

STAND. COM. REP. NO. 740

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 912  
S.D. 1

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 S.B. No. 912, 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 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.

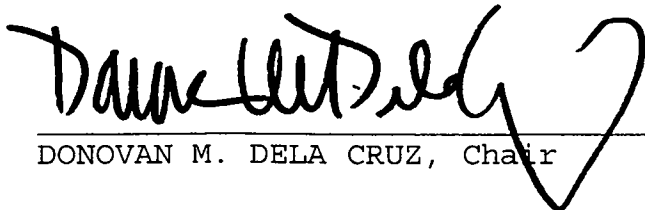


Your Committees received testimony in support of this measure from the Hawai'i State Ethics Commission, Common Cause Hawaii, and seven individuals.

Your Committees find that while existing law requires an employee of the State or county who is convicted of a felony to have their employment terminated, the employee is still entitled to receive benefits from the ERS. 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 benefits accrued during their employment with the State or county. Your Committees further find that beneficiaries who were convicted of a felony based on the same set of circumstances as the member, former member, or retirant who was subject to forfeiture of their retirement benefits, should also not be allowed to receive ERS benefits. This measure will prohibit public employees and their beneficiaries from reaping ERS benefits should they be convicted of a felony relating to their employment, thereby restoring confidence in Hawai'i's government.

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 S.B. No. 912, S.D. 1, and recommend that it pass Third Reading.

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

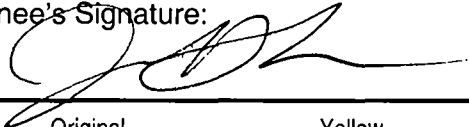
  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

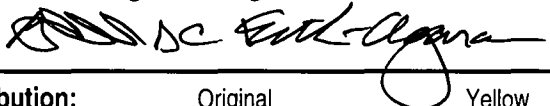
**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 912, SD 1	LCA, JDC/WAM	2/23/21		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> 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	—	—	—
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				

\*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.:* <b>SB 912, SD 1</b>	Committee Referral: <b>LCA, JDC/WAM</b>	Date: <b>2/23/21</b>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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>	<b>10</b>			<b>1</b>
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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