

Honolulu, Hawaii

FEB 14 , 2022

RE: H.B. No. 2105  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Labor & Tourism, to which was referred H.B. No. 2105 entitled:

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

begs leave to report as follows:

The purpose of this measure is to address recent court rulings awarding State of Hawaii Employees' Retirement System service-connected disability retirement or accidental death benefits by clarifying:

- (1) The requirements applicable to each; and
- (2) The burden of proof and evidentiary requirements applicable to petitions for contested case hearings regarding disability retirement or accidental death benefits.

Your Committee received testimony in support of this measure from the State of Hawaii Employees' Retirement System Board of Trustees.

Your Committee finds that, in light of recent court rulings, this measure is necessary to clarify the Legislature's intent concerning the applicability of the State of Hawaii Employees'




Retirement System service-connected disability retirement and accidental death benefits. This measure will help to curb the unintended growth in the State of Hawaii Employees' Retirement System's unfunded liability.

Your Committee has amended this measure by:

- (1) Moving the new provision relating to the burden of proof and evidentiary requirements when a member or applicant initiates a proceeding, to the statutory section relating to petitions for contested case hearings regarding disability retirement or accidental death benefits;
- (2) Moving the new provision relating to permanent incapacity as it relates to an application for service-connected disability retirement to the statutory section relating to service-connected disability retirement;
- (3) Changing the effective date to December 25, 2040, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2105, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2105, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Tourism,



RICHARD H.K. ONISHI, Chair



