

ACT 242

S.B. NO. 2268

A Bill for an Act Relating to the Employees' Retirement System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 88-84, Hawaii Revised Statutes, is amended to read as follows:

“§88-84 Ordinary death benefit. Upon the receipt of proper proofs of a member's death in service, there shall be paid to the member's beneficiary, otherwise to the member's estate, an ordinary death benefit consisting of:

- (1) The member's accumulated contributions and if no pension is payable under the provisions of section 88-85, in addition thereto,
- (2) The member's contributions to the post retirement fund, and
- (3) An amount equal to fifty per cent of the compensation earned by the member during the year immediately preceding the member's death if the member had at least one year but not more than ten full years of credited service, which amount shall increase by five per cent of such compensation for each full year of service in excess of ten years, to a maximum of one hundred per cent of such compensation; provided that if the member had at least one year of credited service, the amount, together with the member's accumulated contributions shall not be less than one hundred per cent of the compensation.

If the member had ten or more years of credited service but was ineligible for service retirement at the time of the member's death in service, and the death occurred after June 30, 1988, the member's designated beneficiary may elect to receive in lieu of any other payment provided in this section, the allowance which would have been payable to the beneficiary under option 3 of section 88-83 and computed on the basis of section 88-76.

If the member was eligible for service retirement at the time of the member's death in service, and the death occurred after March 1, 1987, the member's designated beneficiary, may elect to receive in lieu of any other payments provided in this section, the allowance which would have been payable if the member had retired the day prior to death and had elected to receive the member's retirement allowance under option 2 of section 88-83.”

SECTION 2. Section 88-21, Hawaii Revised Statutes, is amended by amending the definition of “sewer worker” to read as follows:

“ “Sewer worker”: an employee of any county who is employed in any of the following classifications: (1) sewer maintenance helper[,] or wastewater collection system helper, (2) sewer maintenance repairer[,] or wastewater collection system repairer, (3) sewer maintenance supervisor I and II[,] or wastewater collection system supervisor I and II, (4) gas detector, (5) gas detector helper, (6) gas [detector] detection supervisor, (7) cesspool worker, (8) cesspool pumping equipment operator I, (9) cesspool pumping equipment operator II, (10) cesspool pumping supervisor, or in any combination of these classifications.”

SECTION 3. Section 88-281, Hawaii Revised Statutes, is amended to read as follows:

“[[§88-281]] Eligibility for retirement allowance. (a) A member who has ten years of credited service and has attained age sixty-two, or a member with thirty years credited service who has attained the age of fifty-five, shall become eligible to receive a normal retirement allowance after the member has terminated service.

(b) If a member has at least twenty-five years of credited service as a sewer worker of which the last five or more years prior to retirement is credited in such a capacity, then the sewer worker shall be eligible to receive a normal retirement benefit unreduced for age.

[(b)] (c) A member who has twenty years of credited service and has attained age fifty-five shall be eligible to receive an early retirement allowance after the member has terminated service.

[(c)] (d) A member who has ten years of credited service and terminates service prior to attaining age sixty-two shall have a vested right and shall be eligible to apply for a normal retirement allowance payable beginning with the month when the member has attained age sixty-five.

[(d)] (e) A member may retire upon the written application to the board specifying the desired date of retirement which shall be not less than thirty days nor more than ninety days subsequent to the date of filing. If the member dies after the date of filing the application to retire but prior to the effective date of retirement, the member's designated beneficiary may receive the member's retirement benefits which shall be computed as though the member died on the effective date of retirement under the mode of retirement selected.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 1988.

(Approved June 9, 1988.)