
A BILL FOR AN ACT

RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
DEFINITIONS.

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

1 SECTION 1. The legislature finds that the Hawaii employer-
2 union health benefits trust fund offers health benefits to
3 dependents of state and county employees and retirees. Due to
4 the current interpretation of chapter 87A, Hawaii Revised
5 Statutes, when an employee is killed in the performance of the
6 employee's duty, the employee passes away when eligible for
7 retirement or the retiree passes away, the employee's or
8 retiree's surviving spouse's children that are born after the
9 employee's or retiree's death are eligible to participate in
10 benefit plans offered by the fund. However, the legislature
11 finds that a child born or legally adopted after an employee's
12 or retiree's death who is not the natural or adopted child of
13 the deceased employee or retiree should not be eligible to
14 participate in fund benefit plans because the child is not the
15 child of the state or county employee or retiree.



1 The legislature further finds that the definition of
2 "employee-beneficiary" provides coverage only until age nineteen
3 for surviving children of employees who pass away when eligible
4 for retirement and retirees who pass away. This is more limited
5 coverage than that available to surviving children of employees
6 who are killed in the performance of their duty, which is
7 prescribed in the fund's administrative rules. The date of
8 coverage termination of surviving children of employees who pass
9 away when eligible for retirement and of retirees who pass away
10 should be the same as surviving children of employees who are
11 killed in the performance of their duty.

12 The purpose of this Act is to amend the definitions of
13 "dependent-beneficiary" and "employee-beneficiary" in chapter
14 87A, Hawaii Revised Statutes, which governs the Hawaii employer-
15 union health benefits trust fund, to:

- 16 (1) Clarify eligibility of children for participation in
17 fund benefit plans;
- 18 (2) Distinguish between surviving children and surviving
19 spouses of employees who are killed in the performance
20 of the employee's duty; and



1 (3) Change eligibility of surviving children of employees
 2 who pass away when eligible for retirement and
 3 retirees who pass away for participation in fund
 4 benefit plans.

5 SECTION 2. Section 87A-1, Hawaii Revised Statutes, is
 6 amended by amending the definitions of "dependent-beneficiary"
 7 and "employee-beneficiary" to read as follows:

8 "Dependent-beneficiary" means an employee-beneficiary's:

- 9 (1) Spouse;
- 10 (2) Unmarried child deemed eligible by the board,
 11 including a legally adopted child, stepchild, foster
 12 child, or recognized natural child who lives with the
 13 employee-beneficiary[+], but excluding a child born or
 14 legally adopted more than ten months after the date of
 15 death of:
 - 16 (A) An active employee killed in the performance of
 17 duty;
 - 18 (B) An active employee who was eligible to retire on
 19 the date of death; or
 - 20 (C) A retired employee-beneficiary; and



1 (3) Unmarried child regardless of age who is incapable of
 2 self-support because of a mental or physical
 3 incapacity, which existed prior to the unmarried
 4 child's reaching the age of nineteen years.

5 "Employee-beneficiary" means:

- 6 (1) An employee;
- 7 (2) The beneficiary of an employee who is killed in the
 8 performance of the employee's duty[+], including:
 9 (A) The surviving spouse, if the surviving spouse
 10 does not subsequently remarry; and
 11 (B) The surviving child, if there is no surviving
 12 parent who is eligible to be an employee-
 13 beneficiary and the child is unmarried and under
 14 the limiting age as defined by the board;
- 15 (3) An employee who retired prior to 1961; and
- 16 (4) The beneficiary of a retired member of the employees'
 17 retirement system; a county pension system; or a
 18 police, firefighters, or bandsmen pension system of
 19 the State or a county, upon the death of the retired
 20 member[+], including:



1 ~~[(5)]~~ (A) The surviving child ~~[of a deceased retired~~
2 ~~employee]~~, if there is no surviving parent who is
3 eligible to be an employee-beneficiary and the
4 child is unmarried and under the ~~[age of~~
5 ~~nineteen; or]~~ limiting age as defined by the
6 board; and

7 ~~[(6)]~~ (B) The surviving spouse ~~[of a deceased retired~~
8 ~~employee]~~, if the surviving spouse does not
9 subsequently remarry;

10 provided that the employee, the employee's beneficiary, or the
11 beneficiary of the deceased retired employee is deemed eligible
12 by the board to participate in a health benefits plan or long-
13 term care benefits plan under this chapter."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

Hawaii Employer-Union Health Benefits Trust Fund

Description:

Clarifies the eligibility of employees' and retirees' children for participation in EUTF benefit plans by distinguishing the employee or retiree's children from later-born or adopted children of the surviving spouse. Aligns age-based benefits eligibility for all children of deceased employees or retirees. (HB978 HD1)

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

