

STAND. COM. REP. NO.

**3205**

Honolulu, Hawaii

**MAR 23 2018**

RE: H.B. No. 2341  
H.D. 1  
S.D. 1

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

Sir:

Your Committees on Labor and Judiciary, to which was referred  
H.B. No. 2341, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO QUALIFIED DOMESTIC RELATIONS  
ORDERS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow the Employees' Retirement System (ERS) to make direct payments to spouses or former spouses of ERS members or retirants to include former spouses or former members with vested benefit status when the former spouse has been awarded all or a portion of ERS retirement benefits as ordered or decreed in a domestic relations proceeding;
- (2) Make ERS benefits payable to an alternate payee; and
- (3) Delay implementation of Act 263, Session Laws of Hawaii 2016, to July 1, 2020.

Your Committees received testimony in support of this measure from the Board of Trustees of the Employees' Retirement System and O'ahu County Committee on Legislative Priorities of the Democratic



Party of Hawai'i. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that Act 263, Session Laws of Hawaii 2016 (Act 263), authorizes and requires the ERS to make direct payments to the spouse or former spouse of an ERS member or retirant when the spouse or former spouse has been awarded all or a portion of the member's or retirant's retirement benefits as part of a property division adjudicated, ordered, or decreed by a court in a domestic relations proceeding. Act 263 did not make any appropriations for its implementation; therefore, this measure authorizes necessary funding. In addition, this measure amends the scope and implementation date of Act 263 by making consistent the benefit period payable to alternate payees regardless of whether the domestic relations order is certified prior to or after the member, former member with vested benefit status, or retirant retires, and by delaying the implementation of Act 263 until July 1, 2020. Your Committees find that delay of the effective date is necessary for development and application of necessary resources to support implementation and fund the costs of computer system modifications, ERS member and other affected parties' education, and increased operational costs.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.


Your Committees request that as this measure moves forward, your Committee on Ways and Means and the ERS work together to address the issue of designating the proper expending agency for the appropriation made in this measure.

As affirmed by the records of votes of the members of your Committees on Labor and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2341, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2341, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.



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

  
\_\_\_\_\_  
BRIAN T. TANIGUCHI, Chair

  
\_\_\_\_\_  
JILL N. TOKUDA, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

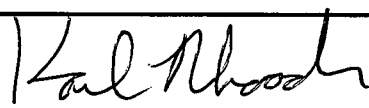
**Record of Votes**  
**Committee on Labor**  
**LBR**

Bill / Resolution No.:* <b>HB2341, HDI</b>	Committee Referral: <b>LBR/JDC, WAM</b>	Date: <b>3/22/18</b>		
<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 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)	✓			
CHANG, Stanley	✓			
IHARA, Jr., Les				✓
TANIGUCHI, Brian T.	✓			
<b>TOTAL</b>	<b>4</b>			<b>5</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>J. Kalani English</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2341, HD1	LBR/JDC, WAM	3/22/18		
<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 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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