

Board Packet List of Documents

Legislative Committee Meeting

Feb 13, 2025

- Meeting Agenda

- New Business
 - 2 Legislative Committee Charter
 - 2.1 Legislative Committee 2024 Review
 - 3 Legislative Proposals Relating to the ERS

- APPROVAL OF MINUTES – February 2, 2024

Board Packet Documents are available for public for inspection on the Employees' Retirement System's Website: <https://ers.ehawaii.gov/board-and-committee-agendas-and-meeting-packets>; and in the Employees' Retirement System's Office, 201 Merchant Street, Suite 1400, Honolulu, HI 96813

NOTICE OF REGULAR MEETING

AGENCY: Legislative Committee of the Board of Trustees of the Employees' Retirement System of the State of Hawaii

DATE: Thursday, February 13, 2025, 2:00 p.m.

PLACE: City Financial Tower, 201 Merchant Street, Suite 1500, Honolulu, Hawaii 96813

The meeting will be conducted pursuant to HRS §92-3.7, under which Members of the Board of Trustees may participate via interactive conference technology; and members of the public may also participate via interactive conference technology or in person at the meeting place stated above.

Members of the public may also attend the meeting and provide testimony in person or by teleconference, either audio or video, at the following link or phone number:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NmVkZWZlYjktNThiOC00YmYzLWI4MTEtNDU3ODZmNGFiMGM4%40thread.v2/0?context=%7b%22id%22%3a%223847dec6-63b2-43f9-a6d0-58a40aaa1a10%22%2c%22oid%22%3a%228f795840-377f-479d-bb5d-6ec41c4a01bc%22%7d

Or join by entering meeting ID: 246 052 967 80 Passcode: Kt9z7mm7

Individuals testifying at the meeting are requested to limit their testimony to three (3) minutes or an amount of time otherwise designated by the Chairperson.

Or +1 808-829-4853 United States, Honolulu (Toll)
Conference ID: 534 960 753#

In the event audiovisual communication cannot be maintained with participating Trustees and quorum is lost, the meeting shall be automatically recessed for up to 30 minutes, during which time, an attempt to restore audiovisual communication will be made. If such attempt is unsuccessful, all Trustees, members of the public, staff and other interested individuals may continue to participate in the meeting via telephone using the above-listed telephone and conference ID numbers, whereby audio-only communication will be established for all participants and the meeting will continue. If reconvening the meeting is not possible because neither audiovisual nor audio-only communication can be re-established, the meeting will be terminated.

AGENDA

QUORUM/CALL TO ORDER

PUBLIC COMMENT

Members of the public may submit written testimony on these agenda items via e-mail or postal mail with receipt recommended by 4:30 p.m. on Wednesday, February 12, 2025, in order to ensure it is distributed in time for consideration. Please address written testimony if by e-mail to: dale.kanae@hawaii.gov or by postal mail to: Employees' Retirement System of the State of Hawaii, Legislative Committee, 201 Merchant Street, Suite 1400, Honolulu, HI 96813.

NEW BUSINESS

1. Discussion and Election of Chair and Vice Chair of the Legislative Committee
2. Review and Discuss the Legislative Committee Charter to Include Legislative Committee Performance Assessment, and Review of Prior Year's Legislative Committee Activities
3. Review and Discuss 2025 Legislative Bills Which May Impact the Employees' Retirement System, a list of which is attached hereto as Schedule A

4. Identification and Discussion of Future Legislative Proposals Determined to be Necessary or Desirable for the System's Investments, Administration, and/or Operations.

Pursuant to HRS §92-5(a)(4), the Committee may enter into Executive Session to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to these matters.

APPROVAL OF MINUTES – February 2, 2024

ADJOURNMENT

If you require auxiliary aid/service or other accommodation due to a disability, please contact Dale Kehau Kanae at (808) 586-1706 or dale.kanae@hawaii.gov as soon as possible, preferably by Monday, February 10, 2025, and the ERS will try to obtain the auxiliary aid/service or accommodation, but cannot guarantee that the request will be fulfilled.

Upon request, this notice can be made available in large print.

Schedule A

#	Bill Number(s)	Bill Title
1	GM560	Submitting for consideration and confirmation to the Board of Trustees of the Employees' Retirement System, Gubernatorial Nominee, DAVID LOUIE, for a term to expire 01-01-2030.
2	HB50/SB444	RELATING TO STATE GOVERNMENT. (Boards Authority)
3	HB130/SB863	RELATING TO FEES FOR PUBLIC RECORDS UNDER CHAPTER 92F. (Public Records)
4	HB131	RELATING TO RESEARCH. (Public Records)
5	HB167	RELATING TO HAZARD PAY. (Hazard Pay Differentials)
6	HB214/SB99	RELATING TO GOVERNMENT. (Retirant Return to Work)
7	HB300/SB473	RELATING TO THE STATE BUDGET. (Budget Bill)
8	HB378/SB470	RELATING TO DEFERRED RETIREMENT FOR POLICE. (DROP Program)
9	HB403/SB270	RELATING TO THE SUNSHINE LAW. (Boards)
10	HB406/SB273	RELATING TO DEFERRED RETIREMENT FOR POLICE. (DROP Program)
11	HB599/SB1608	RELATING TO SCHOOL SAFETY. (Retirant Return to Work)
12	HB618/SB181	RELATING TO HAZARD PAY BONUS. (Hazard Pay for Bargaining Units 5, 6, and 7)
13	HB770/SB733	PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION TO ESTABLISH A CONTINUOUS LEGISLATIVE SESSION. (Continuous Legislative Session)
14	HB806 HD1	RELATING TO FIREWORKS. (Felony Forfeiture of Pension)
15	HB813	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. (Tier 2 Vesting)
16	HB841 HD1/SB1546	RELATING TO RETIRED TEACHERS. (Retirant Return to Work)
17	HB1041/SB1360	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. (ERS - Automatic Payments)
18	HB1042/SB1361	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM'S EMPLOYER REPORTING REVIEW. (ERS - Employer Reporting)
19	HB1082/SB1401	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. (Governor's Tier 2 Vesting)
20	HB1134/SB1453	RELATING TO GOVERNMENT. (Retirant Return to Work)
21	HB1183 HD1	RELATING TO ALLOWANCE ON SERVICE RETIREMENTS. (Law Enforcement Employees)
22	HB1388	RELATING TO RETIRANTS. (Retirant Return to Work)
23	HB1425/SB1514	RELATING TO THE LEGISLATURE. (Year-Round Legislature)
24	SB175 SD1	PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES.
25	SB325	RELATING TO THE GENERAL FUND. (Deposit to Post-Employment Benefit Trust Fund)
26	SB343	RELATING TO HAZARD PAY. (Hazard Pay Differentials)
27	SB381	RELATING TO PUBLIC AGENCY MEETINGS. (Boards in Open Meetings)
28	SB406	RELATING TO COPYING FEES. (Public Records)
29	SB418	RELATING TO REGULATORY SUNSET REVIEW IN HAWAII. (Admin Rules)
30	SB442	RELATING TO GOVERNMENT. (Retirant Return to Work)
31	SB645	RELATING TO VACANT STATE POSITIONS. (Abolishment of Vacant Positions)
32	SB730	RELATING TO ALLOWANCE ON SERVICE RETIREMENTS. (Law Enforcement Employees)
33	SB731	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. (Retirant Return to Work)
34	SB1253	RELATING TO BOARDS AND COMMISSIONS. (Holdover Board Member)
35	SB1543	RELATING TO GOVERNMENT ACCOUNTABILITY. (Cap on Hiring External Consultants)
36	SB1599	RELATING TO PUBLIC EMPLOYMENT. (Abolishment of Vacant Positions)
37	SB1651	RELATING TO PUBLIC MEETINGS. (Board Packets)



Employees' Retirement System of the State of Hawaii
BOARD OF TRUSTEES
LEGISLATIVE COMMITTEE CHARTER

I. PURPOSE

The Legislative Committee (“Committee”) of the Employees’ Retirement System (“ERS”) of the State of Hawaii is a committee of the Board of Trustees (“Board”). Its primary function is to assist the Board in fulfilling its fiduciary oversight responsibilities by reviewing and advising on recommendations on proposed legislation.

II. COMMITTEE MEMBERSHIP

The Committee shall consist of no fewer than three (3) trustees. The members of the Committee shall be appointed by the Board. The members of the Committee shall be appointed for a one-year term and shall serve for such term or terms as the Board may determine or until earlier resignation. The Board may remove any member from the Committee at any time with or without cause.

III. MEETINGS

The Committee shall meet at least one (1) time a year at such times and places as it deems necessary to fulfill its responsibilities. The Committee shall report regularly to the Board regarding its actions and make recommendations to the Board as appropriate. The Committee may invite such members of management and advisors to its meetings as it deems appropriate. The Committee shall review this Charter at least annually and recommend any proposed changes to the Board for approval.

IV. AUTHORITY AND RESPONSIBILITIES

The members of the Committee shall elect its Chairperson and Vice Chairperson.



Employees' Retirement System of the State of Hawaii
BOARD OF TRUSTEES
LEGISLATIVE COMMITTEE CHARTER

The Committee shall have the following authority and responsibilities regarding ERS Legislation:

- To review and approve annually the ERS's goals and objectives applicable to the legislative process.
- To review proposed legislation introduced by the ERS and by other parties, and to assign and provide direction for the Executive Director and Deputy Executive Director on priorities and actions to successfully support the legislative goals and responsibilities of the ERS.
- To recommend support or opposition of proposed legislation to the full Board for its consideration.

V. OUTSIDE ADVISORS

The Committee shall have the authority, in its sole discretion, to obtain the advice of any ERS consultant or ERS service provider as necessary to assist with the execution of its duties and responsibilities as set forth in this Charter. The Committee shall have the authority, in its sole discretion, to obtain the advice and assistance of ERS's legal counsel and such other advisors as it deems necessary to fulfill its duties and responsibilities under this Charter. The Committee shall not be required to implement or act consistently with the advice or recommendations of its consultant, legal counsel or other advisor to the Committee, and the authority granted in this Charter shall not affect the ability or obligation of the Committee to exercise its own judgment in fulfillment of its duties under this Charter. The consultant(s), outside counsel and any other advisors retained by, or providing advice to, the Committee (other than the ERS's in-house counsel) shall be independent as determined in the discretion of the Committee.



Employees' Retirement System of the State of Hawaii
BOARD OF TRUSTEES
LEGISLATIVE COMMITTEE CHARTER

VI. PERFORMANCE EVALUATION

The Committee shall conduct an annual evaluation of the performance of its duties under this charter and shall present the results of the evaluation to the Board. The Committee shall conduct this evaluation in such manner as it deems appropriate.

Adopted and Approved by the Board of Trustees on February 13, 2017, August 10, 2020, April 11, 2022, March 13, 2023, March 11, 2024

Accepted by the Governance Policy Committee: March 28, 2022, March 7, 2023

Revised and Accepted by the Legislative Committee: August 10, 2020, February 7, 2022, January 31, 2023, February 2, 2024, Feb 13, 2025



JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

THOMAS WILLIAMS
EXECUTIVE DIRECTOR

GAIL STROHL
DEPUTY EXECUTIVE DIRECTOR

**STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM**

February 13, 2025

TO: Legislative Committee of the Board of Trustees
Employees' Retirement System of the State of Hawaii

FROM: Thomas Williams, Executive Director
Employees' Retirement System of the State of Hawaii

SUBJECT: Committee Review, January 2024 - December 2024

Below is a summary of the Legislative Committee meeting held February 2, 2024. This represents the only meeting held by the Committee during the period between January through December 2024.

February 2, 2024

Re-elected Bennett Yap as chair of the committee. Elected Dr. Genevieve (Genny) Gines Ley as vice-chair of the committee.

Reviewed the Legislative Committee Charter and prior year's Legislative Committee activities. The Committee agreed there were no recommended changes to the Charter. The committee reviewed a memorandum reviewing the activities of the committee during 2024. The Charters are to be presented first to the Governance Policy Committee and for final approval by the Board.

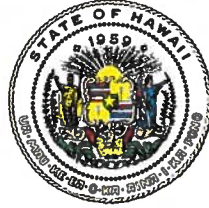
Discussed Legislative Proposals for the 2024 session and heard recommended positions on bills from ERS staff. The committee requested a change of position on HB1947, Tier 2 vesting from comments to support. The committee accepted the ERS Initiated, Investment, Membership and Benefits and Miscellaneous Related 2024 Legislative Bills with requested change for board approval.

Source: Legislative Committee minutes (Note: February 2, 2024 minutes pending approval by the board)



Employees' Retirement System
of the State of Hawaii

City Financial Tower • 201 Merchant Street, Suite 1400 • Honolulu, Hawaii 96813-2980
Telephone (808) 586-1735 • Fax (808) 586-1677 • <http://ers.ehawaii.gov>



JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

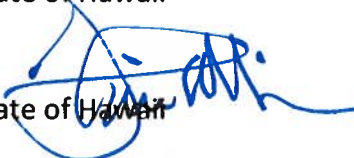
THOMAS WILLIAMS
EXECUTIVE DIRECTOR

GAIL STROHL
DEPUTY EXECUTIVE DIRECTOR

**STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM**

February 13, 2025

TO: Legislative Committee of the Board of Trustees
Employees' Retirement System of the State of Hawaii

FROM: Thomas Williams, Executive Director
Employees' Retirement System of the State of Hawaii 

SUBJECT: Legislative Proposals Relating to the Employee's Retirement System

Attached are listings of the ERS-Initiated and ERS-related proposals by categories for the 2025 Legislative Session. Copies of selected ERS-related proposals are attached for your reference.

Action: Review and propose recommendations to the Board of Trustees

Attachments



Employees' Retirement System
of the State of Hawaii

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ERS Initiated as of 2/6/2025										
#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
1	HB1041	Employees' Retirement System; Required Beginning Dates; Automatic Payments	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Amends chapter 88, HRS, to conform to updated required beginning dates and automatic cashout requirements in the Internal Revenue Code of 1986, as amended.	H 2/4/2025: The committee on LAB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 4 Ayes: Representative(s) Sayama, Lee, M., Garrett, Kapela; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Kong, Reyes Oda.	NAKAMURA (Introduced by request of another party)	LAB, FIN	SB1360	Active	Support
2	HB1042	Employees' Retirement System; Employer Reporting	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM'S EMPLOYER REPORTING REVIEW.	Adds a year between the review period and the billing due date and changes reporting of review results from the current fiscal year to the previous fiscal year.	H 2/4/2025: The committee on LAB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 4 Ayes: Representative(s) Sayama, Lee, M., Garrett, Kapela; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Kong, Reyes Oda.	NAKAMURA (Introduced by request of another party)	LAB, FIN	SB1361	Active	Support
3	SB1360	Employees' Retirement System; Required Beginning Dates; Automatic Payments	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Amends chapter 88, HRS, to conform to updated required beginning dates and automatic cashout requirements in the Internal Revenue Code of 1986, as amended.	S 2/3/2025: The committee(s) on LBT recommend(s) that the measure be PASSED, UNAMENDED. The votes in LBT were as follows: 5 Aye(s): Senator(s) Aquino, Lee, C., Ihara, Moriwaki, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.	KOUCHI (Introduced by request of another party)	LBT, WAM	HB1041	Active	Support
4	SB1361	Employees' Retirement System; Employer Reporting	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM'S EMPLOYER REPORTING REVIEW.	Adds a year between the review period and the billing due date and changes reporting of review results from the current fiscal year to the previous fiscal year.	S 2/3/2025: The committee(s) on LBT recommend(s) that the measure be PASSED, UNAMENDED. The votes in LBT were as follows: 5 Aye(s): Senator(s) Aquino, Lee, C., Ihara, Moriwaki, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.	KOUCHI (Introduced by request of another party)	LBT, WAM	HB1042	Active	Support

Membership & Benefits Related as of 2/6/2025										
#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
5	HB214	DOE; ATG; ERS; Retirees; Hawaii Employer-Union Health Benefits Trust Fund; Benefits; School Resource Officers; Investigators; Counties; Report	RELATING TO GOVERNMENT.	Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of retirement benefits if the retirant is employed as a school resource officer or investigator in positions identified by the Department of Education or the Department of the Attorney General, respectively, as a labor shortage or difficult-to-fill positions, subject to certain conditions. Requires the Director of Human Resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature, details on the employment of retirants as school resource officers or investigators.	H 1/21/2025: Referred to LAB, FIN, referral sheet 1	TAKAYAMA, KILA, KITAGAWA, LA CHICA, MARTEN, MIYAKE, OLDS, SOUZA, TARNAS, TODD	LAB, FIN	SB99	Active	Monitor
6	HB378	Hawaii State Association of Counties Package; Retirement; Pension; Benefits; Police	RELATING TO DEFERRED RETIREMENT FOR POLICE.	Establishes a deferred retirement option program to allow qualified officers who are eligible for retirement to continue working.	H 1/28/2025: The committee(s) on LAB recommend(s) that the measure be deferred.	NAKAMURA (Introduced by request of another party)	LAB, JHA, FIN	SB470	Deferred	Provide Comments
7	HB406	Maui County Council Package; Police; Deferred Retirement	RELATING TO DEFERRED RETIREMENT FOR POLICE.	Establishes a deferred retirement option program for police officers.	H 1/21/2025: Referred to LAB, JHA, FIN, referral sheet 1 Measure was not heard by LAB by the House Triple Referral Deadline 2/5/2025	NAKAMURA (Introduced by request of another party)	LAB, JHA, FIN	SB273	Dead	Provide Comments
8	HB599	Education; School Safety; Resource Officers	RELATING TO SCHOOL SAFETY.	Requires the Department of Education to assign school resource officers to department public schools and charter schools. Encourages the employment of qualified retirees from the local police departments and department of law enforcement. Appropriates funds for these positions.	H 1/21/2025: Referred to EDN, JHA, FIN, referral sheet 2 Measure was not heard by EDN by the House Triple Referral Deadline 2/5/2025	GARCIA, SHIMIZU, WARD, Muraoka	EDN, JHA, FIN	SB1608	Dead	Monitor
9	HB806 HD1	Fireworks; Honolulu Police Department; Department of Law Enforcement; Appropriation; Pension	RELATING TO FIREWORKS.	Appropriates funds for the Honolulu Police Department and Department of Law Enforcement to conduct sting operations on Oahu to enforce fireworks ordinances or laws. Authorizes a court to order the forfeiture of one-half of any pension of an Employees' Retirement System member, former member, or retirant upon conviction of the individual for a felony related to certain uses of prohibited fireworks.	H 2/4/2025: Bill scheduled to be heard by JHA on Friday, 02-07-25 2:05PM in House conference room 325 VIA VIDEOCONFERENCE.	MATAYOSHI, AMATO, CHUN, GARRETT, IWAMOTO, KILA, KITAGAWA, LA CHICA, LAMOSAO, LEE, M., LOWEN, MARTEN, MIYAKE, OLDS, PERRUSO, PIERICK, POEPOE, SAYAMA, TAKAYAMA, TAKENOUCI, TAM, TARNAS, TODD	LAB, JHA, FIN		Active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
10	HB813	Public Employees; Employees' Retirement System; Credited Service; Retirement; Appropriation	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Reduces the minimum number of years of credited service from ten years to five years qualified Tier 2 employee's retirement system members must have to be eligible for vested benefit status for service retirement allowance purposes. Appropriates funds.	H 2/4/2025: The committee on LAB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 4 Ayes: Representative(s) Sayama, Lee, M., Garrett, Kapela; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Kong, Reyes Oda.	MATAYOSHI, CHUN, LEE, M., SAYAMA, TAM, TARNAS	LAB, FIN		Active	Support
11	HB841 HD1	DOE; Retirants; Benefits; Exemption; Teachers; Difficult-to-Fill Positions	RELATING TO RETIRED TEACHERS.	Requires retirants rehired as teachers or administrators in teacher shortage areas or in difficult-to-fill positions to be paid at least the minimum salary for their experience and qualifications. Prohibits rehired retirants from receiving additional employment benefits. Directs the Department of Education to adopt rules to identify teacher shortage areas and difficult-to-fill positions.	H 2/3/2025: Passed Second Reading as amended in HD 1 and referred to the committee(s) on LAB with none voting aye with reservations; none voting no (0) and Representative(s) Cochran, Ward excused (2).	GARRETT, AMATO, GRANDINETTI, IWAMOTO, KAHALOA, KEOHOKAPU-LEE LOY, KILA, LAMOSAO, MARTEN, MATSUMOTO, MIYAKE, PERRUSO, REYES ODA, SOUZA, TAKAYAMA, TARNAS	EDN, LAB, FIN	SB1546	Active	Monitor changed to Provide Comments
12	HB1082	ERS; Credited Service; Benefits; Employer Contributions	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Reduces the minimum number of years of credited service qualified Tier 2 Employees' Retirement System members must have to be eligible for vested benefit status for service retirement allowance purposes from ten years to five years. Increases employer contributions to offset the resulting liability.	H 1/23/2025: Referred to LAB, FIN, referral sheet 3	NAKAMURA (Introduced by request of another party)	LAB, FIN	SB1401	Active	Support
13	HB1134	DLE; ATG; ERS; Retirees; Benefits; Investigators; Counties; Report	RELATING TO GOVERNMENT.	Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of retirement benefits if the retirant is employed as an investigator in a position identified by the Department of the Attorney General or the Department of Law Enforcement as a labor shortage or difficult-to-fill position, subject to certain conditions. Requires the director of human resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature, details on the employment of retirants as investigators.	H 1/23/2025: Referred to LAB, FIN, referral sheet 3	NAKAMURA (Introduced by request of another party)	LAB, FIN	SB1453	Active	Monitor
14	HB1183 HD1	Department of Law Enforcement; Retirement for Public Officers and Employees; Allowances; Pension and Retirement Systems	RELATING TO ALLOWANCE ON SERVICE RETIREMENTS.	Includes certain law enforcement administrators and employees of the Department of Law Enforcement as class A members of the pension and retirement systems and provides guidance for the computation of retirement benefits similar to police officers.	H 2/4/2025: Passed Second Reading as amended in HD 1 and referred to the committee(s) on JHA with none voting aye with reservations; none voting no (0) and Representative(s) Cochran, Kong, Ward excused (3).	SAYAMA, KILA, KITAGAWA, LAMOSAO, MARTEN, TAKAYAMA, WOODSON	LAB, JHA, FIN		Active	Provide Comments

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
15	HB1388	Department of Law Enforcement; Department of the Attorney General; Employees' Retirement System; Retirees; Benefits; Investigators; Report	RELATING TO RETIRANTS.	Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of retirement benefits if the retirant is employed as an investigator in a position identified by the Department of Law Enforcement or Department of the Attorney General as a labor shortage or difficult-to-fill position, subject to certain conditions. Requires the director of human resources of the appropriate state jurisdiction to include in the director's annual report to the Legislature, details on the employment of retirants as investigators.	H 1/27/2025: Referred to LAB, FIN, referral sheet 4	SAYAMA, GARRETT, HOLT, KILA, LAMOSAO, LEE, M., MARTEN, MIYAKE, TAKAYAMA, TARNAS, TODD	LAB, FIN		Active	Provide Comments
16	SB99	DOE; ATG; ERS; Retirees; Hawaii Employer-Union Health Benefits Trust Fund; Benefits; School Resource Officers; Investigators; Counties; Report	RELATING TO GOVERNMENT.	Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of retirement benefits if the retirant is employed as a school resource officer or investigator in positions identified by the Department of Education or the Department of the Attorney General, respectively, as a labor shortage or difficult-to-fill positions, subject to certain conditions. Requires the Director of Human Resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature, details on the employment of retirants as school resource officers or investigators.	S 1/16/2025: Referred to LBT, WAM.	ELEFANTE, AQUINO, CHANG, FEVELLA, GABBARD, HASHIMOTO, MCKELVEY, MORIWAKI, Fukunaga, Kanuha	LBT, WAM	HB214	Active	Monitor
17	SB175	Constitutional Amendment; Judges; Mandatory Retirement Age	PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES.	Proposes a constitutional amendment to increase the mandatory retirement age for justices and judges from seventy to seventy-five years of age.	S 1/28/2025: The committee(s) on JDC recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in JDC were as follows: 4 Aye(s): Senator(s) Rhoads, Gabbard, Chang, San Buenaventura; Aye(s) with reservations: none ; 1 No(es): Senator(s) Awa; and 0 Excused: none.	RHOADS, CHANG, GABBARD, SAN BUENAVENTURA	JDC, WAM		Active	Monitor
18	SB273	Maui County Council Package; Police; Deferred Retirement	RELATING TO DEFERRED RETIREMENT FOR POLICE.	Establishes a deferred retirement option program for police officers.	S 1/21/2025: Referred to LBT/PSM, WAM.	KOUCHI (Introduced by request of another party)	LBT/PSM, WAM	HB406	Active	Provide Comments

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
19	SB442	ATG; ERS; HDOA; Retirees; Hawaii Employer-Union Health Benefits Trust Fund; Benefits; Investigators; Counties; Report	RELATING TO GOVERNMENT.	Allows a retirant to be employed without reenrollment in the Employees' Retirement System (ERS) and without loss or interruption of benefits provided by the ERS or under chapter 88, HRS, if the retirant is employed as an investigator in a position identified by the Department of the Attorney General or an excluded management position identified by the Department of Agriculture as a labor shortage or difficulttofill position, subject to certain conditions. Requires the Director of Human Resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature, details on the employment of retirants as investigators pursuant to this measure.	S 1/21/2025: Referred to LBT, WAM/JDC.	DELA CRUZ, AQUINO, CHANG, HASHIMOTO, KIDANI, Moriwaki, San Buenaventura	LBT, WAM/JDC		Active	Monitor
20	SB470	Hawaii State Association of Counties Package; Retirement; Pension; Benefits; Police	RELATING TO DEFERRED RETIREMENT FOR POLICE.	Establishes a deferred retirement option program to allow qualified officers who are eligible for retirement to continue working.	S 2/3/2025: The committee on PSM deferred the measure.	KOUCHI (Introduced by request of another party)	LBT/PSM, WAM	HB378	Dead	Provide Comments
21	SB730	DLE; Retirement for Public Officers and Employees; Allowances; Pension and Retirement Systems	RELATING TO ALLOWANCE ON SERVICE RETIREMENTS.	Adds definitions for certain Department of Law Enforcement employees. Establishes guidance for the computation of retirement benefits for the Director of Law Enforcement, Deputy Director of the Department of Law Enforcement, Sheriff Division Investigator, Sheriff, and Department of Law Enforcement Investigator.	S 2/4/2025: The committee(s) on LBT will hold a public decision making on 02-07-25 3:15PM; CR 224 & Videoconference.	DECOITE (Introduced by request of another party)	PSM/LBT, WAM		Active	Provide Comments
22	SB731	DLE; AG; ERS; DHRD; Counties; Retirees; Benefits; Investigators; Reports	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Allows a retirant employed as an investigator identified by the Department of Law Enforcement or Department of the Attorney General as a labor shortage or difficult-to-fill position to be rehired without reenrollment in the Employees' Retirement System and without a loss or interruption of retirement benefits, subject to certain conditions. Requires annual reports to the Legislature to include details on the employment of retirants as investigators.	S 1/23/2025: Referred to LBT, WAM/JDC.	DECOITE (Introduced by request of another party)	LBT, WAM/JDC		Active	Provide Comments
23	SB1401	ERS; Credited Service; Benefits; Employer Contributions	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Reduces the minimum number of years of credited service qualified Tier 2 Employees' Retirement System members must have to be eligible for vested benefit status for service retirement allowance purposes from ten years to five years. Increases employer contributions to offset the resulting liability.	S 1/27/2025: Referred to LBT, WAM.	KOUCHI (Introduced by request of another party)	LBT, WAM	HB1082	Active	Support

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
24	SB1453	DLE; ATG; ERS; Retirees; Benefits; Investigators; Counties; Report	RELATING TO GOVERNMENT.	Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of retirement benefits if the retirant is employed as an investigator in a position identified by the Department of the Attorney General or the Department of Law Enforcement as a labor shortage or difficult-to-fill position, subject to certain conditions. Requires the director of human resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature, details on the employment of retirants as investigators.	S 1/27/2025: Referred to LBT, WAM/JDC.	KOUCHI (Introduced by request of another party)	LBT, WAM/JDC	HB1134	Active	Monitor
25	SB1546	DOE; Retirants; Benefits; Exemption; Teachers; Difficult-to-Fill Positions	RELATING TO RETIRED TEACHERS.	Requires retirants rehired as teachers or administrators in teacher shortage areas or in difficult-to-fill positions to be paid at least the minimum salary for their experience and qualifications. Prohibits rehired retirants from receiving additional employment benefits. Directs the Department of Education to adopt rules to identify teacher shortage areas and difficult-to-fill positions.	S 1/27/2025: Referred to EDU, WAM.	KIM, CHANG, FEVELLA, GABBARD, HASHIMOTO, INOUYE, KIDANI, MCKELVEY, RICHARDS, SAN BUENAVENTURA	EDU, WAM	HB841	Active	Monitor
26	SB1608	Education; School Safety; Resource Officers	RELATING TO SCHOOL SAFETY.	Requires the Department of Education to assign school resource officers to department public schools and charter schools. Encourages the employment of qualified retirees from the local police departments and department of law enforcement. Appropriates funds for these positions.	S 1/27/2025: Referred to EDU/PSM, WAM.	DECORTE	EDU/PSM, WAM	HB599	Active	Monitor

Miscellaneous as of 2/6/2025 (removed companion bills)

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
27	HB50	State Government; Boards and Commissions; Employment Decisions	RELATING TO STATE GOVERNMENT.	Authorizes boards and commissions to make employment decisions related to its officers and employees without the approval of the head of the department to which the board or commission is administratively attached.	H 1/28/2025: The committee(s) on LAB recommend(s) that the measure be deferred.	GARRETT	LAB, JHA, FIN	SB444	Deferred	Monitor
28	HB130	Office of Information Practices; Public Records; Costs; Waiver	RELATING TO FEES FOR PUBLIC RECORDS UNDER CHAPTER 92F.	Imposes a cap on charges for searching for, reviewing, and segregating government records under the Uniform Information Practices Act. Provides for a waiver of fees in certain circumstances when the public interest is served by a government record's disclosure.	H 1/27/2025: Re-referred to JHA, FIN, referral sheet 5	TARNAS, BELATTI, CHUN, GRANDINETTI, IWAMOTO, KAPELA, KITAGAWA, MARTEN, PERRUSO, PIERICK, POEPOE, REYES ODA, SOUZA, TAKAYAMA, WARD	JHA, FIN	SB863	Active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
29	HB131	Research; Office of Information Practices; Government Records; Disclosure	RELATING TO RESEARCH.	Allows agencies to disclose government records to researchers for certain research purposes.	H 1/28/2025: The committee on JHA recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 8 Ayes: Representative(s) Tarnas, Poepoe, Belatti, Kahaloa, Perruso, Takayama, Garcia, Shimizu; Ayes with reservations: none; Noes: none; and 3 Excused: Representative(s) Cochran, Hashem, Todd.	TARNAS, BELATTI, GRANDINETTI, IWAMOTO, KAPELA, KITAGAWA, MARTEN, PERRUSO, PIERICK, POEPOE, SOUZA, TAM	JHA		Active	Monitor
30	HB167	Hazard Pay; Public State and County Employees	RELATING TO HAZARD PAY.	Authorizes differentials in pay for state and county employees who are exposed temporarily to unusually hazard working conditions, under certain conditions.	H 1/21/2025: Referred to LAB, FIN, referral sheet 1	SAYAMA (Introduced by request of another party)	LAB, FIN		Active	Monitor
31	HB300	State Budget	RELATING TO THE STATE BUDGET.	Appropriates funds for the operating and capital improvement budget of the Executive Branch for fiscal years 2025-2026 and 2026-2027.	H 1/21/2025: Referred to FIN, referral sheet 1	NAKAMURA (Introduced by request of another party)	FIN	SB473	Active	Monitor
32	HB403	Kauai County Council Package; Sunshine Law; Boards; Members; Informational Meeting; Presentation; Board Business	RELATING TO THE SUNSHINE LAW.	Authorizes any member of a board to attend an informational meeting or presentation on matters relating to board business; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. Repeals the requirement of a subsequent report of attendance and the matters presented and discussed that related to board business at the informational meeting or presentation.	H 1/21/2025: Referred to JHA, referral sheet 1	NAKAMURA (Introduced by request of another party)	JHA	SB270	Active	Monitor
33	HB618	Hazard Pay Bonus; Coronavirus Disease 2019; Collective Bargaining; Units (5), (6), (7); Appropriations	RELATING TO HAZARD PAY BONUS.	Appropriates funds for a one-time hazard pay bonus to state officers and employees in bargaining units 5, 6, and 7, and their excluded counterparts under certain conditions.	H 1/21/2025: Referred to LAB, EDN/HED, FIN, referral sheet 2 Measure was not heard by LAB by the House Triple Referral Deadline 2/5/2025	WOODSON, AMATO, BELATTI, CHUN, GRANDINETTI, IWAMOTO, KAHALOA, KILA, LA CHICA, LOWEN, MARTEN, MORIKAWA, PERRUSO, POEPOE, REYES ODA, TARNAS	LAB, EDN/HED, FIN	SB181	Dead	Provide Comments

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
34	HB770	Continuous Legislative Session; Constitutional Amendment; Constitutional Repeal	PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION TO ESTABLISH A CONTINUOUS LEGISLATIVE SESSION.	Establishes a continuous Legislature. Requires the Legislature to convene at least once each month. Repeals language regarding special sessions, adjournment, and recesses. Creates a 2-year deadline for a bill to be submitted for gubernatorial consideration. Standardizes the number of days that the Governor must approve or veto a bill submitted for consideration. Requires the passage of the legislative budget within 45 days before the end of each fiscal year. Prohibits members of the legislature from holding any position of employment in the private sector during their term. Authorizes members to serve in the United States military reserves, National Guard, or hold any lawful position of government employment, subject to certain current ethical limitations. Establishes salaries of the members of the Legislature pursuant to recommendations by the Commission on Salaries submitted during the 2028 regular session, unless those recommendations are amended by law.	H 1/21/2025: Referred to LMG, JHA, FIN, referral sheet 2 Measure was not heard by LMG by the House Triple Referral Deadline 2/5/2025	BELATTI, AMATO, GRANDINETTI, HUSSEY, KAPELA, PERRUSO, REYES ODA, TAM	LMG, JHA, FIN	SB733	Dead	Monitor
35	HB1425	Working Group; Year-Round Legislative Session; LRB; Report; Appropriation	RELATING TO THE LEGISLATURE.	Establishes a temporary working group to study the feasibility of transitioning the Hawaii State Legislature's regular session from one that meets for 3.5 months from mid-January to early May, to one that meets on a year-round basis. Requires the Legislative Reference Bureau to provide administrative support to the working group. Requires report to Legislature. Appropriates moneys.	H 1/31/2025: Bill scheduled to be heard by LMG on Wednesday, 02-05-25 2:00PM in House conference room 430 VIA VIDEOCONFERENCE.	NAKAMURA	LMG, FIN	SB1514	Active	Monitor
36	SB325	Mandatory Tax Credit; Emergency and Budget Reserve Fund; Other Post-Employment Benefits Trust Fund; Constitution; Appropriations	RELATING TO THE GENERAL FUND.	Provides a tax credit to taxpayers and makes deposits to the emergency and budget reserve fund and other post-employment benefits trust fund pursuant to article VII, section 6, of the Hawaii State Constitution. Appropriates funds.	S 1/21/2025: Referred to WAM.	DELA CRUZ	WAM		Active	Monitor
37	SB343	DHRD; Counties; Public Employees; Temporary Hazard Pay	RELATING TO HAZARD PAY.	Allows the Director of Human Resources Development and the Director's county counterparts, with the approval of the Civil Service Commission in the case of the county, to grant temporary hazard pay to public employees.	S 1/21/2025: Referred to LBT, WAM.	AQUINO	LBT, WAM		Active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
38	SB381	Public Agency Meetings and Records; Sunshine Law; Open Deliberation; Open Meeting; Appointment; Selection; Head of a State Division or Agency; Voting	RELATING TO PUBLIC AGENCY MEETINGS.	Requires appointments and selections of heads of state divisions and agencies that require a board approval to be made through a publicly established process and timeline. Requires the approval of the process and timeline to appoint or select a new head of a state division or agency to be determined in an open meeting. Requires that votes to appoint or select heads of state divisions and agencies be conducted in an open meeting. Provides that any vote to appoint or select a head of a state division or agency cast in violation of the foregoing shall be invalid.	S 2/4/2025: The committee(s) on GVO recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in GVO were as follows: 3 Aye(s): Senator(s) McKelvey, Moriwaki, San Buenaventura; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Gabbard, Fevella.	MCKELVEY, CHANG, DECORTE, GABBARD, Fevella	GVO, JDC		Active	Monitor
39	SB406	Copies of Public Records; Costs and Fees	RELATING TO COPYING FEES.	Prohibits the cost of reproducing government records from exceeding 5 cents per page, sheet, or fraction thereof, with exceptions.	S 1/30/2025: The committee(s) on GVO recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in GVO were as follows: 4 Aye(s): Senator(s) McKelvey, Gabbard, Moriwaki, San Buenaventura; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Fevella.	RHOADS	GVO, JDC/WAM		Active	Provide Comments
40	SB418	AG; Regulatory Review Program; Hawaii Administrative Rules; Reports; Rules; Appropriations	RELATING TO REGULATORY SUNSET REVIEW IN HAWAII.	Establishes a regulatory review program overseen by the Department of the Attorney General to evaluate all Hawaii Administrative Rules adopted by state agencies and identify any rules that should be retained, modified or repealed. Requires each state agency to review 20 per cent of their rules every year and submit a report to the Department of the Attorney General. Automatically repeals administrative rules at the end of each 5-year review cycle for any state agency that fails to comply, unless the review cycle is extended by the Legislature. Requires the Department of the Attorney General to notify the Governor and Legislature of any noncompliance by a state agency, adopt rules, submit annual reports to the Legislature and Governor. Appropriates funds.	S 1/30/2025: The committee(s) on GVO recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in GVO were as follows: 4 Aye(s): Senator(s) McKelvey, Gabbard, Moriwaki, San Buenaventura; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Fevella.	MCKELVEY, CHANG, FEVELLA, HASHIMOTO, RHOADS, SAN BUENAVENTURA, Gabbard	GVO, WAM/JDC		Active	Monitor
41	SB645	Public Service; Vacancies; State Budget	RELATING TO VACANT STATE POSITIONS.	Requires that state public service positions vacant for longer than 2 years be removed from the state budget.	S 1/23/2025: Referred to LBT/GVO, WAM.	FEVELLA	LBT/GVO, WAM		Active	Monitor
42	SB1253	Boards; Commissions; Holdover Member; Limitation	RELATING TO BOARDS AND COMMISSIONS.	Clarifies that the prohibition against board and commission holdover members from holding office beyond the end of the second regular legislative session following the expiration of the member's term of office takes precedence over any conflicting statutes.	S 2/4/2025: The committee(s) on GVO deferred the measure until 02-06-25 3:00PM; Conference Room 225.	KIM, CHANG, DECOITE, FEVELLA, HASHIMOTO, INOUYE, WAKAI, Dela Cruz, Moriwaki	GVO, JDC		Active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 2/6/2025	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
43	SB1543	External Consultants; Purchasing Agencies; Disclosure Requirements; Spending Caps; Audit; Reports	RELATING TO GOVERNMENT ACCOUNTABILITY.	Requires each purchasing agency to provide justification for hiring external consultants. Caps the amount each agency can spend on external consultants. Requires each agency to seek approval from the Legislature for consulting contracts exceeding a certain dollar amount. Requires each agency to disclose all contracts with external consultants. Requires annual reports to the Legislature. Requires the Compliance Audit Unit to conduct regular audits of agency consultant contracts to assess cost-effectiveness and compliance.	S 2/4/2025: The committee(s) on GVO deferred the measure until 02-06-25 3:00PM; Conference Room 225.	KIM, CHANG, DECOITE, FEVELLA, GABBARD, KIDANI, MCKELVEY, SAN BUENAVENTURA, Dela Cruz, Richards, Wakai	GVO, WAM		Active	Provide Comments
44	SB1599	DHRD; Vacant Positions; Reclassification; Abolishment; Report; General Fund	RELATING TO PUBLIC EMPLOYMENT.	Requires the Director of Human Resources Development to abolish vacant positions within state departments and agencies under its jurisdiction that have been vacant for more than five years. Requires a list of positions abolished to be included in the Director's annual report to the Legislature. Requires funds for abolished positions to immediately lapse to the credit of the general fund.	S 1/27/2025: Referred to LBT, WAM.	INOUYE	LBT, WAM		Active	Monitor
45	SB1651	Public Meetings; Board Packets; Notice	RELATING TO PUBLIC MEETINGS.	Requires board packets to be posted two or more full business days before a public meeting.	S 2/4/2025: The committee(s) on GVO deferred the measure until 02-06-25 3:00PM; Conference Room 225.	RHOADS	GVO, JDC		Active	Monitor

A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

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

1 SECTION 1. The purpose of this Act is to maintain the
2 employees' retirement system of the State of Hawaii's (the
3 "system") federal tax qualification requirements by conforming
4 chapter 88, Hawaii Revised Statutes, to updated requirements of
5 the Internal Revenue Code of 1986, as amended, regarding
6 automatic disbursements, including required minimum
7 distributions, by the Setting Every Community Up for Retirement
8 Enhancement 2.0 Act of 2022.

9 SECTION 2. Section 88-74.7, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§88-74.7 Commencement of benefits on required beginning**
12 **date.** (a) The purpose of this section is to provide for
13 distribution of benefits in accordance with a reasonable and
14 good faith interpretation of section 401(a)(9) of the Internal
15 Revenue Code. Section 401(a)(9) of the Internal Revenue Code
16 requires that the "entire interest" of a member be distributed
17 or that distribution of the member's benefits begin no later
18 than the member's "required beginning date" [-], as defined in

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1 section 401(a)(9) of the Internal Revenue Code of 1986, as
2 amended.

3 ~~[(b) For the purposes of this section, "required beginning~~
4 ~~date" means April 1 of the calendar year following the calendar~~
5 ~~year in which a member terminates service or attains age seventy~~
6 ~~and one half, whichever is later.~~

7 ~~(e)]~~ (b) A member or former member's accumulated
8 contributions or hypothetical account balance, as defined in
9 section 88-311, shall be paid to the member or former member, or
10 payment of the benefits payable under part II, VII, or VIII of
11 this chapter shall commence, no later than the member's or
12 former member's required beginning date. The payment or
13 payments shall be made on, or beginning no later than, the
14 member's or former member's required beginning date even if the
15 member or former member does not apply for payment or file a
16 retirement application.

17 ~~[(d)]~~ (c) If, by a member's or former member's required
18 beginning date:

19 (1) The member or former member's accumulated
20 contributions or hypothetical account balance, as
21 defined in section 88-311, are not paid to the member
22 or former member; or

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1 (2) Payment of the benefits payable under part II, VII, or
2 VIII of this chapter do not commence,
3 the system shall pay the service retirement benefits for which
4 the member or former member is eligible pursuant to part II,
5 VII, or VIII of this chapter, as applicable, retroactive to the
6 member's or former member's required beginning date with regular
7 interest.

8 ~~(e)~~ (d) If the system does not receive a written
9 election from the member or former member under section 88-83,
10 88-283, or 88-333, as applicable, prior to the later of the
11 member's or former member's required beginning date or sixty
12 days following the receipt by the member or former member of
13 notice from the system that the member or former member is
14 required to make an election, the following election shall be
15 deemed to have been made as of the member or former member's
16 required beginning date:

17 (1) If the member or former member is unmarried or has no
18 reciprocal beneficiary, the member or former member
19 shall be deemed to have elected the maximum retirement
20 allowance; or

21 (2) If the member or former member is married or has a
22 reciprocal beneficiary, the member or former member

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1 shall be deemed to have elected option 3 under section
2 88-83, or option A under section 88-283, as
3 applicable, and to have designated the member's or
4 former member's spouse or reciprocal beneficiary as
5 the member's or former member's beneficiary;
6 provided that if the system receives the written election after
7 the member's or former member's required beginning date, but
8 within sixty days following receipt by the member or former
9 member of notice from the system that the member or former
10 member is required to make the election, the written election
11 shall apply, and the member's or former member's retirement
12 benefit shall be recomputed, based on the written election,
13 retroactive to the member or former member's required beginning
14 date. The amount of any underpayment resulting from recomputing
15 the benefit shall bear regular interest. If recomputing the
16 benefit results in an overpayment, payments shall be adjusted so
17 that the actuarial equivalent of the benefit to which the member
18 or former member was correctly entitled shall be paid.

19 [~~f~~] (e) If the system does not have current information
20 about the member's or former member's marital or reciprocal
21 beneficiary status at the time of a deemed election, the
22 following presumptions shall apply:

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- 1 (1) If the member or former member was married or had a
2 reciprocal beneficiary at the time the member or
3 former member last provided information to the system
4 about the member's or former member's marital or
5 reciprocal beneficiary status, it shall be presumed
6 that the member or former member is still married to
7 the same spouse or is in the same reciprocal
8 beneficiary relationship. If the system does not have
9 information as to the age of the spouse or reciprocal
10 beneficiary, the spouse or reciprocal beneficiary
11 shall be presumed to be forty years younger than the
12 member or former member for purposes of computing the
13 member's or former member's benefit; and
- 14 (2) If the member or former member was unmarried and did
15 not have a reciprocal beneficiary at the time the
16 member or former member last provided information to
17 the system about the member or former member's marital
18 status, it shall be presumed that the member or former
19 member is married and that the spouse of the member or
20 former member is forty years younger than the member
21 or former member.

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1 ~~[(g)]~~ (f) The presumptions in subsection ~~[(f)]~~ (e) shall
2 cease to apply when the member or former member provides the
3 system with current information as to the member's or former
4 member's marital or reciprocal beneficiary status and the age of
5 the member or former member's spouse or reciprocal beneficiary,
6 if any, on the member's or former member's required beginning
7 date. The information shall be provided in a form satisfactory
8 to the system. At that time, the member's or former member's
9 retirement allowance shall be recomputed, retroactive to the
10 member's or former member's required beginning date, based on
11 the updated information; provided that, except as provided in
12 subsection ~~[(e)]~~ (d), the member or former member shall not be
13 permitted to change the member's or former member's retirement
14 allowance option election or beneficiary; provided further that
15 the benefit being paid to any member or former member who, on
16 the member's or former member's required beginning date, was
17 unmarried and did not have a reciprocal beneficiary, but who was
18 deemed to elect option 3 or option A with an assumed spouse or
19 reciprocal beneficiary, shall be converted to the maximum
20 retirement allowance retroactive to the member's or former
21 member's required beginning date. The amount of any
22 underpayment resulting from recomputing the benefit shall bear

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1 regular interest. If recomputing the benefit results in an
2 overpayment, payments shall be adjusted so that the actuarial
3 equivalent of the benefit to which the member or former member
4 was correctly entitled shall be paid.

5 ~~[(h)]~~ (g) If the system cannot locate the member or former
6 member, the member's or former member's benefit shall be payable
7 only until the end of the member's or former member's life
8 expectancy, as determined at the member's or former member's
9 required beginning date. If the member or former member has not
10 by that time made a claim for benefits, the member or former
11 member shall be deemed to be deceased at that time. Interest
12 under subsection ~~[(d)]~~ (c) shall cease on benefits presumed to
13 be abandoned property, pursuant to part I of chapter 523A, upon
14 payment of the property to the administrator under part I of
15 chapter 523A.

16 ~~[(i)]~~ (h) Rules necessary for the purposes of this section
17 shall be adopted as provided in section 88-22.5."

18 SECTION 3. Section 88-321, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) Notwithstanding any other law to the contrary:

21 (1) A class C member who returns to service after June 30,
22 2006, and who does not return to service as a class A

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1 or class B member shall become a class H member upon
2 return to service; provided that, if the member is a
3 former class A or class B member who received a refund
4 of contributions picked up and paid by the member's
5 employer pursuant to section 88-46(b), the member may
6 not become a class H member and shall return to
7 service as a class C member, unless the refund was
8 made pursuant to section 88-96 or 88-271(b);

- 9 (2) A class A or a class B member, who returns to service
10 after June 30, 2006, but does not have vested benefit
11 status as provided in section 88-96(b) and who does
12 not return to service as a class A or class B member,
13 shall become a class H member upon return to service
14 and the member's credited service as a class A or B
15 member shall be converted to class C credited service.
16 The system shall return to the member the member's
17 accumulated contributions if the member's accumulated
18 contributions are \$1,000 or less at the time of
19 distribution. If the member's accumulated
20 contributions for the class A or B credited service
21 that was converted to class C credited service are
22 greater than \$1,000 and the member does not make

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1 written application, contemporaneously with the
2 member's return to service, for return of such
3 contributions, the member, except as provided by
4 section 88-341, may not withdraw the member's
5 accumulated contributions for the class A or B
6 credited service that was converted to class C
7 credited service until the member retires or [attains
8 ~~age sixty two,~~ pursuant to sections 88-22.5 and 88-
9 74.7;

10 (3) A class A member who returns to service after June 30,
11 2008, with vested benefit status and who does not
12 return to service as a class B member shall return to
13 service as a class A member; and

14 (4) A class B member who returns to service after June 30,
15 2008, with vested benefit status and who does not
16 return to service as a class B member shall return to
17 service as a class A member."

18 SECTION 4. Section 88-341, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Any class H member who ceases to be an employee and
21 who became a member before July 1, 2012, and has fewer than five
22 years of credited service, excluding unused sick leave, or who

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1 becomes a member after June 30, 2012, and has fewer than ten
2 years of credited service, excluding unused sick leave, shall,
3 upon application to the board, be paid all of the former
4 employee's accumulated contributions, and the former employee's
5 membership shall thereupon terminate and all credited service
6 shall be forfeited; provided that an individual shall not be
7 paid the individual's accumulated contributions if either:

8 (1) The individual becomes an employee again within
9 fifteen calendar days from the date the individual
10 ceased to be an employee; or

11 (2) At the time the application for return of accumulated
12 contributions is received by the board, the individual
13 has become an employee again.

14 Regular interest shall be credited to the former employee's
15 account until the former employee's accumulated contributions
16 are withdrawn; provided that the former employee's membership
17 shall not continue after the fourth full year following the
18 calendar year in which the individual's employment terminates.

19 If the former employee does not become an employee again and has
20 not withdrawn the former employee's accumulated contributions,
21 the system shall return the former employee's accumulated
22 contributions to the former employee [~~as seen as possible after~~

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1 ~~the later of: (A) the former employee attaining age sixty-two,~~
2 ~~or (B) the termination of the former employee's membership.]~~
3 pursuant to sections 88-22.5 and 88-74.7."

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *Nashir K. Nuhman*

BY REQUEST

JAN 21 2025

H.B. NO. 1041

Report Title:

Employees' Retirement System; Required Beginning Dates;
Automatic Payments

Description:

Amends chapter 88, HRS, to conform to updated required beginning dates and automatic cashout requirements in the Internal Revenue Code of 1986, as amended.

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

H.B. No. 1041

JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

PURPOSE: To conform the Employees' Retirement System of the State of Hawaii's (ERS) federal tax qualification requirements to the requirements of the Internal Revenue Code of 1986, as amended, (IRC) regarding automatic disbursements by updating chapter 88, Hawaii Revised Statutes (HRS).

MEANS: Repeal section 88-74.7(b), HRS, and amend sections 88-321(b) and 88-341(a), HRS.

JUSTIFICATION: The Employees' Retirement System of the State of Hawaii is intended to be a tax-qualified retirement plan under section 401(a) of the IRC. As such, the system must maintain compliance with all applicable sections under the IRC. Section 107 of the SECURE 2.0 Act of 2022 implemented changes to section 401(a)(9) of the IRC introduced optional staggered Required Beginning Dates (RBD) based on year of birth when determining Required Minimum Distributions (RMD).

Specifically, the bill proposes to reference the IRC definition of the RBD for the tiered increase in ages for RMD and remove the automatic distribution requirement for non-vested hybrid members so as not to mandate administration of a third-party retirement account vendor as instituted by the Setting Every Community Up for Retirement Enhancement (SECURE) 2.0 Act of 2022.

Section 88-74.7(b), HRS, currently defines the RMD age as 70 1/2, as previously established by the IRC. Subsequent to the enactment of section 88-74.7, HRS, additional RBD ages of 72, 73, and 75, based

on various year end effective dates, were introduced into the IRC.

The ERS has chosen to implement these staggered beginning dates by proposing to rely on the "required beginning date", as defined in section 401(a)(9) of the IRC, as amended, and already referenced in section 88-22.5(a)(3), HRS. This is proposed alongside a repeal of section 88-74.7(b) which solely describes the previously existing RBD determination and is no longer accurate nor necessary, and the inclusion of a reference to the "required beginning date" as defined in section 401(a)(9) of the IRC, as amended.

The proposed repeal of the requirement of an automatic disbursement for a non-vested terminated hybrid member under section 88-341 would relieve the ERS of the administrative burden and cost of establishing a default IRA for automatic disbursements that fall under the parameters of section 4975(d) IRC to be transferred into and out of.

The amendment to section 88-321(b)(2) would conform the parameters of a former non-vested class A or B member to receive a refund of their class A or B accumulated contributions to the proposed amendment of section 88-341.

The function of the automatic cashout proposed for repeal is also redundant as it is currently filled by complying with the RMD requirements of section 401(a)(9) of the IRC as well as sections 88-22.5 and 88-74.7, HRS. Repeal of the automatic cashout would allow former members a longer period in which to elect their cashout prior to being subject to the required beginning date under section 401(a)(9) of the IRC.

Impact on the public: Conforms the initiation of RMDs to updated ages under

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section 401(a)(9) of the IRC, as amended. Defers non-elective disbursements for non-vested hybrid members to the RBD under section 401(a)(9) of the IRC.

Impact on the department and other agencies:
Maintains beneficial tax qualification under IRC 401(a) and reduces the administrative burden and cost of instituting and maintaining a default IRA with automatic portability services.

GENERAL FUND: None.

OTHER FUNDS: Indeterminate cost savings to the ERS fund.

PPBS PROGRAM
DESIGNATION: BUF-141.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM'S EMPLOYER
REPORTING REVIEW.

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

1 SECTION 1. The purpose of this Act is to extend the
2 deadline for the pre-payment and reporting of employer
3 contributions by departments or agencies of the State or
4 counties that failed to provide the information required by the
5 System in the required format.

6 SECTION 2. Section 88-103.7, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (c) to read as follows:

9 "(c) If a department or agency of the State or county
10 fails to furnish the system with the information required
11 pursuant to this section in the format required by the system,
12 the State or county shall pay to the system, on the first day of
13 the fiscal year [~~following~~] one year after the end of the fiscal
14 year in which the failure to furnish the required information
15 occurred, an amount equal to the employer contributions payable
16 by the State or county, relative to the department or agency
17 that is not in compliance with this section, during the fiscal

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1 year in which the failure to furnish the required information
2 occurred. This amount shall be applied to contributions
3 required under section 88-124 for the State and section 88-126
4 for the counties."

5 2. By amending subsection (f) to read as follows:

6 "(f) The system shall annually submit to the department of
7 budget and finance and the legislature, not later than twenty
8 days prior to the convening of each regular session, a report
9 that details the following for the [~~current~~] previous fiscal
10 year:

11 (1) Any department or agency of the state or counties that
12 failed to comply with this section; and

13 (2) Any amounts required to be paid under subsection (c),
14 including the anticipated amounts payable in the
15 upcoming fiscal year, and identification of any state
16 budget programs that may be affected."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

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21

INTRODUCED BY:

Nedra K. Parker

22

BY REQUEST
JAN 21 2025

H.B. NO. 1042

Report Title:

Employees' Retirement System; Employer Reporting

Description:

Adds a year between the review period and the billing due date and changes reporting of review results from the current fiscal year to the previous fiscal year.

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

JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM'S EMPLOYER REPORTING REVIEW.

PURPOSE: To extend the deadline for the pre-payment and reporting of employer contributions by departments or agencies of the State or counties that failed to provide the information required by the Employees' Retirement System (System) in the required format.

MEANS: Amend section 88-103.7(c) and (f), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Section 88-103.7, HRS, requires that all departments and agencies of the State or counties furnish the System with information in the format required by the System. The review of that information is intended to be completed by fiscal years (July to June).

Failure to furnish the required information requires that the pre-payment of employer contributions be made on the first day of the fiscal year following the fiscal year in which the failure to furnish the required information occurred. This timeline necessitates that the collection of employer reporting, the review process, and the assessment of the pre-payment by the employer be completed in the same fiscal year to provide employers with appropriate notice for pre-payment preparation. This compressed timeframe does not allow a review of information from a full fiscal year to be conducted.

The proposed amendment to section 88-103.7(c), HRS, changes the pre-payment deadline from the first day of the fiscal year following the fiscal year in which the failure to furnish the information occurred,

to the first day of the next fiscal year following the fiscal year in which the failure to furnish the information occurred. This change would provide a longer period over which to collect, review, and analyze the reported data, as well as afford a longer period for employers to prepare the pre-payment.

Section 88-103.7(f), HRS, also requires that the System submit an annual report detailing any department or agency that failed to comply with reporting requirements for the current fiscal year, to the Department of Budget and Finance and the Legislature, not later than twenty days prior to the convening of each regular session.

Requiring the System to report for the current fiscal year causes compressed employer reporting and review periods to be employed to timely file the report. In practice, the reporting period starts in July and ends in September, with the review period ending in December.

The proposed amendment to section 88-103.7(f), HRS, changes the report from being on the current fiscal year to the previous fiscal year. This would allow more time for reporting and review of employer compliance with employer reporting requirements.

Impact on the public: None.

Impact on the department and other agencies: Allows a more comprehensive period for the reporting and review of employer compliance with employer reporting requirements and earlier notification of pre-payment amounts to the Legislature and employers for budgeting purposes.

GENERAL FUND: None.

OTHER FUNDS: None.

H.B. No. 1042

PPBS PROGRAM
DESIGNATION:

BUF-141.

OTHER AFFECTED
AGENCIES:

State and counties.

EFFECTIVE DATE:

Upon approval.

S.B. NO. 1360

JAN 23 2025

A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

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

1 SECTION 1. The purpose of this Act is to maintain the
2 employees' retirement system of the State of Hawaii's (the
3 "system") federal tax qualification requirements by conforming
4 chapter 88, Hawaii Revised Statutes, to updated requirements of
5 the Internal Revenue Code of 1986, as amended, regarding
6 automatic disbursements, including required minimum
7 distributions, by the Setting Every Community Up for Retirement
8 Enhancement 2.0 Act of 2022.

9 SECTION 2. Section 88-74.7, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§88-74.7 Commencement of benefits on required beginning**
12 **date.** (a) The purpose of this section is to provide for
13 distribution of benefits in accordance with a reasonable and
14 good faith interpretation of section 401(a)(9) of the Internal
15 Revenue Code. Section 401(a)(9) of the Internal Revenue Code
16 requires that the "entire interest" of a member be distributed
17 or that distribution of the member's benefits begin no later
18 than the member's "required beginning date" [-], as defined in

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1 section 401(a)(9) of the Internal Revenue Code of 1986, as
2 amended.

3 ~~[(b) For the purposes of this section, "required beginning~~
4 ~~date" means April 1 of the calendar year following the calendar~~
5 ~~year in which a member terminates service or attains age seventy~~
6 ~~and one half, whichever is later.~~

7 ~~(e)]~~ (b) A member or former member's accumulated
8 contributions or hypothetical account balance, as defined in
9 section 88-311, shall be paid to the member or former member, or
10 payment of the benefits payable under part II, VII, or VIII of
11 this chapter shall commence, no later than the member's or
12 former member's required beginning date. The payment or
13 payments shall be made on, or beginning no later than, the
14 member's or former member's required beginning date even if the
15 member or former member does not apply for payment or file a
16 retirement application.

17 ~~[(d)]~~ (c) If, by a member's or former member's required
18 beginning date:

19 (1) The member or former member's accumulated
20 contributions or hypothetical account balance, as
21 defined in section 88-311, are not paid to the member
22 or former member; or

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1 (2) Payment of the benefits payable under part II, VII, or
2 VIII of this chapter do not commence,
3 the system shall pay the service retirement benefits for which
4 the member or former member is eligible pursuant to part II,
5 VII, or VIII of this chapter, as applicable, retroactive to the
6 member's or former member's required beginning date with regular
7 interest.

8 [~~(e)~~] (d) If the system does not receive a written
9 election from the member or former member under section 88-83,
10 88-283, or 88-333, as applicable, prior to the later of the
11 member's or former member's required beginning date or sixty
12 days following the receipt by the member or former member of
13 notice from the system that the member or former member is
14 required to make an election, the following election shall be
15 deemed to have been made as of the member or former member's
16 required beginning date:

17 (1) If the member or former member is unmarried or has no
18 reciprocal beneficiary, the member or former member
19 shall be deemed to have elected the maximum retirement
20 allowance; or

21 (2) If the member or former member is married or has a
22 reciprocal beneficiary, the member or former member

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1 shall be deemed to have elected option 3 under section
2 88-83, or option A under section 88-283, as
3 applicable, and to have designated the member's or
4 former member's spouse or reciprocal beneficiary as
5 the member's or former member's beneficiary;
6 provided that if the system receives the written election after
7 the member's or former member's required beginning date, but
8 within sixty days following receipt by the member or former
9 member of notice from the system that the member or former
10 member is required to make the election, the written election
11 shall apply, and the member's or former member's retirement
12 benefit shall be recomputed, based on the written election,
13 retroactive to the member or former member's required beginning
14 date. The amount of any underpayment resulting from recomputing
15 the benefit shall bear regular interest. If recomputing the
16 benefit results in an overpayment, payments shall be adjusted so
17 that the actuarial equivalent of the benefit to which the member
18 or former member was correctly entitled shall be paid.

19 [~~f~~] (e) If the system does not have current information
20 about the member's or former member's marital or reciprocal
21 beneficiary status at the time of a deemed election, the
22 following presumptions shall apply:

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- 1 (1) If the member or former member was married or had a
2 reciprocal beneficiary at the time the member or
3 former member last provided information to the system
4 about the member's or former member's marital or
5 reciprocal beneficiary status, it shall be presumed
6 that the member or former member is still married to
7 the same spouse or is in the same reciprocal
8 beneficiary relationship. If the system does not have
9 information as to the age of the spouse or reciprocal
10 beneficiary, the spouse or reciprocal beneficiary
11 shall be presumed to be forty years younger than the
12 member or former member for purposes of computing the
13 member's or former member's benefit; and
- 14 (2) If the member or former member was unmarried and did
15 not have a reciprocal beneficiary at the time the
16 member or former member last provided information to
17 the system about the member or former member's marital
18 status, it shall be presumed that the member or former
19 member is married and that the spouse of the member or
20 former member is forty years younger than the member
21 or former member.

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1 ~~[(g)]~~ (f) The presumptions in subsection ~~[(f)]~~ (e) shall
2 cease to apply when the member or former member provides the
3 system with current information as to the member's or former
4 member's marital or reciprocal beneficiary status and the age of
5 the member or former member's spouse or reciprocal beneficiary,
6 if any, on the member's or former member's required beginning
7 date. The information shall be provided in a form satisfactory
8 to the system. At that time, the member's or former member's
9 retirement allowance shall be recomputed, retroactive to the
10 member's or former member's required beginning date, based on
11 the updated information; provided that, except as provided in
12 subsection ~~[(e),]~~ (d), the member or former member shall not be
13 permitted to change the member's or former member's retirement
14 allowance option election or beneficiary; provided further that
15 the benefit being paid to any member or former member who, on
16 the member's or former member's required beginning date, was
17 unmarried and did not have a reciprocal beneficiary, but who was
18 deemed to elect option 3 or option A with an assumed spouse or
19 reciprocal beneficiary, shall be converted to the maximum
20 retirement allowance retroactive to the member's or former
21 member's required beginning date. The amount of any
22 underpayment resulting from recomputing the benefit shall bear

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1 regular interest. If recomputing the benefit results in an
2 overpayment, payments shall be adjusted so that the actuarial
3 equivalent of the benefit to which the member or former member
4 was correctly entitled shall be paid.

5 ~~[(h)]~~ (g) If the system cannot locate the member or former
6 member, the member's or former member's benefit shall be payable
7 only until the end of the member's or former member's life
8 expectancy, as determined at the member's or former member's
9 required beginning date. If the member or former member has not
10 by that time made a claim for benefits, the member or former
11 member shall be deemed to be deceased at that time. Interest
12 under subsection ~~[(d)]~~ (c) shall cease on benefits presumed to
13 be abandoned property, pursuant to part I of chapter 523A, upon
14 payment of the property to the administrator under part I of
15 chapter 523A.

16 ~~[(i)]~~ (h) Rules necessary for the purposes of this section
17 shall be adopted as provided in section 88-22.5."

18 SECTION 3. Section 88-321, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) Notwithstanding any other law to the contrary:

21 (1) A class C member who returns to service after June 30,
22 2006, and who does not return to service as a class A

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1 or class B member shall become a class H member upon
2 return to service; provided that, if the member is a
3 former class A or class B member who received a refund
4 of contributions picked up and paid by the member's
5 employer pursuant to section 88-46(b), the member may
6 not become a class H member and shall return to
7 service as a class C member, unless the refund was
8 made pursuant to section 88-96 or 88-271(b);

- 9 (2) A class A or a class B member, who returns to service
10 after June 30, 2006, but does not have vested benefit
11 status as provided in section 88-96(b) and who does
12 not return to service as a class A or class B member,
13 shall become a class H member upon return to service
14 and the member's credited service as a class A or B
15 member shall be converted to class C credited service.
16 The system shall return to the member the member's
17 accumulated contributions if the member's accumulated
18 contributions are \$1,000 or less at the time of
19 distribution. If the member's accumulated
20 contributions for the class A or B credited service
21 that was converted to class C credited service are
22 greater than \$1,000 and the member does not make

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1 written application, contemporaneously with the
2 member's return to service, for return of such
3 contributions, the member, except as provided by
4 section 88-341, may not withdraw the member's
5 accumulated contributions for the class A or B
6 credited service that was converted to class C
7 credited service until the member retires or [~~attains~~
8 ~~age sixty two;~~] pursuant to sections 88-22.5 and 88-
9 74.7;

10 (3) A class A member who returns to service after June 30,
11 2008, with vested benefit status and who does not
12 return to service as a class B member shall return to
13 service as a class A member; and

14 (4) A class B member who returns to service after June 30,
15 2008, with vested benefit status and who does not
16 return to service as a class B member shall return to
17 service as a class A member."

18 SECTION 4. Section 88-341, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Any class H member who ceases to be an employee and
21 who became a member before July 1, 2012, and has fewer than five
22 years of credited service, excluding unused sick leave, or who

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1 becomes a member after June 30, 2012, and has fewer than ten
2 years of credited service, excluding unused sick leave, shall,
3 upon application to the board, be paid all of the former
4 employee's accumulated contributions, and the former employee's
5 membership shall thereupon terminate and all credited service
6 shall be forfeited; provided that an individual shall not be
7 paid the individual's accumulated contributions if either:

8 (1) The individual becomes an employee again within
9 fifteen calendar days from the date the individual
10 ceased to be an employee; or

11 (2) At the time the application for return of accumulated
12 contributions is received by the board, the individual
13 has become an employee again.

14 Regular interest shall be credited to the former employee's
15 account until the former employee's accumulated contributions
16 are withdrawn; provided that the former employee's membership
17 shall not continue after the fourth full year following the
18 calendar year in which the individual's employment terminates.

19 If the former employee does not become an employee again and has
20 not withdrawn the former employee's accumulated contributions,
21 the system shall return the former employee's accumulated
22 contributions to the former employee [~~as soon as possible after~~

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1 ~~the later of: (A) the former employee attaining age sixty two,~~
2 ~~or (B) the termination of the former employee's membership.]~~
3 pursuant to sections 88-22.5 and 88-74.7."

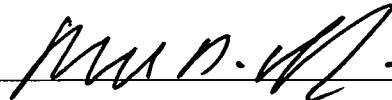
4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

7

8

INTRODUCED BY:

 _____

9

BY REQUEST

S.B. NO. 1360

Report Title:

Employees' Retirement System; Required Beginning Dates;
Automatic Payments

Description:

Amends chapter 88, HRS, to conform to updated required beginning dates and automatic cashout requirements in the Internal Revenue Code of 1986, as amended.

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

JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

PURPOSE: To conform the Employees' Retirement System of the State of Hawaii's (ERS) federal tax qualification requirements to the requirements of the Internal Revenue Code of 1986, as amended, (IRC) regarding automatic disbursements by updating chapter 88, Hawaii Revised Statutes (HRS).

MEANS: Repeal section 88-74.7(b), HRS, and amend sections 88-321(b) and 88-341(a), HRS.

JUSTIFICATION: The Employees' Retirement System of the State of Hawaii is intended to be a tax-qualified retirement plan under section 401(a) of the IRC. As such, the system must maintain compliance with all applicable sections under the IRC. Section 107 of the SECURE 2.0 Act of 2022 implemented changes to section 401(a)(9) of the IRC introduced optional staggered Required Beginning Dates (RBD) based on year of birth when determining Required Minimum Distributions (RMD).

Specifically, the bill proposes to reference the IRC definition of the RBD for the tiered increase in ages for RMD and remove the automatic distribution requirement for non-vested hybrid members so as not to mandate administration of a third-party retirement account vendor as instituted by the Setting Every Community Up for Retirement Enhancement (SECURE) 2.0 Act of 2022.

Section 88-74.7(b), HRS, currently defines the RMD age as 70 1/2, as previously established by the IRC. Subsequent to the enactment of section 88-74.7, HRS, additional RBD ages of 72, 73, and 75, based

on various year end effective dates, were introduced into the IRC.

The ERS has chosen to implement these staggered beginning dates by proposing to rely on the "required beginning date", as defined in section 401(a)(9) of the IRC, as amended, and already referenced in section 88-22.5(a)(3), HRS. This is proposed alongside a repeal of section 88-74.7(b) which solely describes the previously existing RBD determination and is no longer accurate nor necessary, and the inclusion of a reference to the "required beginning date" as defined in section 401(a)(9) of the IRC, as amended.

The proposed repeal of the requirement of an automatic disbursement for a non-vested terminated hybrid member under section 88-341 would relieve the ERS of the administrative burden and cost of establishing a default IRA for automatic disbursements that fall under the parameters of section 4975(d) IRC to be transferred into and out of.

The amendment to section 88-321(b)(2) would conform the parameters of a former non-vested class A or B member to receive a refund of their class A or B accumulated contributions to the proposed amendment of section 88-341.

The function of the automatic cashout proposed for repeal is also redundant as it is currently filled by complying with the RMD requirements of section 401(a)(9) of the IRC as well as sections 88-22.5 and 88-74.7, HRS. Repeal of the automatic cashout would allow former members a longer period in which to elect their cashout prior to being subject to the required beginning date under section 401(a)(9) of the IRC.

Impact on the public: Conforms the initiation of RMDs to updated ages under

section 401(a)(9) of the IRC, as amended. Defers non-elective disbursements for non-vested hybrid members to the RBD under section 401(a)(9) of the IRC.

Impact on the department and other agencies:
Maintains beneficial tax qualification under IRC 401(a) and reduces the administrative burden and cost of instituting and maintaining a default IRA with automatic portability services.

GENERAL FUND: None.

OTHER FUNDS: Indeterminate cost savings to the ERS fund.

PPBS PROGRAM
DESIGNATION: BUF-141.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

JAN 23 2025

A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM'S EMPLOYER
REPORTING REVIEW.

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

1 SECTION 1. The purpose of this Act is to extend the
2 deadline for the pre-payment and reporting of employer
3 contributions by departments or agencies of the State or
4 counties that failed to provide the information required by the
5 System in the required format.

6 SECTION 2. Section 88-103.7, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (c) to read as follows:

9 "(c) If a department or agency of the State or county
10 fails to furnish the system with the information required
11 pursuant to this section in the format required by the system,
12 the State or county shall pay to the system, on the first day of
13 the fiscal year [~~following~~] one year after the end of the fiscal
14 year in which the failure to furnish the required information
15 occurred, an amount equal to the employer contributions payable
16 by the State or county, relative to the department or agency
17 that is not in compliance with this section, during the fiscal

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1 year in which the failure to furnish the required information
2 occurred. This amount shall be applied to contributions
3 required under section 88-124 for the State and section 88-126
4 for the counties."

5 2. By amending subsection (f) to read as follows:

6 "(f) The system shall annually submit to the department of
7 budget and finance and the legislature, not later than twenty
8 days prior to the convening of each regular session, a report
9 that details the following for the [~~current~~] previous fiscal
10 year:

11 (1) Any department or agency of the state or counties that
12 failed to comply with this section; and

13 (2) Any amounts required to be paid under subsection (c),
14 including the anticipated amounts payable in the
15 upcoming fiscal year, and identification of any state
16 budget programs that may be affected."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20

21

INTRODUCED BY:



22

BY REQUEST

S.B. NO. 1361

Report Title:

Employees' Retirement System; Employer Reporting

Description:

Adds a year between the review period and the billing due date and changes reporting of review results from the current fiscal year to the previous fiscal year.

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

JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM'S EMPLOYER REPORTING REVIEW.

PURPOSE: To extend the deadline for the pre-payment and reporting of employer contributions by departments or agencies of the State or counties that failed to provide the information required by the Employees' Retirement System (System) in the required format.

MEANS: Amend section 88-103.7(c) and (f), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Section 88-103.7, HRS, requires that all departments and agencies of the State or counties furnish the System with information in the format required by the System. The review of that information is intended to be completed by fiscal years (July to June).

Failure to furnish the required information requires that the pre-payment of employer contributions be made on the first day of the fiscal year following the fiscal year in which the failure to furnish the required information occurred. This timeline necessitates that the collection of employer reporting, the review process, and the assessment of the pre-payment by the employer be completed in the same fiscal year to provide employers with appropriate notice for pre-payment preparation. This compressed timeframe does not allow a review of information from a full fiscal year to be conducted.

The proposed amendment to section 88-103.7(c), HRS, changes the pre-payment deadline from the first day of the fiscal year following the fiscal year in which the failure to furnish the information occurred,

to the first day of the next fiscal year following the fiscal year in which the failure to furnish the information occurred. This change would provide a longer period over which to collect, review, and analyze the reported data, as well as afford a longer period for employers to prepare the pre-payment.

Section 88-103.7(f), HRS, also requires that the System submit an annual report detailing any department or agency that failed to comply with reporting requirements for the current fiscal year, to the Department of Budget and Finance and the Legislature, not later than twenty days prior to the convening of each regular session.

Requiring the System to report for the current fiscal year causes compressed employer reporting and review periods to be employed to timely file the report. In practice, the reporting period starts in July and ends in September, with the review period ending in December.

The proposed amendment to section 88-103.7(f), HRS, changes the report from being on the current fiscal year to the previous fiscal year. This would allow more time for reporting and review of employer compliance with employer reporting requirements.

Impact on the public: None.

Impact on the department and other agencies: Allows a more comprehensive period for the reporting and review of employer compliance with employer reporting requirements and earlier notification of pre-payment amounts to the Legislature and employers for budgeting purposes.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: BUF-141.

OTHER AFFECTED

AGENCIES: State and counties.

EFFECTIVE DATE: Upon approval.

2025 SESSION CALENDAR

Note: 60 session days (days when members convene in their respective chambers), the session day count appears in a box on the lower-right, like this. ►► # bills resolutions budget See reverse side for more deadline information.

SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY		14	15 Opening Day	16	17 Non-Admin. Bill Package & Grants/ Subsidies Cutoff	18
19	20 <i>HOLIDAY</i> Martin Luther King, Jr. Day	21 State-of-the-State Address & Admin. Bill Package Cutoff	22 Recess #1	23 Bill Intro Cutoff	24 Recess #2	25
26	27	28	29	30	31	
FEBRUARY						1
2	3	4	5 First Triple Referral Filing (House Bills)	6 First Triple Referral Filing (Senate Bills)	7	8
9	10	11	12	13 First Lateral Filing (Bills)	14 First Lateral (Bills)	15
16	17 <i>HOLIDAY</i> Presidents' Day	18	19	20 Mandatory 5-Day Recess Begins	21	22
23	24	25	26 Mandatory 5-Day Recess Ends	27	28 First Decking (Bills)	
MARCH						1
2	3 Recess #3	4	5 Recess #4	6 First Crossover (Bills)	7 Subst. Resolution Cutoff	8
9	10 Budget Decking	11	12 Budget Crossover	13 Second Triple Referral Filing	14	15
16	17	18	19	20 Second Lateral Filing (Bills)	21 Second Lateral (Bills)	22
23	24 First Lateral (Senate Concurrent Resolutions)	25	26 <i>HOLIDAY</i> Kuhio Day	27	28 First Lateral (House Concurrent Resolutions)	29
30	31					
APRIL		1	2	3 First Crossover (Concurrent Resolutions)	4 Second Decking (Bills)	5
6	7 Recess #5	8	9 Recess #6	10 Second Crossover (Bills) & Disagree	11	12
13	14	15	16	17 Constitutional Amendments	18 <i>HOLIDAY</i> Good Friday	19
20	21 Second Crossover (Concurrent Resolutions)	22	23	24 Final Decking (Non-Fiscal Bills)	25 Final Decking (Fiscal Bills)	26
27	28 Recess #7	29 Recess #8	30	MAY 1 Recess #9	2 Adjournment <i>Sine Die</i> (Session pau!)	3

2025 SESSION CALENDAR

A GUIDE TO THE DEADLINES

JAN 15 OPENING DAY – Hawaii’s constitution mandates that the regular legislative session starts at 10:00 a.m. on the third Wednesday of January.

JAN 17 LAST DAY TO INTRODUCE ALL NON-ADMINISTRATION BILL PACKAGES – Bills bundled together by common interest groups and accepted and labeled as a package by the clerks. You can view the various packages of legislation by clicking on the “[Reports and Lists](#)” button on [capitol.hawaii.gov](#).

& **LAST DAY FOR ORGANIZATIONS TO SUBMIT GRANT AND SUBSIDY REQUESTS** – Deadline for “Grant-in-Aid” (GIA) applications. Grants may be appropriated to nonprofit and other organizations for various public purposes that are recognized as priorities and are seen as complimentary to state government functions. Applications, information, and more specifics regarding the deadline appear under “[Legislative Information](#)” on [capitol.hawaii.gov](#).

JAN 21 STATE-OF-THE-STATE ADDRESS – The Governor’s annual address to the assembled joint legislature. The address presents an opportunity for the Governor to report on affairs of state, and to put forth recommendations and initiatives. Many visitors come to the Capitol to hear the Governor’s speech and witness the proceedings from the gallery (accessible on the ground floor/atrium level).

& **LAST DAY TO INTRODUCE ADMINISTRATION BILL PACKAGE** – This is what is known as the “Governor’s Package.” The bills are prepared by executive branch agencies for consideration by the legislature and are introduced on behalf of the executive branch by the President of the Senate and the Speaker of the House of Representatives. View the package of legislation by clicking on the “[Reports and Lists](#)” button on [capitol.hawaii.gov](#).

JAN 23 LAST DAY TO INTRODUCE BILLS – A bill is “introduced” when it has been filed with the House or Senate Clerk, who gives it a number (with an HB or SB prefix) and then puts it on the calendar for First Reading by the chamber. After First Reading, it is given its committee referrals which specify which committees must hear and pass the measure for it to succeed. Only legislators may introduce bills. [Note: At introduction, each bill is given a “Bill Status” webpage that can be accessed via the Legislature’s website and used to track all the measure’s activity.]

FEB 5 (HOUSE) & 6 (SENATE) FIRST TRIPLE REFERRAL FILING – All bills referred to three or more committees must be filed so that they can be in their second-to-last committee by the following day. (Note: A referral to a joint committee counts as one committee referral.) This deadline allows ample time for successful bills to make their way to the last committee in their originating chamber by the First Lateral deadline.

FEB 13 FIRST LATERAL FILING (BILLS) – Filing Deadline for First Lateral Bills.

FEB 14 FIRST LATERAL (BILLS) – All bills referred to more than one committee (i.e., those with multiple referrals) must move to their final committee in the originating chamber by this day.

FEB 20-26 MANDATORY 5-DAY RECESS – Hawaii’s Constitution mandates a 5-day recess between the 20th and 40th days of the regular session. Neither the House of Representatives nor the Senate convene or assemble formally in chamber on recess days. Committee hearings do take place, however.

FEB 28 FIRST DECKING (BILLS) – Deadline for bills to emerge from all their committees (with committee reports filed) and be submitted to the clerk of the originating chamber. This “decking” ensures a mandatory 48-hour opportunity for final review by the chamber’s members before being asked to vote on the third reading. Note: A bill must pass three readings (votes) in each chamber before being enrolled to the governor.

MAR 6 FIRST CROSSOVER (BILLS) – Deadline for bills to pass third reading in order to move (or “crossover”) to the other chamber. If successful, House bills are sent to the Senate and Senate bills are sent to the House for further consideration.

MAR 7 LAST DAY TO INTRODUCE SUBSTANTIVE RESOLUTIONS – Resolutions are legislative measures which may request action of a government entity or state the legislature’s position on an issue. They do not have the force and effect of law, require only one reading in chamber, and are not enrolled to the Governor.

MAR 10 BUDGET DECKING – Deadline for submitting the budget bill for third reading. The State Budget is developed by the Governor and estimates expenditures for the fiscal year or biennium and the proposed means of financing these expenditures.

MAR 12 BUDGET CROSSOVER – Last day for third reading of budget bill in order to move to the other chamber.

MAR 13 SECOND TRIPLE REFERRAL FILING – All bills referred to three or more committees must be filed so that they can be in their second-to-last committee in the non-originating chamber by the following day. (Note: A referral to a joint committee counts as one committee referral.) This deadline allows ample time for successful bills to make their way to their last committee by the Second Lateral deadline.

MAR 20 SECOND LATERAL FILING (BILLS) – Filing Deadline for Second Lateral Bills

MAR 21 SECOND LATERAL (BILLS) – All bills with multiple referrals must move to their final referral committee in the non-originating chamber by this date.

MAR 24 (SENATE) & 28 (HOUSE) FIRST LATERAL FOR CONCURRENT RESOLUTIONS – Concurrent resolutions require adoption in each chamber and are used to state the official position of the Legislature on an issue, or to request action formally without having to mandate it by law. All concurrent resolutions with multiple referrals must move to their final committee in the originating chamber by this date.

APR 3 FIRST CROSSOVER FOR CONCURRENT RESOLUTIONS – Deadline for passing the single reading required for resolutions in order to move from the originating chamber to the other chamber.

APR 4 SECOND DECKING (BILLS) – Deadline for submitting bills that have been amended by the non-originating chamber to emerge from all their committees (with committee reports filed) and be submitted to the clerk of that chamber. This “decking” ensures a mandatory 48-hour opportunity for final review by the non-originating chamber’s members before third reading.

APR 10 SECOND CROSSOVER (BILLS) – Deadline for amended bills to pass third reading in their non-originating chamber in order to “cross back” to the originating chamber.

& **LAST DAY FOR THE ORIGINATING BODY TO DISAGREE WITH BILL AMENDMENTS** – Deadline for the originating chamber to disagree with changes made to its bills by the other chamber. When the Senate and House disagree on a bill, members from each chamber may meet in a “conference” committee to work out their differences.

APR 17 DEADLINE FOR FINAL FORM OF BILLS PROPOSING CONSTITUTIONAL AMENDMENTS – A proposed amendment’s final form must be provided by written notice to the Governor at least 10 days prior to passing final reading by a 2/3 vote in each chamber. Once adopted by the Legislature, the proposed amendment is submitted to the voters, in the form of a ‘yes or no’ question on the ballot, for ultimate decision.

APR 21 SECOND CROSSOVER FOR CONCURRENT RESOLUTIONS – Deadline for passing amended concurrent resolutions in the non-originating chamber in order to “cross back” to the originating chamber.

APR 24 FINAL DECKING OF NON-FISCAL BILLS – Deadline for submitting non-fiscal bills for final reading by both chambers.

APR 25 FINAL DECKING OF FISCAL BILLS – Deadline for submitting fiscal bills for final reading by both chambers. Fiscal bills include appropriation or spending bills, tax credits, etc., or any bill with a House Finance (FIN) or Senate Ways and Means (WAM) referral.

MAY 1 ADJOURNMENT SINE DIE – In Latin, “sine die” means “without a day” specified for next meeting. Adjournment sine die occurs on the 60th legislative day of a regular session and indicates a suspension of the business of the legislature indefinitely. From this point, the Legislature will certify bills whose form both chambers have agreed to and will transmit or “enroll” those bills to the Governor. Contact PAR for information regarding the Governor’s deadlines.

MINUTES OF THE MEETING OF THE
LEGISLATIVE COMMITTEE OF THE
BOARD OF TRUSTEES OF THE
EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII

FEBRUARY 2, 2024

CITY FINANCIAL TOWER
201 MERCHANT STREET, SUITE 1200
HONOLULU, HAWAII 96813

Trustees present: Mr. Bennett Yap, Chair (re-elected)
(by teleconference) Dr. Genevieve Ley, Vice Chair (elected)
Mr. Lance Mizumoto

Trustee absent: Mr. Luis Salaveria

Staff present: Mr. Thomas Williams, Executive Director
(City Financial Tower Ms. Kanoe Margol, Deputy Executive Director
by teleconference) Mr. Bart Asato, Program Specialist
Mr. James Greubel, Program Specialist
Ms. Shanna Sakagawa, Program Specialist
Ms. Dale Kehau Kanae, Recording Secretary
Ms. Lori Kim, Secretary
Ms. Andrea Gasper, Secretary

Attorney present: Ms. Jenny Nakamoto, Deputy Attorney General
(by teleconference) Ms. Lori Tanigawa, Deputy Attorney General
Ms. Elmira Tsang, Deputy Attorney General
Ms. Diane Wong, Deputy Attorney General

QUORUM/CALL TO ORDER

A quorum being present (Chair Yap, Trustees Ley and Mizumoto), Chair Yap called the meeting of the Legislative Committee (Committee) of the Board of Trustees (Board) of the Employees' Retirement System of the State of Hawaii (ERS) to order at 2:00 p.m. and requested each Trustee identify themselves and confirm that they are the only ones present at their remote location while attending the meeting. Each of the Trustees present confirmed same. Chair Yap reminded the Committee to please be sure that they are visible on their video cameras and that they remain on while the meeting is in session.

On a motion made by Trustee Ley, seconded by Trustee Mizumoto, and unanimously carried, the Committee voted to hold a meeting allowing Trustees and members of the public to participate by interactive conference technology, pursuant to HRS §92-3.7, with at least one meeting location open to the public that has audiovisual connection.

PUBLIC COMMENT

Chair Yap called for public comment. There was no public attending in person or by teleconference, therefore, there was no public comment. There was also no written public testimony received for this Committee meeting.

DISCUSSION AND
ELECTION OF CHAIR AND
VICE CHAIR OF THE

Acting Chair Yap asked the Committee for nominations for Chair and Vice Chair of the Legislative Committee. Trustee Ley nominated Acting Chair Yap to remain as Chair and Trustee Mizumoto nominated Trustee

LEGISLATIVE COMMITTEE

Ley as Vice Chair.

On a motion made by Trustee Ley, seconded by Trustee Mizumoto, and unanimously carried, the Committee elected Chair Yap to continue as Chair of the Legislative Committee.

On a motion made by Trustee Mizumoto, seconded by Chair Yap, and unanimously carried, the Committee elected Trustee Ley as Vice Chair of the Legislative Committee.

REVIEW AND DISCUSS THE LEGISLATIVE COMMITTEE CHARTER TO INCLUDE LEGISLATIVE COMMITTEE PERFORMANCE ASSESSMENT, AND REVIEW OF PRIOR YEAR'S LEGISLATIVE COMMITTEE ACTIVITIES

Chair Yap presented for review, discussion, and approval by the Committee, the Legislative Committee Charter to Include Legislative Committee Performance Assessment.

On a motion made by Vice Chair Ley, seconded by Trustee Mizumoto, and unanimously carried, the Committee accepted the Legislative Committee Charter and Performance Assessment and will be presenting it for acceptance by the Governance Policy Committee and then for final approval by the Board. (The Charter is attached to these minutes for clarification.)

LEGISLATIVE PROPOSALS RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM FOR THE 2024 LEGISLATIVE SESSION FOR RECOMMENDATION TO THE BOARD OF TRUSTEES

Program Specialist (PS) Asato presented and discussed with the Committee the Legislative Proposals Relating to the Employees' Retirement System for the 2024 Legislative Session and reviewed the list of ERS Initiated, Investment Related, Membership and Benefits Related, and Miscellaneous 2024 Legislative Bills, as well as ERS's positions on each Bill.

After review and discussion of the list of Bills, the Committee requested a change to the following ERS Position:

Membership & Benefits Related

- HB 1947, Relating to the Employees' Retirement System. Change from Provide Comments to SUPPORT.

On a motion made by Vice Chair Ley, seconded by Trustee Mizumoto, and unanimously carried, the Committee accepted and reaffirmed the ERS Initiated, Investment, Membership and Benefits Related, and Miscellaneous Related 2024 Legislative Bills that included recommended positions to be taken by the Board with changes as noted, and will be presented to the Board for approval. (The lists presented are attached, with changes, to these minutes for clarification.)

DISCUSSION OF POTENTIAL LEGISLATIVE PROPOSALS RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM FOR FUTURE LEGISLATION

Chair Yap presented for discussion with the Committee the Potential Legislative Proposals Relating to the Employees' Retirement System for Future Legislation. The Committee had no Potential Legislative Proposals for Future Legislation Relating to the Employees' Retirement System.

PUBLIC COMMENT

Chair Yap called for public comment. There was no public present by teleconference or in person, therefore, no public comment.

APPROVAL OF MINUTES
- AUGUST 28, 2023

On a motion made by Trustee Mizumoto, seconded by Vice Chair Ley, and unanimously carried, the Committee approved the Minutes of the August 28, 2023, meeting as presented.

ADJOURNMENT

On a motion made by Trustee Mizumoto, seconded by Vice Chair Ley, and unanimously carried, Chair Yap adjourned the meeting at 2:52 p.m.

REDACTED SIGNATURE

Thomas Williams
Executive Director

TW:dkik



Employees' Retirement System of the State of Hawaii
BOARD OF TRUSTEES
LEGISLATIVE COMMITTEE CHARTER

I. PURPOSE

The Legislative Committee (“Committee”) of the Employees’ Retirement System (“ERS”) of the State of Hawaii is a committee of the Board of Trustees (“Board”). Its primary function is to assist the Board in fulfilling its fiduciary oversight responsibilities by reviewing and advising on recommendations on proposed legislation.

II. COMMITTEE MEMBERSHIP

The Committee shall consist of no fewer than three (3) trustees. The members of the Committee shall be appointed by the Board. The members of the Committee shall be appointed for a one-year term and shall serve for such term or terms as the Board may determine or until earlier resignation. The Board may remove any member from the Committee at any time with or without cause.

III. MEETINGS

The Committee shall meet at least one (1) time a year at such times and places as it deems necessary to fulfill its responsibilities. The Committee shall report regularly to the Board regarding its actions and make recommendations to the Board as appropriate. The Committee may invite such members of management and advisors to its meetings as it deems appropriate. The Committee shall review this Charter at least annually and recommend any proposed changes to the Board for approval.

IV. AUTHORITY AND RESPONSIBILITIES

The members of the Committee shall elect its Chairperson and Vice Chairperson.



Employees' Retirement System of the State of Hawaii
BOARD OF TRUSTEES
LEGISLATIVE COMMITTEE CHARTER

The Committee shall have the following authority and responsibilities regarding ERS Legislation:

- To review and approve annually the ERS's goals and objectives applicable to the legislative process.
- To review proposed legislation introduced by the ERS and by other parties, and to assign and provide direction for the Executive Director and Deputy Executive Director on priorities and actions to successfully support the legislative goals and responsibilities of the ERS.
- To recommend support or opposition of proposed legislation to the full Board for its consideration.

V. OUTSIDE ADVISORS

The Committee shall have the authority, in its sole discretion, to obtain the advice of any ERS consultant or ERS service provider as necessary to assist with the execution of its duties and responsibilities as set forth in this Charter. The Committee shall have the authority, in its sole discretion, to obtain the advice and assistance of ERS's legal counsel and such other advisors as it deems necessary to fulfill its duties and responsibilities under this Charter. The Committee shall not be required to implement or act consistently with the advice or recommendations of its consultant, legal counsel or other advisor to the Committee, and the authority granted in this Charter shall not affect the ability or obligation of the Committee to exercise its own judgment in fulfillment of its duties under this Charter. The consultant(s), outside counsel and any other advisors retained by, or providing advice to, the Committee (other than the ERS's in-house counsel) shall be independent as determined in the discretion of the Committee.



Employees' Retirement System of the State of Hawaii
BOARD OF TRUSTEES
LEGISLATIVE COMMITTEE CHARTER

VI. PERFORMANCE EVALUATION

The Committee shall conduct an annual evaluation of the performance of its duties under this charter and shall present the results of the evaluation to the Board. The Committee shall conduct this evaluation in such manner as it deems appropriate.

Adopted and Approved by the Board of Trustees on February 13, 2017, August 10, 2020, April 11, 2022, March 13, 2023, March 11, 2024

Accepted by the Governance Policy Committee: March 28, 2022, March 7, 2023

Revised and Accepted by the Legislative Committee: August 10, 2020, February 7, 2022, January 31, 2023, February 2, 2024

ERS Initiated as of 1/30/2024										
#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
1	HB2381	ERS; Funding Period	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM FUNDING PERIOD.	Lowering the Employees' Retirement System's funding period to amortize the System's total unfunded accrued liability.	H 1/26/2024: Referred to LGO, FIN, referral sheet 3	SAIKI (Introduced by request of another party)	LGO, FIN	SB3070	active	Support
2	HB2382	Employees' Retirement System; Service-Connected Disability; Accidental Death	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Clarifies the Employees' Retirement System's eligibility requirement definitions for service-connected disability and accidental death benefits.	H 1/26/2024: Referred to LGO, FIN, referral sheet 3	SAIKI (Introduced by request of another party)	LGO, FIN	SB3071	active	Support
3	HB2385	ERS; Personnel; Civil Service; Exemption	RELATING TO EMPLOYEES' RETIREMENT SYSTEM PERSONNEL.	Amends section 76-16(b), Hawaii Revised Statutes, to exempt the Deputy Executive Director, Chief Compliance Officer, and branch managers of the Employees' Retirement System of the State of Hawaii from civil service.	H 1/26/2024: Referred to LGO, FIN, referral sheet 3	SAIKI (Introduced by request of another party)	LGO, FIN	SB3074	active	Support
4	SB3070	ERS; Funding Period	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM FUNDING PERIOD.	Lowering the Employees' Retirement System's funding period to amortize the System's total unfunded accrued liability.	S 1/26/2024: Referred to LBT, WAM.	KOUCHI (Introduced by request of another party)	LBT, WAM	HB2381	active	Support
5	SB3071	Employees' Retirement System; Service-Connected Disability; Accidental Death	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Clarifies the Employees' Retirement System's eligibility requirement definitions for service-connected disability and accidental death benefits.	S 1/26/2024: Referred to LBT, JDC/WAM.	KOUCHI (Introduced by request of another party)	LBT, JDC/WAM	HB2382	active	Support
6	SB3074	ERS; Personnel; Civil Service; Exemption	RELATING TO EMPLOYEES' RETIREMENT SYSTEM PERSONNEL.	Amends section 76-16(b), Hawaii Revised Statutes, to exempt the Deputy Executive Director, Chief Compliance Officer, and branch managers of the Employees' Retirement System of the State of Hawaii from civil service.	S 1/26/2024: Referred to LBT, WAM.	KOUCHI (Introduced by request of another party)	LBT, WAM	HB2385	active	Support

Investment Related as of 1/30/2024										
#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
7	SB2388	ERS; Russia Divestment; Belarus Divestment; Russo-Ukrainian War	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Prohibits the Employees' Retirement System from acquiring securities of companies that have active business operations with Russia or Belarus.	S 1/22/2024: Referred to LBT/TCA, WAM/JDC.	RHOADS	LBT/TCA, WAM/JDC	none	active	Oppose

Membership & Benefits Related as of 1/30/2024										
#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
8	HB1644	Employees' Retirement System; Overtime; Compensation; Definition	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	For members of the Employees' Retirement System hired after July 1, 2012, includes overtime in the definition of compensation when an employee has been directed by their supervisor or an appropriate authority to work more than their normal hours of service to perform specific duties and tasks related to an active emergency proclamation.	H 1/29/2024: Bill scheduled to be heard by LGO on Thursday, 02-01-24 9:00AM in House conference room 309 VIA VIDEOCONFERENCE.	MATAYOSHI, GARRETT	LGO, FIN	none	active	Oppose

#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
9	HB1850	City and County of Honolulu Package; ERS; Retirement; Government Employees	RELATING TO VESTING IN THE EMPLOYEES' RETIREMENT SYSTEM.	Amends the vesting period to 5 years for tier 2 government employees of the Employees' Retirement System who are in service on the effective date of the Act or return to service after the effective date of the Act, and for employees who become a member on or after the effective date of the Act.	H 1/24/2024: Referred to LGO, FIN, referral sheet 1	SAIKI (Introduced by request of another party)	LGO, FIN	SB2220	active	Provide Comments
10	HB1947	Public Employees; Employees' Retirement System; Credited Service; Retirement; Appropriation; Expenditure Ceiling	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Reduces the minimum number of years of credited service from ten years to five years qualified Tier 2 employee's retirement system members must have to be eligible for vested benefit status for service retirement allowance purposes. Appropriates funds.	H 1/29/2024: Bill scheduled to be heard by LGO on Thursday, 02-01-24 9:00AM in House conference room 309 VIA VIDEOCONFERENCE.	MATAYOSHI, BELATTI, CHUN, COCHRAN, EVSLIN, GARRETT, KAPELA, KITAGAWA, KOBAYASHI, LA CHICA, MARTEN, MIYAKE, NISHIMOTO, PERRUSO, TAKENOUCI, TAM, TARNAS	LGO, FIN	none	active	Provide Comments Support
11	HB2198	Collective Bargaining; Retirement Benefits	RELATING TO PUBLIC EMPLOYMENT.	Allows public employee organizations to negotiate retirement benefits.	H 1/26/2024: Bill scheduled to be heard by LGO on Tuesday, 01-30-24 9:30AM in House conference room 309 VIA VIDEOCONFERENCE.	GARRETT, AMATO, BELATTI, CHUN, HOLT, HUSSEY-BURDICK, KILA, LOWEN, MARTEN, MIYAKE, TAKENOUCI, TAM	LGO, JHA, FIN	none	active	Oppose
12	HB2200	Student Loan Forgiveness; Elder; UH; ERS; Appropriation; General Fund Expenditure Ceiling Exceeded	RELATING TO STUDENT LOAN FORGIVENESS FOR THE ELDERLY.	Establishes a student loan forgiveness program within the University of Hawaii to forgive outstanding student loans of elders who have graduated from an institution of higher education in the United States and have worked for at least 10 years in public service. Requires the Employees' Retirement System to assist applicants with demonstrating proof of public employment. Appropriates moneys. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025.	H 1/26/2024: Referred to HET, LGO, FIN, referral sheet 3	GARRETT (Introduced by request of another party)	HET, LGO, FIN	none	active	Oppose
13	HB2395	Militia; National Guard; Employees' Retirement System	RELATING TO THE HAWAII NATIONAL GUARD.	Exempts Hawaii National Guard service members activated by the Governor or the Governor's designated representative to state active duty from enrollment in the Employees' Retirement System of the State of Hawaii.	H 1/26/2024: Referred to LGO/CMV, FIN, referral sheet 3	SAIKI (Introduced by request of another party)	LGO/CMV, FIN	SB3084	active	Provide Comments
14	HB2410	ERS; Credited Service; Benefits	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Reduces the minimum number of years of credited service qualified Tier 2 Employees' Retirement System members must have to be eligible for vested benefit status for service retirement allowance purposes from ten years to five years. Appropriates funds for investments of the ERS.	H 1/26/2024: Referred to LGO, FIN, referral sheet 3	SAIKI (Introduced by request of another party)	LGO, FIN	SB3099	active	Support

#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
15	HB2595	Retirement for Public Officers and Employees; Allowances; Pension and Retirement Systems; Law Enforcement Employees	RELATING TO ALLOWANCE ON SERVICE RETIREMENTS.	Amends chapter 88, HRS, to include new definitions for certain law enforcement administrators and employees established in Act 278, SLH 2022, as class A members of the pension and retirement systems and provides guidance for the computation of retirement benefits similar to police officers.	H 1/26/2024: Referred to LGO, FIN, referral sheet 3	HASHEM	LGO, FIN	SB2846	active	Provide Comments
16	SB2220	City and County of Honolulu Package; ERS; Retirement; Government Employees	RELATING TO VESTING IN THE EMPLOYEES' RETIREMENT SYSTEM.	Amends the vesting period to 5 years for tier 2 government employees of the Employees' Retirement System who are in service on the effective date of the Act or return to service after the effective date of the Act, and for employees who become a member on or after the effective date of the Act.	S 1/18/2024: Referred to LBT, WAM.	KOUCHI (Introduced by request of another party)	LBT, WAM	HB1850	active	Provide Comments
17	SB2398	Employees' Retirement System Benefits; Retirement Benefits; Felony Conviction; Forfeiture	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Authorizes a court to order the forfeiture of all of the Employees' Retirement System (ERS) benefits of an ERS member, former member, or retirant upon conviction of the individual for a felony related to the state or county employment of the individual.	S 1/22/2024: Referred to LBT, JDC/WAM.	DECOITE, CHANG, HASHIMOTO, KIDANI, RICHARDS, San Buenaventura	LBT, JDC/WAM	none	active	Provide Comments
18	SB2494	ERS; Police Officers; Retirement; Medical Coverage; Minimum Age; Years of Credited Service	RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM.	Provides police officers who become members of the Employees' Retirement System after 6/30/2023 with retirement benefits similar to those provided for members of the Employees' Retirement System who became members before 7/1/2012, including but not limited to calculation of retirement allowance, minimum age or years of credited service requirements, and vesting period.	S 1/24/2024: Referred to PSM/LBT, WAM.	DECOITE, CHANG, HASHIMOTO, KIDANI, RICHARDS, McKelvey	PSM/LBT, WAM	none	active	Oppose
19	SB2608	ERS; Public Employment; Pension Calculation; Overtime	RELATING TO PENSION CALCULATIONS.	Includes overtime pay earned during an emergency proclamation as part of the pension calculation for individuals who became a member of the Employees' Retirement System after 6/30/2012.	S 1/24/2024: Referred to LBT, WAM.	AQUINO	LBT, WAM	none	active	Oppose
20	SB2716	Collective Bargaining; Retirement Benefits.	RELATING TO COLLECTIVE BARGAINING.	Allows retirement benefits to be negotiated during collective bargaining negotiations.	S 1/24/2024: Referred to LBT, WAM.	AQUINO, CHANG, FEVELLA, HASHIMOTO, Kidani, San Buenaventura	LBT, WAM	none	active	Oppose
21	SB2846	Retirement for Public Officers and Employees; Allowances; Pension and Retirement Systems; Law Enforcement Employees	RELATING TO ALLOWANCE ON SERVICE RETIREMENTS.	Amends chapter 88, HRS, to include new definitions for certain law enforcement administrators and employees established in Act 278, SLH 2022, as class A members of the pension and retirement systems and provides guidance for the computation of retirement benefits similar to police officers.	S 1/24/2024: Referred to PSM/LBT, WAM.	WAKAI, FEVELLA, KIDANI, MCKELVEY	PSM/LBT, WAM	HB2595	active	Provide Comments

#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
22	SB2871	ERS; Retirement; Sheriff; Deputy Sheriff; Police Officer	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Authorizes a sheriff, deputy sheriff, or police officer to retire after twenty-five years of service and receive employment benefits through the Employees' Retirement System.	S 1/24/2024: Referred to LBT/PSM, WAM.	MCKELVEY (Introduced by request of another party)	LBT/PSM, WAM	none	active	Oppose
23	SB3084	Militia; National Guard; Employees' Retirement System	RELATING TO THE HAWAII NATIONAL GUARD.	Exempts Hawaii National Guard service members activated by the Governor or the Governor's designated representative to state active duty from enrollment in the Employees' Retirement System of the State of Hawaii.	S 1/26/2024: Referred to PSM/LBT, WAM.	KOUCHI (Introduced by request of another party)	PSM/LBT, WAM	HB2395	active	Provide Comments
24	SB3099	ERS; Credited Service; Benefits	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.	Reduces the minimum number of years of credited service qualified Tier 2 Employees' Retirement System members must have to be eligible for vested benefit status for service retirement allowance purposes from ten years to five years. Appropriates funds for investments of the ERS.	S 1/26/2024: Referred to LBT, WAM.	KOUCHI (Introduced by request of another party)	LBT, WAM	HB2410	active	Support

Miscellaneous as of 1/30/2024 (removed companion bills)										
#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
25	HB1598	Sunshine Law; Board Packet; Public Inspection; Notice; Testimony	RELATING TO THE SUNSHINE LAW.	Establishes that board packets shall be made available for public inspection no later than two business days, rather than forty-eight hours, before a board meeting. Clarifies that public testimony may be submitted to the board before the meeting.	H 1/24/2024: Referred to JHA, referral sheet 1	TARNAS, AMATO, COCHRAN, GANADEN, KAPELA, MARTEN, MATSUMOTO, MIYAKE, NAKASHIMA, PERRUSO, TAKAYAMA, TAKENOUCI, Kobayashi	JHA	none	active	Monitor
26	HB1599	Public Meetings; Remote Testimony; Visibility	RELATING TO THE SUNSHINE LAW.	Requires public meeting notices to inform members of the public how to provide remote oral testimony in a manner that allows the testifier, upon request, to be visible to board members and other meeting participants.	H 1/24/2024: Referred to JHA, referral sheet 1	TARNAS, BELATTI, COCHRAN, GANADEN, KAPELA, KITAGAWA, LAMOSAO, MARTEN, MATAYOSHI, MIYAKE, NAKASHIMA, POEPOE, TAKAYAMA, Amato, Kobayashi, Morikawa	JHA	none	active	Monitor
27	HB1600	Sunshine Law; Permitted Interaction Groups; Scheduling; Open Meetings	RELATING TO OPEN MEETINGS.	Requires that a board may only schedule a meeting for discussion and decisionmaking on a report by an investigative group six days after the investigative group has made a report of its findings to the board.	H 1/24/2024: Referred to JHA, referral sheet 1	TARNAS, AMATO, COCHRAN, GANADEN, KAPELA, MIYAKE, NAKASHIMA, NISHIMOTO, PERRUSO, POEPOE, TAKAYAMA, TAM	JHA	none	active	Monitor
28	HB1800	State Budget	RELATING TO THE STATE BUDGET.	Adjusts and requests appropriations for fiscal biennium 2023-2025 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs.	H 1/24/2024: Referred to FIN, referral sheet 1	SAIKI (Introduced by request of another party)	FIN	SB2234	active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
29	HB1832	State Departments; Department of Human Resources Development; Civil Service; Minimum Qualification Review	RELATING TO HIRING.	Authorizes a state department, division, or agency, rather than the Department of Human Resources Development, to conduct a minimum qualification review of applicants for vacant positions within the department, division, or agency. Requires the Department of Human Resources Development to provide state departments, divisions, and agencies the applications received for vacancies under certain circumstances.	H 1/29/2024: Bill scheduled to be heard by LGO on Thursday, 02-01-24 9:00AM in House conference room 309 VIA VIDEOCONFERENCE.	SAIKI, AIU, AMATO, BELATTI, CHUN, COCHRAN, EVSLIN, GANADEN, GARRETT, GATES, HASHEM, HOLT, HUSSEY-BURDICK, ICHiyAMA, ILAGAN, KAHALOA, KAPELA, KILA, KITAGAWA, KOBAYASHI, LA CHICA, LAMOSAO, LOWEN, MARTEN, MARTINEZ, MATAYOSHI, MIYAKE, M. MIZUNO, MORIKAWA, NAKAMURA, NAKASHIMA, NISHIMOTO, ONISHI, PERRUSO, POEPOE, QUINLAN, SAYAMA, TAKAYAMA, TAKENOUCI, TAM, TARNAS, TODD, WOODSON, Yamashita	LGO, FIN	SB3007	active	Monitor
30	HB1858	Hawaii Council of Mayors Package; Meetings; Supplemental Information	RELATING TO PUBLIC AGENCY MEETINGS.	Provides that supplemental information received within 48 hours of a meeting of a board subject to state opening meetings law may be added to the board packet; provided that the public is promptly provided access to the supplemental information.	H 1/24/2024: Referred to JHA, referral sheet 1	SAIKI (Introduced by request of another party)	JHA	SB2198	active	Monitor
31	HB1859	Hawaii Council of Mayors Package; Closed Meetings; Training	RELATING TO PUBLIC AGENCY MEETINGS.	Authorizes any board that is subject to state open meetings law to hold a closed meeting for the purpose of providing training to new and current board members.	H 1/24/2024: Referred to JHA, referral sheet 1	SAIKI (Introduced by request of another party)	JHA	SB2199	active	Monitor
32	HB2211	Salaries; Employees; Executive Branch; Limitation	RELATING TO PUBLIC EMPLOYEE COMPENSATION.	Prohibits a board or commission from authorizing a base salary for a position and prohibits an employee from receiving a base salary, in excess of the amount designated in the budget enacted by the Legislature or other legislative enactment, unless approved by the Legislature.	H 1/26/2024: Referred to LGO, FIN, referral sheet 3	AIU, KILA, MIYAKE	LGO, FIN	SB2599	active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
33	HB2320	Public Servants; Public Officials; Government Records; Public Records; Personal Information; Disclosure; Prohibition; Criminal Offense; Unlawful Publication of Personal Information	RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION OF CERTAIN PUBLIC SERVANTS.	Exempts certain personal information of public servants from government records that are subject to disclosure under the State's Uniform Information Practices Act. Establishes within the State's Address Confidentiality Program protection for public servants that prohibits upon written request from the public servant or representative any person or organization from disclosing certain personal information. Establishes the offense of unlawful publication of personal information that prohibits any person or organization from knowingly disclosing protected personal information of public officials with the intent to cause reputational harm, emotional injury, or bodily injury. Takes effect 9/1/2024.	H 1/26/2024: Referred to JHA/CPC, referral sheet 3	SAIKI	JHA/CPC	SB2686	active	Support (written only)
34	HB2482	Sunshine Law; Public Meetings; Public Notice	RELATING TO MEETING NOTICES.	Mandates the Office of the Lieutenant Governor or the appropriate county clerk's office to ensure access to paper or electronic copies of all meeting notices and deletes the requirement to post notices in a central location in a public building.	H 1/26/2024: Referred to JHA, FIN, referral sheet 3	SAIKI (Introduced by request of another party)	JHA, FIN	SB3171	active	Monitor
35	HB2519	EUTF; Board of Trustees; Composition; Quorum; Voting	RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND BOARD OF TRUSTEES.	Amends the composition of the Hawaii employer-union health benefits trust fund board of trustees. Clarifies vacancy procedures. Amends quorum requirements and voting powers.	H 1/26/2024: Referred to LGO, FIN, referral sheet 3	SAIKI	LGO, FIN	SB2530	active	Monitor
36	HB2625	Administrative Procedure; Contested Cases; Vexatious Litigants	RELATING TO CONTESTED CASES.	Clarifies that a contested case hearing is not required when an identical or substantially similar administrative matter has been finally adjudicated. Includes administrative contested case proceedings within the scope of the vexatious litigant statute.	H 1/26/2024: Referred to JHA, referral sheet 3	TARNAS	JHA	none	active	Monitor
37	SB2116	Interactive Conference Technology; Remote Participation; Live Broadcast; Boards and Commissions	RELATING TO BOARD MEETINGS.	Requires boards to use interactive conference technology to remotely conduct public meetings in conjunction with in-person meetings that allow for public participation. Requires boards to archive minutes of meetings on their websites.	S 1/26/2024: The committee(s) on GVO has scheduled a public hearing on 01-30-24 3:00PM; Conference Room 225 & Videoconference.	KEOHOKALOLE, CHANG, DECOITE, FEVELLA, FUKUNAGA, GABBARD, HASHIMOTO, KIDANI, MCKELVEY, RICHARDS, San Buenaventura, Wakai	GVO, JDC/WAM	none	active	Monitor
38	SB2172	Boards; Commissions; Absence of Chairperson; Assumption of Duties	RELATING TO BOARDS AND COMMISSIONS.	Establishes the priority of who may assume the authority and duties of a chairperson of a board or commission in the chairperson's and all co-chairperson's absence at a hearing or meeting of a board or commission. Prohibits staff members from assuming the authority and duties of the chairperson of a board or commission.	S 1/26/2024: The committee(s) on GVO has scheduled a public hearing on 01-30-24 3:00PM; Conference Room 225 & Videoconference.	INOUYE, CHANG, FEVELLA, Kim	GVO, JDC	none	active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
39	SB2292	Boards and Commissions; Ex Officio Members; Advice and Consent; Senate	RELATING TO BOARDS AND COMMISSIONS.	Clarifies that the procedures for selecting members of boards and commissions also apply to ex officio members.	S 1/26/2024: The committee(s) on GVO has scheduled a public hearing on 01-30-24 3:00PM; Conference Room 225 & Videoconference.	DELA CRUZ	GVO, JDC	none	active	Monitor
40	SB2379	Judiciary Package; Safety; Public Servants; Personal Information	RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED WITH CERTAIN PUBLIC SERVANTS.	Prohibits government agencies, persons, and organizations from publicly disclosing the personal information of certain public servants and their families upon receiving a written request. Establishes a misdemeanor offense for individuals who post personal information on the Internet in reckless disregard of the risk of harm to certain public servants and their families. Authorizes the display of personal information that is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern. Effective 1/1/2025.	S 1/22/2024: Referred to GVO, JDC.	KOUCHI (Introduced by request of another party)	GVO, JDC	none	active	Support (written only)
41	SB2506	EUTF; Board of Trustees; Quorum	RELATING TO THE BOARD OF TRUSTEES OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND.	Decreases the number of board members of the Employer-Union Health Benefits Trust Fund from 10 trustees to 9. Changes the composition of board members to include 2 citizens of the State who are not employees, among other things. Limits the trustee's service after the end of the term to until the trustee's successor is appointed or 120 days after the trustee's term ends, whichever comes first.	S 1/24/2024: Referred to LBT/GVO, WAM.	DELA CRUZ, AQUINO, HASHIMOTO, KIDANI	LBT/GVO, WAM	none	active	Monitor
42	SB2517	Public Agency Meetings and Records; Sunshine Law; Executive Session; Personnel; Voting; Hiring; Officers; Employees	RELATING TO PUBLIC AGENCY MEETINGS.	Required that heads of agencies that require board appointments be made through a publicly established process and timeline. Requires that a vote by a public agency board to hire an officer or employee be conducted in an open meeting.	S 1/26/2024: The committee(s) on GVO has scheduled a public hearing on 01-30-24 3:00PM; Conference Room 225 & Videoconference.	DELA CRUZ	GVO, JDC	none	active	Monitor
43	SB2597	Boards; Commissions; Holdover Member; Limitation	RELATING TO BOARDS AND COMMISSIONS.	Clarifies that the prohibition against board and commission holdover members from holding office beyond the end of the second regular legislative session following the expiration of the member's term of office takes precedence over any conflicting statutes.	S 1/24/2024: Referred to GVO, JDC.	KIM, CHANG, WAKAI	GVO, JDC	none	active	Monitor
44	SB2636	Boards; Remote Testifiers; Remote Testimony; Removal	RELATING TO REMOTE MEETINGS.	Requires a board to offer remote testifiers an option to be seen and heard by the board and the public when offering remote testimony. Authorizes a board to remove or block any persons who intentionally disrupt or compromise the conduct of a meeting.	S 1/24/2024: Referred to GVO/LBT, JDC.	IHARA	GVO/LBT, JDC	none	active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
45	SB2637	Public Agency Meetings; Reports; Sunshine Law	RELATING TO PUBLIC AGENCY MEETINGS.	Clarifies that the third meeting of public agency meetings must occur not less than six calendar days after the second.	S 1/26/2024: The committee(s) on GVO has scheduled a public hearing on 01-30-24 3:00PM; Conference Room 225 & Videoconference.	IHARA	GVO, JDC	none	active	Monitor
46	SB2638	Board Packets; Public Inspection; Timeframe; Public Testimony	RELATING TO BOARD PACKETS.	Requires boards to make available for public inspection board packets, if created, at the time the board packet is distributed to the board members but no later than two business days before the meeting. Carves out an exception by allowing public testimony to be distributed to board members within two business days before the meeting.	S 1/29/2024: The committee(s) on JDC has scheduled a public hearing on 02-02-24 10:00AM; Conference Room 016 & Videoconference.	IHARA	JDC, WAM	none	active	Monitor
47	SB2639	OIP; UIPA; Sunshine Law; Public Appeal	RELATING TO PUBLIC AGENCY MEETINGS.	Updates the enforcement mechanisms for the Uniform Information Practices Act and the Sunshine Law.	S 1/24/2024: Referred to GVO, JDC.	IHARA	GVO, JDC	none	active	Monitor
48	SB2830	Sunshine Law; Open Meetings; Policymaking Groups; Definitions	RELATING TO MEETINGS.	Amends the definitions of "board", "board business", and "meeting" within state open meetings law to expand the scope of the law to include state and county policymaking groups, including groups created by emergency proclamations.	S 1/24/2024: Referred to GVO, JDC.	MCKELVEY	GVO, JDC	none	active	Monitor
49	SB2844	Uniform Information Practices Act; Critical Infrastructure Information	RELATING TO THE UNIFORM INFORMATION PRACTICES ACT.	Excludes critical infrastructure information from disclosure requirements under the Uniform Information Practices Act.	S 1/24/2024: Referred to PSM, JDC.	WAKAI, FEVELLA, KIDANI, San Buenaventura	PSM, JDC	none	active	Support
50	SB3203	Sunshine Law; Legislative Intent; Boards; Definitions; Permitted Interactions; Limited Meetings; Board Packets; Minutes; Exceptions	RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.	Enables boards to operate more effectively by amending sections of the Sunshine Law pertaining to the declaration of policy and intent, permitted interactions of members, limited meetings, executive meetings, exceptions, board packets, and minutes. Amends the definition of the term "meeting".	S 1/29/2024: Referred to GVO, JDC.	KOUCHI (Introduced by request of another party)	GVO, JDC	none	active	Monitor

#	Bill No	Subject	Title	Summary	Status as of 1/30/2024	Introducer(s)	Refer	Comp	Active or Dead	ERS Position
51	SB3307	OIP; Public Agency Meetings; Sunshine Law; Exemption; Trusted Public Representatives; Report	RELATING TO PUBLIC AGENCY MEETINGS.	Requires the Director of the Office of Information Practices to adopt rules to establish a process for the selection and appointment of trusted public representatives. Allows the Director of the Office of Information Practices to assign trusted public representatives to observe board meetings closed to the public. Requires the Director of the Office of Information Practices to include in the Director's annual report the activities of trusted public representatives. Requires trusted public representatives to submit a confidential report to the Director of the Office of Information Practices that a board meeting was conducted in conformance with chapter 92, Hawaii Revised Statutes. Defines "trusted public representative". Allows boards to hold certain meetings closed to the public if a trusted public representative is assigned to the meeting by the Director of the Office of Information Practices and is present at the meeting.	S 1/29/2024: Referred to GVO, JDC.	IHARA	GVO, JDC	none	active	Monitor