
A BILL FOR AN ACT

RELATING TO RETIREMENT.

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

1 SECTION 1. Section 88-42.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"[§] 88-42.6[§] Membership of elective officers.** (a) An
4 elective officer shall be a member of the employees' retirement
5 system; provided that an elective officer ~~[shall have a one-time~~
6 ~~election]~~ may elect to be excluded from membership in the
7 employees' retirement system.

8 (b) ~~[Unless the elective officer is a member of the~~
9 ~~system, a former member of the system, or a retirant, an]~~ An
10 elective officer shall make the election to be excluded from
11 membership in the system no later than thirty days following the
12 elective officer's taking office~~[. The election shall be~~
13 ~~irrevocable.]~~ after each election for office. If the elective
14 officer fails to make an election to be excluded from membership
15 in the system within the period allowed for making the election,
16 the elective officer shall become a member effective as of the
17 date the elective officer takes office.



1 (c) Notwithstanding section 88-21, 88-98, 88-273(c), or
2 88-344, or any other law to the contrary, the retirement
3 allowance of a retirant who returns to service as an elective
4 officer shall not be suspended if the retirant:

5 (1) Retired pursuant to section 88-73(d); or

6 (2) Has been retired for at least twelve consecutive

7 months prior to return to service and elects to have

8 the retirement allowance continue. The election

9 whether or not to have the retirant's retirement

10 allowance continue [shall be irrevocable and] shall be

11 made no later than thirty days following the

12 retirant's first return to service as an elective

13 officer.

14 If the retireant's retirement allowance is not suspended, the
15 retireant shall not become a member of the system and shall not
16 earn additional service credit or gain any additional retirement
17 benefits.

18 (d) An elective officer who retired pursuant to section
19 88-73(d) shall not be eligible for membership in the system
20 while serving as an elective officer."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY:


JAN 27 2026



H.B. NO. 2358

Report Title:

Elective Officers; Membership; Employees' Retirement System

Description:

Provides elective officers with the choice to be members of the Employees' Retirement System after each election. Repeals the condition that a choice to be excluded from the Employees' Retirement System is irrevocable and such choice may only be made once.

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