

Honolulu, Hawaii

APR 10 2015

RE: H.B. No. 805
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 805, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO VETERANS DISABILITY BENEFITS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Exempt federal veterans' disability compensation benefits from claims of creditors and attachment, levy, and seizure to enforce a court judgment; and
- (2) Clarify that only the portion of a veteran's disability benefits that is not considered to be disability compensation, according to the Department of Veterans Affairs disability compensation benefits rate, is subject to child and spousal support enforcement under title 42 United States Code section 659(h)(1)(A)(ii)(V).

Your Committee received testimony in support of this measure from the Hawaii Chapter of the National Association for Uniformed Services.

Your Committee finds that disabled veterans have sacrificed in the name of duty, honor, and country. The federal benefits that a disabled veteran receives need to be protected from creditors and third parties. Implementation of this measure safeguards veterans' federal disability benefits.



Your Committee has amended this measure by deleting its contents and inserting language from S.B. No. 1159, S.D. 2 (Regular Session of 2015), a substantially similar measure that:

- (1) Exempts federal veterans' disability benefits from claims of creditors and attachment, levy, and seizure to enforce a court judgment, but also encourages the courts to follow federal disability compensation apportionment policy before imposing child and spousal support payments; and
- (2) Becomes effective on January 7, 2059.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 805, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 805, H.D. 2, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,




GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 805 HD2	PSM, JDL	4/6/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended <small>2312</small>	<input checked="" type="checkbox"/> Pass, with amendments <small>2311</small>	<input type="checkbox"/> Hold <small>2310</small>		
		<input type="checkbox"/> Recommit <small>2313</small>		
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	7			
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes