STAND. COM. REP. NO. 2818

Honolulu, Hawaii

MAR 2 1 2012

RE: H.B. No. 2439 H.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 2439, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYER-UNION HEALTH BENEFITS TRUST FUND,"

begs leave to report as follows:

The purpose and intent of this measure is to make clarifying amendments to the laws governing the Hawaii employer-union health benefits trust fund. Specifically, this measure:

- (1) Aligns the definition of the term "credited service" in section 87A-1, Hawaii Revised Statutes, with the use of the term "service" under the pension and retirement laws; and
- (2) Clarifies the definition of "employee" and "part-time, temporary, and seasonal or casual employee" in section 87A-1, Hawaii Revised Statutes, to comport with existing public employee health benefits laws by clarifying that:
 - (A) An employee does not include a per diem employee; and
 - (B) A part-time, temporary, and seasonal or casual employee is a person that is employed for fewer than three months or whose employment is less than one-half of a full-time equivalent position; not necessarily both.

Your Committee received testimony in support of this measure from the Department of the Attorney General.

Your Committee finds that certain terminology relating to the Hawaii public employees health fund, the predecessor of the Hawaii employer-union health benefits trust fund, remains in law and neither comports with existing public employee health benefits laws nor reflects the Legislature's intent to grant health fund benefits to public sector employees based on status as an employee or service credits. As such, this measure makes clarifying amendments to and updates the laws governing the Hawaii employer-union health benefits trust fund.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2439, H.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee	Referral:	Dat	e: /	
HB2439, HD1	JDL, V	MAM		3/14/1	2
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)		V			
SHIMABUKURO, Maile (VC)	1				
GABBARD, Mike		~			
IHARA, Jr., Les					<u> </u>
SLOM, Sam					
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			7.7		
TOTAL		4			1
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes