

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO ACTIVE DUTY MILITARY ENTITLEMENTS.

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

1           SECTION 1. The purpose of this Act is to ensure that  
2 military personnel, when called to active duty, are paid without  
3 delay at the same rate as their active duty counterparts and are  
4 entitled to basic allowance for housing. This Act also provides  
5 for service credit for military personnel called to active duty.

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

9           "§88-     Credit for military service; active duty. When  
10 ordered to active duty in the State, military personnel shall  
11 receive service credit for time in service while serving on  
12 active duty. This service credit shall count toward  
13 retirement."

14           SECTION 3. Section 121-40, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "§121-40 Pay of enlisted personnel while on active duty.

17           (a) Enlisted personnel of the army and air national guard while



1 on active duty in the service of the State, except during  
2 periods of annual field training or year-round field training,  
3 shall receive the same pay and allowances as enlisted personnel  
4 of similar rank in the United States Army and Air Force  
5 respectively; provided that the:

6 (1) State shall allow enlisted personnel to directly  
7 deposit their pay by electronic means to their  
8 personal banking accounts; and

9 (2) Aggregate of the pay and allowances, computed on a  
10 daily basis, shall in no event be less than the amount  
11 equal to ten times the hourly wage specified in  
12 section 387-2.

13 (b) When ordered to active duty, enlisted personnel of the  
14 army and air national guard shall be paid without delay from the  
15 date of deployment and, subject to rules adopted by the  
16 governor, shall be entitled to basic allowance for housing."

17 SECTION 4. Section 121-42, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§121-42 No pay without orders. No officer or enlisted  
20 member of the army or air national guard shall be entitled to  
21 receive the pay herein provided unless the orders detailing the



1 officer or enlisted member for duty or subsequent orders,  
2 specify that pay is to be received for the service rendered[-];  
3 provided that if a non-active duty officer or enlisted member of  
4 the army or air national guard is ordered to active duty, that  
5 military member shall be paid without delay from the date of  
6 deployment and, subject to rules adopted by the governor, shall  
7 be entitled to basic allowance for housing."

8 SECTION 5. Section 122A-8, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§122A-8 Pay and allowances.** (a) When in the active  
11 service of the State, members of the Hawaii state defense force  
12 shall receive from the State the same basic pay and allowance  
13 for subsistence as prescribed by federal law and regulations for  
14 members of the army national guard, of like grade and length of  
15 service, when in the active service of the United States.

16 ~~[Subject to rules adopted by the governor, members may be~~  
17 ~~subsisted in kind in lieu of a monetary allowance therefor.]~~

18 When ordered to active duty, members of the Hawaii state defense  
19 force shall be paid without delay from the date of deployment.

20 (b) Subject to rules adopted by the governor, members of  
21 the Hawaii state defense force when in the active service of the



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1 State [~~may be quartered at the expense of the State or paid a~~  
 2 ~~monetary allowance in lieu thereof~~] shall be entitled to basic  
 3 allowance for housing."

4 SECTION 6. Section 123-8, Hawaii Revised Statutes, is  
 5 amended to read as follows:

6 "§123-8 Pay. (a) When engaged in exercises afloat or  
 7 participating in encampments for instructions ashore, and when  
 8 serving on general courts-martial, officers and [~~men~~] enlisted  
 9 personnel of the navy shall receive the same pay as is at the  
 10 time allowed by law to those holding similar positions in the  
 11 United States navy.

12 (b) When ordered to active duty, officers and enlisted  
 13 personnel of the navy shall be paid without delay from the date  
 14 of deployment and, subject to rules adopted by the governor,  
 15 shall be entitled to basic allowance for housing."

16 SECTION 7. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect on July 1, 2019.

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*Mike Hubbard*

INTRODUCED BY:

~~*DC Keith-Adams*~~

*4th-82*

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**Report Title:**

Department of Defense; State Activation; Active Duty Military Pay; Basic Allowance for Housing; Service Credit

**Description:**

Requires the State to: pay, without delay, military personnel called to active duty at the same rate as their active duty counterparts; provide basic housing allowance (BAH); and provide service credit for time on active duty.

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

