

BILL SUMMARY
1st Session of the 60th Legislature

Bill No.:	HB 2769
Version:	FULLPCS1
Request Number:	13735
Author:	Rep. Caldwell (Trey)
Date:	5/18/2025
Impact:	See Analysis Below

Research Analysis

The proposed committee substitute for HB2769 amends numerous provisions related to the powers, duties, qualifications, pay and retirement benefits of the Adjutant General. To become the Adjutant General, the appointee must be a higher ranking Oklahoma National Guard (ONG) member with at least eight years of service. The Adjutant General will also receive the same pay and retirement benefits as a Major General regardless if they had been federally recognized at this rank. The measure also grants the Adjutant General with the following powers:

- authority to arm members of the state military forces on military installations and other places under control of the Oklahoma Military Department (OMD) with weaponry;
- authority to oversee all fire and police units within the OMD;
- authority to accept donations to create a scholarship program for ONG members;
- authority to exempt the OMD from all state information technology division requirements.

The measure also requires full-time state employees that serve in a military capacity to receive the same compensation and benefits received by a full-time active duty service member at the same rank and pay and removes a prohibition on state-provided compensation or allowances to ONG members outside of state active duty pay.

The measure also amends numerous provisions of the Oklahoma Uniform Code of Military Justice by:

- requiring a member to provide a response within 45 calendar days after notification of a pending judicial punishment;
- providing that no member of the ONG will be reduced in rank except when the rank reduction results from nonjudicial punishment;
- providing that no federal officials can convene a court-martial proceeding under the Oklahoma Military Code unless prior consent has been granted by the Governor;
- granting the Governor the ability to reappoint a former officer that had been dismissed;
- requiring the Governor or Adjutant General to prescribe regulations governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial sentence is set aside;
- adding forgery as a crime punishable by court-martial;
- providing that it will be unlawful for any member of the state military forces to knowingly use or ingest marijuana products;
- adding domestic violence against a spouse, intimate partner, or an immediate family member of that person as crimes punishable by court-martial;
- requiring the articles of the code to be explained to each officer and enlisted member within 90 days of re-enlistment; and
- aligning the Oklahoma State Manual for Court-Martial with the federal version.

To provide financial assistance to ONG members that are not old enough to receive their full retirement pay, but have at least 25 years of ONG service, the measure also creates the ONG Supplemental Retirement Pay Revolving Fund. The fund may be used beginning November 1, 2027 and will provide payments to eligible ONG members when they become eligible for retirement benefits from the Defense Finance Accounting Service and end when federal retirement benefits commence.

The measure also creates the Oklahoma National Guard Career Assistance Program to provide financial assistance to ONG members that enroll in a technology center school. Subject to the availability of funds, a member may qualify for full tuition assistance for up to three years with conditions for repayment if the member fails to maintain satisfactory participation in the ONG. An eligible member may also elect to transfer their education assistance benefits to a dependent with permission from the Adjutant General.

Lastly, the measure names the co-located readiness and joint operating center facilities constructed for the OMD the "Benjamin T. Walkingstick National Guard Complex and repeals [44 O.S. 2021, Section 940b](#).

Prepared By: Quyen Do

Fiscal Analysis

The proposed committee substitute to HB 2769 modifies certain requirements, eligibilities, duties, and compensation relating to the Oklahoma Military Department and Adjutant General. In addition, the measure modifies language regarding certain reductions in rank, program exemptions, procedural deadlines, forgery, marijuana, domestic violence, and the convening of court-martial by federal officials. The measure also adds new law providing a name for the "Benjamin T. Walkingstick National Guard Complex" and adoption of the Oklahoma State Manual for Courts-Martial. Any costs associated with implementation of the measure are anticipated to be minimal.

Prepared By: Zach Lein, House Fiscal Staff

Other Considerations

None.