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April 23, 2025

**AS AMENDED**

BILL NO. 2136

By: Burns of the House

and

## Gollihare of the Senate

[ militia - Revolving Fund - funding applicability  
and eligibility requirements - payment amounts -  
codification - effective date ]

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

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

There is hereby created in the State Treasury a revolving fund for the Oklahoma Military Department to be designated the "Oklahoma National Guard Supplemental Retirement Pay Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Military Department from funds provided by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Military Department for the purpose of implementing the provisions of Section 2 of this act.

1 Expenditures from said fund shall be made upon warrants issued by  
2 the State Treasurer against claims filed as prescribed by law with  
3 the Director of the Office of Management and Enterprise Services for  
4 approval and payment.

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

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

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

23 C. The provisions of this section shall not be applicable to  
24 any person who retires with an active duty military pension.

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

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

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

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

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

1 assets of a person who does not otherwise provide for the  
2 disposition of his or her assets after death.

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

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

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

1 the eligible members whose payment amounts were prorated to  
2 compensate for the reduction made in the prior payment period.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
5 April 23, 2025 - DO PASS AS AMENDED  
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