STAND. COM. REP. NO. 2170

Honolulu, Hawaii

FEB 0 9 2018

RE: S.B. No. 2962 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 2962 entitled:

"A BILL FOR AN ACT RELATING TO DIVORCE,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit a court, when dividing property upon the dissolution of a marriage, from considering military disability benefits or from indemnifying or awarding the veteran's spouse or former spouse for waivers or reductions in military pay related to disability benefits.

Your Committee did not receive any testimony on this matter.

Your Committee finds that it is essential to protect the interests of the State's veterans. Under existing law, veterans' disability benefits are placed at risk in cases of divorce. To ensure the protection and continued well-being of our veterans, it is necessary to protect those benefits from being subject to disposition of property during divorce.

However, your Committee has concerns about the breadth of this measure and its potential impacts on the spouses or former spouses of veterans. Your Committee recommends that if your Committee on Judiciary decides to hear this measure, that your Committee on Judiciary investigate efficacy of prohibiting the courts from considering other types of military retirement benefits in cases of disposition of property pursuant to divorce.

Your Committee has amended this measure by:

- (1) Removing the prohibition on indemnification of or awarding of any other income or property to the veteran's spouse or former spouse for waivers or reductions in military pay related to disability benefits;
- (2) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2962, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2962, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

CLARENCE K. NISHIHARA, Chair

## The Senate Twenty-Ninth Legislature State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral: Date:					
SB 2962	962 PSM, JDC 46/18					
The Committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye 🖊	Aye (WR)	Nay	Excused	
NISHIHARA, Clarence K. (C)		<b>V</b> /	_			
WAKAI, Glenn (VC)						
BAKER, Rosalyn H.						
IHARA, Jr., Les	: " .					
THIELEN, Laura H.						
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TOTAL		2	2	$ \mathcal{D} $	1	
Recommendation:  Not Adopted  Not Adopted						
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Pierk's Office Drafting Agency Committee File Copy						

\*Only one measure per Record of Votes