

ACT 309

S.B. NO. 2274

A Bill for an Act Relating To The Employees' Retirement System.

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

SECTION 1. Section 88-47, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There shall be four classes of members in the system to be known as class A, class B, class C, and class H, defined as follows:

- (1) Class A shall consist of:
 - (A) Judges, elected officials, and legislative officers;
 - (B) Investigators of the department of the attorney general, narcotics enforcement investigators, water safety officers not making the election under section 88-271, and public safety investigations staff investigators;
 - (C) Those members in service prior to July 1, 1984, including those who are on approved leave of absence, not making the election to become a class C member as provided in part VII or to become a class H member as provided in part VIII;
 - (D) The following members in service prior to July 1, 2006, including those who are on approved leave of absence, not making the election to become a class H member as provided in part VIII:
 - (i) Members whose salaries are set forth in sections 26-52 and 26-53 and their county counterparts, managing directors or an administrative assistant to the mayor, other county de-

- partment heads, and agency heads appointed and subject to removal by the mayor; ~~first~~
- (ii) First deputies appointed by the county attorney and prosecuting attorney; ~~the~~
 - (iii) The county clerk and deputy county clerk of each county; ~~the~~
 - (iv) The directors of the offices of council services of the county of Maui and the city and county of Honolulu;
 - (v) The administrative director of the courts; ~~the~~
 - (vi) The deputy administrative director of the courts; ~~the~~
 - (vii) The executive officer of the labor and industrial relations appeals board; and ~~the~~
 - (viii) The executive officer of the Hawaii labor relations board;
- (E) All former class A retirants who return to employment after June 30, 1984, requiring the retirant's active membership; and
 - (F) All former class B retirants who return to employment requiring the retirant's active membership, except for:
 - (i) Former retirants who return in the positions of police officer or firefighter;
 - (ii) Former retirants who were members on July 1, 1957, who elected not to be covered by the Social Security Act; and
 - (iii) Former retirants who were in positions to which coverage under Title II of the Social Security Act was not extended who entered membership after June 30, 1957, but before January 1, 2004;
- (2) Class B shall consist of:
- (A) Police officers and firefighters, including former retirants who return to service in such capacity;
 - (B) All employees, including former retirants, who were members on July 1, 1957, who elected not to be covered by the Social Security Act; and
 - (C) All employees, including former retirants, in positions to which coverage under Title II of the Social Security Act is not extended, who enter membership after June 30, 1957, but before January 1, 2004, not making the election to become a class H member as provided in part VIII;
- (3) Except for members described in paragraphs (1) and (2), class C shall consist of all employees, not making the election to become a class H member as provided in part VIII, who:
- (A) First enter service after June 30, 1984, but before July 1, 2006;
 - (B) Reenter service after June 30, 1984, but before July 1, 2006, without vested benefit status as provided in section 88-96(b);
 - (C) Make the election to become a class C member as provided in part VII; or
 - (D) Are former class C retirants who return to service requiring the retirant's active membership; and
- (4) Except for members described in paragraphs (1) and (2), class H shall consist of all employees who:
- (A) First enter service after June 30, 2006;
 - (B) Reenter service after June 30, 2006, without vested benefit status as provided in section 88-96(b);
 - (C) Make the election to become a class H member as provided in part VIII; or

ACT 309

- (D) Are former class H retirants who return to service requiring the retirant's active membership.''

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2006.

(Became law on July 11, 2006, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)