
HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EVALUATE THE
ESTABLISHMENT OF SEPARATE MEDICAL AND PENSION BENEFIT PLANS
FOR JUSTICES AND JUDGES.

1 WHEREAS, state justices and judges are currently included
2 among public employees who are members of the Employees'
3 Retirement System and the Hawaii Employer-Union Health Benefits
4 Trust Fund; and

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6 WHEREAS, justices and judges may face potential conflicts
7 of interest when a case is brought to them that deals with the
8 rights and benefits of members of the Employees' Retirement
9 System and the Hawaii Employer-Union Health Benefits Trust Fund,
10 especially with regard to the rights and benefits of the members
11 in class A of the Employees' Retirement System, which includes
12 justices and judges; and

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14 WHEREAS, on January 13, 2016, the Hawaii State Supreme
15 Court issued an order assigning substitutes for all five
16 justices of the Supreme Court in the matter of *Dannenberg v.*
17 *State of Hawaii*, Supreme Court, No. SCAP-15-0000084, a court
18 case regarding the scope of constitutionally mandated health
19 benefits for state and county retirees; and

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21 WHEREAS, it appears that the justices recused themselves in
22 the *Dannenberg* case because of the justices' membership in the
23 Employees' Retirement System and the Hawaii Employer-Union
24 Health Benefits Trust Fund; and

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26 WHEREAS, the exclusion of justices and judges from
27 membership in the Employee's Retirement System and the Hawaii
28 Employer-Union Health Benefits Trust Fund may allow justices and
29 judges to impartially hear cases involving the rights and
30 benefits of members of those pension and medical benefit plans,



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1 especially the rights and benefits of members in class A of the
2 Employees' Retirement System; and

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4 WHEREAS, the exclusion of justices and judges from
5 membership in the Employees' Retirement System and the Hawaii
6 Employer-Union Health Benefits Trust Fund would require the
7 establishment of separate medical and pension benefit plans for
8 judges; now, therefore,

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10 BE IT RESOLVED by the House of Representatives of the
11 Twenty-eighth Legislature of the State of Hawaii, Regular
12 Session of 2016, the Senate concurring, that the Legislative
13 Reference Bureau is respectfully requested to evaluate the
14 establishment of separate medical and pension benefit plans for
15 justices and judges; and

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17 BE IT FURTHER RESOLVED that the Legislature Reference
18 Bureau include in its evaluation:

- 19 (1) If separate medical and pension plans can be
- 20 established; and
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- 22 (2) If such plans can be established, what types of plans
- 23 can be established; and
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26 BE IT FURTHER RESOLVED that the Legislative Reference
27 Bureau is requested to submit a report of its findings and
28 recommendations, including any proposed legislation, to the
29 Legislature not later than twenty days prior to the convening of
30 the Regular Session of 2017; and

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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the Director of the
34 Legislative Reference Bureau, the Chief Justice, and the
35 Administrative Director of the Courts.

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OFFERED BY: *ROBERT K. PARR*
