
12 The Adjutant General may appoint an Executive Director to oversee
13 the daily operations and maintenance of the museum and perform other
14 duties as requested by the Adjutant General. Appropriate state
15 agencies are directed to make available, for display of items of
16 historical significance and necessary space for administration, ~~the~~
17 ~~buildings presently occupied by the Oklahoma Military Department,~~
18 ~~located in the vicinity of 36th Street and North Eastern in Oklahoma~~
19 ~~City, Oklahoma. The building herein referred to shall be made~~
20 ~~available by the Adjutant General as soon as same is no longer~~
21 ~~needed by and is vacated by the Oklahoma Military Department~~ at the
22 Oklahoma National Guard Museum building located at 3301 NE Grand
23 Blvd. in Oklahoma City. The Executive Director, subject to the
24 approval of the Adjutant General, may ~~lease to the 45th Infantry~~

1 ~~Division Association, for periods not exceeding one (1) year and~~
2 ~~with provisions for renewal from year to year, an area to be used as~~
3 ~~a gift shop, if the lease does not interfere with its use by the~~
4 ~~Oklahoma National Guard Museum~~ establish a gift shop in a designated
5 area of the Oklahoma National Guard Museum. The proceeds of the
6 sales from the gift shop shall ~~remain with the 45th Infantry~~
7 ~~Division Association for operating purposes~~ be deposited in the
8 Oklahoma National Guard Museum Fund.

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

11 Section 235.1. There is hereby created in the State Treasury a
12 ~~special~~ revolving fund for the Oklahoma Military Department to be
13 known as the "Oklahoma National Guard Museum Fund", which fund shall
14 consist of donations received for operation and maintenance of the
15 museum, proceeds from the rental of the museum event center, and
16 monies received from the sale of Armed Forces Veterans Motorcycle
17 License Plates and Global War on Terrorism License Plates pursuant
18 to Section 1135.5 of Title 47 of the Oklahoma Statutes, and proceeds
19 from sales in the Oklahoma National Guard Museum gift shop. The
20 fund shall be a continuing fund not subject to fiscal year
21 limitations and shall be under the administrative direction of the
22 Oklahoma Military Department. Expenditures from the fund created by
23 this section shall be used exclusively for expenses of operation and
24 maintenance of the Oklahoma National Guard Museum and shall be made

1 pursuant to the laws of this state and without legislative
2 appropriation. Warrants for expenditures from the fund shall be
3 drawn by the State Treasurer, based on claims signed by an
4 authorized employee of the department and approved for payment by
5 the Director of the Office of Management and Enterprise Services.

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

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

23 SECTION 13. RECODIFICATION 70 O.S. 2021, Section 14-140,
24 as last amended by Section 5 of this act, shall be recodified as

1 Section 14-140A of Title 70 of the Oklahoma Statutes, unless there
2 is created a duplication in numbering.

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