



GOV. MSG. NO. 1425

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 12, 2022

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

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First 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 July 12, 2022, the following bill was signed into law:

SB3289 SD2 HD2 CD1

RELATING TO HAWAII RETIREMENT SAVINGS.
ACT 296

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO HAWAII RETIREMENT SAVINGS.

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

1 SECTION 1. The purpose of this Act is to establish a
2 state-facilitated payroll-deduction retirement savings plan for
3 private sector employees in Hawaii who do not have access to
4 employer-sponsored retirement plans.

5 SECTION 2. The Hawaii Revised Statutes is amended by
6 adding a new chapter to be appropriately designated and to read
7 as follows:

8 "CHAPTER

9 HAWAII RETIREMENT SAVINGS

10 § -1 Short title. This chapter shall be known and may
11 be cited as the Hawaii Retirement Savings Act.

12 § -2 Definitions. As used in this chapter, unless the
13 context otherwise requires:

14 "Board" means the Hawaii retirement savings board
15 established under section -3.

16 "Covered employee" means an individual who:

17 (1) Is a resident of the State;

18 (2) Is eighteen years of age or older;



- 1 (3) Is in the employ of a covered employer; and
- 2 (4) Receives wages or other remunerations from a covered
- 3 employer for services rendered that are subject to
- 4 income tax as compensation paid in the State pursuant
- 5 to section 235-34.

6 "Covered employee" does not include an individual covered under
7 the federal Railway Labor Act (45 United States Code chapter 8)
8 or on whose behalf the employer makes contributions to a Taft-
9 Hartley multiemployer pension trust fund.

10 "Covered employer" means any person who is in business in
11 the State and has one or more individuals in employment.

12 "Covered employer" does not include:

- 13 (1) The United States;
- 14 (2) The State or any of its political subdivisions; or
- 15 (3) A person that has been maintaining for all employees
- 16 during the preceding two years a retirement plan that
- 17 is tax-qualified under or is described in and
- 18 satisfies the requirements of section 401(a), 401(k),
- 19 403(a), 403(b), 408(k), or 408(p) of the Internal
- 20 Revenue Code.



1 "Department" means the department of labor and industrial
2 relations.

3 "Director" means the director of labor and industrial
4 relations.

5 "Individual retirement account" or "IRA" means a
6 traditional or Roth individual retirement account or individual
7 retirement annuity under section 408(a), 408(b), or 408A of the
8 Internal Revenue Code.

9 "Internal Revenue Code" means the Internal Revenue Code of
10 1986, as amended (title 26 of the United States Code).

11 "Participant" means an individual who is contributing to an
12 IRA under the program or has an IRA account balance under the
13 program.

14 "Person" means any individual, firm, association,
15 organization, sole proprietorship, partnership, company,
16 corporation, joint venture, trust, or any other form of
17 business, legal entity, or group of individuals.

18 "Program" means the Hawaii retirement savings program
19 established pursuant to this chapter.



1 "Roth IRA" means a Roth individual retirement account or
2 individual retirement annuity under section 408A of the Internal
3 Revenue Code.

4 "Special fund" means the Hawaii retirement savings special
5 fund established in section -8.

6 "Total fees and expenses" means all fees, costs, and
7 expenses, including but not limited to administrative expenses,
8 investment expenses, investment advice expenses, accounting
9 costs, actuarial costs, legal costs, marketing expenses,
10 education expenses, trading costs, insurance annuitization
11 costs, and other miscellaneous costs.

12 "Traditional IRA" means a traditional individual retirement
13 account or traditional individual retirement annuity under
14 section 408(a) or (b) of the Internal Revenue Code.

15 "Wages" has the same meaning as in section 388-1.

16 **§ -3 Hawaii retirement savings board; establishment;**
17 **purpose.** (a) There is established within the department for
18 administrative purposes only, a Hawaii retirement savings board
19 to implement and administer a state-facilitated payroll-
20 deduction retirement savings program for private-sector



1 employees who do not have access to employer-sponsored
2 retirement plans.

3 (b) The board shall consist of nine members as follows:

4 (1) Two ex officio, voting members who shall serve as the
5 co-chairs of the board, consisting of:

6 (A) The director or the director's designee; and

7 (B) The director of finance or the director's
8 designee;

9 (2) Two ex officio, nonvoting members, consisting of:

10 (A) A member of the house of representatives
11 appointed by the speaker of the house of
12 representatives; and

13 (B) A member of the senate appointed by the president
14 of the senate; and

15 (3) Five voting members who shall hold no other public
16 office, to be appointed by the governor and serve on
17 the board in accordance with section 26-34, consisting
18 of:

19 (A) One member with professional knowledge and
20 experience in establishing retirement savings
21 plans and retirement investment products;



1 (B) One member representing the interests of small
2 businesses in Hawaii;

3 (C) One member with professional knowledge and
4 experience in representing the interests of
5 employers in terms of retirement savings;

6 (D) One member with professional knowledge and
7 experience in representing the interests of
8 employees in terms of retirement savings; and

9 (E) One member who is a retiree who resides in
10 Hawaii, representing retirees in Hawaii.

11 (c) The terms of board members shall be four years;
12 provided that the initial appointments shall be for staggered
13 terms, as determined by the governor; provided further that ex-
14 officio board members shall serve at the pleasure of the
15 appointing authority.

16 (d) A simple majority of voting members of the board shall
17 constitute quorum to do business. Any action taken by the board
18 shall be approved by a simple majority of the voting members
19 present. Any vacancy on the board shall not impair the
20 authority of the remaining members to exercise all the powers of
21 the board. All decisions of the board shall be reduced into



1 writing and shall state separately the board's findings of fact
2 and conclusions.

3 (e) The members of the board shall serve without
4 compensation but shall be reimbursed for their actual and
5 necessary expenses, including travel expenses, incurred in
6 carrying out their duties.

7 (f) The board, or its co-chairs with the approval of the
8 board, may employ an executive director exempt from chapters 76
9 and 89, and other staff necessary to perform its duties.

10 § -4 Hawaii retirement savings board; powers; duties.

11 (a) The board shall have powers and duties in accordance with
12 law to:

13 (1) Establish, implement, and maintain the program;

14 (2) Cause the program and arrangements and accounts
15 established under the program to be designed,
16 established, and operated:

17 (A) In accordance with best practices for retirement
18 savings vehicles;

19 (B) To encourage participation, saving, sound
20 investment practices, and appropriate selection
21 of default investments;



- 1 (C) To maximize simplicity and ease of administration
- 2 for employers;
- 3 (D) To minimize costs, including by collective
- 4 investment and other measures to achieve
- 5 economies of scale and other efficiencies in
- 6 program design and administration;
- 7 (E) To promote portability of benefits; and
- 8 (F) To avoid preemption of the program by federal
- 9 law;
- 10 (3) Arrange for collective, common, and pooled investment
- 11 of assets of the program;
- 12 (4) Determine the eligibility of an employer, employee, or
- 13 other individual to participate in the program;
- 14 (5) Ensure the program's compliance with all applicable
- 15 laws and regulations;
- 16 (6) Establish procedures for the timely and fair
- 17 resolution of participant and other disputes related
- 18 to accounts or program operation;
- 19 (7) Develop and implement:



- 1 (A) An investment policy that defines the program's
- 2 investment objectives and that is consistent with
- 3 the objectives of the program; and
- 4 (B) Other policies and procedures consistent with
- 5 those investment objectives;
- 6 (8) Cause expenses incurred to initiate, implement,
- 7 maintain, and administer the program to be paid from
- 8 the program and other available sources;
- 9 (9) Establish and collect application, account, and
- 10 administrative fees;
- 11 (10) Accept grants, gifts, donations, legislative
- 12 appropriations, loans, and other moneys from the
- 13 State, any unit of federal, state, or local
- 14 government, or any other person to defray the costs of
- 15 administering and operating the program;
- 16 (11) Enter into contracts pursuant to chapter 103D for
- 17 services that the board deems necessary to carry out
- 18 the purposes of this chapter, including:
- 19 (A) Services of private and public financial
- 20 institutions, depositories, consultants,
- 21 actuaries, counsel, auditors, investment



- 1 advisors, investment administrators, investment
2 management firms, other investment firms, third-
3 party administrators, other professionals and
4 service providers;
- 5 (B) Research, technical, financial, administrative,
6 and other services; and
- 7 (C) Services of other state agencies to assist the
8 board in the exercise of its powers and duties;
- 9 (12) Develop and implement an outreach plan to gain input
10 and disseminate information regarding the program and
11 retirement savings in general;
- 12 (13) Cause moneys to be held and invested and reinvested
13 under the program;
- 14 (14) Ensure that all contributions to individual retirement
15 accounts under the program may be used only to:
- 16 (A) Pay benefits to participants under the program;
17 (B) Pay the cost of administering the program; and
18 (C) Make investments for the benefit of the program;
19 provided that no assets of the program shall be
20 transferred to the general fund of the State or
21 to any other fund of the State or otherwise



- 1 encumbered or used for any purpose other than
2 those specified in this paragraph;
- 3 (15) Provide for the payment of costs of administration and
4 operation of the program;
- 5 (16) Evaluate the need for and, if the board deems
6 necessary, procure:
- 7 (A) Insurance against any and all loss in connection
8 with the property, assets, or activities of the
9 program; and
- 10 (B) Pooled private insurance;
- 11 (17) Indemnify, including procurement of insurance if and
12 as needed for this purpose, each board member from
13 personal loss or liability resulting from the member's
14 action or inaction as a board member;
- 15 (18) Collaborate with and evaluate the role of financial
16 advisors or other financial professionals, including
17 in assisting and providing guidance for covered
18 employees; and
- 19 (19) Reimburse, when appropriate, the general fund of the
20 State of Hawaii for the initial expenses incurred for



1 initiating, implementing, maintaining, and
2 administering the program; and

3 (20) Take any other action the board deems reasonably
4 necessary to carry out the purpose of this chapter.

5 (b) The board may develop and disseminate information
6 designed to educate covered employees about the impacts of
7 opting in to the program on take-home pay, savings strategies,
8 and the benefits of planning and saving for retirement to help
9 covered employees in deciding whether to participate and at what
10 level participation may be appropriate.

11 (c) Board members, the executive director, and other staff
12 of the board shall not:

13 (1) Have any interest, directly or indirectly, in the
14 making of any investment under the program or in gains
15 or profits accruing from any investment;

16 (2) Borrow any program-related funds or deposits, or use
17 any program-related funds or deposits in any manner,
18 for themselves or as an agent or partner of others; or

19 (3) Become an endorser, surety, or obligor on investments
20 made under the program.



1 § -5 Hawaii retirement savings program; due diligence;
2 establishment; payroll deduction upon election to contribute.

3 (a) There is established within the department, for
4 administrative purposes only, a Hawaii retirement savings
5 program. The program shall be administered by the board, in
6 consultation with the department and the department of budget
7 and finance. The board may determine the time frame for
8 development and implementation of the program; provided that
9 prior to implementation of the program, the board shall meet the
10 requirements of subsections (b) and (c).

11 (b) Prior to implementation of the program, the board may
12 conduct a detailed implementation and evaluation study and
13 perform other due diligence tasks to determine the feasibility
14 of the program parameters established by this chapter and the
15 resources and time needed to implement the program. Upon
16 completion of the study, the board shall report its findings and
17 recommendations, including any proposed legislation and funding
18 requirements, to the legislature.

19 (c) Upon submittal of its report to the legislature
20 pursuant to subsection (b) and prior to implementation of the
21 program, the board may determine the level of staffing necessary



1 to implement the program, develop an implementation strategy and
2 timetable, and conduct outreach efforts to potential covered
3 employers and covered employees.

4 (d) Any covered employee may elect to contribute a portion
5 of the employee's salary or wages to an individual retirement
6 account provided by the program through payroll deduction.

7 (e) Beginning on a date to be determined by the board
8 pursuant to subsection (a), a covered employer shall:

9 (1) Allow a covered employee to enroll into the program
10 after providing the covered employee with a written
11 notice of the employee's right to opt in; and

12 (2) For any covered employee who has opted in to the
13 program:

14 (A) Withhold the covered employee's contribution
15 amount from the employee's salary or wages; and

16 (B) Transmit the covered employee's payroll deduction
17 contribution to the program on the earliest date
18 the amount withheld can reasonably be segregated
19 from the covered employer's assets, but no later
20 than the fifteenth day of the calendar month



1 following the month in which the covered
2 employee's contribution amounts are withheld.

3 (f) The program shall establish for each enrolled employee
4 a Roth IRA, into which the contributions deducted from an
5 employee's payroll shall be deposited. The board may add an
6 option for all participants to affirmatively elect to contribute
7 to a traditional IRA in addition to a Roth IRA.

8 (g) The contributions to and earnings on the amounts
9 contributed to an employee's IRA under the program shall be
10 owned by the employee. The State and employers shall have no
11 proprietary interest in the contributions or earnings in an
12 employee's IRA.

13 (h) Covered employers shall not make contributions,
14 whether matching or not, to the program.

15 (i) The board may authorize matching contributions of up
16 to \$500 per participant account from the special fund for the
17 first 50,000 covered employees who participate in the program
18 for twelve consecutive months after initial enrollment.

19 § -6 Hawaii retirement savings program; contribution
20 amount; rates. The default contribution amount deducted from
21 the payroll of a covered employee who has elected to contribute



1 to the program shall be equal to five per cent of the covered
2 employee's salary or wages; provided that an employee may elect
3 to contribute a higher or lower percentage of compensation as
4 long as the amount does not exceed the applicable contribution
5 dollar limits under the Internal Revenue Code.

6 § -7 Hawaii retirement savings program; program manager.

7 (a) The program shall be managed by a program manager that
8 shall be a financial institution with professional knowledge and
9 experience in managing payroll deduction IRAs, contracted by the
10 board in compliance with chapter 103D.

11 (b) The program manager shall keep total fees and expenses
12 as low as practicable; provided that the total fees and expenses
13 of the program each year shall not exceed seventy-five basis
14 points of the total assets of the program; provided further that
15 this limit shall not apply during the initial three-year period
16 following the establishment of the program.

17 (c) The program manager shall prepare and make available
18 to all participants a report on the status of each participant's
19 account at least once every calendar year.



1 § -8 Hawaii retirement savings special fund. (a) There
2 is established within the state treasury a Hawaii retirement
3 savings special fund, into which shall be deposited:

4 (1) Moneys appropriated to the fund by the legislature;

5 (2) Moneys transferred to the fund from the federal
6 government, other states, and their political
7 subdivisions;

8 (3) Fees collected by the board in relation to the
9 administration and operation of the program;

10 (4) Grants, gifts, and donations made to the board for
11 deposit into the fund;

12 (5) Moneys collected for the fund from:

13 (A) Contributions to, or investment returns or assets
14 of, the program; or

15 (B) Other moneys collected by or for the program or
16 pursuant to arrangements established under the
17 program,

18 to the extent permitted under federal and state law;

19 (6) Interest earned or accrued on moneys deposited in the
20 fund; and

21 (7) Penalties collected pursuant to section -14.



1 (b) All moneys in the special fund are appropriated for
2 the purposes of and shall be expended by the department to pay
3 the administrative costs and expenses of the program, program
4 manager, matching contributions to participant accounts, and the
5 administrative costs and expenses that the board incurs in the
6 performance of its duties under this chapter, and to reimburse
7 the general fund of the State of Hawaii for the initial expenses
8 incurred for initiating, implementing, maintaining, and
9 administering the program.

10 § -9 Protection from liability; employers. (a) No
11 covered employer or other employer shall be liable for or bear
12 responsibility for:

- 13 (1) An employee's decision to opt in or not participate in
14 the program;
- 15 (2) Investment decisions made by the participants and the
16 board;
- 17 (3) The administration, investment, investment returns, or
18 investment performance of the program, including any
19 interest rate or other rate of return earned on any
20 contribution or account balance; provided that the
21 employer played no role in the investment;



- 1 (4) The program design or the benefits paid to
2 participants;
- 3 (5) Individuals' awareness of or compliance with the
4 conditions and other provisions of the tax laws that
5 determine:
- 6 (A) Which individuals are eligible to make tax-
7 favored contributions to IRAs;
- 8 (B) The permissible amount of contributions; and
9 (C) The time frame and manner within which
10 contributions are to be made;
- 11 (6) Any loss, failure to realize any gain, or any other
12 adverse consequences, including any adverse tax
13 consequences or loss of favorable tax treatment,
14 public assistance, or other benefits, incurred by any
15 person as a result of program participation; or
- 16 (7) Any loss, deficiency, or damages caused by or related
17 to the action or inaction of the program manager.
- 18 (b) No covered employer or other employer shall be, or
19 shall be considered to be, a fiduciary in relation to the
20 program or any other arrangement under the program.



1 § -10 Protection from liability; State. (a) The State,
2 department of labor and industrial relations, Hawaii retirement
3 savings board, Hawaii retirement savings program, and other
4 departments, agencies, boards, commissions, and programs of the
5 State and any officers or employees thereof:

6 (1) Shall not be responsible for compliance by covered
7 employers or other individuals with the conditions and
8 other provisions of the Internal Revenue Code that
9 determine:

10 (A) Which covered employees or other individuals are
11 eligible to make tax-favored contributions to
12 IRAs;

13 (B) The permissible amount of contributions; and

14 (C) The time frame and manner within which
15 contributions are to be made;

16 (2) Shall have no duty, responsibility, or liability to
17 any party for the payment of any benefits under the
18 program, regardless of whether sufficient funds are
19 available under the program to pay those benefits;



1 (3) Shall not guarantee any interest rate or other rate of
2 return on or investment performance of any
3 contribution or account balance; and

4 (4) Shall not be liable or responsible for any loss,
5 deficiency, failure to realize any gain, or any other
6 adverse consequences, including any adverse tax
7 consequences or loss of favorable tax treatment,
8 public assistance, or other benefits, incurred by any
9 covered employees or other person as a result of
10 participating in the program.

11 (b) The debts, contracts, and obligations of the program
12 or the board are not the debts, contracts, and obligations of
13 the State, and neither the faith and credit nor the taxing power
14 of the State is pledged directly or indirectly to the payment of
15 the debts, contracts, and obligations of the program or the
16 board.

17 § -11 Confidentiality of participant and account
18 information. Individual account information relating to
19 accounts under the program and relating to individual
20 participants, including but not limited to names, addresses,
21 telephone numbers, email addresses, personal identification



1 information, investments, contributions, and earnings, is
2 confidential and shall be maintained as confidential:

3 (1) Except to the extent necessary to administer the
4 program in a manner consistent with this chapter, the
5 tax laws of the State, and the Internal Revenue Code;
6 or

7 (2) Unless the participant who provides the information or
8 is the subject of the information expressly agrees in
9 writing to the disclosure of the information.

10 § -12 Collaboration and cooperation; intergovernmental;
11 interstate. (a) The board may enter into an intergovernmental
12 agreement or memorandum of understanding with the State or any
13 agency of the State to receive outreach, technical assistance,
14 enforcement and compliance services, or collection or
15 dissemination of information pertinent to the program, subject
16 to a confidentiality agreement deemed appropriate by the board
17 and other agencies of the State.

18 (b) The State and any department, board, commission, or
19 agency that enter into an agreement or memorandum of
20 understanding pursuant to this section shall collaborate to
21 provide the outreach, assistance, information, and compliance or



1 other services or assistance to the board. Memoranda of
2 understanding executed pursuant to this section may cover the
3 sharing of costs incurred in gathering and disseminating
4 information and the reimbursement of costs for any enforcement
5 activities or assistance.

6 (c) The board may enter into a contract, agreement,
7 memorandum of understanding, or other arrangement to
8 collaborate, cooperate, coordinate, contract, or combine
9 resources, investments, or administrative functions with other
10 governmental entities, including other states or any of their
11 agencies or instrumentalities that maintain or are establishing
12 retirement savings programs compatible with the program,
13 including collective, common, or pooled investments with other
14 funds of other states' programs with which the assets of the
15 program and trust are permitted by law to be collectively
16 invested, to the extent necessary or desirable for the effective
17 and efficient design, administration, and implementation of the
18 program consistent with the purposes set forth in this chapter,
19 including the purpose of achieving economies of scale and other
20 efficiencies designed to minimize costs for the program and its
21 participants.



1 § -13 Civil actions. Any covered employee denied
2 enrollment into the program in violation of section -5(e)(1)
3 may file a civil action against the covered employer to require
4 the covered employer to enroll the covered employee into the
5 program and recover costs, including reasonable attorneys' fees,
6 incurred in the civil action.

7 § -14 Penalties. (a) Any covered employer who fails to
8 enroll a covered employee into the program in accordance with
9 section -5(e)(1) without equitable justification shall be
10 liable:

11 (1) To the covered employee, in an amount equal to the
12 contribution amount that would have been made by the
13 employee into the program and interest at a rate of
14 six per cent per year on the contribution amount,
15 beginning from the date the contribution would have
16 been made into the account; provided that the sum of
17 the contribution amount and interest thereto shall be
18 transmitted by the covered employer to the program to
19 be paid into the covered employee's IRA; and

20 (2) A penalty of:



1 (A) \$25 for each month the covered employee was not
2 enrolled in the program; and

3 (B) \$50 for each month the covered employee continues
4 to be unenrolled in the program after the date on
5 which a penalty has been assessed with respect to
6 the covered employee who had elected to
7 participate in the program.

8 (b) Any covered employer who fails to timely transmit a
9 covered employee's payroll deduction contribution to the program
10 pursuant to section -5(e)(2) shall be subject to the same
11 sanctions imposed on an employer for misappropriation of
12 employee wage withholdings and the penalties pursuant to chapter
13 388.

14 (c) No penalty under subsections (a)(2) and (b) shall be
15 imposed on a covered employer if the covered employer can
16 establish by a preponderance of the evidence that the covered
17 employer:

18 (1) Exercised reasonable diligence to meet the
19 requirements of section -5(e);

20 (2) Did not know or reasonably should not have known that
21 the failure existed; and



1 (3) Cures the failure within ninety days of the day the
2 covered employer was given actual notice of the
3 failure or should have known that the failure existed,
4 whichever is earlier.

5 (d) Any covered employer who otherwise violates or fails
6 to comply with any provision of this chapter or rules adopted
7 pursuant to this chapter shall be liable for a penalty of no
8 less than \$500 for each violation or failure; provided that the
9 penalties shall not exceed \$5,000 per calendar year.

10 (e) All or part of the penalties imposed under subsections
11 (a) (2) and (b) may be waived to the extent that the payment of
12 the penalties would be excessive or otherwise inequitable
13 relative to the violation or failure involved; provided that the
14 covered employer can establish, by a preponderance of the
15 evidence, the existence of equitable justification for the
16 violation or failure.

17 (f) The penalties under this section shall be deposited
18 into the special fund.

19 § -15 Rulemaking. (a) The department, in consultation
20 with the department of budget and finance, may adopt rules
21 pursuant to chapter 91 to govern the actions of the board.



1 (b) The board, in consultation with the department and
2 department of budget and finance, may adopt rules pursuant to
3 chapter 91 to carry out the purposes of this chapter. The rules
4 adopted by the board may include but not be limited to rules and
5 procedures governing:

- 6 (1) Enrollment and contributions to an IRA under the
7 program, including withholding by covered employers of
8 employee payroll, rights of covered employees, and
9 obligations of covered employers;
- 10 (2) Withdrawals, rollovers, and direct transfers from an
11 IRA under the program in the interest of facilitating
12 portability and maximization of benefits;
- 13 (3) Phasing in the enrollment of eligible covered
14 employees by the size or type of covered employer,
15 beginning with the initial applicability date
16 specified in this chapter;
- 17 (4) Outreach to covered employees, covered employers,
18 other stakeholders, and the public regarding the
19 program;
- 20 (5) Actions of the program manager;
- 21 (6) Distribution of funds from the program;



- 1 (7) Portability of benefits, including the ability to make
- 2 tax-free rollovers or transfers from IRAs under the
- 3 program to other IRAs or to tax-qualified plans that
- 4 accept rollovers; and
- 5 (8) Prescribed forms to be used by covered employers and
- 6 covered employees.

7 **§ -16 Audits and annual reports.** (a) The board shall

8 cause an accurate account of all activities, operations,

9 receipts, and expenditures to be maintained in relation to the

10 program and the board. Each year, after the first full fiscal

11 year following program implementation, a full audit of the books

12 and accounts of the board pertaining to the activities,

13 operations, receipts and expenditures, personnel, services, or

14 facilities of the program and the board shall be conducted by a

15 certified public accountant. The audit shall include but not be

16 limited to the review of direct and indirect costs attributable

17 to the use of outside consultants, independent contractors, and

18 any other persons who are not state employees for the

19 administration of the program. For purposes of the audit, the

20 auditors shall have access to the properties and records of the

21 program and board and may prescribe methods of accounting and



1 the rendering of periodic reports in relation to projects
2 undertaken by the program.

3 (b) No later than twenty days before the convening of each
4 regular session, the board shall prepare and submit to the
5 governor and the legislature, and make available to the public,
6 an annual report that shall include but not be limited to:

7 (1) The audited financial report prepared in accordance
8 with generally accepted accounting principles,
9 detailing the activities, operations, receipts, and
10 expenditures of the program and board during the
11 preceding calendar year; and

12 (2) The progress and accomplishments made by the board
13 during the preceding year and projected activities of
14 the program for the current calendar year;

15 provided that the annual report for the first full fiscal year
16 following program implementation shall include the board's
17 findings and recommendations, including any proposed
18 legislation, relating to the feasibility of expanding the
19 program's eligibility to Hawaii's independent workforce,
20 including self-employed workers."



1 SECTION 3. The governor, president of the senate, and
2 speaker of the house of representatives shall appoint members to
3 the Hawaii retirement savings board no later than sixty days
4 after enactment of this Act, for terms of office beginning in
5 October 2022.

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$1,255,000 or so much
8 thereof as may be necessary for fiscal year 2022-2023 for the
9 implementation and operation of the Hawaii retirement savings
10 program, including funds for the hiring of an executive director
11 without regard to chapters 76 and 89, Hawaii Revised Statutes, a
12 program specialist, and an office assistant.

13 SECTION 5. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$1,000,000 or so much
15 thereof as may be necessary for fiscal year 2022-2023 for the
16 department of labor and industrial relations to provide outreach
17 and education on the Hawaii retirement savings program.

18 SECTION 6. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$25,000,000 or so
20 much thereof as may be necessary for fiscal year 2022-2023 to be
21 deposited into the Hawaii retirement savings special fund.



1 There is appropriated out of the Hawaii retirement savings
2 special fund the sum of \$25,000,000 or so much thereof as may be
3 necessary for fiscal year 2022-2023 for the State to make
4 matching contributions of up to \$500 to the accounts of the
5 first 50,000 covered employees who participate in the Hawaii
6 retirement savings program for twelve consecutive months after
7 initial enrollment.

8 SECTION 7. The sums appropriated in sections 4 to 6 of
9 this Act shall be expended by the department of labor and
10 industrial relations for the purposes of this Act.

11 SECTION 8. If any provision of this Act, or the
12 application thereof to any person or circumstance, is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act that can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 9. This Act shall take effect upon its approval;
18 provided that sections 4, 5, 6, and 7 shall take effect on
19 July 1, 2022.



S.B. NO. 3289
S.D. 2
H.D. 2
C.D. 1

APPROVED this 12th day of July, 2022

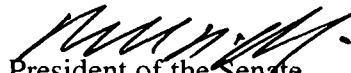
A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large, sweeping flourish at the bottom.

GOVERNOR OF THE STATE OF HAWAII


THE SENATE OF THE STATE OF HAWAI‘I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.



President of the Senate



Clerk of the Senate

SB No. 3289, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives