

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2136

By: Burns

7 COMMITTEE SUBSTITUTE

8 An Act relating to militia; creating the Oklahoma
9 National Guard Supplemental Retirement Pay Revolving
10 Fund; providing for funding applicability and
11 eligibility requirements; determining qualifying
12 payment amounts; providing for codification; and
13 providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 271 of Title 44, unless there is
17 created a duplication in numbering, reads as follows:

18 There is hereby created in the State Treasury a revolving fund
19 for the Oklahoma Military Department to be designated the "Oklahoma
20 National Guard Supplemental Retirement Pay Revolving Fund". The
21 fund shall be a continuing fund, not subject to fiscal year
22 limitations, and shall consist of all monies received by the
23 Oklahoma Military Department from funds provided by law. All monies
24 accruing to the credit of said fund are hereby appropriated and may

1 be budgeted and expended by the Oklahoma Military Department for the
2 purpose of implementing the provisions of Section 2 of this act.
3 Expenditures from said fund shall be made upon warrants issued by
4 the State Treasurer against claims filed as prescribed by law with
5 the Director of the Office of Management and Enterprise Services for
6 approval and payment.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 272 of Title 44, unless there is
9 created a duplication in numbering, reads as follows:

10 A. The provisions of this section shall not be operative and no
11 payments shall be made from the Oklahoma National Guard Supplemental
12 Retirement Pay Revolving Fund until November 1, 2027.

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.

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

4 1. Determine the amount of retirement the member would receive
5 if the member had reached the age to accrue federal retirement
6 benefits;

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

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

16 E. Any benefit payable to an eligible member of the Oklahoma
17 National Guard shall only be payable during the member's lifetime,
18 and no benefit authorized pursuant to the provisions of this section
19 shall be payable to a beneficiary other than amounts paid to a
20 member prior to the member's death which are payable to another
21 person pursuant to the provisions of a joint tenancy bank account
22 with a right of survivorship naming a person or persons as
23 beneficiary, a bank account with a transfer on death or payable on
24 death feature, an express trust, including, but not limited to, a

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

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

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

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

1 next increment of available funds shall be used to make payments to
2 the eligible members whose payment amounts were prorated to
3 compensate for the reduction made in the prior payment period.

4 SECTION 3. This act shall become effective November 1, 2025.

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