

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2118 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Chris Kannady

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2118

By: Kannady of the House

and

Woods of the Senate

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to militia; amending 44 O.S. 2021,
11 Section 21, which relates to the establishment of the
12 Oklahoma Military Department; modifying Adjutant
13 General's duties; amending 44 O.S. 2021, Section 24;
14 which relates to the appointment and eligibility of
15 the Adjutant General; modifying eligibility
16 requirements; amending 44 O.S. 2021, Section 25,
17 which relates to the rank of the Adjutant General;
18 adding a compensation guideline; amending 44 O.S.
19 2021, Section 26, which relates to authority and
20 duties of the Adjutant General; adding authority to
21 arm members; adding ability to accept donations for
22 Oklahoma National Guard programs; adding authority as
23 chief over the fire protection and police units under
24 the Oklahoma Military Departments; amending Section
1, Chapter 74, O.S.L. 2022 (44 O.S. Supp. 2024,
Section 233.10a), which relates to the Oklahoma
Military Department technology hardware or software;
exempting federal programs from Information Services
Division requirements; amending 44 O.S. 2021, Section
243, which relates to the rules and regulations over
the Oklahoma Military Department; modifying a
compensation regulation; amending 44 O.S. 2021,
Section 815, which relates to the exercise of
nonjudicial punishment; modifying certain titles;
amending 44 O.S. 2021, Section 821, which relates to
convening of court-martial; establishing guidelines
for convening of court-martial by federal officials;

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

1 Oklahoma National Guard CareerTech Assistance
2 Revolving Fund; specifying source of fund; providing
3 for expenditures; providing purpose of fund;
4 providing for transfer of benefits for dependents;
5 repealing 44 O.S. 2021, Section 940b, which relates
6 to military publications; providing for codification;
7 and providing an effective date.

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

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

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

1 necessary by the Governor as Commander in Chief and ~~as may be~~
2 ~~authorized by law and Army National Guard regulations and Air~~
3 ~~National Guard regulations~~ the Adjutant General.

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

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

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

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

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

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

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

1 ~~least two (2) years in active federal service in the grade of~~
2 ~~Colonel or higher.~~

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

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

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

1 be delegated by the Adjutant General to an Assistant Adjutant
2 General but such delegation shall be accomplished in writing and
3 shall be considered a military publication, as defined in Section
4 801 of this title (Article 1).

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

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

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

20 Section 26. A. The Adjutant General shall be in control of the
21 Military Department of the State of Oklahoma, subordinate only to
22 the Governor. Within the limitations and under the provisions of
23 law, he or she shall supervise and direct the Oklahoma National
24 Guard within the service of the state and when under state control

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

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

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

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

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

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

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

24

1 H. The Adjutant General shall serve as the chief of all fire
2 protection units operating under the Oklahoma Military Department
3 and shall supervise and administer the fire protection units in
4 accordance with the rules and procedures prescribed by the Military
5 Department.

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

10 SECTION 5. AMENDATORY Section 1, Chapter 74, O.S.L. 2022
11 (44 O.S. Supp. 2024, Section 233.10a), is amended to read as
12 follows:

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

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

1 Section 243. A. The Governor is hereby authorized to prescribe
2 rules and regulations governing the enlistment, organization,
3 administration, equipment, discipline and discharge of the personnel
4 of such military forces; to requisition from the Secretary of
5 Defense such arms and equipment as may be in the possession of and
6 can be spared by the Department of Defense and to extend thereto the
7 facilities of state armories, Armed Forces Reserve Centers,
8 readiness centers, logistics, aviation, and training facilities,
9 warehouses and their equipment and such other state premises and
10 property as may be available for the purpose of drill and
11 instruction. ~~Insofar as applicable the procedure for the~~
12 ~~enlistment, organization, pay, maintenance, equipment and~~
13 ~~disciplining of such forces shall be in conformity with the law and~~
14 ~~the rules and regulations governing and pertaining to the National~~
15 ~~Guard; provided, that the officers and enlisted personnel in the~~
16 ~~Oklahoma State Guard shall not receive any compensation or monetary~~
17 ~~allowances from the state except when activated for state active~~
18 ~~duty, as defined in Section 801 of this title, by order of the~~
19 ~~Governor.~~

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

24

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

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

13 Section 815. ARTICLE 15. Commanding officer's nonjudicial
14 punishment.

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

20 B. Any ~~superior commander~~ commanding officer may limit or
21 withhold the exercise of nonjudicial punishment authority by
22 subordinate commanders, including limiting authority over certain
23 categories of military personnel or offenses. Likewise, individual
24 cases may be reserved by a superior commander. A superior authority

1 may limit or withhold any power that a subordinate might otherwise
2 exercise under this section.

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

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

11 1. An admonition;

12 2. A reprimand;

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

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

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

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

21 7. Extra duties, including fatigue or other duties, for not
22 more than fourteen (14) days, which need not be consecutive; and
23
24

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

4 E. Any Except as provided in subsection S of this section, any
5 commanding officer of the grade of major or above may impose upon
6 enlisted members of the officer's 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 not more than one-half (1/2) of one (1)
12 month's pay per month for two (2) months;

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

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

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

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

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

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

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

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

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

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

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

23 H. Once the ~~commander~~ commanding officer has determined that
24 nonjudicial punishment is appropriate, the ~~commander~~ commanding

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

19 I. The right to demand trial by court-martial in lieu of
20 nonjudicial punishment shall arise only when arrest in quarters or
21 restriction will be considered as punishments. If the commanding
22 officer determines that arrest in quarters or restriction will be
23 considered as punishments, prior to the offer of nonjudicial
24 punishment the ~~accused~~ member shall be notified in writing of the

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

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

- 16 1. Reduction in grade to forfeiture of pay;
- 17 2. Arrest in quarters to restriction; or
- 18 3. Extra duties to restriction.

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

24

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

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

18 M. Whenever nonjudicial punishment is imposed under this
19 section:

20 1. After adjudication and while the punishment is being carried
21 out or while the adjudged punishment is pending before the appellate
22 authority, the commander or officer in charge who imposed the
23 nonjudicial punishment, upon the request of the ~~accused~~ member, may:
24

- 1 a. excuse the ~~accused~~ member from attendance at scheduled
2 unit training assemblies, or
3 b. arrange for the ~~accused~~ member to drill on alternate
4 dates and in alternate locations; or

5 2. If necessary to maintain good order and discipline within
6 the unit, the ~~commander or officer in charge~~ commanding officer who
7 imposed the nonjudicial punishment may order the ~~accused~~ member to
8 drill on alternate dates and in alternate locations. The order
9 shall be reduced to writing and shall become part of the record of
10 nonjudicial punishment.

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

22 O. When nonjudicial punishment has been imposed for an offense,
23 punishment shall not again be imposed for the same offense under
24 this section. Once nonjudicial punishment has been imposed, it may

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

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

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

22 R. The Adjutant General may promulgate regulations prescribing
23 the type and form of records to be kept of proceedings conducted
24 pursuant to this section. The Adjutant General may promulgate any

1 other regulations necessary to carry out the provisions of this
2 section.

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

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

14 Section 821. ~~RESERVED~~ ARTICLE 21. Convening of court-martial
15 by federal officials.

16 In no case shall the President of the United States, the
17 Secretary of Defense, the secretary of a military department, a
18 military officer serving on active duty within the meaning of Title
19 10 of the United States Code, or any other federal official convene
20 a court-martial proceeding pursuant to the Oklahoma Military Code
21 unless prior consent has been granted by the Governor. Such
22 consent, if granted by the Governor, shall be accomplished in
23 writing and shall be published by the Governor.

24

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

3 Section 875. ARTICLE 75. Restoration.

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

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

16 C. If a previously executed sentence of dismissal is not
17 imposed on a new trial, the Adjutant General shall substitute
18 therefor a form of discharge authorized for administrative issue,
19 and the commissioned officer dismissed by that sentence may be
20 reappointed ~~pursuant to Sections 875 and 12203 of Title 10 of the~~
21 ~~United States Code and any applicable regulations prescribed~~
22 ~~thereunder by the President of the United States or the Secretary~~
23 concerned solely by the Governor to such commissioned grade and with
24 such rank as in the opinion of the Governor that former officer

1 would have attained had he or she not been dismissed. The
2 reappointment of such a former officer shall be without regard to
3 the existence of a vacancy and shall affect the promotion status of
4 other officers only insofar as the Governor may direct. All time
5 between the dismissal and the reappointment shall be considered as
6 actual service for all purposes, including the right to pay and
7 allowances.

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

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

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

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

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

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

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

3 Section 912. Drunkenness and other incapacitation offenses.

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

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

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

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

16 Section 912a. Wrongful use, possession, etc., of controlled
17 substances.

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

20 Section 934. ARTICLE 134 General Article.

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

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

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

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

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

23 2. Such articles shall be explained again:
24

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

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

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

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

20 ARTICLE 140C. Manual for Courts-Martial.

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

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

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

6 The co-located readiness and joint operating center facilities
7 constructed by the Military Department or on behalf of the
8 Military

9 Department shall be named the "Benjamin T. Walkingstick National
10 Guard Complex".

11 SECTION 18. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 14-140 of Title 70, unless there
13 is created a duplication in numbering, reads as follows:

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

16 B. As used in this act:

17 1. "Technology center school" means a technology center school
18 under the governance of the State Board of Career and Technology
19 Education;

20 2. "Eligible Guard member" means a current member of the
21 Oklahoma National Guard in good standing who has a high school
22 diploma or who has completed General Educational Development (GED)
23 requirements and who has enrolled in a technology center school; and
24

1 3. "Program" means the Oklahoma National Guard CareerTech
2 Assistance Program established pursuant to the provisions of this
3 section.

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

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

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

21 D. Assistance provided pursuant to this section shall be
22 allocated to the technology center school from the Oklahoma National
23 Guard CareerTech Assistance Revolving Fund created pursuant to
24 Section 2 of this act.

1 E. To be eligible to apply for the program, an eligible Guard
2 member shall:

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

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

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

12 F. To retain eligibility for the program, an eligible Guard
13 member shall:

14 1. Maintain good academic standing and satisfactory progress
15 according to standards of the technology center school in which the
16 member is enrolled;

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

20 3. Maintain a minimum grade point of average of 2.0 on a 4.0
21 scale;

22 4. Maintain satisfactory participation in the Oklahoma National
23 Guard; and
24

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

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

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

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

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

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

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 of this section.
4 Repayments shall be deposited into the Oklahoma National Guard
5 CareerTech Assistance Revolving Fund created pursuant to Section 2
6 of this act.

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

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

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

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

3 SECTION 19. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 14-140.1 of Title 44, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Subject to the provisions of this section, the Adjutant
7 General may permit a qualifying member described in Section 18 of
8 this act who is entitled to education assistance under this act to
9 elect to transfer to one or more of the dependents specified in
10 subsection C a portion of such individual's entitlement to such
11 assistance, subject to the limitation under subsection D.

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

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

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

21 C. Eligible dependents.

22 1. An individual approved to transfer an entitlement to
23 educational assistance under this section may transfer the
24

1 individual's entitlement to an eligible dependent or a combination
2 of eligible dependents.

3 2. For purposes of this subsection, the term "eligible
4 dependent" has the meaning given the term "dependent" under
5 subparagraphs A, D, and I of Section 1072(2) of Title 10 of the
6 United States Code.

7 D. Limitation of months of transfer - the total number of
8 months of entitlement transferred by an individual under this
9 section may not exceed thirty-six (36) months. The Adjutant General
10 may prescribe regulations that would limit the months of entitlement
11 that may be transferred under this section to no less than eighteen
12 (18) months.

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

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

17 2. Designate the number of months of such entitlement to be
18 transferred to such dependent.

19 F. Time for transfer; revocation and modification:

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

1 2. An individual transferring entitlement under this section
2 may modify or revoke at any time the transfer of any unused portion
3 of the entitlement so transferred. The modification or revocation
4 of the transfer of entitlement under this subsection shall be made
5 by the submittal of written notice of the action to the Adjutant
6 General and Governor.

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

10 G. A dependent to whom entitlement to educational assistance is
11 transferred under this section may not commence the use of the
12 transferred entitlement until:

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

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

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

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

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

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

1 b. either:

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

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

7 H. Additional Administrative Matters.

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

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

14 a. in the case of entitlement transferred to a spouse
15 under this section, the spouse is entitled to
16 educational assistance under this chapter in the same
17 manner as the individual from whom the entitlement was
18 transferred as if the individual were not on active
19 duty,

20 b. in the case of entitlement transferred to a child
21 under this section, the child is entitled to
22 educational assistance under this act in the same
23 manner as the individual from whom the entitlement was
24

1 transferred as if the individual were not on active
2 duty,

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

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

10 b. in the case of a child, at the same rate as such
11 entitlement would otherwise be payable under this
12 chapter to the individual making the transfer as if
13 the individual were not on active duty.

14 4. Death of transferor: The death of an individual
15 transferring an entitlement under this section shall not affect the
16 use of the entitlement by the dependent to whom the entitlement is
17 transferred.

18 a. Death prior to transfer to designated transferees: In
19 the case of an eligible individual whom the Adjutant
20 General has approved to transfer the individual's
21 entitlement under this section who, at the time of
22 death, is entitled to educational assistance under
23 this chapter and has designated a transferee or
24 transferees under subsection E but has not transferred

1 all of such entitlement to such transferee or
2 transferees, the Adjutant General shall transfer the
3 entitlement of the individual under this section by
4 evenly distributing the amount of such entitlement
5 between all such transferees who would not be
6 precluded from using some or all of the transferred
7 benefits due to the expiration of time limitations
8 found in paragraph 5 of this subsection
9 notwithstanding the limitations under subsection F.

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

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

22 a. In general. A child to whom entitlement is
23 transferred under this section may use the benefits
24 transferred without regard to the fifteen-year

1 delimiting date specified in this act, but may not,
2 except as provided in subparagraph b or c, use any
3 benefits so transferred after attaining the age of
4 twenty-six (26) years.

5 b. Primary caregivers of seriously injured members of the
6 armed forces and veterans.

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

16 (2) Inapplicability for revocation.

17 Division (1) shall not apply with respect to the period of an
18 individual as a primary provider of personal care services if the
19 period concludes with the revocation of the individual's designation
20 as such a primary provider.

21 (3) Date for commencement of use. The date specified
22 in this division for the beginning of the use of
23 benefits by a child under division (1) is the
24 later of

- 1 (a) the date on which the child ceases acting as
2 the primary provider of personal care
3 services for the veteran or member concerned
4 as described in division (1),
5 (b) the date on which it is reasonably feasible,
6 as determined under regulations prescribed
7 by the Adjutant General, for the child to
8 initiate or resume the use of benefits, or
9 (c) the date on which the child attains the age
10 of twenty-six (26) years.

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

- 14 a. begins on the date on which the child begins acting as
15 the primary provider of personal care services for the
16 veteran or member concerned as described in division
17 (1), and
18 b. ends on the later of:
19 (1) the date on which the child ceases acting as the
20 primary provider of personal care services for
21 the veteran or member as described in division
22 (1), or
23
24

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

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

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

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

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

3 I. Overpayment.

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

9 2. Failure to complete service agreement.

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

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

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

2 J. Regulations.

3 1. The Adjutant General shall prescribe regulations for
4 purposes of this section.

5 2. Such regulations shall specify:

6 a. the manner of authorizing the transfer of entitlements
7 under this section,

8 b. the eligibility criteria in accordance with subsection
9 B, and

10 c. the manner and effect of an election to modify or
11 revoke a transfer of entitlement under paragraph 2 of
12 subsection F.

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

17 K. In the case of a dependent to whom entitlement to
18 educational assistance is transferred under this section who dies
19 before using all of such entitlement, the individual who transferred
20 the entitlement to the dependent may transfer any remaining
21 entitlement to a different eligible dependent, notwithstanding
22 whether the individual is serving as a member of the Armed Forces
23 when such transfer is executed.

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

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

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

1 Director of the Office of Management and Enterprise Services for
2 approval and payment.

3 SECTION 21. REPEALER 44 O.S. 2021, Section 940b, is
4 hereby repealed.

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

6
7 60-1-13375 TKR 03/24/25

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24