

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

**ON THE FOLLOWING MEASURE:
S.B. NO. 99, RELATING TO GOVERNMENT.**

**BEFORE THE:
SENATE COMMITTEE ON LABOR AND TECHNOLOGY**

DATE: Friday, January 30, 2026 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFER(S): Anne E. Lopez, Attorney General, or
Diane W. Wong or Jenny J.N.A. Nakamoto, Deputy Attorneys
General

Chair Elefante and Members of the Committee:

The Department of the Attorney General (Department) supports the portion of this bill relating to investigators identified by the Department as labor shortage or difficult-to-fill positions and provides comments regarding the portion of the bill addressing school resource officers identified as labor shortage or difficult-to-fill positions by the Department of Education (DOE).

This bill amends section 88-9(d) and (f), Hawaii Revised Statutes (HRS), to allow a retitant to be employed without reenrollment in the Employees' Retirement System (ERS), and without loss or interruption of benefits provided by the ERS or under chapter 87A, HRS, subject to certain conditions, if the retitant is employed either as an investigator in a position identified by the Department as a labor shortage or difficult-to-fill position, or as a school resource officer in a position identified as such by the DOE.

1. Investigators

The Department has identified certain positions of "investigator" as difficult to fill and critically important to the Department's law enforcement capability and objectives. This bill will allow the Department to rehire a retired law enforcement officer as an investigator without requiring re-enrollment in the ERS or resulting in any loss of benefits so long as: (1) the retitant remains out of state or county employment for at least six consecutive calendar months before reemployment; (2) the Department has

identified the position as a labor shortage or difficult-to-fill position; and (3) there was no agreement for the retitant to return to work after retirement. Given the Department's long-standing need for investigators, this bill will help expedite the return of trained and experienced personnel to the workforce and strengthen the Department's law enforcement capacity.

Accordingly, the Department respectfully asks the Committee to pass the portion of this bill addressing investigators identified by the Department as labor shortage or difficult-to-fill positions, as currently drafted on page 5, line 10, through page 6, line 3, and the conforming cross-reference amendment on page 6, lines 10-11.

2. School Resource Officers

The Department notes that the DOE does not have a "school resource officer" position. Currently, public schools enter into memoranda of agreement with local law enforcement to assign active law enforcement officers to public schools in security roles commonly referred to as school resource officers. However, due to an ongoing shortage of law enforcement officers, public schools have recently been unable to enter into these agreements.

To effectuate the intent of the bill, the Department suggests the following revisions:

1. Replace the text on page 1, lines 8-11, with the following:
"The legislature further finds that there is a labor shortage that makes it difficult to fill investigator positions in the department of the attorney general and law enforcement officer positions that can be stationed at public schools as school resource officers."
2. Replace the text on page 4, lines 15-17, with the following:
"As a law enforcement officer identified by the department of law enforcement or other law enforcement agency as a labor shortage or difficult-to-fill position; provided that."
3. On page 5, line 5, replace "department of education" with "department of law enforcement or other law enforcement agency".

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4. Add a new subparagraph (D) to section 88-9(d)(6), HRS, by making the following revisions:
 - a. On page 5, line 4, delete "and"
 - b. On page 5, line 9, replace "or" with "and"
 - c. Add new subparagraph (D) after page 5, line 9, to read as: "(D)
The retirant shall be stationed at a public school, as defined in
section 302A-101, as a school resource officer; or"

Thank you for considering our comments regarding this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/30/2026
Time: 03:00 PM
Location: CR 225 & Videoconference
Committee: LBT

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB99, RELATING TO GOVERNMENT.

Purpose of Bill: Allows a retireant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of retirement benefits if the retireant is employed as a school resource officer or investigator in positions identified by the Department of Education or the Department of the Attorney General, respectively, as a labor shortage or difficult-to-fill positions, subject to certain conditions. Requires the Director of Human Resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature, details on the employment of retirants as school resource officers or investigators.

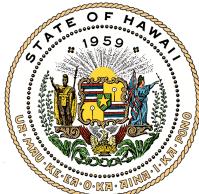
Department's Position:

The Hawaii State Department of Education (Department) is in support of SB 99.

According to the National Association of School Resource Officers, a school resource officer is a law enforcement officer specifically trained in school-based law enforcement and crisis response. The Department supports efforts to increase safety within its schools. However, the Department does not employ school resource officers, they are employed by law enforcement entities.

Thank you for the opportunity to provide testimony on SB 99.

JOSH GREEN, M.D.
GOVERNOR
KE KIAĀINA



MIKE LAMBERT
Director

ERNEST J. ROBELLO
Deputy Director
Administration

SYLVIA LUKE
LT GOVERNOR
KA HOPE KIAĀINA

STATE OF HAWAII | KA MOKUĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawai'i 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 99

RELATING TO GOVERNMENT

Before the Senate Committee on
LABOR AND TECHNOLOGY

Friday, January 30, 2026, 3:00 PM

State Capitol Conference Room 225 & Videoconference

WRITTEN TESTIMONY ONLY

Chair Elefante, Vice Chair Lamosao, and members of the Committee:

The Department of Law Enforcement (DLE) supports Senate Bill 99, which allows retirees to be employed as school resource officers or investigators without reenrollment in the Employees' Retirement System and without loss of retirement benefits.

This bill addresses critical staffing shortages in school resource officer and investigator positions by allowing qualified retirees to fill these roles without penalty to their retirement benefits. By removing financial disincentives for experienced professionals to return to service, this measure will help the Department of Law Enforcement staff positions that have been identified as labor shortage or difficult-to-fill positions.

The DLE recognizes the importance of having qualified school resource officers in our educational institutions to ensure the safety of students and staff. Similarly, experienced investigators are essential to the Department of Law Enforcement and the Department of the Attorney General's mission of upholding justice. This bill provides a practical solution to address these staffing challenges while leveraging the skills and expertise of

Department of Law Enforcement Testimony on

SB99 Relating to GOVERNMENT

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retired professionals who may otherwise be reluctant to return to service if it meant jeopardizing their retirement benefits.

The reporting requirements included in the bill will also provide valuable data to the Legislature regarding the implementation and effectiveness of this measure, allowing for future refinements if necessary.

DLE requests the following amendments:

1. Page 5, lines 10-12 to read:

“(7) As an investigator identified by the department of the attorney general or the department of law enforcement as a labor shortage or difficult-to-fill position; provided that:”

2. Page 5, line 20-21 and page 6, lines 1-3 to read:

“(C) The department of the attorney general and the department of law enforcement shall contribute to the pension accumulation fund the required percentage of the rehired retireant's compensation to amortize the system's unfunded actuarial accrued liability.”

Thank you for the opportunity to testify in support of this bill.



JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

KALBERT K. YOUNG
EXECUTIVE DIRECTOR

GAIL STROHL
DEPUTY EXECUTIVE DIRECTOR

**STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM**

**TESTIMONY BY KALBERT YOUNG
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM**

**STATE OF HAWAII
TO THE SENATE COMMITTEE ON LABOR & TECHNOLOGY**

ON

SENATE BILL NO. 99

January 30, 2026

3:00 P.M.

Conference Room 225 and VIA Videoconference

SB 99 - RELATING TO GOVERNMENT.

Chair Elefante, Vice Chair Lamosao, and Members of the Committee,

While the Board of Trustees (BOT) has not had a chance to review the bill, the Employees' Retirement System (ERS) appreciates the intent of SB 99 and is thankful for the opportunity to offer comments regarding this measure.

SB 99 proposes to amend Section 88-9 of the Hawaii Revised Statutes (HRS) to allow School Resource Officer and Investigator positions to be identified as labor shortage or difficult-to-fill by the Departments of Education and the Attorney General, respectively.

As this bill progresses, there are a number of components in the bill that would be important for the stability and sustainability of the pension system. ERS supports the inclusion of a twelve-calendar month break and prohibition on post-retirement agreements to return to work, consistent with other shortage or difficult-to-fill positions, as these fulfill requirements to retain our tax qualified status under Internal Revenue Code (IRC). We similarly support that contributions are required to be made by the employer towards the pension accumulation fund to amortize the system's unfunded accrued liability which mitigates the lost contributions when these positions are filled with unenrolled retirees rather than active members or reenrolled retirees earning additional retirement benefits.



**Employees' Retirement System
of the State of Hawaii**

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Additionally, the ERS respectfully recommends that the Committee consider an amendment to SECTION 2, page 3, lines 5-7 to allow for departments and agencies to be included as appropriate jurisdictions allowed to identify positions as labor shortage or difficult-to-fill. This would negate the need for individual entries of various specific positions to be identified by multiple departments and agencies.

While there is concern for inconsistent application of enrollment exemptions for similarly situated retirees under the same employer - in this case the State - we believe that the included requirement of an annual report to the legislature by the Director of Human Resources of the appropriate State or County jurisdiction would provide sufficient oversight to ensure determinations are consistent with applicable laws and rules.

Thank you for the opportunity to provide comments on SB 99.



HAWAII STATE TEACHERS ASSOCIATION

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TESTIMONY TO THE HAWAII SENATE COMMITTEE ON LABOR AND TECHNOLOGY

Item: SB 99 – Relating to Government

Position: Support

Hearing: Friday, January 30, 2025, 3:00 pm, Room 225

Submitter: Osa Tui, Jr., President - Hawai'i State Teachers Association

Dear Chair Elefante, Vice Chair Lamosao, and members of the committee,

The Hawai'i State Teachers Association (HSTA) supports S.B. 99, which expands the existing framework for reemploying retired workers to include school resource officers and investigators. Protecting campus health and safety is a top priority for HSTA, and ensuring that schools are staffed with experienced safety personnel is critical to that mission.

This bill provides a practical solution to the labor shortage that makes it difficult to fill these vital positions within the Department of Education. By allowing retired safety professionals to return to service without losing retirement benefits, the state can more effectively address security needs across our school communities.

The measure mirrors established protocols for rehiring retired teachers by maintaining the 12-month break in service and requiring employer contributions. These requirements ensure that the expansion follows the same standards already in place for other DOE shortage areas.

HSTA recommends the passage of S.B. 99 to help secure the dedicated personnel necessary to keep our campuses safe.

Mahalo.