

STAND. COM. REP. NO.

113

Honolulu, Hawaii

February 10, 2015

RE: H.B. No. 1370  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 1370 entitled:

"A BILL FOR AN ACT RELATING TO DIVORCE,"

begs leave to report as follows:

The purpose of this measure is to allow the Employees' Retirement System (ERS) Administrator to make direct payments to the former spouse of an ERS member pursuant to an award of such retirements benefits under a valid, final judgment, decree or order in a divorce proceeding.

Several individuals testified in support of this measure. The Employees' Retirement System; the Family Law Section of the Hawaii State Bar Association; Kleintop, Luria & Medeiros, LLP; and Farrell & Associates commented on this measure.

Your Committee has amended this measure by:

- (1) Replacing all references to "non-member former spouse" with "former spouse";
- (2) Removing the bill sections that proposed to add a new section to Chapter 571, Hawaii Revised Statutes, and amend section 580-47, Hawaii Revised Statutes, regarding divisions of property and actions for divorce;



- (3) Inserting an appropriation to be expended by the Employees' Retirement System for implementation of this measure;
- (4) Specifying that assignment of benefits provisions shall not be triggered by a judgment, order, or decree for divorce that requires the ERS Administrator to provide benefits to a former spouse upon the death of the member or a deceased former spouse of a member;
- (5) Changing the effective date to July 1, 2115, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Should the House Committee on Finance deliberate on this measure, your Committee respectfully requests an appropriation amount of \$2,000,000 to cover Employees' Retirement System implementation costs.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1370, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1370, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



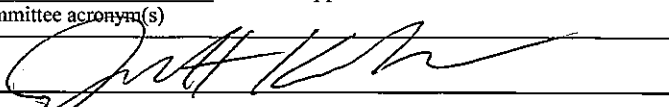
MARK M. NAKASHIMA, Chair



State of Hawaii  
House of Representatives  
The Twenty-eighth Legislature

HSCR 113

**Record of Votes of the Committee on Labor & Public Employment**

Bill/Resolution No.: <b>HB 1370</b>	Committee Referral: <b>LAB, JUD, FIN</b>	Date: <b>2/6/15</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)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. KEOHOKALOLE, Jarrett (VC)	/			
3. AQUINO, Henry J.C.				/
4. HAR, Sharon E.	/			
5. ICHIYAMA, Linda				/
6. JOHANSON, Aaron Ling	/			
7. LOPRESTI, Matthew S.	/			
8. SAN BUENAVENTURA, Joy A.	/			
9. TAKAYAMA, Gregg	/			
10. TAKUMI, Roy M.	/			
11. YAMASHITA, Kyle T.	/			
12. TUPOLA, Andria P.L.	/			
<b>TOTAL (12)</b>	<b>10</b>			<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: x-large; font-family: cursive;">  </div>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				