

STAND. COM. REP. NO.

714

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 133
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 133, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to authorize a court to decree a forfeiture of benefits by a member, former member, or retirant of the Employees' Retirement System if the member, former member, or retirant is convicted of a felony and the court finds that the felony is related to the employment of the member, former member, or retirant by the State or any county.

Your Committee received written comments in support of this measure from the Employees' Retirement System.

Your Committee finds that Article XVI, section 2, of the Hawaii Constitution states that the accrued benefits of members of the Employees' Retirement System shall not be diminished or impaired. Your Committee further finds that this measure complies with the Hawaii Constitution by expressly protecting Employees' Retirement System benefits that were accrued prior to the effective date of the measure.

Your Committee has amended this measure by:

(1) Clarifying that:



- (A) The applicable standard of proof to be applied by the court is "by a preponderance of the evidence"; and
 - (B) The forfeiture authorized by this measure is a civil penalty;
- (2) Specifying that the proposed statutory section shall not apply to felonies committed prior to the effective date of the measure; and
 - (3) Making technical nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 133, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 133, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

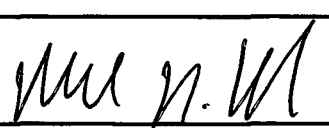


JILL N. TOKUDA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB133 SD1	Committee Referral: JDL, WAM	Date: 2/27/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
RIVIERE, Gil				✓
RUDERMAN, Russell E.				✓
SLOM, Sam	✓			
TOTAL	9	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes