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# 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. Section 88-47, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) There shall be four classes of members in the system  
4 to be known as class A, class B, class C, and class H, defined  
5 as follows:

6 (1) Class A shall consist of:

7 (A) Judges, elected officials, and legislative  
8 officers;

9 (B) Investigators of the department of the attorney  
10 general, narcotics enforcement investigators,  
11 water safety officers not making the election  
12 under section 88-271, and public safety  
13 investigations staff investigators;

14 (C) Those members in service prior to July 1, 1984,  
15 including those who are on approved leave of  
16 absence, not making the election to become a  
17 class C member as provided in part VII or to  
18 become a class H member as provided in part VIII;



1 (D) The following members in service prior to  
2 July 1, 2006, including those who are on approved  
3 leave of absence, not making the election to  
4 become a class H member as provided in part VIII:  
5 members whose salaries are set forth in  
6 sections 26-52 and 26-53 and their county  
7 counterparts, managing directors or an  
8 administrative assistant to the mayor, other  
9 county department heads, and agency heads  
10 appointed and subject to removal by the mayor;  
11 first deputies appointed by the county attorney  
12 and prosecuting attorney; the county clerk and  
13 deputy county clerk of each county; the director  
14 of the office of council services of the county  
15 of Maui and the City and County of Honolulu; the  
16 administrative director of the courts; the deputy  
17 administrative director of the courts; the  
18 executive officer of the labor and industrial  
19 relations appeals board; and the executive  
20 officer of the Hawaii labor relations board;



- 1 (E) All former class A retirants who return to
- 2 employment after June 30, 1984, requiring the
- 3 retirant's active membership; and
- 4 (F) All former class B retirants who return to
- 5 employment requiring the retirant's active
- 6 membership, except for:
  - 7 (i) Former retirants who return in the positions
  - 8 of police officer or firefighter;
  - 9 (ii) Former retirants who were members on
  - 10 July 1, 1957, who elected not to be covered
  - 11 by the Social Security Act; and
  - 12 (iii) Former retirants who were in positions to
  - 13 which coverage under Title II of the Social
  - 14 Security Act was not extended who entered
  - 15 membership after June 30, 1957, but before
  - 16 January 1, 2004;
- 17 (2) Class B shall consist of:
  - 18 (A) Police officers and firefighters, including
  - 19 former retirants who return to service in such
  - 20 capacity;



- 1 (B) All employees, including former retirants, who  
2 were members on July 1, 1957, who elected not to  
3 be covered by the Social Security Act; and
- 4 (C) All employees, including former retirants, in  
5 positions to which coverage under Title II of the  
6 Social Security Act is not extended, who enter  
7 membership after June 30, 1957, but before  
8 January 1, 2004, not making the election to  
9 become a class H member as provided in part VIII;
- 10 (3) Except for members described in paragraphs (1) and  
11 (2), class C shall consist of all employees, not  
12 making the election to become a class H member as  
13 provided in part VIII, who:
- 14 (A) First enter service after June 30, 1984, but  
15 before July 1, 2006;
- 16 (B) Reenter service after June 30, 1984, but before  
17 July 1, 2006, without vested benefit status as  
18 provided in section 88-96(b);
- 19 (C) Make the election to become a class C member as  
20 provided in part VII; or



- 1 (D) Are former class C retirants who return to
- 2 service requiring the retirant's active
- 3 membership; and
- 4 (4) Except for members described in paragraphs (1) and
- 5 (2), class H shall consist of all employees who:
- 6 (A) First enter service after June 30, 2006;
- 7 (B) Reenter service after June 30, 2006, without
- 8 vested benefit status as provided in
- 9 section 88-96(b);
- 10 (C) Make the election to become a class H member as
- 11 provided in part VIII; or
- 12 (D) Are former class H retirants who return to
- 13 service requiring the retirant's active
- 14 membership.

15 (b) None of the provisions of this part shall apply to  
16 class C members except as specifically provided in part VII.  
17 None of the provisions of this part shall apply to class H  
18 members except as specifically provided in part VIII."

19 SECTION 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2006.



SB 2274 SDI

HD1

**Report Title:**

ERS; Hybrid Membership and Hardship Withdrawals

**Description:**

Includes the director of the office of council services of each county in Class A membership if the member was in service prior to July 1, 2006. (SB2274 HD1)

SB2274 HD1 HMS 2006-2812

