

1 ENGROSSED HOUSE
2 BILL NO. 2118

By: Kannady of the House

and

Woods of the Senate

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8 An Act relating to militia; amending 44 O.S. 2021,
9 Section 21, which relates to the establishment of the
10 Oklahoma Military Department; modifying Adjutant
11 General's duties; amending 44 O.S. 2021, Section 24;
12 which relates to the appointment and eligibility of
13 the Adjutant General; modifying eligibility
14 requirements; amending 44 O.S. 2021, Section 25,
15 which relates to the rank of the Adjutant General;
16 adding a compensation guideline; amending 44 O.S.
17 2021, Section 26, which relates to authority and
18 duties of the Adjutant General; adding authority to
19 arm members; adding ability to accept donations for
20 Oklahoma National Guard programs; adding authority as
21 chief over the fire protection and police units under
22 the Oklahoma Military Departments; amending Section
23 1, Chapter 74, O.S.L. 2022 (44 O.S. Supp. 2024,
24 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;
amending 44 O.S. 2021, Section 821, which relates to
convening of court-martial; establishing guidelines
for convening of court-martial by federal officials;
amending 44 O.S. 2021, Section 875, which relates to
restoration under a court-martial sentence; modifying
Governor's authority to reappoint a dismissed officer
or member; establishing procedure for pay eligibility
during court-martial sentence; amending 44 O.S. 2021,

1 Section 905, which relates to forger; establishing
2 definition and penalty for forgery; amending 44 O.S.
3 2021, Section 912, which relates to drunkenness and
4 other incapacitation offenses; modifying references;
5 amending 44 O.S. 2021, Section 912a, which relates to
6 wrongful use and possession of a controlled
7 substance; prohibiting the use of marijuana by
8 Oklahoma military forces; amending 44 O.S. 2021,
9 Section 928b, which relates to domestic violence;
10 establishing penalties for spousal abuse and intimate
11 partner violence by members of the Oklahoma Militia;
12 amending 44 O.S. 2021, Section 934, which relates to
13 general offenses; encompassing all specifically
14 enumerated offenses in Section 934 of Title 10 of the
15 United States Code; amending 44 O.S. 2021, Section
16 937, which relates to the explanation of articles;
17 modifying timeframe to explain articles; adopting the
18 Manual for Courts-Martial, United States, as the
19 Oklahoma State Manual for Courts-Martial;
20 establishing the "Benajmin T. Walkingstick National
21 Guard Complex" building; establishing guidelines for
22 convening of court-martial by federal officials;
23 creating the Oklahoma National Guard CareerTech
24 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;
providing application process; allowing denial of
continued assistance for failure to meet certain
requirements; requiring repayment of assistance for
failure to meet certain requirement; providing for
calculation of repayment amount; allowing for
application of hardship waiver; directing certain
notification on available funding; providing for
promulgation of rules and regulations; directing
coordination of rules and regulations; creating the
Oklahoma National Guard CareerTech Assistance
Revolving Fund; specifying source of fund; providing
for expenditures; providing purpose of fund;
providing for transfer of benefits for dependents;
repealing 44 O.S. 2021, Section 940b, which relates

1 to military publications; providing for codification;
2 and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

7 Section 21. The Military Department of the State of Oklahoma is
8 hereby established and shall be under the command and control of the
9 Governor as Commander in Chief, with the Adjutant General as the
10 executive and administrative head thereof. The Military Department
11 shall be constituted of the state military forces, as defined by
12 Section 801 of this title, and is hereby organized into a joint
13 headquarters which shall be identified as the joint forces
14 headquarters. The joint forces headquarters shall be jointly
15 staffed by Army National Guard and Air National Guard personnel who,
16 under the authority and direction of the Adjutant General, shall
17 support and assist the Adjutant General in the exercise of command
18 and control over state military forces when not activated for
19 federal duty under Title 10 of the United States Code. There shall
20 be assigned to the joint ~~force~~ forces headquarters, officers,
21 enlisted personnel, and civilian employees as may be considered
22 necessary by the Governor as Commander in Chief and ~~as may be~~
23 ~~authorized by law and Army National Guard regulations and Air~~
24 ~~National Guard regulations~~ the Adjutant General.

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

3 Section 24. A. The Adjutant General shall be appointed by the
4 Governor, by and with the advice and consent of the Oklahoma State
5 Senate, and shall serve at the pleasure of the Governor.

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

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

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

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

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

24

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

3 Section 25. A. The Adjutant General shall have the rank of
4 Major General and devote full time to the duties of the office.
5 Regardless of whether or not the Adjutant General has been
6 recognized federally at the rank of Major General at the time of
7 appointment by the Governor, the Adjutant General shall be
8 compensated at the same rate of pay afforded to a Major General
9 serving on federal Title 10 active duty with the same time in
10 service.

11 B. The Governor may appoint Assistant Adjutants General for
12 Army and Assistant Adjutants General for Air to assist the Adjutant
13 General in the discharge and performance of his or her duties. When
14 appointing Assistant Adjutants General, the Governor shall take into
15 consideration the number of such positions contemplated or
16 recommended by the National Guard Bureau for manning the joint
17 forces headquarters of a state. Such Assistant Adjutants General
18 shall have the qualifications prescribed by law for the Adjutant
19 General and shall have the rank of Brigadier General. The Assistant
20 Adjutants General appointed by the Governor shall be considered
21 staff officers and not commanders except that, in the discretion of
22 the Adjutant General, specific command or supervisory authority may
23 be delegated by the Adjutant General to an Assistant Adjutant
24 General but such delegation shall be accomplished in writing and

1 shall be considered a military publication, as defined in Section
2 801 of this title (Article 1).

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

11 D. The Adjutant General may employ a state employee in the
12 position of Executive Assistant and Programs Manager for the
13 Military Department of the state. Said position shall be
14 unclassified and exempt from the Oklahoma Personnel Act and the
15 Merit Rules for Employment, except leave regulations.

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

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

1 perform such other military and defense duties, not otherwise
2 assigned by law, as the Governor may prescribe. The Adjutant
3 General shall have the authority to arm members of the state
4 military forces on military installations and other places under the
5 control of the Military Department with weaponry as the Adjutant
6 General deems necessary to adequately provide for the security of
7 the facilities and their occupants.

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

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

23 D. The organizational chart required in subsection C of this
24 section shall be updated no less than annually and shall include all

1 enlisted and officer billets assigned to joint forces headquarters
2 and shall depict all existing command relationships established by
3 the Adjutant General within joint forces headquarters. The
4 organizational chart required herein shall not be considered a
5 military publication within the meaning of Section 801 of this title
6 (Article 1).

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

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

18 G. The Adjutant General may establish rules allowing the
19 Military Department of the State of Oklahoma to accept donations and
20 bequests to create a program for the benefit of members of the
21 Oklahoma National Guard.

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

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

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

7 SECTION 5. AMENDATORY Section 1, Chapter 74, O.S.L. 2022
8 (44 O.S. Supp. 2024, Section 233.10a), is amended to read as
9 follows:

10 Section 233.10a. The Military Department of the State of
11 Oklahoma may purchase information technology including, but not
12 limited to, computer hardware or software, or any services related
13 to software development, software modifications, or any other
14 services related to the operation and maintenance of computer
15 hardware or software or both, independently and without prior
16 approval from the Office of Management and Enterprise Services
17 Information Services Division. All federal programs managed by the
18 Military Department of the State of Oklahoma shall be exempt from
19 any and all Information Services Division requirements.

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

22 Section 243. A. The Governor is hereby authorized to prescribe
23 rules and regulations governing the enlistment, organization,
24 administration, equipment, discipline and discharge of the personnel

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

17 B. Members of the Oklahoma ~~State~~ National Guard shall be
18 considered part of state military forces as defined in Section 801
19 of this title and shall be subject to the Oklahoma Uniform Code of
20 Military Justice.

21 C. When prescribing the rules and regulations governing
22 enlistment, organization, administration, equipment, discipline and
23 discharge of the personnel of the Oklahoma ~~State~~ National Guard, the
24 Governor shall issue such rules and regulations in the form of an

1 executive order or in a series of such orders. An executive order
2 or a series of such orders prescribing the rules and regulations
3 governing enlistment, organization, administration, equipment,
4 discipline and discharge of the personnel of the Oklahoma ~~State~~
5 National Guard shall also be published by the Adjutant General as a
6 military publication.

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

9 Section 815. ARTICLE 15. Commanding officer's nonjudicial
10 punishment.

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

16 B. Any ~~superior commander~~ commanding officer may limit or
17 withhold the exercise of nonjudicial punishment authority by
18 subordinate commanders, including limiting authority over certain
19 categories of military personnel or offenses. Likewise, individual
20 cases may be reserved by a superior commander. A superior authority
21 may limit or withhold any power that a subordinate might otherwise
22 exercise under this section.

23 C. Except as provided in subsection L of this section, the
24 Governor or Adjutant General may delegate the powers established

1 under this section to a ~~senior~~ commanding officer who is a member of
2 the state military forces and is also a member of the same force
3 component as the accused.

4 D. Any Except as provided in subsection S of this section, any
5 commanding officer may impose upon enlisted members of the officer's
6 command:

- 7 1. An admonition;
- 8 2. A reprimand;
- 9 3. The withholding of privileges for not more than six (6)
10 months which need not be consecutive;
- 11 4. The forfeiture of pay of not more than seven (7) days' pay;
- 12 5. A fine of not more than seven (7) days' pay;
- 13 6. A reduction to the next inferior pay grade, if the grade
14 from which demoted is within the promotion authority of the officer
15 imposing the reduction or any officer subordinate to the one who
16 imposes the reduction;
- 17 7. Extra duties, including fatigue or other duties, for not
18 more than fourteen (14) days, which need not be consecutive; and
- 19 8. Restriction to certain specified limits, with or without
20 suspension from duty, for not more than fourteen (14) days, which
21 need not be consecutive.

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

- 1 1. An admonition;
- 2 2. A reprimand;
- 3 3. The withholding of privileges for not more than six (6)
- 4 months which need not be consecutive;
- 5 4. The forfeiture of not more than one-half (1/2) of one (1)
- 6 month's pay per month for two (2) months;
- 7 5. A fine of not more than one (1) month's pay;
- 8 6. A reduction to the lowest or any intermediate pay grade, if
- 9 the grade from which demoted is within the promotion authority of
- 10 the commanding officer imposing the reduction or any officer
- 11 subordinate to the one who imposes the reduction, but an enlisted
- 12 member in a pay grade above E-4 shall not be reduced more than two
- 13 pay grades;
- 14 7. Extra duties, including fatigue or other duties, for not
- 15 more than forty-five (45) days which need not be consecutive; and
- 16 8. Restriction to certain specified limits, with or without
- 17 suspension from duty, for not more than sixty (60) days which need
- 18 not be consecutive.

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

- 21 1. Upon officers of the officer's command:
 - 22 a. any punishment authorized in subsection E of this
 - 23 section, except for the punishments provided in
 - 24

1 paragraphs 6 and 7 of subsection E of this section,
2 and

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

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

7 Admonitions or reprimands given as nonjudicial punishment to
8 commissioned officers and warrant officers shall be administered in
9 writing. In all other cases, unless otherwise prescribed by
10 regulations promulgated by the Adjutant General, such punishments
11 may be administered either orally or in writing.

12 G. Whenever any punishments are combined to run consecutively,
13 the total length of the combined punishment shall not exceed the
14 authorized duration of the longest punishment included in the
15 combination, and there shall be an apportionment of punishments so
16 that no single punishment in the combination exceeds its authorized
17 length under this section.

18 H. Once the ~~commander~~ commanding officer has determined that
19 nonjudicial punishment is appropriate, the ~~commander~~ commanding
20 officer shall provide reasonable notice to the member of his or her
21 intent to impose nonjudicial punishment. At the time the ~~commander~~
22 commanding officer provides notification as required in this
23 subsection, the member shall be entitled to examine all statements
24 and other evidence that the commander has examined and intends to

1 rely upon as the basis for punishment. The member shall be provided
2 a copy of the documentary evidence unless it is privileged,
3 classified, or otherwise restricted by law, regulation, or
4 instruction. At the time the ~~commander~~ commanding officer provides
5 notification as required in this subsection, the ~~commander~~
6 commanding officer shall also inform the member as to the quantum of
7 punishment potentially to be imposed. While a member undergoing
8 nonjudicial punishment is not entitled to representation by a duly
9 appointed defense counsel, the member may seek legal advice from any
10 judge advocate available for this purpose. Upon notification by the
11 officer of his or her intent to impose judicial punishment, the
12 member shall provide a response within forty-five (45) calendar
13 days.

14 I. The right to demand trial by court-martial in lieu of
15 nonjudicial punishment shall arise only when arrest in quarters or
16 restriction will be considered as punishments. If the commanding
17 officer determines that arrest in quarters or restriction will be
18 considered as punishments, prior to the offer of nonjudicial
19 punishment the ~~accused~~ member shall be notified in writing of the
20 right to demand trial by court-martial. Should the commanding
21 officer determine that the punishment options will not include
22 arrest in quarters or restriction, the ~~accused~~ member shall be
23 notified that there is no right to trial by court-martial in lieu of
24 nonjudicial punishment. Upon notification by the ~~commander~~ or

1 ~~officer in charge~~ commanding officer of his or her intent to impose
2 nonjudicial punishment that includes arrest in quarters or
3 restriction, the ~~accused~~ member shall be afforded a reasonable
4 amount of time to confer with legal counsel and to prepare a
5 response.

6 J. The commanding officer who imposes the punishment, or his or
7 her successor in command, may at any time suspend, set aside,
8 mitigate or remit any part or amount of the punishment and restore
9 all rights, privileges and property affected. The commanding
10 officer may also mitigate:

- 11 1. Reduction in grade to forfeiture of pay;
- 12 2. Arrest in quarters to restriction; or
- 13 3. Extra duties to restriction.

14 The mitigated punishment shall not be for a greater period than
15 the punishment mitigated. When mitigating reduction in grade to
16 forfeiture of pay, the amount of the forfeiture shall not be greater
17 than the amount that could have been imposed initially under this
18 article by the officer who imposed the punishment mitigated.

19 K. A person punished under this section who considers the
20 punishment unjust or disproportionate to the offense may, through
21 his or her chain of command, appeal to a senior officer designated
22 by the Adjutant General to adjudicate appeals arising from
23 nonjudicial punishment. A senior officer so designated by the
24 Adjutant General shall be a member of the same component of the

1 state military forces as the accused. An appeal made pursuant to
2 this subsection shall be lodged within fifteen (15) days after the
3 punishment is announced to the ~~accused~~ member. The commanding
4 officer exercising appellate authority may, at his or her
5 discretion, extend the deadline for an appeal. The appeal shall be
6 promptly forwarded and decided, and the member shall not be punished
7 until the appeal is decided. The senior officer designated by the
8 Adjutant General as exercising appellate authority may exercise the
9 same powers with respect to the punishment imposed as may be
10 exercised under subsection I of this section by the officer who
11 imposed the punishment. Before acting on an appeal from a
12 punishment, the senior officer exercising appellate authority shall
13 refer the case to a judge advocate for consideration and advice.
14 When a senior officer is designated by the Adjutant General to
15 adjudicate appeals arising from nonjudicial punishment, such
16 designation shall be accomplished in writing and shall be considered
17 a military publication, as defined in Section 801 of this title
18 (Article 1).

19 L. Except for nonjudicial punishment imposed by the Governor or
20 the Adjutant General, the final appellate authority for nonjudicial
21 punishment imposed within state military forces is the Adjutant
22 General. A person punished under this section whose appeal was
23 previously denied by a senior officer designated to adjudicate
24 appeals may, through his or her chain of command, lodge an

1 additional appeal with the Adjutant General within five (5) days
2 after the appeal is denied. In the event the officer imposing
3 nonjudicial punishment is a senior officer who is also designated to
4 adjudicate appeals arising from nonjudicial punishment, an appeal
5 thereof shall be addressed directly to the Adjutant General. In the
6 event the officer imposing nonjudicial punishment is the Adjutant
7 General, an appeal thereof shall be addressed directly to the
8 Governor. An appeal offered pursuant to this subsection shall be
9 made only in writing. Neither the Governor nor the Adjutant General
10 shall delegate his or her duties as an appellate authority under
11 this subsection.

12 M. Whenever nonjudicial punishment is imposed under this
13 section:

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

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

20 b. arrange for the ~~accused~~ member to drill on alternate
21 dates and in alternate locations; or

22 2. If necessary to maintain good order and discipline within
23 the unit, the ~~commander or officer in charge~~ commanding officer who
24 imposed the nonjudicial punishment may order the ~~accused~~ member to

1 drill on alternate dates and in alternate locations. The order
2 shall be reduced to writing and shall become part of the record of
3 nonjudicial punishment.

4 N. The imposition and enforcement of disciplinary punishment
5 under this section for any act or omission shall not be a bar to
6 trial by court-martial or a civilian court of competent jurisdiction
7 for a crime or offense arising out of the same act or omission; but
8 the fact that a disciplinary punishment has been enforced may be
9 demonstrated by the ~~accused~~ member upon trial and, when so
10 demonstrated, it shall be considered in determining the measure of
11 punishment to be adjudged in the event of a finding or verdict of
12 guilty. Nonjudicial punishment shall not be imposed for an offense
13 previously tried by a civilian court unless so authorized by
14 regulations promulgated by the Adjutant General.

15 O. When nonjudicial punishment has been imposed for an offense,
16 punishment shall not again be imposed for the same offense under
17 this section. Once nonjudicial punishment has been imposed, it may
18 not be increased, upon appeal or otherwise. When a ~~commander or~~
19 ~~officer in charge~~ commanding officer determines that nonjudicial
20 punishment is appropriate for a particular member, all known
21 offenses determined to be appropriate for disposition by nonjudicial
22 punishment and ready to be considered at that time, including all
23 offenses arising from a single incident or course of conduct, shall
24 be considered together and shall not be made the basis for multiple

1 punishment. This subsection shall in no way restrict the right of
2 a ~~commander~~ commanding officer to prefer court-martial charges for
3 an offense previously punished under the provisions of this section.

4 P. In accordance with subsection B of Section 843 of this title
5 (Article 43, subsection B), a person accused of an offense is not
6 liable to be punished under this section if the offense was
7 committed more than two (2) years before the imposition of
8 punishment. Periods in which the ~~accused~~ member is absent without
9 authority shall be excluded in computing the period of limitation
10 prescribed in this section.

11 Q. Whenever a punishment of forfeiture of pay is imposed under
12 this section, the forfeiture shall not apply to pay accruing before
13 the date that punishment is imposed, but only pay accruing on or
14 after the date that punishment is imposed.

15 R. The Adjutant General may promulgate regulations prescribing
16 the type and form of records to be kept of proceedings conducted
17 pursuant to this section. The Adjutant General may promulgate any
18 other regulations necessary to carry out the provisions of this
19 section.

20 S. For purposes of this section, no member of the Oklahoma
21 National Guard of the rank of E-8 or E-9 shall be reduced in rank
22 pursuant to this section except when the reduction results from
23 nonjudicial punishment imposed by an officer of the Oklahoma
24 National Guard of the rank of Brigadier General or by the Adjutant

1 General. When imposing nonjudicial punishment on enlisted persons
2 of the rank of E-7 or below, a commander or officer in charge who
3 possesses the rank of colonel may consider reduction in rank as a
4 possible punishment.

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

7 Section 821. ~~RESERVED~~ ARTICLE 21. Convening of court-martial
8 by federal officials.

9 In no case shall the President of the United States, the
10 Secretary of Defense, the secretary of a military department, a
11 military officer serving on active duty within the meaning of Title
12 10 of the United States Code, or any other federal official convene
13 a court-martial proceeding pursuant to the Oklahoma Military Code
14 unless prior consent has been granted by the Governor. Such
15 consent, if granted by the Governor, shall be accomplished in
16 writing and shall be published by the Governor.

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

19 Section 875. ARTICLE 75. Restoration.

20 A. Under such regulations as the Adjutant General may
21 promulgate, all rights, privileges, and property affected by an
22 executed part of a court-martial sentence which has been set aside
23 or disapproved, except an executed dismissal or discharge, shall be
24 restored unless a new trial or rehearing is ordered and such

1 executed part is included in a sentence imposed upon the new trial
2 or rehearing.

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

8 C. If a previously executed sentence of dismissal is not
9 imposed on a new trial, the Adjutant General shall substitute
10 therefor a form of discharge authorized for administrative issue,
11 and the commissioned officer dismissed by that sentence may be
12 reappointed ~~pursuant to Sections 875 and 12203 of Title 10 of the~~
13 ~~United States Code and any applicable regulations prescribed~~
14 ~~thereunder by the President of the United States or the Secretary~~
15 concerned solely by the Governor to such commissioned grade and with
16 such rank as in the opinion of the Governor that former officer
17 would have attained had he or she not been dismissed. The
18 reappointment of such a former officer shall be without regard to
19 the existence of a vacancy and shall affect the promotion status of
20 other officers only insofar as the Governor may direct. All time
21 between the dismissal and the reappointment shall be considered as
22 actual service for all purposes, including the right to pay and
23 allowances.
24

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

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

8 Section 905. ~~RESERVED~~ ARTICLE 105. Forgery.

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

11 1. Falsely makes or alters any signature to, or any part of,
12 any writing which would, if genuine, apparently impose a legal
13 liability on another or change his or her legal right or liability
14 to his or her prejudice; or

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

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

20 Section 912. Drunkenness and other incapacitation offenses.

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

24

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

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

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

10 Section 912a. Wrongful use, possession, etc., of controlled
11 substances.

12 A. Any person subject to the Oklahoma Uniform Code of Military
13 Justice who wrongfully uses, possesses, manufactures, distributes,
14 imports into the customs territory of the United States, exports
15 from the United States, or introduces into an installation, vessel,
16 vehicle, or aircraft used by or under the control of the Armed
17 Forces of the United States or of the state military forces a
18 substance described in subsection B of this section shall be
19 punished as a court-martial may direct.

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

22 1. Opium, heroin, cocaine, amphetamine, lysergic acid
23 diethylamide, methamphetamine, phencyclidine, barbituric acid, and
24 marijuana and any compound or derivative of any such substance;

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

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

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

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

17 Section 928b. ~~RESERVED~~ Any person subject to the Oklahoma
18 Uniform Code of Military Justice who:

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

21 2. With intent to threaten or intimidate a spouse, an intimate
22 partner, or an immediate family member of that person, commits an
23 offense under this chapter against any person or property, including
24 an animal;

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

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

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

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

12 Section 934. ARTICLE 134 General Article.

13 Though not specifically mentioned in the Oklahoma Uniform Code
14 of Military Justice, all disorders and neglects to the prejudice of
15 good order and discipline in the state military forces, all conduct
16 of a nature to bring discredit upon the state military forces, and
17 crimes and offenses not capital, of which persons subject to the
18 Code may be guilty, shall be taken cognizance of by a general,
19 special, or summary court-martial, according to the nature and
20 degree of the offense, and shall be punished at the discretion of
21 that court. However, where a crime constitutes an offense that
22 violates both the Code and the criminal laws of the State of
23 Oklahoma, jurisdiction over the offense shall be determined in
24 accordance with Section 802 of this title (Article 2). This section

1 shall encompass all specifically enumerated offenses included in
2 Section 934 of Title 10 of the United States Code, including all
3 amendments thereto adopted from time to time, except when such
4 provisions are contrary to or inconsistent with the United States
5 Code.

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

8 Section 937. ARTICLE 137. Articles to be explained.

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

15 2. Such articles shall be explained again:

16 a. after the enlisted member has completed basic or
17 recruit training, and

18 b. ~~at the time when the enlisted member reenlists~~ within
19 ninety (90) days of each re-enlistment.

20 3. This subsection applies with respect to Sections 802, 803,
21 807-815, 825, 827, 831, 837, 838, 855, 877-934, and 937-939 of this
22 title (Articles 2, 3, 7-15, 25, 27, 31, 37, 38, 55, 77-134, and 137-
23 139).

24

1 B. The text of the Code and of the regulations prescribed
2 pursuant to the Code shall be made available to an officer or
3 enlisted member of the state military forces, upon request, for the
4 officer's or enlisted member's personal examination. Electronic or
5 online availability of the Code and of the regulations prescribed
6 pursuant to the Code shall constitute availability for purposes of
7 personal examination by officers or enlisted members of the state
8 military forces.

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

12 ARTICLE 140C. Manual for Courts-Martial.

13 The Manual for Courts-Martial, United States, including all
14 amendments thereto adopted from time to time, except when such rules
15 are contrary to or inconsistent with the Oklahoma Uniform Code of
16 Military Justice, shall be adopted as the Oklahoma State Manual for
17 Courts-Martial.

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

21 The co-located readiness and joint operating center facilities
22 constructed by the Military Department or on behalf of the Military
23 Department shall be named the "Benjamin T. Walkingstick National
24 Guard Complex".

1 SECTION 18. 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
13 Section 2 of this act.

14 E. To be eligible to apply for the program, an eligible Guard
15 member 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 2
18 of this act.

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

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 2 of this act.

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 regulations pertaining to the application process
10 and the determination of eligibility for the program. The Board and
11 the Department shall coordinate the promulgation of rules and
12 regulations, respectively. The Adjutant General may promulgate
13 regulations to implement the provisions of this act.

14 SECTION 19. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 14-140.1 of Title 44, 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 a portion of such individual's entitlement to such
22 assistance, subject to the limitation under subsection D.

23 B. An individual referred to in subsection A is any member of
24 the uniformed services who, at the time of the approval of the

1 individual's request to transfer entitlement to educational
2 assistance under this section, has completed at least:

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

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

8 C. Eligible dependents.

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

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

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

23 E. Designation of transferee - an individual transferring an
24 entitlement to education assistance under this section shall:

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

3 2. Designate the number of months of such entitlement to be
4 transferred to such dependent.

5 F. Time for transfer; revocation and modification:

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

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

17 3. Entitlement transferred under this section may not be
18 treated as marital property, or the asset of a marital estate,
19 subject to division in a divorce or other civil proceeding.

20 G. A dependent to whom entitlement to educational assistance is
21 transferred under this section may not commence the use of the
22 transferred entitlement until:

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

- a. six (6) years of service in the National Guard, or
- b. the years of service as determined in regulations pursuant to subsection J of this Section; or

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

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

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

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

- b. either:

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

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

H. Additional Administrative Matters.

1. The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one (1) month for each month of transferred entitlement that is used.

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

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

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

13 3. The monthly rate of education assistance payable to a
14 dependent to whom entitlement referred to in paragraph 2 is
15 transferred under this section shall be payable:

16 a. in the case of a spouse, at the same rate as such
17 entitlement would otherwise be payable under this
18 chapter to the individual making the transfer as if
19 the individual were not on active duty, and

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

1 4. Death of transferor: The death of an individual
2 transferring an entitlement under this section shall not affect the
3 use of the entitlement by the dependent to whom the entitlement is
4 transferred.

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

21 b. If a transferee cannot use all of the transferred
22 benefits under subparagraph a of this subsection
23 because of expiration of a time limitation, the unused
24 benefits will be distributed among the other

1 designated transferees who would not be precluded from
2 using some or all of the transferred benefits due to
3 expiration of time limitations found in paragraph 5 of
4 this subsection, unless or until there are no
5 transferees who would not be precluded from using the
6 transferred benefits because of expiration of a time
7 limitation.

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

9 a. In general. A child to whom entitlement is
10 transferred under this section may use the benefits
11 transferred without regard to the fifteen-year
12 delimiting date specified in this act, but may not,
13 except as provided in subparagraph b or c, use any
14 benefits so transferred after attaining the age of
15 twenty-six (26) years.

16 b. Primary caregivers of seriously injured members of the
17 armed forces and veterans.

18 (1) In general. Subject to division (2), in the case
19 of a child who, before attaining the age of
20 twenty-six (26) years, is prevented from pursuing
21 a chosen program of education by reason of acting
22 as the primary provider of personal care services
23 for a veteran or member of the Oklahoma National
24 Guard, the child may use the benefits beginning

1 on the date specified in division (3) for a
2 period whose length is specified in division (4).

3 (2) Inapplicability for revocation.

4 Division (1) shall not apply with respect to the period of an
5 individual as a primary provider of personal care services if the
6 period concludes with the revocation of the individual's designation
7 as such a primary provider.

8 (3) Date for commencement of use. The date specified
9 in this division for the beginning of the use of
10 benefits by a child under division (1) is the
11 later of

12 (a) the date on which the child ceases acting as
13 the primary provider of personal care
14 services for the veteran or member concerned
15 as described in division (1),

16 (b) the date on which it is reasonably feasible,
17 as determined under regulations prescribed
18 by the Adjutant General, for the child to
19 initiate or resume the use of benefits, or

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

22 4. Length of use. The length of the period specified in this
23 subparagraph for the use of benefits by a child under division (1)
24 is the length equal to the length of the period that:

- 1 a. begins on the date on which the child begins acting as
2 the primary provider of personal care services for the
3 veteran or member concerned as described in division
4 (1), and
- 5 b. ends on the later of:
- 6 (1) the date on which the child ceases acting as the
7 primary provider of personal care services for
8 the veteran or member as described in division
9 (1), or
- 10 (2) the date on which it is reasonably feasible, as
11 so determined, for the child to initiate or
12 resume the use of benefits; or
- 13 c. In any case in which the Adjutant General determines
14 that an individual to whom entitlement is transferred
15 under this section has been prevented from pursuing
16 the individual's chosen program of education before
17 the individual attains the age of twenty-six (26)
18 years because the educational institution or training
19 established closed (temporarily or permanently) under
20 an established policy based on an executive order of
21 the Governor or due to an emergency situation, the
22 Adjutant General shall extend the period during which
23 the individual may use such entitlement for a period
24 equal to the number of months that the individual was

1 so prevented from pursuing the program of education,
2 as determined by the Adjutant General.

3 6. The purposes for which a dependent to whom entitlement is
4 transferred under this section may use such entitlement shall
5 include the pursuit and completion of the requirements of a
6 secondary school diploma (or equivalency certificate).

7 7. The administrative provisions of this act shall apply to the
8 use of entitlement transferred under this section, except that the
9 dependent to whom the entitlement is transferred shall be treated as
10 the eligible individual for purposes of such provisions.

11 I. Overpayment.

12 1. Subject to paragraph 2, in the event of an overpayment of
13 educational assistance with respect to a dependent to whom
14 entitlement is transferred under this section, the dependent and the
15 individual making the transfer shall be jointly and severally liable
16 to the State of Oklahoma for the amount of the overpayment.

17 2. Failure to complete service agreement.

18 a. Except as provided in subparagraph b, if an individual
19 transferring entitlement under this section fails to
20 complete the service agreed to by the individual under
21 division (1) of subsection b in accordance with the
22 terms of the agreement of the individual under that
23 subsection, the amount of any transferred entitlement
24 under this section that is used by a dependent of the

1 individual as of the date of such failure shall be
2 treated as an overpayment of educational assistance
3 for which the individual shall be solely liable to the
4 State of Oklahoma for the amount of the overpayment
5 for purpose of this act in the case of an individual
6 who fails to complete service agreed to by the
7 individual:

- 8 (1) by reason of death of the individual, or
- 9 (2) for a reason referred to in this act.

10 J. Regulations.

11 1. The Adjutant General shall prescribe regulations for
12 purposes of this section.

13 2. Such regulations shall specify:

- 14 a. the manner of authorizing the transfer of entitlements
15 under this section,
- 16 b. the eligibility criteria in accordance with subsection
17 B, and
- 18 c. the manner and effect of an election to modify or
19 revoke a transfer of entitlement under paragraph 2 of
20 subsection F.

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

1 K. In the case of a dependent to whom entitlement to
2 educational assistance is transferred under this section who dies
3 before using all of such entitlement, the individual who transferred
4 the entitlement to the dependent may transfer any remaining
5 entitlement to a different eligible dependent, notwithstanding
6 whether the individual is serving as a member of the Armed Forces
7 when such transfer is executed.

8 L. In the case of an individual who transfers entitlement to
9 educational assistance under this section who dies before the
10 dependent to whom entitlement to educational assistance is so
11 transferred has used all of such entitlement, such dependent may
12 transfer such entitlement to another eligible dependent in
13 accordance with the provisions of this section.

14 SECTION 20. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 14-141 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund
18 for the State Board of Career and Technology Education to be
19 designated the "Oklahoma National Guard CareerTech Assistance
20 Revolving Fund". The fund shall be a continuing fund, not subject
21 to fiscal year limitations, and shall consist of all monies received
22 by the State Board of Career and Technology Education from state
23 appropriations provided for the purpose of implementing the
24 provisions of Section 19 of this act. All monies accruing to the

1 credit of the fund are hereby appropriated and may be budgeted and
2 expended by the State Board of Career and Technology Education for
3 the purpose of providing assistance to eligible Guard members
4 pursuant to the provisions of Section 19 of this act. Expenditures
5 from the fund shall be made upon warrants issued by the State
6 Treasurer against claims filed as prescribed by law with the
7 Director of the Office of Management and Enterprise Services for
8 approval and payment.

9 SECTION 21. REPEALER 44 O.S. 2021, Section 940b, is
10 hereby repealed.

11 SECTION 22. This act shall become effective November 1, 2025.

12 Passed the House of Representatives the 26th day of March, 2025.

13

14

Presiding Officer of the House
of Representatives

15

16

17 Passed the Senate the ____ day of _____, 2025.

18

19

Presiding Officer of the Senate

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