

STAND. COM. REP. NO.

2390

Honolulu, Hawaii

FEB 14 2024

RE: S.B. No. 3084
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Public Safety and Intergovernmental and Military Affairs and Labor and Technology, to which was referred S.B. No. 3084 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD,"

beg leave to report as follows:

The purpose and intent of this measure is to exempt Hawaii National Guard service members activated by the Governor or the Governor's designated representative to state active duty from enrollment in the Employees' Retirement System of the State of Hawaii.

Your Committees received testimony in support of this measure from the Department of Defense, Hawai'i Army National Guard, and eight individuals.

Your Committees received comments on this measure from the Employees' Retirement System.

Your Committees find that under existing law, Hawaii National Guard personnel who are ordered to active duty in the service of the State are designated as state employees and after ninety days of active-duty service are required by law to make mandatory contributions to the State's Employees' Retirement System (ERS). Your Committees further find that while they are required to pay at least eight percent to the ERS, they are only vested for



retirement if the service member is employed by the State for ten years, which has never occurred. This measure will improve the Hawaii National Guard's posture and flexibility in responding to state disasters and emergencies by exempting service members from enrollment into the ERS.

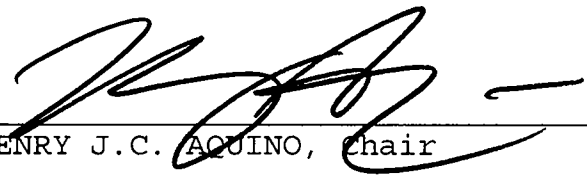
Your Committees have amended this measure by:

- (1) Clarifying that members of the Hawaii National Guard ordered into active duty to provide services to the State shall be ineligible for membership in the ERS based on the active duty;
- (2) Removing language that would have provided that any member of the ERS who takes a leave of absence to be on active duty in service to the State shall be entitled to all benefits and required to make all employee contributions under the ERS for the period during which the employee is on active duty in service to the State;
- (3) Clarifying that any member of the Hawaii National Guard who is an employee of the State or any county, in a position other than as a member of the Hawaii National Guard ordered into active duty to provide service to the State, shall not be precluded from membership in the ERS or being credited with membership service credit for active military service; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

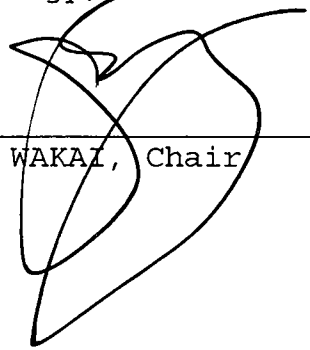
As affirmed by the records of votes of the members of your Committees on Public Safety and Intergovernmental and Military Affairs and Labor and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3084, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3084, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety and
Intergovernmental and Military
Affairs and Labor and
Technology,



HENRY J.C. AQUINO, Chair




GLENN WAKAI, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

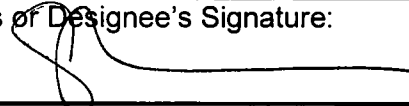
Record of Votes
Committee on Public Safety and Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB 3084	Committee Referral: PSM/LBT, WAM	Date: 2/9/24		
<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
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
RHOADS, Karl	✓			
AWA, Brenton	✓			
TOTAL	5	ϕ	ϕ	ϕ
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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**

The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Labor and Technology
LBT

Bill / Resolution No.:*	Committee Referral:	Date:		
SB3084	PDM/LBT, WAM	2/9/24		
<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
AQUINO, Henry J.C. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
IHARA, Jr., Les	X			
LEE, Chris	X			
FEVELLA, Kurt	X			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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