

STAND. COM. REP. NO. 1648

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 670  
H.D. 1  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 670, H.D. 1, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize a court to order the forfeiture of one-half of the Employees' Retirement System (ERS) benefits of an ERS member, former member, or retirant upon conviction of the individual for a felony related to the State or county employment of the individual;
- (2) Authorize designated beneficiaries to receive the reduced ERS benefits to which the member, former member or retirant would be entitled under this section upon the death of the member, former member, or retirant; and
- (3) Prohibit designated beneficiaries convicted of a felony under the same set of circumstances as the member, former member, or retirant who was subject to forfeiture of ERS benefits from receiving benefits.



Your Committees received testimony in support of this measure from the Hawaii State Ethics Commission, Employees' Retirement System, Common Cause Hawaii, and eight individuals.

Your Committees find that public officers and employees are responsible for upholding the public's trust in government and democracy, and that the public's belief in government and democracy becomes strained when public officers and employees participate in misconduct in their employment, while maintaining the benefits of their employment. Existing law requires an employee of the State or county who is convicted of a felony to have their employment terminated; however, the employee is still entitled to receive benefits from the ERS. Your Committees further find that public employees who have been convicted of a felony that is directly related to the employee's position or duties ultimately lose the trust of the public by misusing their position, and therefore, should no longer be eligible to receive their full benefits resulting from their employment with the State or county.

Your Committees also note concerns raised in the public hearing on this measure about whether this measure should also apply to misdemeanors relating to money theft or corruption, and find that these concerns merit further consideration by the Legislature.

Your Committees have amended this measure by making it effective upon its approval.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 670, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 670, H.D. 1, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,



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DONOVAN M. DELA CRUZ, Chair



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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:
HB670, HD1, SP1	LCA, JDC/WAM	4/6/2021

The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     
 Pass, with amendments 2311     
 Hold 2310     
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	7	0	0	0

Recommendation:  Adopted       Not Adopted


Chair's or Designee's Signature: *Karl Rhoads*

Distribution:      Original      Yellow      Pink      Goldenrod  
File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy

\*Only one measure per Record of Votes

The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 670, HD 1, SD 1</i>	<i>LCA, JDC/WAM</i>	<i>4/6/21</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani				X
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.				X
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<i>9</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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