

ACT 118

H.B. NO. 89

A Bill for an Act Relating to the Employees' Retirement System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 88-1 to read as follows:

“Sec. 88-1 Restrictions. The provisions of this section shall be applicable to every pension and to every recipient or beneficiary thereof, granted or provided for by any special act of the Legislature (other than benefits, or the recipients thereof, payable to beneficiaries or retirants of the employees' retirement system under Part II) whether the pension be payable by the

State or by any county, or by any board, commission, bureau, department, or other agency thereof:

- (1) No recipient or beneficiary shall be permitted to draw any pension, or any portion thereof, in excess of \$50 per month, while he is holding any salaried position or office in, under or by authority of the United States, the State, or any political subdivision thereof. This paragraph shall not apply to any recipient or beneficiary who is elected to the Legislature or to the council of any county.
- (2) If the recipient or beneficiary is a surviving spouse, the pension so granted shall cease when the surviving spouse remarries.
- (3) Any pension payable to any minor shall cease when the minor reaches the age of eighteen years.
- (4) If any recipient or beneficiary of a pension, having a spouse at the time the pension was first granted to the recipient or beneficiary dies, then the spouse, as long as the spouse remains unmarried, shall be paid sixty per cent of the amount of the pension payable to the beneficiary."

2. By amending section 88-85 to read as follows:

"Sec. 88-85 Accidental death benefit. Upon the receipt of proper proofs of a member's death by the board of trustees, there shall be paid to the member's designated beneficiary or to his estate the amount of his accumulated contributions and if, upon the receipt of evidence or proofs that the death was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty, the board shall decide that the death was the result of an accident in the performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of the ordinary death benefits provided by the contributions of the State or county, a pension of one-half of the average final compensation of the member:

- (1) to the surviving spouse of the member to continue until the surviving spouse remarries; or
- (2) if there be no surviving spouse, or if the surviving spouse dies or remarries before any child of the deceased member shall have attained the age of eighteen years, then to his child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivor pension of one-half his final compensation until every child dies, or attains such age; or
- (3) if there is no surviving spouse or child under the age of eighteen years surviving the deceased member, then to his dependent father or dependent mother, as the deceased member shall have nominated by written designation duly acknowledged and filed with the board, or if there is no such nomination, then to his dependent father or to his dependent mother as the board, in its discretion, shall direct to continue for life."

3. By amending section 88-189 to read as follows:

"Sec. 88-189 Widow's and Widower's pensions. The widow and widower of any deceased man or woman, who have been previously granted or are

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found subsequent to his or her death to have been entitled to a pension under this part, or to have had ten or more years of service although he or she had not reached the age of sixty years, shall be eligible for a pension equal to the same amount, including all the bonuses provided in section 88-11, and all other benefits, that the said deceased was receiving or entitled to receive at the time of his or her death, and all future benefits deriving thereto, so long as the widow or widower remains unmarried.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 3, 1974.)

*Edited accordingly.