

---

---

# A BILL FOR AN ACT

RELATING TO HAWAII NATIONAL GUARD RETIREMENT BENEFITS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that not only is climate  
2 change real, but it is the overriding challenge of the  
3 twenty-first century and one of the priority issues of the  
4 legislature. Climate change poses immediate and long-term  
5 threats to the State's economy, sustainability, security, and  
6 way of life.

7           The legislature recognizes that the fourth national climate  
8 assessment, released in November 2018 by the United States  
9 global change research program, analyzed the effects of climate  
10 change on the environment, economy, and human health, and  
11 reported the trends in global change with projected major trends  
12 for the coming decade through the end of the twenty-first  
13 century. Chapter 27 of the assessment describes climate-related  
14 risks for Hawaii and the United States-affiliated Pacific  
15 Islands and increased hazards ranging from increased storm  
16 frequency, episodic flooding, increased precipitation, drought,  
17 and wildfire.



1           The legislature further finds that the Hawaii National  
2 Guard's state active duty activation rates have increased along  
3 with the increase of local hazards relating to Hawaii's changing  
4 climate. In 2017, United States General Joseph L. Lengyel,  
5 Chief of the National Guard Bureau and member of the Joint  
6 Chiefs of Staff, acknowledged that America's climate is  
7 changing, and hazardous storms are "becoming bigger, larger, and  
8 more violent." General Lengyel acknowledged that the national  
9 guard serves as "the military domestic response force."

10           The legislature also finds that the Hawaii national guard  
11 was activated multiple times to provide disaster response under  
12 the emergency proclamation for Kauai flooding in 2018 and the  
13 lava emergency proclamation in 2018 and was extended multiple  
14 times through supplemental emergency proclamations. These state  
15 active duty activations led Hawaii national guard members to  
16 serve for as long as six months of continuous service.

17           The legislature additionally finds that states including  
18 Alabama, California, Michigan, and Texas have expanded  
19 retirement benefits for national guard members who have been  
20 activated by their respective state governor through state  
21 active duty orders.



1 The purpose of this Act is to:

2 (1) Provide for service credit for time in service when  
3 military personnel are called to active duty in the  
4 State;

5 (2) Include members of the Hawaii National Guard ordered  
6 into active service by the governor within the  
7 definition of "employee" under certain circumstances,  
8 for purposes of the state deferred compensation  
9 retirement plan; and

10 (3) Require the department of human resources development  
11 to conduct a study and recommend state retirement  
12 benefits for Hawaii National Guard members who are  
13 activated under state active duty orders and Hawaii  
14 National Guard members who are retired.

15 SECTION 2. Chapter 88, Hawaii Revised Statutes, is amended  
16 by adding a new section to part II, subpart E, to be  
17 appropriately designated and to read as follows:

18 "§88- Credit for military service; active duty. When  
19 ordered to active duty in the State, military personnel shall  
20 receive service credit for time in service while serving on



1 active duty. This service credit shall count toward retirement  
2 if the individual is also a current state or county employee."

3 SECTION 3. Section 88F-1, Hawaii Revised Statutes, is  
4 amended by amending the definition of "employee" to read as  
5 follows:

6 ""Employee" means a part-time, temporary, seasonal or  
7 casual employee, as defined by rules of the board of trustees,  
8 who is not eligible to participate in the employees' retirement  
9 system of the State under chapter 88. "Employee" shall include  
10 any member of the Hawaii National Guard for a period of active  
11 service that begins when the member has been ordered into active  
12 service by the governor pursuant to section 121-30 and ends when  
13 the member is relieved from duty by order of the proper  
14 authority pursuant to section 121-29."

15 SECTION 4. (a) The department of human resources  
16 development shall conduct a study on retirement benefits for  
17 Hawaii National Guard members who are activated under state  
18 active duty orders and Hawaii National Guard members who are  
19 retired.

20 (b) The study shall, at minimum:



- 1           (1) Review and summarize retirement benefits policies and  
2           programs provided by other states for national guard  
3           members activated under state active duty orders and  
4           national guard members who are retired;
- 5           (2) Recommend a program with policies to provide Hawaii  
6           National Guard members with retirement benefits for  
7           any future activations under state active duty orders  
8           and retroactive retirement benefits from the events  
9           related to the emergency proclamations in 2018;  
10          provided that the department of human resources  
11          development finds that such a program is viable and  
12          feasible; and
- 13          (3) Identify and recommend any potential legislation that  
14          is necessary to provide retirement benefits to Hawaii  
15          National Guard members activated by state active duty  
16          orders and Hawaii National Guard members who are  
17          retired.
- 18          (c) The department of human resources development shall  
19          submit a report to the legislature detailing the findings and  
20          recommendations of the study, including any proposed



1 legislation, no later than twenty days prior to the convening of  
2 the regular session of 2022.

3 SECTION 5. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2021-2022 for  
6 the study and report required pursuant to section 4 of this Act.

7 The sum appropriated shall be expended by the department of  
8 human resources development for the purposes of this Act.

9 SECTION 6. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 3050.



**Report Title:**

Department of Human Resources Development; National Guard;  
Service Credit; Deferred Compensation; Study; Appropriation

**Description:**

Provides for ERS service credit for time in service when military personnel are called to active duty in the State. Includes members of the Hawaii National Guard ordered into active service by the governor in the definition of "employee" under certain circumstances, for purposes of the state deferred compensation retirement plan. Requires the department of human resources development to conduct a study on retirement benefits for National Guard members who are activated under state active duty orders and National Guard members who are retired; recommend a program with policies to provide Hawaii National Guard members with retirement benefits; and submit findings and recommendations, including potential legislation, to the legislature prior to the regular session of 2022. Appropriates funds. Effective 7/1/3050. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

