

ACT 70

H.B. NO. 2395

A Bill for an Act Relating to the Hawaii National Guard.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§88- Service of Hawaii national guard members on state active duty; exempt from mandatory enrollment. (a) Notwithstanding section 88-42 or any other applicable sections in this part, part VII, or part VIII, a member of the Hawaii national guard ordered into active duty to provide services to the State shall not be eligible for membership in the system based on the member’s active duty service.

(b) This section shall not:

- (1) Preclude from membership in the system pursuant to section 88-42 any member of the Hawaii national guard who is an employee of the State or any county, in a position other than as a member of the Hawaii national guard ordered into active duty to provide services to the State; or
- (2) Prevent the Hawaii national guard member from being credited with membership service credit for active military service pursuant to sections 88-132 and 88-132.5.

(c) For the purposes of this section, “active duty” means a duty in the active service ordered by the governor or the governor’s designated representative to provide services to the State in a time of emergency as prescribed under sections 121-29 and 121-30.”

SECTION 2. Section 121-29, Hawaii Revised Statutes, is amended to read as follows:

“§121-29 Active service. Active service is active duty, any other duty, or service done under or in pursuance of an order or call of the President of the United States or an order of the governor. Any officer or body of troops while on active service may be relieved from duty by order of the proper authority.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.
(Approved June 21, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.