

STAND. COM. REP. NO. **2571**

Honolulu, Hawaii

MAR 01 2018

RE: S.B. No. 2766
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2766, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM, "

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the trust assets of the Employees' Retirement System are to be expended exclusively for the benefit of its members and their beneficiaries.

Specifically, this measure specifies that benefits for a service-connected disability or accidental death be limited to members who are beneficiaries of the trust.

Your Committee received written comments in support of this measure from the Employees' Retirement System.

Your Committee finds in *Stout v. Board of Trustees of the Employees' Retirement System*, 140 Haw. 177, 398 P.3d 766 (2017), the Hawaii Supreme Court held that under certain circumstances, a person who sustains an injury while performing government service for which contributions to the Employees' Retirement System are not required could, nonetheless, qualify for Employees' Retirement System benefits. Your Committee finds that this measure will clarify that claims for benefits related to service-connected

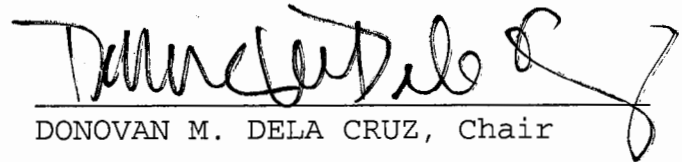


disability and accidental death benefits are limited to members who are beneficiaries of the trust.

Your Committee has amended this measure by making technical nonsubstantive amendments for purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2766, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2766, S.D. 2.


Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB2766, SDI	Committee Referral: LBR, WAM	Date: 2-14-18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)				✓
ENGLISH, J. Kalani				✓
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
KAHELE, Kaiali'i				✓
KIDANI, Michelle N.	✓			
RIVIERE, Gil	✓			
SHIMABUKURO, Maile S.L.	✓			
WAKAI, Glenn				✓
TOTAL	7			4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes