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## HOUSE 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

5  
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

13  
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,  
31 especially the rights and benefits of members in class A of the  
32 Employees' Retirement System; and



1  
 2 WHEREAS, the exclusion of justices and judges from  
 3 membership in the Employees' Retirement System and the Hawaii  
 4 Employer-Union Health Benefits Trust Fund would require the  
 5 establishment of separate medical and pension benefit plans for  
 6 judges; now, therefore,


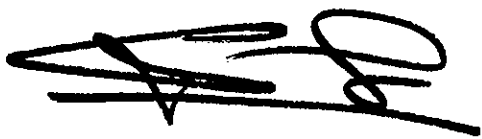
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 8 BE IT RESOLVED by the House of Representatives of the  
 9 Twenty-eighth Legislature of the State of Hawaii, Regular  
 10 Session of 2016, that the Legislative Reference Bureau is  
 11 respectfully requested to evaluate the establishment of separate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

14 BE IT FURTHER RESOLVED that the Legislature Reference  
 15 Bureau include in its evaluation:

- 16  
 17 (1) If separate medical and pension plans can be  
 18 established; and  
 19  
 20 (2) If such plans can be established, what types of plans  
 21 can be established; and  
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23 BE IT FURTHER RESOLVED that the Legislative Reference  
 24 Bureau is requested to submit a report of its findings and  
 25 recommendations, including any proposed legislation, to the  
 26 Legislature not later than twenty days prior to the convening of  
 27 the Regular Session of 2017; and  
 28

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

OFFERED BY:   
  
 MAR 1 1 2016