

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 59<sup>th</sup> Legislature

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|------------------------|---------------------|
| <b>Bill No.:</b>       | <b>HB3712</b>       |
| <b>Version:</b>        | <b>FULLPCS2</b>     |
| <b>Request Number:</b> | <b>10282</b>        |
| <b>Author:</b>         | <b>Rep. Kannady</b> |
| <b>Date:</b>           | <b>2/28/2024</b>    |
| <b>Impact:</b>         | <b>\$0</b>          |

**Research Analysis**

The proposed committee substitute for HB3712 provides gender-neutral language, covers several amendments, and establishes two new laws regarding the management and regulation of state military forces in Oklahoma:

- Directs the joint forces headquarters to be staffed by personnel of the state military forces, with assignments made by the Adjutant General and the Governor.
- Designates the Governor as Commander in Chief of the Militia and provides command authority over the military forces until they are called into federal service.
- Requires that the Adjutant General be a currently serving individual with at least three years of service in the Oklahoma National Guard.
- Designates that the Adjutant General be compensated at the rate of, and receive the same retirement pay as a Major General and have the authority to arm state military forces for security purposes.
- Authorizes the Military Department of Oklahoma to accept donations for a scholarship program benefiting members of the Oklahoma National Guard.
- Expands the role of the Adjutant General to oversee all fire and police units within the Oklahoma Military Department and administer them according to departmental rules. The Adjutant General may also appoint police officers.
- Clarifies that Military personnel matters will be preempted and governed by federal law, with any gaps filled by Army, Air Force, or National Guard customs.
- Creates the "Oklahoma National Guard Supplemental Retirement Pay Revolving Fund." This State Treasury established fund is ongoing and not limited by fiscal years. It comprises all monies the Oklahoma Military Department receives as provided by law.
  - These funds are appropriated for implementing the provisions of Section 3 of the act.
  - Expenditures from the fund require warrants issued by the State Treasurer upon approval and payment of claims filed with the Director of the Office of Management and Enterprise Services.
- Outlines provisions for the Oklahoma National Guard Supplemental Retirement Pay Revolving Fund:
  - Payments from the fund begin November 1, 2024.
  - Eligibility is limited to National Guard members with 25 years of service who haven't yet reached retirement age.
  - Those receiving active-duty military pensions are not eligible.
  - The payment amount is calculated based on the member's average basic pay, with adjustments for cost-of-living increases, then multiplied by 50%.
  - Payments are made monthly and rounded as necessary.
  - Benefits are only payable to the member during their lifetime, with exceptions for specific survivorship arrangements.

- Payments begin when the member becomes eligible for retirement benefits from the Defense Finance Accounting Service and cease when federal retirement benefits commence.
- Payments will be prorated among eligible members if funds are insufficient until additional funds become available.
- Includes provisions regarding nonjudicial punishment, convening of court-martial by federal officials, and reappointment of previously dismissed officers.
- Prohibits the use or ingestion of marijuana by state military forces and addresses punishment for violent offenses.
- Clarifies the scope of Article 134 and adopts the United States Manual for Court-Martial as the Oklahoma State Manual for Court-Martial.
- Prohibits Federal officials from convening court-martial proceedings under The Oklahoma Military Code without prior written consent from the Governor. If consent is granted, it must be published by the Governor.

Prepared By: House Research Staff

### **Fiscal Analysis**

The proposed committee substitute to HB 3712 modifies various responsibilities of the Adjutant General and clarifies certain provisions related to the Oklahoma Military Department. This measure also creates the Oklahoma National Guard Supplemental Retirement Pay Revolving Fund. This fund is designated to provide payments to certain National Guard members who have not yet reached retirement age. As written, no funds are provided to this revolving fund, thus this measure has no direct fiscal considerations for the state.

Prepared By: Jay St Clair, House Fiscal Staff

### **Other Considerations**

None.