

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2769

By: Caldwell (Trey) and Kane of
the House

and

Hall and Haste of the
Senate

COMMITTEE SUBSTITUTE

An Act relating to militia; amending 44 O.S. 2021, Section 21, which relates to the establishment of the Oklahoma Military Department; modifying Adjutant General's duties; amending 44 O.S. 2021, Section 24; which relates to the appointment and eligibility of the Adjutant General; modifying eligibility requirements; amending 44 O.S. 2021, Section 25, which relates to the rank of the Adjutant General; adding a compensation guideline; amending 44 O.S. 2021, Section 26, which relates to authority and duties of the Adjutant General; adding authority to arm members; adding ability to accept donations for Oklahoma National Guard programs; adding authority as chief over the fire protection and police units under the Oklahoma Military Department; amending Section 1, Chapter 74, O.S.L. 2022 (44 O.S. Supp. 2024, Section 233.10a), which relates to the Oklahoma Military Department technology hardware or software; exempting federal programs from Information Services Division requirements; amending 44 O.S. 2021, Section 243, which relates to the rules and regulations over the Oklahoma Military Department; modifying a compensation regulation; amending 44 O.S. 2021, Section 815, which relates to the exercise of nonjudicial punishment; modifying certain titles;

1 amending 44 O.S. 2021, Section 821, which relates to
2 convening of court-martial; establishing guidelines
3 for convening of court-martial by federal officials;
4 amending 44 O.S. 2021, Section 875, which relates to
5 restoration under a court-martial sentence; modifying
6 Governor's authority to reappoint a dismissed officer
7 or member; establishing procedure for pay eligibility
8 during court-martial sentence; amending 44 O.S. 2021,
9 Section 905, which relates to forgery; establishing
10 definition and penalty for forgery; amending 44 O.S.
11 2021, Section 912, which relates to drunkenness and
12 other incapacitation offenses; modifying references;
13 amending 44 O.S. 2021, Section 912a, which relates to
14 wrongful use and possession of a controlled
15 substance; prohibiting the use of marijuana by
16 Oklahoma military forces; amending 44 O.S. 2021,
17 Section 928b, which relates to domestic violence;
18 establishing penalties for spousal abuse and intimate
19 partner violence by members of the Oklahoma Militia;
20 amending 44 O.S. 2021, Section 934, which relates to
21 general offenses; encompassing all specifically
22 enumerated offenses in Section 934 of Title 10 of the
23 United States Code; amending 44 O.S. 2021, Section
24 937, which relates to the explanation of articles;
modifying timeframe to explain articles; adopting the
Manual for Courts-Martial, United States, as the
Oklahoma State Manual for Courts-Martial;
establishing the "Benajmin T. Walkingstick National
Guard Complex" building; establishing guidelines for
convening of court-martial by federal officials;
providing for supplemental retirement payment;
providing for funding applicability and eligibility
requirements; determining qualifying payment amounts;
creating the Oklahoma National Guard Supplemental
Retirement Pay Revolving Fund; establishing revolving
fund characteristics; declaring funds appropriated;
creating the Oklahoma National Guard CareerTech
Assistance Act; providing short title; defining
terms; creating the Oklahoma National Guard
CareerTech Assistance Program to provide tuition
assistance to certain eligible members; providing for
amount of assistance subject to availability of
funding; limiting assistance to certain number of
years; allowing establishment of certain cap;
prohibiting assistance for courses taken in excess of
certain requirements; providing for eligibility;
providing eligibility retention requirements;

1 providing application process; allowing denial of
2 continued assistance for failure to meet certain
3 requirements; requiring repayment of assistance for
4 failure to meet certain requirement; providing for
5 calculation of repayment amount; allowing for
6 application of hardship waiver; directing certain
7 notification on available funding; providing for
8 promulgation of rules and regulations; directing
9 coordination of rules and regulations; creating the
10 Oklahoma National Guard CareerTech Assistance
11 Revolving Fund; specifying source of fund; providing
12 for expenditures; providing purpose of fund;
13 providing for transfer of benefits for dependents;
14 repealing 44 O.S. 2021, Section 940b, which relates
15 to military publications; providing for codification;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 44 O.S. 2021, Section 21, is
19 amended to read as follows:

20 The Military Department of the State of Oklahoma is hereby
21 established and shall be under the command and control of the
22 Governor as Commander in Chief, with the Adjutant General as the
23 executive and administrative head thereof. The Military Department
24 shall be constituted of the state military forces, as defined by
Section 801 of this title, and is hereby organized into a joint
headquarters which shall be identified as the joint forces
headquarters. The joint forces headquarters shall be jointly
staffed by Army National Guard and Air National Guard personnel who,
under the authority and direction of the Adjutant General, shall

1 support and assist the Adjutant General in the exercise of command
2 and control over state military forces when not activated for
3 federal duty under Title 10 of the United States Code. There shall
4 be assigned to the joint ~~force~~ forces headquarters, officers,
5 enlisted personnel, and civilian employees as may be considered
6 necessary by the Governor as Commander in Chief and ~~as may be~~
7 ~~authorized by law and Army National Guard regulations and Air~~
8 ~~National Guard regulations~~ the Adjutant General.

9 SECTION 2. AMENDATORY 44 O.S. 2021, Section 24, is
10 amended to read as follows:

11 A. The Adjutant General shall be appointed by the Governor, by
12 and with the advice and consent of the Oklahoma State Senate, and
13 shall serve at the pleasure of the Governor.

14 B. To be eligible to hold the office of Adjutant General of
15 this state, at the time of appointment, the appointee:

16 1. Shall be a federally recognized and currently serving as a
17 colonel or higher ranking officer of the Oklahoma National Guard ~~and~~
18 ~~of the National Guard of the United States for~~ no less than ~~three~~
19 ~~(3)~~ eight (8) years of service in the Oklahoma National Guard;

20 2. Shall possess at least the rank of Colonel; and

21 3. If not already a general officer, shall be eligible for a
22 Certificate of Eligibility pursuant to federal law and applicable
23 regulations issued by the Chief of the National Guard Bureau.

24

1 ~~C. If the Oklahoma National Guard is in active federal service~~
2 ~~and no persons having the qualifications required in subsection B of~~
3 ~~this section are available within the state, then the Governor may~~
4 ~~appoint, subject to the advice and consent of the Senate, any~~
5 ~~suitably qualified person who at any time in the preceding ten (10)~~
6 ~~years would have been qualified, as above, and who has served at~~
7 ~~least two (2) years in active federal service in the grade of~~
8 ~~Colonel or higher.~~

9 SECTION 3. AMENDATORY 44 O.S. 2021, Section 25, is
10 amended to read as follows:

11 A. The Adjutant General shall have the rank of Major General
12 and devote full time to the duties of the office. Regardless of
13 whether or not the Adjutant General has been recognized federally at
14 the rank of Major General at the time of appointment by the
15 Governor, the Adjutant General shall be compensated at the same rate
16 of pay afforded to a Major General serving on federal Title 10
17 active duty with the same time in service.

18 B. The Governor may appoint Assistant Adjutants General for
19 Army and Assistant Adjutants General for Air to assist the Adjutant
20 General in the discharge and performance of his or her duties. When
21 appointing Assistant Adjutants General, the Governor shall take into
22 consideration the number of such positions contemplated or
23 recommended by the National Guard Bureau for manning the joint
24 forces headquarters of a state. Such Assistant Adjutants General

1 shall have the qualifications prescribed by law for the Adjutant
2 General and shall have the rank of Brigadier General. The Assistant
3 Adjutants General appointed by the Governor shall be considered
4 staff officers and not commanders except that, in the discretion of
5 the Adjutant General, specific command or supervisory authority may
6 be delegated by the Adjutant General to an Assistant Adjutant
7 General but such delegation shall be accomplished in writing and
8 shall be considered a military publication, as defined in Section
9 801 of this title (Article 1).

10 C. Other general officers assigned to billets within the state
11 military forces, including certain billets within the joint forces
12 headquarters, shall be considered staff officers and not commanders
13 except that, in the discretion of the Adjutant General, specific
14 command or supervisory authority may be delegated by the Adjutant
15 General to such general officers, but such delegation shall be
16 accomplished in writing and shall be considered a military
17 publication, as defined in Section 801 of this title (Article 1).

18 D. The Adjutant General may employ a state employee in the
19 position of Executive Assistant and Programs Manager for the
20 Military Department of the state. Said position shall be
21 unclassified and exempt from the Oklahoma Personnel Act and the
22 Merit Rules for Employment, except leave regulations.

23 SECTION 4. AMENDATORY 44 O.S. 2021, Section 26, is
24 amended to read as follows:

1 A. The Adjutant General shall be in control of the Military
2 Department of the State of Oklahoma, subordinate only to the
3 Governor. Within the limitations and under the provisions of law,
4 he or she shall supervise and direct the Oklahoma National Guard
5 within the service of the state and when under state control in all
6 of its organization, training and other activities; shall receive
7 and give effect to the orders of the Governor; and shall perform
8 such other military and defense duties, not otherwise assigned by
9 law, as the Governor may prescribe. The Adjutant General shall have
10 the authority to arm members of the state military forces on
11 military installations and other places under the control of the
12 Military Department with weaponry as the Adjutant General deems
13 necessary to adequately provide for the security of the facilities
14 and their occupants.

15 B. The Adjutant General, when absent from the state, may
16 temporarily delegate any authority vested under this title and any
17 such duties as an agency appointing authority to an Assistant
18 Adjutant General, other state officer or employee within the
19 Military Department of the State of Oklahoma. Such temporary
20 delegations of authority pursuant to this subsection shall be
21 accomplished in writing. The Adjutant General may also promulgate
22 regulations providing for the delegation of any such authority.

23 C. The Adjutant General shall develop, publish and maintain an
24 organizational chart depicting the chain of command between the

1 Adjutant General and the major commands of the Oklahoma National
2 Guard. Besides the major commands defined in Section 801 of this
3 title (Article 1), the Adjutant General, in his or her discretion,
4 may designate other military units within the Oklahoma National
5 Guard as major commands.

6 D. The organizational chart required in subsection C of this
7 section shall be updated no less than annually and shall include all
8 enlisted and officer billets assigned to joint forces headquarters
9 and shall depict all existing command relationships established by
10 the Adjutant General within joint forces headquarters. The
11 organizational chart required herein shall not be considered a
12 military publication within the meaning of Section 801 of this title
13 (Article 1).

14 E. In accordance with all relevant requirements of the United
15 States Army, the United States Air Force or the National Guard
16 Bureau, the Adjutant General shall develop, publish and maintain an
17 enlisted and officer rating scheme for all enlisted and officer
18 billets assigned to joint forces headquarters. The rating scheme
19 required herein shall not be considered a military publication
20 within the meaning of Section 801 of this title (Article 1).

21 F. Pursuant to the rules established by the Adjutant General,
22 the Military Department of the State of Oklahoma is authorized to
23 expend appropriated and nonappropriated funds to enhance recruiting
24 and retention efforts for the Oklahoma National Guard.

1 G. The Adjutant General may establish rules allowing the
2 Military Department of the State of Oklahoma to accept donations and
3 bequests to create a program for the benefit of members of the
4 Oklahoma National Guard.

5 H. The Adjutant General shall serve as the chief of all fire
6 protection units operating under the Oklahoma Military Department
7 and shall supervise and administer the fire protection units in
8 accordance with the rules and procedures prescribed by the Military
9 Department.

10 I. The Adjutant General shall serve as the chief of all police
11 units and officers appointed under the Oklahoma Military Department.
12 The Adjutant General may appoint police officers in accordance with
13 Section 230 of this title.

14 SECTION 5. AMENDATORY Section 1, Chapter 74, O.S.L. 2022
15 (44 O.S. Supp. 2024, Section 233.10a), is amended to read as
16 follows:

17 The Military Department of the State of Oklahoma may purchase
18 information technology including, but not limited to, computer
19 hardware or software, or any services related to software
20 development, software modifications, or any other services related
21 to the operation and maintenance of computer hardware or software or
22 both, independently and without prior approval from the Office of
23 Management and Enterprise Services Information Services Division.
24 All federal programs managed by the Military Department of the State

1 of Oklahoma shall be exempt from any and all Information Services
2 Division requirements.

3 SECTION 6. AMENDATORY 44 O.S. 2021, Section 243, is
4 amended to read as follows:

5 A. The Governor is hereby authorized to prescribe rules and
6 regulations governing the enlistment, organization, administration,
7 equipment, discipline and discharge of the personnel of such
8 military forces; to requisition from the Secretary of Defense such
9 arms and equipment as may be in the possession of and can be spared
10 by the Department of Defense and to extend thereto the facilities of
11 state armories, Armed Forces Reserve Centers, readiness centers,
12 logistics, aviation, and training facilities, warehouses and their
13 equipment and such other state premises and property as may be
14 available for the purpose of drill and instruction. ~~Insofar as~~
15 ~~applicable the procedure for the enlistment, organization, pay,~~
16 ~~maintenance, equipment and disciplining of such forces shall be in~~
17 ~~conformity with the law and the rules and regulations governing and~~
18 ~~pertaining to the National Guard; provided, that the officers and~~
19 ~~enlisted personnel in the Oklahoma State Guard shall not receive any~~
20 ~~compensation or monetary allowances from the state except when~~
21 ~~activated for state active duty, as defined in Section 801 of this~~
22 ~~title, by order of the Governor.~~

23 B. Members of the Oklahoma State National Guard shall be
24 considered part of state military forces as defined in Section 801

1 of this title and shall be subject to the Oklahoma Uniform Code of
2 Military Justice.

3 C. Any full-time state employee that serves in a military
4 capacity shall receive compensation equaling the compensation,
5 benefits, entitlements, or other compensation received by a full-
6 time active-duty service member at the same rank and time in grade.

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

17 SECTION 7. AMENDATORY 44 O.S. 2021, Section 815, is
18 amended to read as follows:

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

24

1 B. Any ~~superior commander~~ commanding officer may limit or
2 withhold the exercise of nonjudicial punishment authority by
3 subordinate commanders, including limiting authority over certain
4 categories of military personnel or offenses. Likewise, individual
5 cases may be reserved by a superior commander. A superior authority
6 may limit or withhold any power that a subordinate might otherwise
7 exercise under this 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 ~~senior~~ commanding officer who is a member of
11 the state military forces and is also a member of the same force
12 component as the accused.

13 D. ~~Any~~ 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
24

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. Any 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;

24

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

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 ~~accused~~ member shall be notified in writing of the
7 right to demand trial by court-martial. Should the commanding
8 officer determine that the punishment options will not include
9 arrest in quarters or restriction, the ~~accused~~ member shall be
10 notified that there is no right to trial by court-martial in lieu of
11 nonjudicial punishment. Upon notification by the ~~commander or~~
12 ~~officer in charge~~ commanding officer of his or her intent to impose
13 nonjudicial punishment that includes arrest in quarters or
14 restriction, the ~~accused~~ member shall be afforded a reasonable
15 amount of time to confer with legal counsel and to prepare a
16 response.

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

- 22 1. Reduction in grade to forfeiture of pay;
- 23 2. Arrest in quarters to restriction; or
- 24 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) days after the
14 punishment is announced to the ~~accused~~ 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 ~~accused~~ member, may:

5 a. excuse the ~~accused~~ member from attendance at scheduled
6 unit training assemblies, or

7 b. arrange for the ~~accused~~ member 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 ~~commander or officer in charge~~ commanding officer who
11 imposed the nonjudicial punishment may order the ~~accused~~ member to
12 drill on alternate dates and in alternate locations. The order
13 shall be reduced to writing and shall become part of the record of
14 nonjudicial punishment.

15 N. The imposition and enforcement of disciplinary punishment
16 under this section for any act or omission shall not be a bar to
17 trial by court-martial or a civilian court of competent jurisdiction
18 for a crime or offense arising out of the same act or omission; but
19 the fact that a disciplinary punishment has been enforced may be
20 demonstrated by the ~~accused~~ member upon trial and, when so
21 demonstrated, it shall be considered in determining the measure of
22 punishment to be adjudged in the event of a finding or verdict of
23 guilty. Nonjudicial punishment shall not be imposed for an offense
24

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 ~~commander or~~
7 ~~officer in charge~~ commanding officer determines that nonjudicial
8 punishment is appropriate for a particular member, all known
9 offenses determined to be appropriate for disposition by nonjudicial
10 punishment and ready to be considered at that time, including all
11 offenses arising from a single incident or course of conduct, shall
12 be considered together and shall not be made the basis for multiple
13 punishments. This subsection shall in no way restrict the right of
14 a ~~commander~~ commanding officer to prefer court-martial charges for
15 an offense previously punished under the 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 ~~accused~~ member is absent without
21 authority shall be excluded in computing the period of limitation
22 prescribed 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 officer in charge who
15 possesses the rank of colonel may consider reduction in rank as a
16 possible punishment.

17 SECTION 8. AMENDATORY 44 O.S. 2021, Section 821, is
18 amended to read as follows:

19 ~~RESERVED~~ ARTICLE 21. Convening of court-martial by federal
20 officials.

21 In no case shall the President of the United States, the
22 Secretary of Defense, the secretary of a military department, a
23 military officer serving on active duty within the meaning of Title
24 10 of the United States Code, or any other federal official convene

1 a court-martial proceeding pursuant to the Oklahoma Military Code
2 unless prior consent has been granted by the Governor. Such
3 consent, if granted by the Governor, shall be accomplished in
4 writing and shall be published by the Governor.

5 SECTION 9. AMENDATORY 44 O.S. 2021, Section 875, is
6 amended to read as follows:

7 A. Under such regulations as the Adjutant General may
8 promulgate, all rights, privileges, and property affected by an
9 executed part of a court-martial sentence which has been set aside
10 or disapproved, except an executed dismissal or discharge, shall be
11 restored unless a new trial or rehearing is ordered and such
12 executed part is included in a sentence imposed upon the new trial
13 or rehearing.

14 B. If a previously executed sentence of dishonorable or bad-
15 conduct discharge is not imposed on a new trial, the Adjutant
16 General shall substitute therefor a form of discharge authorized for
17 administrative issuance unless the accused is to serve out the
18 remainder of his or her enlistment.

19 C. If a previously executed sentence of dismissal is not
20 imposed on a new trial, the Adjutant General shall substitute
21 therefor a form of discharge authorized for administrative issue,
22 and the commissioned officer dismissed by that sentence may be
23 ~~reappointed pursuant to Sections 875 and 12203 of Title 10 of the~~
24 ~~United States Code and any applicable regulations prescribed~~

1 ~~thereunder by the President of the United States or the Secretary~~
2 concerned solely by the Governor to such commissioned grade and with
3 such rank as in the opinion of the Governor that former officer
4 would have attained had he or she not been dismissed. The
5 reappointment of such a former officer shall be without regard to
6 the existence of a vacancy and shall affect the promotion status of
7 other officers only insofar as the Governor may direct. All time
8 between the dismissal and the reappointment shall be considered as
9 actual service for all purposes, including the right to pay and
10 allowances.

11 D. The Governor or Adjutant General shall prescribe
12 regulations, with such limitations as the Governor or Adjutant
13 General considers appropriate, governing eligibility for pay and
14 allowances for the period after the date on which an executed part
15 of a court-martial sentence is set aside.

16 SECTION 10. AMENDATORY 44 O.S. 2021, Section 905, is
17 amended to read as follows:

18 ~~RESERVED~~ ARTICLE 105. Forgery.

19 Any person subject to the Oklahoma Uniform Code of Military
20 Justice who, with intent to defraud:

21 1. Falsely makes or alters any signature to, or any part of,
22 any writing which would, if genuine, apparently impose a legal
23 liability on another or change his or her legal right or liability
24 to his or her prejudice; or

1 2. Utters, offers, issues, or transfers such a writing, known
2 by him or her to be so made or altered, is guilty of forgery and
3 shall be punished as a court-martial may direct.

4 SECTION 11. AMENDATORY 44 O.S. 2021, Section 912, is
5 amended to read as follows:

6 A. Drunk on duty. Any person subject to the Oklahoma Uniform
7 Code of Military Justice, ~~other than a sentinel or lookout,~~ who is
8 drunk on duty shall be punished as a court-martial may direct.

9 B. Incapacitation for duty from drunkenness or drug use. Any
10 person subject to the Code who, as a result of indulgence in any
11 alcoholic beverage or any drug, is incapacitated for the proper
12 performance of duty shall be punished as a court-martial may direct.

13 C. Drunk prisoner. Any person subject to the Code who is a
14 prisoner and, while in such status, is drunk shall be punished as a
15 court-martial may direct

16 SECTION 12. AMENDATORY 44 O.S. 2021, Section 912a, is
17 amended to read as follows:

18 Wrongful use, possession, etc., of controlled substances.

19 A. Any person subject to the Oklahoma Uniform Code of Military
20 Justice who wrongfully uses, possesses, manufactures, distributes,
21 imports into the customs territory of the United States, exports
22 from the United States, or introduces into an installation, vessel,
23 vehicle, or aircraft used by or under the control of the Armed
24 Forces of the United States or of the state military forces a

1 substance described in subsection B of this section shall be
2 punished as a court-martial may direct.

3 B. The substances referred to in subsection A of this section
4 are the following:

5 1. Opium, heroin, cocaine, amphetamine, lysergic acid
6 diethylamide, methamphetamine, phencyclidine, barbituric acid, and
7 marijuana and any compound or derivative of any such substance;

8 2. Any substance not specified in paragraph 1 of this
9 subsection that is listed on a schedule of controlled substances
10 prescribed by the President for the purposes of the Uniform Code of
11 Military Justice, Title 10 of the United States Code, Section 801,
12 et seq.; and

13 3. Any other substance not specified in paragraph 1 of this
14 subsection or contained on a list prescribed by the President under
15 paragraph 2 of this subsection that is listed in schedules I through
16 V of article 202 of the Controlled Substances Act, Title 21 of the
17 United States Code, Section 812.

18 C. It shall be unlawful for any member of the state military
19 forces to knowingly use or ingest marijuana or any substances or
20 products derived from marijuana including, but not limited to, hemp,
21 tetrahydrocannabinol, and cannabidiol.

22 SECTION 13. AMENDATORY 44 O.S. 2021, Section 928b, is
23 amended to read as follows:

24

1 ~~RESERVED~~ Any person subject to the Oklahoma Uniform Code of
2 Military Justice who:

3 1. Commits a violent offense against a spouse, an intimate
4 partner, or an immediate family member of that person;

5 2. With intent to threaten or intimidate a spouse, an intimate
6 partner, or an immediate family member of that person, commits an
7 offense under this chapter against any person or property, including
8 an animal;

9 3. With intent to threaten or intimidate a spouse, an intimate
10 partner, or an immediate family member of that person, violates a
11 protection order;

12 4. With intent to commit a violent offense against a spouse, an
13 intimate partner, or an immediate family member of that person,
14 violates a protection order; or

15 5. Assaults a spouse, an intimate partner, or an immediate
16 family member of that person by strangling or suffocating, shall be
17 punished as a court-martial may direct.

18 SECTION 14. AMENDATORY 44 O.S. 2021, Section 934, is
19 amended to read as follows:

20 ARTICLE 134 General Article.

21 Though not specifically mentioned in the Oklahoma Uniform Code
22 of Military Justice, all disorders and neglects to the prejudice of
23 good order and discipline in the state military forces, all conduct
24 of a nature to bring discredit upon the state military forces, and

1 crimes and offenses not capital, of which persons subject to the
2 Code may be guilty, shall be taken cognizance of by a general,
3 special, or summary court-martial, according to the nature and
4 degree of the offense, and shall be punished at the discretion of
5 that court. However, where a crime constitutes an offense that
6 violates both the Code and the criminal laws of the State of
7 Oklahoma, jurisdiction over the offense shall be determined in
8 accordance with Section 802 of this title (Article 2). This section
9 shall encompass all specifically enumerated offenses included in
10 Section 934 of Title 10 of the United States Code, including all
11 amendments thereto adopted from time to time, except when such
12 provisions are contrary to or inconsistent with the United States
13 Code.

14 SECTION 15. AMENDATORY 44 O.S. 2021, Section 937, is
15 amended to read as follows:

16 ARTICLE 137. Articles to be explained.

17 A. 1. The sections of the Oklahoma Uniform Code of Military
18 Justice specified in paragraph 3 of this subsection shall be
19 carefully explained, either orally or in writing, to each officer
20 and enlisted member at the time of, or within one hundred twenty
21 (120) days after, the officer's or enlisted member's initial
22 entrance into a duty status with the state military forces.

23 2. Such articles shall be explained again:
24

- 1 a. after the enlisted member has completed basic or
2 recruit training, and
3 b. ~~at the time when the enlisted member reenlists~~ within
4 ninety (90) days of each re-enlistment.

5 3. This subsection applies with respect to Sections 802, 803,
6 807-815, 825, 827, 831, 837, 838, 855, 877-934, and 937-939 of this
7 title (Articles 2, 3, 7-15, 25, 27, 31, 37, 38, 55, 77-134, and 137-
8 139).

9 B. The text of the Code and of the regulations prescribed
10 pursuant to the Code shall be made available to an officer or
11 enlisted member of the state military forces, upon request, for the
12 officer's or enlisted member's personal examination. Electronic or
13 online availability of the Code and of the regulations prescribed
14 pursuant to the Code shall constitute availability for purposes of
15 personal examination by officers or enlisted members of the state
16 military forces.

17 SECTION 16. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 940C of Title 44, unless there
19 is created a duplication in numbering, reads as follows:

20 ARTICLE 140C. Manual for Courts-Martial.

21 The Manual for Courts-Martial, United States, including all
22 amendments thereto adopted from time to time, except when such rules
23 are contrary to or inconsistent with the Oklahoma Uniform Code of
24

1 Military Justice, shall be adopted as the Oklahoma State Manual for
2 Courts-Martial.

3 SECTION 17. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 239 of Title 44, unless there is
5 created a duplication in numbering, reads as follows:

6 The co-located readiness and joint operating center facilities
7 constructed by the Military Department or on behalf of the Military
8 Department shall be named the "Benjamin T. Walkingstick National
9 Guard Complex".

10 SECTION 18. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 271 of Title 44, unless there is
12 created a duplication in numbering, reads as follows:

13 A. The provisions of this section shall not be operative and no
14 payments shall be made from the Oklahoma National Guard Supplemental
15 Retirement Pay Revolving Fund created in Section 19 of this act
16 until November 1, 2027.

17 B. The provisions of this section shall only be applicable to a
18 member of the Oklahoma National Guard who has accrued enough service
19 credit prior to the effective date of this act in order to retire
20 from the system maintained by the Defense Finance and Accounting
21 Service, or its successor in interest, for the benefit of members of
22 state National Guards, but who has not attained the required age
23 prior to the effective date of this act in order to be paid the full
24 amount of such benefit. No member of the Oklahoma National Guard

1 shall be eligible to receive a payment pursuant to the provisions of
2 this section unless the member has completed twenty-five (25) years
3 of military service and retires as a member of the Oklahoma National
4 Guard.

5 C. The provisions of this section shall not be applicable to
6 any person who retires with an active duty military pension.

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

8 1. Determine the amount of retirement the member would receive
9 if the member had reached the age to accrue federal retirement
10 benefits;

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

17 3. The resulting amount shall be paid to the Oklahoma National
18 Guard member in twelve equal monthly amounts with allowance as
19 required for rounding.

20 E. Any benefit payable to an eligible member of the Oklahoma
21 National Guard shall only be payable during the member's lifetime,
22 and no benefit authorized pursuant to the provisions of this section
23 shall be payable to a beneficiary other than amounts paid to a
24 member prior to the member's death which are payable to another

1 person pursuant to the provisions of a joint tenancy bank account
2 with a right of survivorship naming a person or persons as
3 beneficiary, a bank account with a transfer on death or payable on
4 death feature, an express trust, including, but not limited to, a
5 trust created by the payee member during his or her lifetime, a will
6 or the statute of intestate succession for distribution of the
7 assets of a person who does not otherwise provide for the
8 disposition of his or her assets after death.

9 F. The payment otherwise authorized pursuant to the provisions
10 of this act may only be made to a person who has become eligible to
11 receive retirement benefits from the retirement system under the
12 supervision of the Defense Finance and Accounting Service, or its
13 successor in interest, as of the date the first payment pursuant to
14 this act is authorized.

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

20 H. In the event the funds required for full payment to all
21 eligible members pursuant to the provisions of this section are not
22 sufficient, the payments to the eligible members shall be prorated
23 by dividing the total number of eligible members by the total amount
24 of available funds. The resulting quotient shall be multiplied by

1 the payment amount otherwise due to the eligible member and the
2 result of that computation shall be the reduced dollar amount paid
3 to each member for the applicable period. For any period of time
4 during which payments are prorated pursuant to this subsection, the
5 next increment of available funds shall be used to make payments to
6 the eligible members whose payment amounts were prorated to
7 compensate for the reduction made in the prior payment period.

8 SECTION 19. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 272 of Title 44, unless there is
10 created a duplication in numbering, reads as follows:

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

24

1 SECTION 20. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 14-140 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. This act shall be known and may be cited as the "Oklahoma
5 National Guard CareerTech Assistance Act".

6 B. As used in this act:

7 1. "Technology center school" means a technology center school
8 under the governance of the State Board of Career and Technology
9 Education;

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

14 3. "Program" means the Oklahoma National Guard CareerTech
15 Assistance Program established pursuant to the provisions of this
16 section.

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

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

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

10 D. Assistance provided pursuant to this section shall be
11 allocated to the technology center school from the Oklahoma National
12 Guard CareerTech Assistance Revolving Fund created pursuant to this
13 section.

14 E. To be eligible to apply for the program, a Guard member
15 shall:

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

19 2. Agree in writing to complete his or her current service
20 obligation in the Oklahoma National Guard; and

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

1 F. To retain eligibility for the program, an eligible Guard
2 member shall:

3 1. Maintain good academic standing and satisfactory progress
4 according to standards of the technology center school in which the
5 member is enrolled;

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

9 3. Maintain a minimum grade point of average of 2.0 on a 4.0
10 scale;

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

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

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

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

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

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

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

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

16 Repayments shall be deposited into the Oklahoma National Guard
17 CareerTech Assistance Revolving Fund created pursuant to section.

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

24

1 K. By July 1 annually, the State Board of Career and Technology
2 Education shall notify the Adjutant General of the amount of funding
3 available in the Oklahoma National Guard CareerTech Assistance
4 Revolving Fund created pursuant to section.

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

14 SECTION 21. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 14-140.1 of Title 70, unless
16 there 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 18 of
19 this act who is entitled to education assistance under this act to
20 elect to transfer to one or more of the dependents specified in
21 subsection C of this section a portion of such individual's
22 entitlement to such assistance, subject to the limitation under
23 subsection D of this section.

24

1 B. An individual referred to in subsection A of this section is
2 any member of the uniformed services who, at the time of the
3 approval of the individual's request to transfer entitlement to
4 educational assistance under this section, has completed at least:

5 1. Six (6) years of service in the Oklahoma National Guard and
6 enters into an agreement to serve at least four (4) more years as a
7 member of the uniformed services; or

8 2. The years of service as determined in regulations pursuant
9 to subsection J of this section.

10 C. Eligible dependents.

11 1. An individual approved to transfer an entitlement to
12 educational assistance under this section may transfer the
13 individual's entitlement to an eligible dependent or a combination
14 of eligible dependents.

15 2. For purposes of this subsection, the term "eligible
16 dependent" has the meaning given the term "dependent" under
17 subparagraphs A, D, and I of Section 1072(2) of Title 10 of the
18 United States Code.

19 D. Limitation of months of transfer.

20 The total number of months of entitlement transferred by an
21 individual under this section may not exceed thirty-six (36) months.
22 The Adjutant General may prescribe regulations that would limit the
23 months of entitlement that may be transferred under this section to
24 no less than eighteen (18) months.

1 E. Designation of transferee. An individual transferring an
2 entitlement to education assistance under this section shall:

3 1. Designate the dependent or dependents to whom such
4 entitlement is being transferred; and

5 2. Designate the number of months of such entitlement to be
6 transferred to such dependent.

7 F. Time for transfer; revocation and modification:

8 1. Subject to the time limitation for use of entitlement under
9 this act, and except as provided in subsection K or L of this
10 section, an individual approved to transfer entitlement to
11 educational assistance under this section may transfer such
12 entitlement only while serving as a member of the Oklahoma National
13 Guard when the transfer is executed.

14 2. An individual transferring entitlement under this section
15 may modify or revoke at any time the transfer of any unused portion
16 of the entitlement so transferred. The modification or revocation
17 of the transfer of entitlement under this subsection shall be made
18 by the submittal of written notice of the action to the Adjutant
19 General and Governor.

20 3. Entitlement transferred under this section may not be
21 treated as marital property, or the asset of a marital estate,
22 subject to division in a divorce or other civil proceeding.
23
24

1 G. A dependent to whom entitlement to educational assistance is
2 transferred under this section may not commence the use of the
3 transferred entitlement until:

4 1. In the case of entitlement transferred to a spouse, the
5 completion by the individual making the transfer of at least:

6 a. six (6) years of service in the National Guard, or

7 b. the years of service as determined in regulations
8 pursuant to subsection J of this section; or

9 2. In the case of entitlement transferred to a child, both:

10 a. the completion by the individual making the transfer
11 of at least:

12 (1) six (6) years of service in the National Guard,
13 or

14 (2) the years of service as determined in regulations
15 pursuant to subsection J of this section, or

16 b. either:

17 (1) the completion by the child of the requirements
18 of a secondary school diploma (or equivalency
19 certificate), or

20 (2) the attainment by the child of eighteen (18)
21 years of age.

22 H. Additional Administrative Matters.

23 1. The use of any entitlement to educational assistance
24 transferred under this section shall be charged against the

1 entitlement of the individual making the transfer at the rate of one
2 (1) month for each month of transferred entitlement that is used.

3 2. Except as provided under paragraph 2 of subsection E of this
4 section and subject to paragraphs 5 and 6 of this subsection:

5 a. in the case of entitlement transferred to a spouse
6 under this section, the spouse is entitled to
7 educational assistance under this chapter in the same
8 manner as the individual from whom the entitlement was
9 transferred as if the individual were not on active
10 duty,

11 b. in the case of entitlement transferred to a child
12 under this section, the child is entitled to
13 educational assistance under this act in the same
14 manner as the individual from whom the entitlement was
15 transferred as if the individual were not on active
16 duty.

17 3. The monthly rate of education assistance payable to a
18 dependent to whom entitlement referred to in paragraph 2 of this
19 subsection is transferred under this section shall be payable:

20 a. in the case of a spouse, at the same rate as such
21 entitlement would otherwise be payable under this act
22 to the individual making the transfer as if the
23 individual were not on active duty, and
24

1 b. in the case of a child, at the same rate as such
2 entitlement would otherwise be payable under this act
3 to the individual making the transfer as if the
4 individual were not on active duty.

5 4. Death of transferor: The death of an individual
6 transferring an entitlement under this section shall not affect the
7 use of the entitlement by the dependent to whom the entitlement is
8 transferred.

9 a. Death prior to transfer to designated transferees: In
10 the case of an eligible individual whom the Adjutant
11 General has approved to transfer the individual's
12 entitlement under this section who, at the time of
13 death, is entitled to educational assistance under
14 this act and has designated a transferee or
15 transferees under subsection E of this section but has
16 not transferred all of such entitlement to such
17 transferee or transferees, the Adjutant General shall
18 transfer the entitlement of the individual under this
19 section by evenly distributing the amount of such
20 entitlement between all such transferees who would not
21 be precluded from using some or all of the transferred
22 benefits due to the expiration of time limitations
23 found in paragraph 5 of this subsection

1 notwithstanding the limitations under subsection F of
2 this section.

3 b. If a transferee cannot use all of the transferred
4 benefits under subparagraph a of this subsection
5 because of expiration of a time limitation, the unused
6 benefits will be distributed among the other
7 designated transferees who would not be precluded from
8 using some or all of the transferred benefits due to
9 expiration of time limitations found in paragraph 5 of
10 this subsection, unless or until there are no
11 transferees who would not be precluded from using the
12 transferred benefits because of expiration of a time
13 limitation.

14 5. Limitation on age of use by child transferees.

15 a. In general. A child to whom entitlement is
16 transferred under this section may use the benefits
17 transferred without regard to the fifteen-year
18 delimiting date specified in this act, but may not,
19 except as provided in subparagraph b or c of this
20 paragraph, use any benefits so transferred after
21 attaining the age of twenty-six (26) years.

22 b. Primary caregivers of seriously injured members of the
23 armed forces and veterans.

1 (1) In general. Subject to division (2) of this
2 subparagraph, in the case of a child who, before
3 attaining the age of twenty-six (26) years, is
4 prevented from pursuing a chosen program of
5 education by reason of acting as the primary
6 provider of personal care services for a veteran
7 or member of the Oklahoma National Guard, the
8 child may use the benefits beginning on the date
9 specified in division (3) of this subparagraph
10 for a period whose length is specified in
11 division (4) of this subparagraph.

12 (2) Inapplicability for revocation.

13 Division (1) of this subparagraph shall not apply with
14 respect to the period of an individual as a primary
15 provider of personal care services if the period concludes
16 with the revocation of the individual's designation as such
17 a primary provider.

18 (3) Date for commencement of use. The date specified
19 in this division for the beginning of the use of
20 benefits by a child under division (1) of this
21 subparagraph is the later of:

22 (a) the date on which the child ceases acting as
23 the primary provider of personal care
24 services for the veteran or member concerned

1 as described in division (1) of this
2 subparagraph,

3 (b) the date on which it is reasonably feasible,
4 as determined under regulations prescribed
5 by the Adjutant General, for the child to
6 initiate or resume the use of benefits, or

7 (c) the date on which the child attains the age
8 of twenty-six (26) years.

9 6. Length of use. The length of the period specified in this
10 paragraph for the use of benefits by a child under division (1) of
11 subparagraph b of paragraph 5 of this section is the length equal to
12 the length of the period that:

13 a. begins on the date on which the child begins acting as
14 the primary provider of personal care services for the
15 veteran or member concerned as described in division
16 (1) of subparagraph b of paragraph 5 of this section,
17 and

18 b. ends on the later of:

19 (1) the date on which the child ceases acting as the
20 primary provider of personal care services for
21 the veteran or member as described in division
22 (1) of subparagraph b of paragraph 5 of this
23 section, or

24

1 (2) the date on which it is reasonably feasible, as
2 so determined, for the child to initiate or
3 resume the use of benefits; or

4 c. In any case in which the Adjutant General determines
5 that an individual to whom entitlement is transferred
6 under this section has been prevented from pursuing
7 the individual's chosen program of education before
8 the individual attains the age of twenty-six (26)
9 years because the educational institution or training
10 established closed (temporarily or permanently) under
11 an established policy based on an executive order of
12 the Governor or due to an emergency situation, the
13 Adjutant General shall extend the period during which
14 the individual may use such entitlement for a period
15 equal to the number of months that the individual was
16 so prevented from pursuing the program of education,
17 as determined by the Adjutant General.

18 7. The purposes for which a dependent to whom entitlement is
19 transferred under this section may use such entitlement shall
20 include the pursuit and completion of the requirements of a
21 secondary school diploma (or equivalency certificate).

22 8. The administrative provisions of this act shall apply to the
23 use of entitlement transferred under this section, except that the
24

1 dependent to whom the entitlement is transferred shall be treated as
2 the eligible individual for purposes of such provisions.

3 I. Overpayment.

4 1. Subject to paragraph 2 of this subsection, in the event of
5 an overpayment of educational assistance with respect to a dependent
6 to whom entitlement is transferred under this section, the dependent
7 and the individual making the transfer shall be jointly and
8 severally liable to the State of Oklahoma for the amount of the
9 overpayment.

10 2. Failure to complete service agreement.

11 a. Except as provided in subparagraph b of this
12 paragraph, if an individual transferring entitlement
13 under this section fails to complete the service
14 agreed to by the individual under division (1) of
15 subsection b of this paragraph in accordance with the
16 terms of the agreement of the individual under that
17 subsection, the amount of any transferred entitlement
18 under this section that is used by a dependent of the
19 individual as of the date of such failure shall be
20 treated as an overpayment of educational assistance
21 for which the individual shall be solely liable to the
22 State of Oklahoma for the amount of the overpayment
23 for purpose of this act in the case of an individual
24

1 who fails to complete service agreed to by the
2 individual:

3 (1) by reason of death of the individual, or

4 (2) for a reason referred to in this act.

5 J. Regulations.

6 1. The Adjutant General shall prescribe regulations for
7 purposes of this section.

8 2. Such regulations shall specify:

9 a. the manner of authorizing the transfer of entitlements
10 under this section,

11 b. the eligibility criteria in accordance with subsection
12 B of this section, and

13 c. the manner and effect of an election to modify or
14 revoke a transfer of entitlement under paragraph 2 of
15 subsection F of this section.

16 3. The Adjutant General may not prescribe any regulation that
17 would provide for a limitation on eligibility to transfer unused
18 education benefits to family members based on a maximum number of
19 years in the Oklahoma National Guard.

20 K. In the case of a dependent to whom entitlement to
21 educational assistance is transferred under this section who dies
22 before using all of such entitlement, the individual who transferred
23 the entitlement to the dependent may transfer any remaining
24 entitlement to a different eligible dependent, notwithstanding

1 whether the individual is serving as a member of the Armed Forces
2 when such transfer is executed.

3 L. In the case of an individual who transfers entitlement to
4 educational assistance under this section who dies before the
5 dependent to whom entitlement to educational assistance is so
6 transferred has used all of such entitlement, such dependent may
7 transfer such entitlement to another eligible dependent in
8 accordance with the provisions of this section.

9 SECTION 22. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 14-141 of Title 70, unless there
11 is created a duplication in numbering, reads as follows:

12 There is hereby created in the State Treasury a revolving fund
13 for the State Board of Career and Technology Education to be
14 designated the "Oklahoma National Guard CareerTech Assistance
15 Revolving Fund". The fund shall be a continuing fund, not subject
16 to fiscal year limitations, and shall consist of all monies received
17 by the State Board of Career and Technology Education from state
18 appropriations provided for the purpose of implementing the
19 provisions of Sections 18 and 19 of this act. All monies accruing
20 to the credit of the fund are hereby appropriated and may be
21 budgeted and expended by the State Board of Career and Technology
22 Education for the purpose of providing assistance to eligible Guard
23 members pursuant to the provisions of Section 19 of this act.
24 Expenditures from the fund shall be made upon warrants issued by the

1 State Treasurer against claims filed as prescribed by law with the
2 Director of the Office of Management and Enterprise Services for
3 approval and payment.

4 SECTION 23. REPEALER 44 O.S. 2021, Section 940b, is
5 hereby repealed.

6 SECTION 24. This act shall become effective November 1, 2025.

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8 60-1-13810 JM 05/19/25
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