

ACT 49

S.B. NO. 3228

A Bill for an Act Relating to Adjusting the Annual Pensions of Retired Patient Employees at Hansen's Disease Facilities.

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

SECTION 1. Section 326-23, Hawaii Revised Statutes, is amended to read as follows:

“§326-23 Pensions for patient employees at facilities. (a) All patient employees or patient laborers at every facility maintained for the treatment and care of persons with Hansen's disease shall be entitled, upon retirement after twenty years or more service with the department of health, to a pension in an amount which shall be equal to sixty-six and two-thirds per cent of the monthly wage or salary which the patient was receiving at the time of retirement, or to a pension in an amount which shall be equal to sixty-six and two-thirds per cent of the average monthly wage or salary which the patient employee was receiving during the last twelve months of employment at the department of health, whichever is higher. For the period from July 1, 2007, to June 30, 2008, the pension amounts shall be adjusted as follows:

- (1) Retired patient employees receiving less than \$4,000 annually shall be granted a five per cent increase;
- (2) Retired patient employees receiving \$4,000 or more but less than \$5,000 annually shall be granted a four per cent increase; and
- (3) Retired patient employees receiving \$5,000 or more annually shall be granted a 2.5 per cent increase.

For the period from July 1, 2008, to June 30, 2009, all retired patient employees shall be granted a 2.5 per cent increase. Thereafter, the pension amounts shall remain as adjusted effective for the period ending June 30, 2009.

(b) Patient employees may use service with any state department or agency not exceeding five years which has not been credited under the state retirement system in lieu of service with a facility maintained for the treatment and care of persons with Hansen's disease to satisfy the requirements of [~~the preceding paragraph;~~] subsection (a); provided that the service shall be authenticated by official records of the department where service was performed.

(c) When work is available at Kalaupapa which may be fulfilled by patient residents of the facility under section 326-21 and there are no applicants for those positions from among the eligible patients, pensioned patients who are in residence at Kalaupapa may be reemployed, not to exceed nineteen hours per week, without

relinquishing the pension granted to them under this section. Furthermore, notwithstanding any other law relating to this subject, that reemployment shall not result in suspension or termination of payment of the pension granted originally or serve to increase, decrease, or alter the pension in any way.”

SECTION 2. In the event a retired patient employee has died after July 1, 2007, and before the payment of the pension adjustment provided for in this Act, the amount of the increase owed to that person from July 1, 2007, until the date of death shall be paid to the person’s estate.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval and shall be retroactive to July 1, 2007.

(Approved April 30, 2008.)