



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 4, 2018

**GOV. MSG. NO. 1119**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 4, 2018, the following bill was signed into law:

HB2336 HD1 SD2

RELATING TO EMPLOYER CONTRIBUTIONS TO  
THE EMPLOYEES' RETIREMENT SYSTEM  
**ACT 019 (18)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor  
on JUN 04 2018

ORIGINAL

ACT 019

HOUSE OF REPRESENTATIVES  
TWENTY-NINTH LEGISLATURE, 2018  
STATE OF HAWAII

H.B. NO.

2336  
H.D. 1  
S.D. 2

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## A BILL FOR AN ACT

RELATING TO EMPLOYER CONTRIBUTIONS 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 facilitate the  
2 payment by the State and counties of contributions to the  
3 employees' retirement system in advance of the fiscal year in  
4 which the contributions are required by allowing the payments to  
5 be held by the system and credited against the future  
6 obligations of the employers.

7           In allowing advance payments to the employees' retirement  
8 system by the State and counties, it is not the intent of the  
9 legislature to require separate accounts to be maintained for  
10 each employer that can only be used to pay benefits of a  
11 particular employer's employees. The legislature recognizes  
12 that, for purposes of the standards of the Government Accounting  
13 Standards Board, the employees' retirement system is a cost-  
14 sharing multiple-employer pension plan in which the pension  
15 obligations to the employees of the State and counties are  
16 pooled and the assets of the employees' retirement system can be



1 used to pay the pensions of all State and county employees who  
2 are members of the system.

3 SECTION 2. Chapter 88, Hawaii Revised Statutes, is amended  
4 by adding a new section to subpart D of part II to be  
5 appropriately designated and to read as follows:

6 "§88- Advance payments of State and county  
7 contributions to the system. (a) The State and counties may  
8 pay to the system amounts in excess of the annual amounts  
9 required to be paid pursuant to this chapter. The payments  
10 shall be made, and the system shall hold, account for, and apply  
11 the payments, as provided in this section.

12 (b) The State or a county shall notify the system in  
13 writing whether any payment it makes to the system should be  
14 applied to payment of its contributions for the current fiscal  
15 year or credited to its contributions for future fiscal years.  
16 If the State or a county fails to provide written notice whether  
17 a payment applies to payment of contributions for the current  
18 fiscal year or is to be credited to contributions for future  
19 fiscal years, or if the State or a county provides written  
20 notice that a payment should be applied to contributions for the  
21 current fiscal year, section 88-124 or section 88-126 shall



1 apply to the payment. If the State or a county provides written  
2 notice to the system that a payment should be credited to  
3 contributions for future fiscal years, this section shall apply  
4 to the payment.

5 (c) The State and counties may be credited with interest  
6 on their advance payment credits on the last day of each fiscal  
7 year, based on the average monthly balance as of the last day of  
8 each month, of their advance payment credit during the fiscal  
9 year. The interest rate shall be set by the board; provided  
10 that the interest rate shall not be greater than the investment  
11 return for the fiscal year.

12 (d) Within sixty days following the end of each fiscal  
13 year, the system shall notify the State and the counties of  
14 their respective advance payment credits as of the end of the  
15 fiscal year.

16 (e) The State or a county may, by written notice to the  
17 system, apply all or a portion of their respective advance  
18 payment credit to the payment of contributions. The written  
19 notice shall be given to the system no later than one hundred  
20 twenty days following the start of fiscal year in which the  
21 payment will be applied and shall specify the amount of the



1 advance payment credit to be applied. The advance payment  
2 credits shall be applied in the same manner as contributions  
3 made pursuant to sections 88-124 and 88-126.

4 (f) Payments by the State and counties in excess of the  
5 annual amounts required to be paid to the system pursuant to  
6 this part shall be included in the pension accumulation fund,  
7 even though the payments have not been applied to the  
8 contribution obligations of the State or counties. Advance  
9 payment credits shall not be taken into account in determining  
10 the system's unfunded accrued liability for purposes of section  
11 88-122, or in determining employer contribution rates, until the  
12 system has received written notice that the advance payment  
13 credits should be applied to payment of the contribution  
14 obligations for the current year.

15 (g) For purposes of this section, "advance payment credit"  
16 means the sum of all payments credited to contributions for  
17 future fiscal years, less sums deducted to pay contributions,  
18 together with interest credited thereon."

19 SECTION 3. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2018.



APPROVED this 04 day of JUN, 2018

A handwritten signature in black ink, appearing to read "David Ige". The signature is written in a cursive style with a large, sweeping flourish at the end.

GOVERNOR OF THE STATE OF HAWAII

HB No. 2336, HD 1, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2018  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki  
Speaker  
House of Representatives

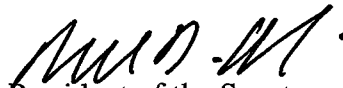



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 10, 2018  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.

  
President of the Senate

  
Clerk of the Senate