

---

# A BILL FOR AN ACT

RELATING TO RETIREMENT.

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

1           SECTION 1. Section 88-73, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:  
3           "(b) Any member who first earned credited service as a  
4 judge after June 30, 1999, but before July 1, 2012, and who has  
5 at least five years of credited service and has attained age  
6 fifty-five or has at least twenty-five years of credited service  
7 shall become eligible to receive a retirement allowance after  
8 the member has terminated service. Any member who first earned  
9 credited service as a judge after June 30, 2012, but before  
10 July 1, 2016, and has at least ten years of credited service and  
11 has attained age sixty or has at least twenty-five years of  
12 credited service and has attained age fifty-five shall be  
13 eligible to receive a retirement allowance after the member has  
14 terminated service. Any member who first earned credited  
15 service as a judge after June 30, 2016, and has at least twelve  
16 years of credited service and has attained the normal retirement  
17 age or has at least twenty-five years of credited service and



1 has attained age fifty-five shall be eligible to receive a  
2 retirement allowance after the member has terminated service."

3 SECTION 2. Section 88-74, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§88-74 Allowance on service retirement. (a) Upon  
6 retirement from service, a member shall receive a maximum  
7 retirement allowance as provided in this section.

8 (b) If a member, who became a member before July 1, 2012,  
9 has attained age fifty-five, the member's maximum retirement  
10 allowance shall be two per cent of the member's average final  
11 compensation multiplied by the total number of years of the  
12 member's credited service as a class A and class B member,  
13 excluding any credited service as a judge, elective officer, or  
14 legislative officer, plus a retirement allowance of one and  
15 one-fourth per cent of the member's average final compensation  
16 multiplied by the total number of years of prior credited  
17 service as a class C member, plus a retirement allowance of two  
18 per cent of the member's average final compensation multiplied  
19 by the total number of years of prior credited service as a  
20 class H member; provided that:



- 1           (1) After June 30, 1968, if the member has at least ten  
2           years of credited service of which the last five or  
3           more years prior to retirement is credited service as  
4           a firefighter, police officer, or an investigator of  
5           the department of the prosecuting attorney;
- 6           (2) After June 30, 1977, if the member has at least ten  
7           years of credited service of which the last five or  
8           more years prior to retirement is credited service as  
9           a corrections officer;
- 10          (3) After June 16, 1981, if the member has at least ten  
11          years of credited service of which the last five or  
12          more years prior to retirement is credited service as  
13          an investigator of the department of the attorney  
14          general;
- 15          (4) After June 30, 1989, if the member has at least ten  
16          years of credited service of which the last five or  
17          more years prior to retirement is credited service as  
18          a narcotics enforcement investigator;
- 19          (5) After December 31, 1993, if the member has at least  
20          ten years of credited service of which the last five



1 or more years prior to retirement is credited service  
2 as a water safety officer;

3 (6) After June 30, 1994, if the member has at least ten  
4 years of credited service, of which the last five or  
5 more years prior to retirement are credited service as  
6 a public safety investigations staff investigator;

7 (7) After June 30, 2002, if the member:

8 (A) Has at least ten years of credited service as a  
9 firefighter;

10 (B) Is deemed permanently medically disqualified due  
11 to a service related disability to be a  
12 firefighter by the employer's physician; and

13 (C) Continues employment in a class A or B position  
14 other than a firefighter; and

15 (8) After June 30, 2004, if the member:

16 (A) Has at least ten years of credited service as a  
17 police officer;

18 (B) Is deemed permanently medically disqualified due  
19 to a service related disability to be a police  
20 officer by the employer's physician; and



1           (C) Continues employment in a class A or B position  
2           other than a police officer;  
3 then for each year of service as a firefighter, police officer,  
4 corrections officer, investigator of the department of the  
5 prosecuting attorney, investigator of the department of the  
6 attorney general, narcotics enforcement investigator, water  
7 safety officer, or public safety investigations staff  
8 investigator, the retirement allowance shall be two and one-half  
9 per cent of the member's average final compensation. The  
10 maximum retirement allowance for those members shall not exceed  
11 eighty per cent of the member's average final compensation. If  
12 the member has not attained age fifty-five, the member's  
13 retirement allowance shall be computed as though the member had  
14 attained age fifty-five, reduced for age as provided in  
15 subsection (e).

16           (c) If a member, who became a member prior to July 1,  
17 2012, has credited service as a judge, the member's retirement  
18 allowance shall be computed on the following basis:

19           (1) For a member who has credited service as a judge  
20           before July 1, 1999, irrespective of age, for each  
21           year of credited service as a judge, three and



1           one-half per cent of the member's average final  
2           compensation in addition to an annuity that is the  
3           actuarial equivalent of the member's accumulated  
4           contributions allocable to the period of service;

5           (2) For a member who first earned credited service as a  
6           judge after June 30, 1999, but before July 1, 2012,  
7           for each year of credited service as a judge, three  
8           and one-half per cent of the member's average final  
9           compensation in addition to an annuity that is the  
10          actuarial equivalent of the member's accumulated  
11          contributions allocable to the period of service. If  
12          the member has not attained age fifty-five, the  
13          member's retirement allowance shall be computed as  
14          though the member had attained age fifty-five, reduced  
15          for age as provided in subsection (e);

16          (3) For a member who first earned credited service as a  
17          judge after June 30, 2012, for each year of credited  
18          service as a judge, three per cent of the member's  
19          average final compensation in addition to an annuity  
20          that is the actuarial equivalent of the member's  
21          accumulated contributions allocable to the period of



1 service. If the member has not attained age sixty,  
2 the member's retirement allowance shall be computed as  
3 though the member had attained age sixty, reduced for  
4 age as provided in subsection (i);

5 (4) For a member who first earned credited services as a  
6 judge after June 30, 2016, for each year of credited  
7 services as a judge, two per cent of the member's  
8 average final compensation in addition to an annuity  
9 that is the actuarial equivalent of the member's  
10 accumulated contributions allocable to the period of  
11 service. If the member has not attained the normal  
12 retirement age, the member's retirement allowance  
13 shall be computed as though the member had attained  
14 the normal retirement age, reduced for age as provided  
15 in subsection (j);

16 [~~4~~] (5) For a judge with other credited service, as  
17 provided in subsection (b). If the member has not  
18 attained age fifty-five, the member's retirement  
19 allowance shall be computed as though the member had  
20 attained age fifty-five, reduced for age as provided  
21 in subsection (e); or



1        [~~5~~] (6) For a judge with credited service as an elective  
2                    officer or as a legislative officer, as provided in  
3                    subsection (d).

4 No allowance shall exceed seventy-five per cent of the member's  
5 average final compensation. If the allowance exceeds this  
6 limit, it shall be adjusted by reducing the annuity included in  
7 paragraphs (1), (2), [~~and~~] (3), and (4) and the portion of the  
8 accumulated contributions specified in paragraphs (1), (2),  
9 [~~and~~] (3), and (4) in excess of the requirements of the reduced  
10 annuity shall be returned to the member upon the member's  
11 retirement or paid to the member's designated beneficiary upon  
12 the member's death while in service or while on authorized leave  
13 without pay. The allowance for judges under this subsection,  
14 together with the retirement allowance provided by the federal  
15 government for similar service, shall in no case exceed seventy-  
16 five per cent of the member's average final compensation.

17        (d) If a member, who became a member before July 1, 2012,  
18 has credited service as an elective officer or as a legislative  
19 officer, the member's retirement allowance shall be derived by  
20 adding the allowances computed separately under paragraphs (1),  
21 (2), (3), (4), (5), and (6) as follows:





- 1           (1) For a member who has credited service as an elective  
2           officer before July 1, 2012, irrespective of age, for  
3           each year of credited service as an elective officer,  
4           three and one-half per cent of the member's average  
5           final compensation as computed under section  
6           88-81(e)(1), in addition to an annuity that is the  
7           actuarial equivalent of the member's accumulated  
8           contributions allocable to the period of service;
- 9           (2) For a member, who first earned credited service as an  
10          elective officer after June 30, 2012, irrespective of  
11          age, for each year of credited service as an elective  
12          officer, three per cent of the member's average final  
13          compensation as computed under section 88-81(e)(1), in  
14          addition to an annuity that is the actuarial  
15          equivalent of the member's accumulated contributions  
16          allocable to the period of service;
- 17          (3) For a member who has credited service as a legislative  
18          officer before July 1, 2012, irrespective of age, for  
19          each year of credited service as a legislative  
20          officer, three and one-half per cent of the member's  
21          average final compensation as computed under section



- 1           88-81(e)(2), in addition to an annuity that is the  
2           actuarial equivalent of the member's accumulated  
3           contributions allocable to the period of service;
- 4       (4) For a member who first earned credited service as a  
5           legislative officer after June 30, 2012, irrespective  
6           of age, for each year of credited service as a  
7           legislative officer, three per cent of the member's  
8           average final compensation as computed under section  
9           88-81(e)(2), in addition to an annuity that is the  
10          actuarial equivalent of the member's accumulated  
11          contributions allocable to the period of service;
- 12       (5) If the member has credited service as a judge, the  
13          member's retirement allowance shall be computed on the  
14          following basis:
- 15           (A) For a member who has credited service as a judge  
16               before July 1, 1999, irrespective of age, for  
17               each year of credited service as a judge, three  
18               and one-half per cent of the member's average  
19               final compensation as computed under section  
20               88-81(e)(3), in addition to an annuity that is  
21               the actuarial equivalent of the member's



1 accumulated contributions allocable to the period  
2 of service;

3 (B) For a member who first earned credited service as  
4 a judge after June 30, 1999, but before July 1,  
5 2012, and has attained the age of fifty-five, for  
6 each year of credited service as a judge, three  
7 and one-half per cent of the member's average  
8 final compensation as computed under section  
9 88-81(e)(3), in addition to an annuity that is  
10 the actuarial equivalent of the member's  
11 accumulated contributions allocable to the period  
12 of service. If the member has not attained age  
13 fifty-five, the member's retirement allowance  
14 shall be computed as though the member had  
15 attained age fifty-five, reduced for age as  
16 provided in subsection (e); and

17 (C) For a member who first earned credited service as  
18 a judge after June 30, 2012, and has attained the  
19 age of sixty, for each year of credited service  
20 as a judge, three per cent of the member's  
21 average final compensation as computed under



1 section 88-81(e)(3), in addition to an annuity  
2 that is the actuarial equivalent of the member's  
3 accumulated contributions allocable to the period  
4 of service. If the member has not attained age  
5 sixty, the member's retirement allowance shall be  
6 computed as though the member had attained age  
7 sixty, reduced for age as provided in subsection  
8 (i); and

9 (6) For each year of credited service not included in  
10 paragraph (1), (2), (3), (4), or (5), the average  
11 final compensation as computed under section  
12 88-81(e)(4) shall be multiplied by two per cent for  
13 credited service earned as a class A or class H  
14 member, two and one-half per cent for credited service  
15 earned as a class B member, and one and one-quarter  
16 per cent for credited service earned as a class C  
17 member. If the member has not attained age fifty-  
18 five, the member's retirement allowance shall be  
19 computed as though the member had attained age fifty-  
20 five, reduced for age as provided in subsection (e).



1 The total retirement allowance shall not exceed seventy-five per  
2 cent of the member's highest average final compensation  
3 calculated under section 88-81(e) (1), (2), (3), or (4). If the  
4 allowance exceeds this limit, it shall be adjusted by reducing  
5 any annuity accrued under paragraphs (1), (2), (3), (4), and (5)  
6 and the portion of the accumulated contributions specified in  
7 these paragraphs in excess of the requirements of the reduced  
8 annuity shall be returned to the member upon the member's  
9 retirement or paid to the member's designated beneficiary upon  
10 the member's death while in service or while on authorized leave  
11 without pay. If a member has service credit as an elective  
12 officer or as a legislative officer in addition to service  
13 credit as a judge, then the retirement benefit calculation  
14 contained in this subsection shall supersede the formula  
15 contained in subsection (c).

16 (e) Except as provided in subsections (b), (c), and (d),  
17 if a member, who became a member before July 1, 2012, has not  
18 attained age fifty-five at the date of retirement, the member's  
19 retirement allowance shall be reduced, for each month the  
20 member's age at the date of retirement is below age fifty-five,  
21 as follows:



1           (1) 0.4166 per cent for each month below age fifty-five  
2                   and above age forty-nine and eleven months; plus  
3           (2) 0.3333 per cent for each month below age fifty and  
4                   above age forty-four and eleven months; plus  
5           (3) 0.2500 per cent for each month below age forty-five  
6                   and above age thirty-nine and eleven months; plus  
7           (4) 0.1666 per cent for each month below age forty;  
8 provided that no reduction shall be made if the member has at  
9 least twenty-five years of credited service as a firefighter,  
10 police officer, corrections officer, investigator of the  
11 department of the prosecuting attorney, investigator of the  
12 department of the attorney general, narcotics enforcement  
13 investigator, public safety investigations staff investigator,  
14 sewer worker, or water safety officer, of which the last five or  
15 more years prior to retirement is credited service in these  
16 capacities.

17           (f) If a member, who becomes a member after June 30, 2012,  
18 has attained age sixty, the member's maximum retirement  
19 allowance shall be one and three-fourths per cent of the  
20 member's average final compensation multiplied by the total  
21 number of years of the member's credited service as a class A



1 and class B member, excluding any credited service as a judge,  
2 elective officer, or legislative officer, plus a retirement  
3 allowance of one and one-fourth per cent of the member's average  
4 final compensation multiplied by the total number of years of  
5 prior credited service as a class C member, plus a retirement  
6 allowance of one and three-fourths per cent of the member's  
7 average final compensation multiplied by the total number of  
8 years of prior credited service as a class H member; provided  
9 that:

- 10 (1) If the member has at least ten years of credited  
11 service of which the last five or more years prior to  
12 retirement is credited service as a firefighter,  
13 police officer, or an investigator of the department  
14 of the prosecuting attorney;
- 15 (2) If the member has at least ten years of credited  
16 service of which the last five or more years prior to  
17 retirement is credited service as a corrections  
18 officer;
- 19 (3) If the member has at least ten years of credited  
20 service of which the last five or more years prior to



- 1 retirement is credited service as an investigator of  
2 the department of the attorney general;
- 3 (4) If the member has at least ten years of credited  
4 service of which the last five or more years prior to  
5 retirement is credited service as a narcotics  
6 enforcement investigator;
- 7 (5) If the member has at least ten years of credited  
8 service, of which the last five or more years prior to  
9 retirement is credited service as a public safety  
10 investigations staff investigator;
- 11 (6) If the member:
- 12 (A) Has at least ten years of credited service as a  
13 firefighter;
- 14 (B) Is deemed permanently medically disqualified due  
15 to a service related disability to be a  
16 firefighter by the employer's physician; and
- 17 (C) Continues employment in a class A or class B  
18 position other than a firefighter; and
- 19 (7) If the member:
- 20 (A) Has at least ten years of credited service as a  
21 police officer;





1           (B) Is deemed permanently medically disqualified due  
2           to a service related disability to be a police  
3           officer by the employer's physician; and

4           (C) Continues employment in a class A or class B  
5           position other than a police officer,  
6 then for each year of service as a firefighter, police officer,  
7 corrections officer, investigator of the department of the  
8 prosecuting attorney, investigator of the department of the  
9 attorney general, narcotics enforcement investigator, or public  
10 safety investigations staff investigator, the retirement  
11 allowance shall be two and one-fourth per cent of the member's  
12 average final compensation. The maximum retirement allowance  
13 for those members shall not exceed eighty per cent of the  
14 member's average final compensation. If the member has not  
15 attained age sixty, the member's retirement allowance shall be  
16 computed as though the member had attained age sixty, reduced  
17 for age as provided in subsection (i).

18           (g) If a member, who becomes a member after June 30, 2012,  
19 has credited service as a judge, the member's retirement  
20 allowance shall be computed on the following basis:



1           (1) For each year of credited service as a judge, three  
2           per cent of the member's average final compensation in  
3           addition to an annuity that is the actuarial  
4           equivalent of the member's accumulated contributions  
5           allocable to the period of service. If the member has  
6           not attained age sixty, the member's retirement  
7           allowance shall be computed as though the member had  
8           attained age sixty, reduced for age as provided in  
9           subsection (i);

10          (2) For a judge with other credited service, as provided  
11          in subsection (f). If the member has not attained age  
12          sixty, the member's retirement allowance shall be  
13          computed as though the member had attained age sixty,  
14          reduced for age as provided in subsection (i); and

15          (3) For a judge with credited service as an elective  
16          officer or as a legislative officer, as provided in  
17          subsection (h).

18 No allowance shall exceed seventy-five per cent of the member's  
19 average final compensation. If the allowance exceeds this  
20 limit, it shall be adjusted by reducing the annuity included in  
21 paragraph (1) and the portion of the accumulated contributions



1 specified in paragraph (1) in excess of the requirements of the  
2 reduced annuity shall be returned to the member upon the  
3 member's retirement or paid to the member's designated  
4 beneficiary upon the member's death while in service or while on  
5 authorized leave without pay. The allowance for judges under  
6 this subsection, together with the retirement allowance provided  
7 by the federal government for similar service, shall in no case  
8 exceed seventy-five per cent of the member's average final  
9 compensation.

10 (h) If a member, who becomes a member after June 30, 2012,  
11 has credited service as an elective officer or as a legislative  
12 officer, the member's retirement allowance shall be derived by  
13 adding the allowances computed separately under paragraphs (1),  
14 (2), (3), and (4) as follows:

15 (1) Irrespective of age, for each year of credited service  
16 as an elective officer, three per cent of the member's  
17 average final compensation as computed under section  
18 88-81(f)(1), in addition to an annuity that is the  
19 actuarial equivalent of the member's accumulated  
20 contributions allocable to the period of service;



- 1           (2) Irrespective of age, for each year of credited service  
2           as a legislative officer, three per cent of the  
3           member's average final compensation as computed under  
4           section 88-81(f)(2), in addition to an annuity that is  
5           the actuarial equivalent of the member's accumulated  
6           contributions allocable to the period of service;
- 7           (3) For each year of credited service as a judge, three  
8           per cent of the member's average final compensation as  
9           computed under section 88-81(f)(3), in addition to an  
10          annuity that is the actuarial equivalent of the  
11          member's accumulated contributions allocable to the  
12          period of service. If the member has not attained age  
13          sixty, the member's retirement allowance shall be  
14          computed as though the member had attained age sixty,  
15          reduced for age as provided in subsection (i); and
- 16          (4) For each year of credited service not included in  
17          paragraph (1), (2), or (3), the average final  
18          compensation as computed under section 88-81(f)(4)  
19          shall be multiplied by one and three-fourth per cent  
20          for credited service earned as a class A or class H  
21          member, two and one-fourth per cent for credited



1 service earned as a class B member, and one and  
2 one-fourth per cent for credited service earned as a  
3 class C member. If the member has not attained age  
4 sixty, the member's retirement allowance shall be  
5 computed as though the member had attained age sixty,  
6 reduced for age as provided in subsection (i).

7 The total retirement allowance shall not exceed seventy-five per  
8 cent of the member's highest average final compensation  
9 calculated under section 88-81(f)(1), (2), (3), or (4). If the  
10 allowance exceeds this limit, it shall be adjusted by reducing  
11 any annuity accrued under paragraphs (1), (2), and (3) and the  
12 portion of the accumulated contributions specified in these  
13 paragraphs in excess of the requirements of the reduced annuity  
14 shall be returned to the member upon the member's retirement or  
15 paid to the member's designated beneficiary upon the member's  
16 death while in service or while on authorized leave without pay.

17 If a member has service credit as an elective officer or as a  
18 legislative officer in addition to service credit as a judge,  
19 then the retirement benefit calculation contained in this  
20 subsection shall supersede the formula contained in subsection  
21 (g).



1           (i) Except as provided in subsections (f), (g), and (h),  
2 if a member, who becomes a member after June 30, 2012, has not  
3 attained age sixty at the date of retirement, the member's  
4 retirement allowance shall be reduced, for each month the  
5 member's age at the date of retirement is below age sixty, as  
6 follows:

- 7           (1) 0.4166 per cent for each month below age sixty and  
8                 above age fifty-four and eleven months; plus  
9           (2) 0.3333 per cent for each month below age fifty-five  
10                 and above age forty-nine and eleven months; plus  
11           (3) 0.2500 per cent for each month below age fifty and  
12                 above age forty-four and eleven months; plus  
13           (4) 0.1666 per cent for each month below age forty-five;

14 provided that no reduction shall be made if the member has  
15 attained the age of fifty-five and has at least twenty-five  
16 years of credited service as a firefighter, police officer,  
17 corrections officer, investigator of the department of the  
18 prosecuting attorney, investigator of the department of the  
19 attorney general, narcotics enforcement investigator, public  
20 safety investigations staff investigator, sewer worker, water  
21 safety officer, or emergency medical technician, of which the



1 last five or more years prior to retirement is credited service  
2 in these capacities.

3 (j) If a member, who becomes a member after June 30, 2016,  
4 has credited service as a judge and has not attained the normal  
5 retirement age at the date of retirement, the member's  
6 retirement allowance shall be reduced, for each month the  
7 member's age at the date of retirement is below age sixty-five,  
8 as follows:

9 (1) 0.4166 per cent for each month below age sixty-five  
10 and above fifty-nine and eleven months; plus

11 (2) 0.3333 per cent for each month below age sixty and  
12 above age fifty-four and eleven months; plus

13 (3) 0.2500 per cent for each month below age fifty-five  
14 and above age forty-nine and eleven months; plus

15 (4) 0.1666 per cent for each month below age fifty.

16 (k) For the purpose of this section, "normal retirement  
17 age" means age sixty-five."

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20



# S.B. NO. 2244

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: ~~Sen. Dick~~

*Mike Gibbon*  
*Mike Gibbon*  
*Mike Gibbon*  
*G*



# S.B. NO. 2244

**Report Title:**

Retirement; Pension; Judges; Employees' Retirement System

**Description:**

Provides that a member of the employees' retirement system who first earned credited service as a judge after June 30, 2016, and has at least twelve years of credited service and attained the normal retirement age, or has at least twenty-five years of credited service and has attained age fifty-five are eligible to receive pension after retirement. Reduces the retirement allowance for a member who first earned credited service as a judge after June 30, 2016, to two per cent of the member's average final compensation, reduced for each month the member's age at the date of retirement is below the normal retirement age. Defines "normal retirement age".

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

