Honolulu, Hawaii

FEB 17 , 2006

RE: S.B. No. 3012
        S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 3012 entitled:

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

begs leave to report as follows:

The purpose of this measure is to allow a member of the employees' retirement system who is diagnosed with an incurable debilitating disease to qualify for ordinary disability retirement and continue working until the member is unable to work.

Specifically, this measure:

(1)   Requires the ERS medical board to render a decision on whether the member suffers from an incurable debilitating disease within thirty days of the receipt of the member's application for ordinary disability retirement;

(2)   Requires the ERS board to render a decision on the member's application for ordinary disability retirement within thirty days of receipt of the medical board's determination of eligibility for ordinary disability retirement; and

(3)   Establishes a definition for the term "incurable debilitating disease."

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Testimony in support of this measure was submitted by the Employees Association of the City and County of Honolulu; the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; the Hawaii State Teachers Association; and four individuals. Comments on the measure were also submitted by the Employees' Retirement System (ERS).

Your Committee finds that, under the current law, a member of the ERS can only qualify for ordinary disability retirement upon certification by the ERS medical board that the member is permanently mentally or physically incapacitated for the further performance of duty and should be retired. However, your Committee further finds that some ERS members suffer from incurable debilitating diseases that have not yet progressed to the point where the members are unable to continue working. This measure will allow members suffering from incurable debilitating diseases to be able to qualify for ordinary disability retirement and still continue to work until they are physically or mentally unable to do so. Your Committee determines that this change will streamline the process by removing the requirement of members to make multiple filings for ordinary disability retirement when they are already hampered by their condition as well as financial and other restraints.

Your Committee has amended this measure by making technical, nonsubstantive amendments to correct terminology to conform to the language of the Hawaii Revised Statutes and to provide further clarity.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3012, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3012, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Labor,

BRIAN KANNO, Chair

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The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Labor
(Bills and Resolutions)

Measure:*	Committee Referral:	Date:
SB 3012	LBR, WAM	2/10/06

☐ The committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is to:

☐ Pass, unamended (2312) ☑ Pass, with amendments (2311) ☐ Hold (2310) ☐ Recommit (2313)

Members	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)				✓
TANIGUCHI, Brian T.	✓			
SLOM, Sam		✓		
TOTAL	2	1		1

Recommendation:

☑ Adopted   ☐ Not Adopted

Chair's or Designee's Signature: _____

*Do not list more than one measure per Record of Votes.