

JAN 23 2026

# A BILL FOR AN ACT

RELATING TO RETIREMENT.

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

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

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

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



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

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

(2) Has been retired for at least twelve consecutive months prior to return to service and elects to have the retirement allowance continue. The election whether or not to have the retirant's retirement allowance continue [~~shall be irrevocable and~~] shall be made no later than thirty days following the retirant's first return to service as an elective officer.

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

(d) An elective officer who retired pursuant to section 88-73(d) shall not be eligible for membership in the system 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 Statutory material to be repealed is bracketed  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.

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INTRODUCED BY:

By a. Al



# S.B. NO. 2832

**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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