

JOSH GREEN, M.D.
GOVERNOR
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KENNETH S. HARA
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STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF DEFENSE
KA 'OIHANA PILI KAUA
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 1161 S.D.1
RELATING TO ACTIVE DUTY MILITARY ENTITLEMENTS

BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON CORRECTIONS,
MILITARY, AND VETERANS

BY

MAJOR GENERAL KENNETH S. HARA
ADJUTANT GENERAL
DIRECTOR OF HAWAII EMERGENCY MANAGEMENT AGENCY
AND HOMELAND SECURITY ADVISOR

MARCH 13, 2023

Aloha Chair Hashem, Vice-Chair Chun, and members of the committee:

I am MG Kenneth S. Hara, Adjutant General, Director of Hawaii Emergency Management Agency, and Homeland Security Advisor, State of Hawaii, Department of Defense.

The Department of Defense (DEF) provides written testimony to **OPPOSE** SB1161 S.D.1.

The Department appreciates the State Legislature's support and concern for our Service Members (SM), but we feel the proposed legislation has concerns and is unnecessary.

When ordered to State Active Duty (SAD), the State of Hawai'i Department of Defense currently follows the United States Army and Air Force federal pay and allowances standards for Officers, Warrant Officers, and Enlisted personnel of the Army National Guard (ARNG) and Air National Guard (ANG) while on active duty in similar grades.

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Regarding entitlement to Basic Allowance for Housing (BAH), the Department currently follows federal standards for active duty service and pays BAH Type I and BAH Reserve Component (BAH Type II) to ARNG and ANG SM while on SAD. Per federal standards, Guard or Reserve members on federal active duty orders for 31 consecutive days or longer receive BAH Type I, which is based on a member's rank, dependency status, and assignment location. Per federal standards, Guard or Reserve members on federal active duty orders for 30 consecutive days or less receive BAH Type II. BAH Type II is a non-locality housing allowance for SM on active duty for 30 or fewer days. BAH Type II does not vary by geographic location and is a fixed rate based on the national average for housing. BAH Type II is published annually and is determined by increasing the previous year's rates by the national average percentage growth of housing costs. This measure needs to be clarified if the intent would entitle SMs on SAD to receive "BAH Type I" *immediately* upon activation, regardless of the number of days on SAD. If the intent of the proposed legislation is for the State to pay BAH Type I to SM at activation on SAD for 30 consecutive days or less, the Department suggests replacing "...shall be entitled to basic allowance for housing." and amending it with "*...shall be entitled to federal standard pay, allowances, and Basic Allowance for Housing Type I at activation.*" to ensure clarity.

Regarding the amended provisions in §121-39, §121-40, §121-42, and §122A-8 for Service Members to be "paid without delay" the concern is it is unclear what the duration of the definition means. While the Department does not feel a change is necessary, the Department suggests revising the language to "*pay in accordance with the State's pay system.*" The Department currently can pay ARNG and ANG SMs as fast as the current pay system allows (approximately 21 days), and depending on the situation, can pay SMs even quicker than the State's pay system.

Relating to §123-8, the Hawai'i National Guard does not have a Navy. If an amendment is made to this section, we suggest replacing "...personnel of the Navy," and amending it with "*...personnel in the naval militia.*"

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Lastly, there are various types of active duty statuses other than SAD that an ARNG or ANG SM can be on in support of the State. In §121-39, §121-40, §121-42, and §122A-8, "when ordered to active duty" should be clarified as being ordered on "State" Active Duty status. If an amendment is made to these sections, we suggest replacing "...when ordered to active duty..." and amending it with "...when ordered to active duty in the service of the State..." to remove any doubt.

Thank you for the opportunity to provide testimony.

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Testimony for CMV on 3/15/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1161. Please pass this bill.

Mike Golojuch, Sr., Lt Col, USAF(Ret)