

STAND. COM. REP. NO.

180

Honolulu, Hawaii

Feb 10, 2011

RE: H.B. No. 1110

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1110 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURTS,"

begs leave to report as follows:

The purpose of this bill is to prohibit courts from considering a person's federal veterans disability benefits when determining whether to award support and maintenance allowances, or the amount of any such allowance, to the person's spouse or former spouse.

The Oahu Veterans Council and a concerned individual testified in support of this bill. The Family Law Section of the Hawaii State Bar Association opposed this measure.

According to testimony submitted to your Committee, federal law does not permit the division of permanent disability retirement benefits in a divorce proceeding. While most service members do not qualify for permanent disability retirement, they may qualify for VA disability compensation, which is also not divisible in divorce. Testimony further revealed that Hawaii appellate courts have held that disability compensation could not be used as the basis for an award to the spouse.

Although your Committee recognizes the concerns raised in testimony, including that this measure may not be necessary, it

HB1110 HD1 HSCR HUS HMS 2011-1953

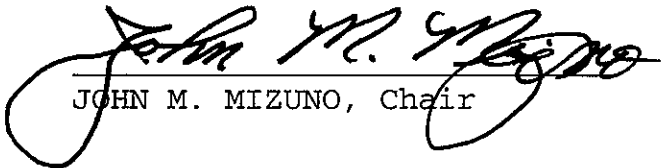


would like to ensure that this bill is examined further to take all positions into consideration.

Accordingly, your Committee has amended this bill by changing the effective date to July 1, 2050, to encourage further discussion.

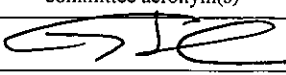
As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1110, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1110, H.D. 1, and be referred to the Committee on Public Safety & Military Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

  
JOHN M. MIZUNO, Chair



Record of Votes of the Committee on Human Services

Bill/Resolution No.: <b>HB 1110</b>	Committee Referral: <b>HUS, PBM, JUD</b>	Date: <b>2/07/2011</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. JORDAN, Jo (VC)	✓			
3. BELATTI, Della Au				✓
4. HANOHANO, Faye P.	✓			
5. LEE, Chris	✓			
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica	✓			
8. YAMANE, Ryan I.	✓			
9. CHING, Corinne W.L.				✓
10. PINE, Kymberly Marcos				✓
<b>TOTAL (10)</b>	<b>7</b>			<b>3</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				