

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3940

By: West (Josh)

AS INTRODUCED

An Act relating to militia; amending 44 O.S. 2021, Section 26, as amended by Section 4, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 26), which relates to authority under the Adjutant General; providing additional authority; updating specific titles; amending 44 O.S. 2021, Section 27, which relates to compensation; removing Adjutant General; amending 44 O.S. 2021, Section 243, as amended by Section 6, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 243), which relates to the Governor's authority over state militia; deleting provision subjecting the state militia to the Oklahoma Uniform Code of Military Justice; amending 44 O.S. 2021, Section 815, as amended by Section 7, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 815), which relates to the commanding officer's nonjudicial punishment authority; deleting certain pay grade provisions; amending 44 O.S. 2021, Section 271, as amended by Section 18, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025, Section 271), which relates to the Oklahoma National Guard Retirement Fund; updating descriptive terms; amending 70 O.S. 2021, Section 14-140, as amended by Section 20, Chapter 344, O.S.L. 2025 (70 O.S. Supp. 2025, Section 14-140), which relates to the Oklahoma National Guard CareerTech Assistance Act; updating eligibility requirements; amending 44 O.S. 2021, Section 235, which relates to the Oklahoma National Guard Museum; modifying identifying information regarding the Oklahoma National Guard Museum; removing the lease policy for a gift shop; establishing a permanent gift shop directing funds to the Oklahoma National Guard Museum fund; amending 44 O.S. 2021, Section 235.1, which relates to the Oklahoma National Guard Museum fund; creating a revolving fund; adding sources of funds to

1 be deposited in the Oklahoma National Guard Museum
2 fund; providing for recodification; providing for
3 codification; and providing an effective date.
4
5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~D.~~ C. When prescribing the rules and regulations governing
23 enlistment, organization, administration, equipment, discipline and
24 discharge of the personnel of the Oklahoma ~~National~~ State Guard, the

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

8 SECTION 4. AMENDATORY 44 O.S. 2021, Section 815, as
9 amended by Section 7, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025,
10 Section 815), is amended to read as follows:

11 Section 815. ARTICLE 15. Commanding officer's nonjudicial
12 punishment.

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

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

1 C. Except as provided in subsection L of this section, the
2 Governor or Adjutant General may delegate the powers established
3 under this section to a commanding officer who is a member of the
4 state military forces and is also a member of the same force
5 component as the accused.

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

9 1. An admonition;

10 2. A reprimand;

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

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

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

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

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

21 8. Restriction to certain specified limits, with or without
22 suspension from duty, for not more than fourteen (14) days, which
23 need not be consecutive.
24

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

4 1. An admonition;

5 2. A reprimand;

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

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

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

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

17 7. Extra duties, including fatigue or other duties, for not
18 more than forty-five (45) 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 sixty (60) days which need
21 not be consecutive.

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

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

1 a. any punishment authorized in subsection E of this
2 section, except for the punishments provided in
3 paragraphs 6 and 7 of subsection E of this section,
4 and

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

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

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

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

20 H. Once the commanding officer has determined that nonjudicial
21 punishment is appropriate, the commanding officer shall provide
22 reasonable notice to the member of his or her intent to impose
23 nonjudicial punishment. At the time the commanding officer provides
24 notification as required in this subsection, the member shall be

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

16 I. The right to demand trial by court-martial in lieu of
17 nonjudicial punishment shall arise only when arrest in quarters or
18 restriction will be considered as punishments. If the commanding
19 officer determines that arrest in quarters or restriction will be
20 considered as punishments, prior to the offer of nonjudicial
21 punishment the member shall be notified in writing of the right to
22 demand trial by court-martial. Should the commanding officer
23 determine that the punishment options will not include arrest in
24 quarters or restriction, the member shall be notified that there is

1 no right to trial by court-martial in lieu of nonjudicial
2 punishment. Upon notification by the commanding officer of his or
3 her intent to impose nonjudicial punishment that includes arrest in
4 quarters or restriction, the member shall be afforded a reasonable
5 amount of time to confer with legal counsel and to prepare a
6 response.

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

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

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

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

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

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

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

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

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

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

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

23 2. If necessary to maintain good order and discipline within
24 the unit, the commanding officer who imposed the nonjudicial

1 punishment may order the member to drill on alternate dates and in
2 alternate locations. The order shall be reduced to writing and
3 shall become part of the record of 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 member upon trial and, when so demonstrated, it
10 shall be considered in determining the measure of punishment to be
11 adjudged in the event of a finding or verdict of guilty.

12 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 commanding
19 officer determines that nonjudicial punishment is appropriate for a
20 particular member, all known offenses determined to be appropriate
21 for disposition by nonjudicial punishment and ready to be considered
22 at that time, including all offenses arising from a single incident
23 or course of conduct, shall be considered together and shall not be
24 made the basis for multiple punishments. This subsection shall in

1 no way restrict the right of a commanding officer to prefer court-
2 martial charges for an offense previously punished under the
3 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 member is absent without authority
9 shall be excluded in computing the period of limitation prescribed
10 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~~ commanding officer ~~in~~
3 ~~charge who possesses the rank of colonel~~ may consider reduction in
4 rank as a possible punishment.

5 SECTION 5. AMENDATORY 44 O.S. 2021, Section 271, as
6 amended by Section 18, Chapter 344, O.S.L. 2025 (44 O.S. Supp. 2025,
7 Section 271), is amended to read as follows:

8 Section 271. A. The provisions of this section shall not be
9 operative and no payments shall be made from the Oklahoma National
10 Guard Supplemental Retirement Pay Revolving Fund created in Section
11 ~~19 272 of this act title until November 1, 2027~~ January 1, 2027, or
12 until funds are appropriated, whichever date is earlier.

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

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

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

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

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

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

17 E. Any benefit payable to an eligible member of the Oklahoma
18 National Guard shall only be payable during the member's lifetime,
19 and no benefit authorized pursuant to the provisions of this section
20 shall be payable to a beneficiary other than amounts paid to a
21 member prior to the member's death which are payable to another
22 person pursuant to the provisions of a joint tenancy bank account
23 with a right of survivorship naming a person or persons as
24 beneficiary, a bank account with a transfer on death or payable on

1 death feature, an express trust, including, but not limited to, a
2 trust created by the payee member during his or her lifetime, a will
3 or the statute of intestate succession for distribution of the
4 assets of a person who does not otherwise provide for the
5 disposition of his or her assets after death.

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

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

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

1 during which payments are prorated pursuant to this subsection, the
2 next increment of available funds shall be used to make payments to
3 the eligible members whose payment amounts were prorated to
4 compensate for the reduction made in the prior payment period.

5 SECTION 6. AMENDATORY 70 O.S. 2021, Section 14-140, as
6 amended by Section 20, Chapter 344, O.S.L. 2025 (70 O.S. Supp. 2025,
7 Section 14-140), is amended to read as follows:

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

11 B. As used in this act:

12 1. "Technology center school" means a technology center school
13 under the governance of the State Board of Career and Technology
14 Education;

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

19 3. "Program" means the Oklahoma National Guard CareerTech
20 Assistance Program established pursuant to the provisions of this
21 section.

22 C. 1. There is hereby created the Oklahoma National Guard
23 CareerTech Assistance Program to provide assistance to eligible
24 Guard members who enroll in a technology center school. Subject to

1 the availability of funds, the amount of assistance shall be
2 equivalent to the amount of tuition for a career and technology
3 program in which the eligible Guard member is enrolled leading to
4 certification or licensure, not to exceed a maximum of three (3)
5 years.

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

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

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

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

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

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

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

7 F. To retain eligibility for the program, an eligible Guard
8 member shall:

9 1. Maintain good academic standing and satisfactory progress
10 according to standards of the technology center school in which the
11 member is enrolled;

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

15 3. Maintain a minimum grade point ~~of~~ average of 2.0 on a 4.0
16 scale;

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

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

21 ~~G.~~ F. An eligible Guard member seeking assistance pursuant to
22 the provisions of this section shall submit an application on a form
23 prescribed by the Military Department of the State of Oklahoma to
24 the Educational Service Office of the Military Department prior to

1 the semester for which assistance is sought. The eligible Guard
2 member's Commander or his or her designee shall confirm a member's
3 standing and eligibility to the technology center school in which
4 the student is enrolled. The Military Department may establish a
5 cap on the number of eligible Guard members allowed to participate
6 per semester per technology center school program.

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

11 ~~I. An eligible Guard member seeking assistance pursuant to this~~
12 ~~section who is eligible for federal education benefits for~~
13 ~~vocational training shall exhaust all such federal benefits, when~~
14 ~~available, first.~~

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

20 1. Determine the total amount of assistance provided pursuant
21 to the provisions of this section;

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

1 3. Multiply the amount determined in paragraph 2 of this
2 subsection by the number of months the member did not fulfill the
3 requirements of paragraph 4 of subsection ~~F~~ E of this section.
4 Repayments shall be deposited into the Oklahoma National Guard
5 CareerTech Assistance Revolving Fund created pursuant to Section ~~2~~
6 14-141 of this ~~act~~ title.

7 ~~K.~~ I. An eligible Guard member who has received program
8 assistance pursuant to the provisions of this section and who fails
9 to comply with the provisions of paragraph 4 of subsection ~~F~~ E of
10 this section due to hardship circumstances may request a waiver from
11 repayment. A waiver request shall be submitted in writing to the
12 Adjutant General.

13 ~~L.~~ J. By July 1 annually, the State Board of Career and
14 Technology Education shall notify the Adjutant General of the amount
15 of funding available in the Oklahoma National Guard CareerTech
16 Assistance Revolving Fund created pursuant to Section ~~2~~ 14-141 of
17 this ~~act~~ title.

18 ~~M.~~ K. The State Board of Career and Technology Education shall
19 promulgate rules to implement the provisions of this act, including
20 deadlines for submission of applications required by subsection ~~G~~ F
21 of this section. The Military Department of the State of Oklahoma
22 shall promulgate regulations pertaining to the application process
23 and the determination of eligibility for the program. The Board and
24 the Department shall coordinate the promulgation of rules and

1 regulations, respectively. ~~The Adjutant General may promulgate~~
2 ~~regulations to implement the provisions of this act.~~

3 L. An eligible Guard member seeking assistance pursuant to this
4 section who is eligible for federal education benefits for
5 vocational training or higher education shall first exhaust all such
6 federal benefits, subject to availability.

7 SECTION 7. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 14-140.1 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

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

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3231.1 of Title 70, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Subject to the provisions of this section, the Adjutant
8 General may permit a qualifying member described in Section 3231 of
9 this title who is entitled to education assistance to elect to
10 transfer to one or more of the dependents specified in subsection C
11 of this section a portion of such individual's entitlement to such
12 assistance, subject to the limitation under subsection D of this
13 section.

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

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

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

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

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

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

4 1. If the member separated from active duty before January 1,
5 2013, the spouse may use the benefits for up to fifteen (15) years
6 after the member's separation from active duty; and

7 2. If the member separated from active duty on or after January
8 1, 2013, the spouse may use the benefits at any time with no time
9 limitations.

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

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

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

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

19 Section 235. There is hereby created the Oklahoma National
20 Guard Museum, to be under the supervision of the Adjutant General.
21 The Adjutant General may appoint an Executive Director to oversee
22 the daily operations and maintenance of the museum and perform other
23 duties as requested by the Adjutant General. Appropriate state
24 agencies are directed to make available, for display of items of

1 historical significance and necessary space for administration, ~~the~~
2 ~~buildings presently occupied by the Oklahoma Military Department,~~
3 ~~located in the vicinity of 36th Street and North Eastern in Oklahoma~~
4 ~~City, Oklahoma. The building herein referred to shall be made~~
5 ~~available by the Adjutant General as soon as same is no longer~~
6 ~~needed by and is vacated by the Oklahoma Military Department~~ at the
7 Oklahoma National Guard Museum building located at 3301 NE Grand
8 Blvd. in Oklahoma City. The Executive Director, subject to the
9 approval of the Adjutant General, may ~~lease to the 45th Infantry~~
10 ~~Division Association, for periods not exceeding one (1) year and~~
11 ~~with provisions for renewal from year to year, an area to be used as~~
12 ~~a gift shop, if the lease does not interfere with its use by the~~
13 ~~Oklahoma National Guard Museum~~ establish a gift shop in a designated
14 area of the Oklahoma National Guard Museum. The proceeds of the
15 sales from the gift shop shall ~~remain with the 45th Infantry~~
16 ~~Division Association for operating purposes~~ be deposited in the
17 Oklahoma National Guard Museum Fund.

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

20 Section 235.1. There is hereby created in the State Treasury a
21 ~~special~~ revolving fund for the Oklahoma Military Department to be
22 known as the "Oklahoma National Guard Museum Fund", which fund shall
23 consist of donations received for operation and maintenance of the
24 museum, proceeds from the rental of the museum event center, and

monies received from the sale of Armed Forces Veterans Motorcycle License Plates and Global War on Terrorism License Plates pursuant to Section 1135.5 of Title 47 of the Oklahoma Statutes, and proceeds from sales in the Oklahoma National Guard Museum gift shop. The fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Oklahoma Military Department. Expenditures from the fund created by this section shall be used exclusively for expenses of operation and maintenance of the Oklahoma National Guard Museum and shall be made pursuant to the laws of this state and without legislative appropriation. Warrants for expenditures from the fund shall be drawn by the State Treasurer, based on claims signed by an authorized employee of the department and approved for payment by the Director of the Office of Management and Enterprise Services.

SECTION 11. AMENDATORY 44 O.S. 2021, Section 235, is amended to read as follows:

Section 235. There is hereby created the Oklahoma National Guard Museum, to be under the supervision of the Adjutant General. The Adjutant General may appoint an Executive Director to oversee the daily operations and maintenance of the museum and perform other duties as requested by the Adjutant General. Appropriate state agencies are directed to make available, for display of items of historical significance and necessary space for administration, ~~the buildings presently occupied by the Oklahoma Military Department,~~

1 ~~located in the vicinity of 36th Street and North Eastern in Oklahoma~~
2 ~~City, Oklahoma. The building herein referred to shall be made~~
3 ~~available by the Adjutant General as soon as same is no longer~~
4 ~~needed by and is vacated by the Oklahoma Military Department at the~~
5 Oklahoma National Guard Museum building located at 3301 NE Grand
6 Blvd, in Oklahoma City. The Executive Director, subject to the
7 approval of the Adjutant General, ~~may lease to the 45th Infantry~~
8 ~~Division Association, for periods not exceeding one (1) year and~~
9 ~~with provisions for renewal from year to year, an area to be used as~~
10 ~~a gift shop, if the lease does not interfere with its use by the~~
11 ~~Oklahoma National Guard Museum~~ may establish a gift shop in a
12 designated area of the Oklahoma National Guard Museum. The proceeds
13 of the sales from the gift shop shall ~~remain with the 45th Infantry~~
14 ~~Division Association for operating purposes~~ be deposited in the
15 Oklahoma National Guard Museum Fund.

16 SECTION 12. AMENDATORY 44 O.S. 2021, Section 235.1, is
17 amended to read as follows:

18 Section 235.1. There is hereby created in the State Treasury a
19 ~~special~~ revolving fund for the Oklahoma Military Department to be
20 known as the "Oklahoma National Guard Museum Fund", which fund shall
21 consist of donations received for operation and maintenance of the
22 museum, proceeds from the rental of the museum event center, and
23 monies received from the sale of Armed Forces Veterans Motorcycle
24 License Plates and Global War on Terrorism License Plates pursuant

1 to Section 1135.5 of Title 47 of the Oklahoma Statutes, and proceeds
2 from sales in the Oklahoma National Guard Museum Gift Shop. The
3 fund shall be a continuing fund not subject to fiscal year
4 limitations and shall be under the administrative direction of the
5 Oklahoma Military Department. Expenditures from the fund created by
6 this section shall be used exclusively for expenses of operation and
7 maintenance of the Oklahoma National Guard Museum and shall be made
8 pursuant to the laws of this state and without legislative
9 appropriation. Warrants for expenditures from the fund shall be
10 drawn by the State Treasurer, based on claims signed by an
11 authorized employee of the department and approved for payment by
12 the Director of the Office of Management and Enterprise Services.

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

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