



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Labor & Public Employment**

Representative Mark M. Nakashima, Chair

Representative Mark J. Hashem, Vice Chair

Friday, February 8, 2013, 9:00 a.m.  
State Capitol, Conference Room 309

by

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The Judiciary, State of Hawai'i

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill 807, Relating to Retirement Benefits for Judges

**Purpose:** House Bill 807 proposes to correct sections 88-73(b) and 88-74(c) and (d), Hawai'i Revised Statutes, to restore parity with respect to age and service retirement requirements between judges who first earned service credit as a judge after June 30, 2012 but who were members of the Employees' Retirement System (ERS) prior to July 1, 2012 and other contributory plan members who became members of the ERS at the same time.

**Judiciary's Position:**

The Judiciary supports House Bill 807 as individuals who became members of the ERS at the same time should enjoy parity with respect to age and service requirements for retirement, inclusive of those current members who become judges after June 30, 2012.

The Judiciary recognizes and appreciates the effort to address the unfunded liability of the ERS. To this end, Act 163 (SLH 2011) established more stringent age and service requirements for retirement by individuals who become members after June 30, 2012.

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Prior to Act 163, the age and service requirements for retirement for judges were the same as for other contributory plan members who became members of the ERS at the same time. However, with Act 163, a disparity arose resulting in current members (prior to July 1, 2012) of the system who become judges after June 30, 2012 being subject to the more stringent age and service requirements for retirement than other contributory plan members who became members of the system at the same time.

This disparity serves as a disincentive for those current ERS members who wish to become judges, such as prosecutors, public defenders, deputy attorneys general, etc., as now they will be subject to the more stringent age and service requirements for retirement, essentially being treated as new ERS members. It is not only reasonable, but appropriate, that these current members who become judges after June 30, 2012, continue to enjoy equivalent age and service requirements for retirement as other contributory plan members who became ERS members prior to July 1, 2012.

Thank you for the opportunity to testify on this measure.