

STAND. COM. REP. NO.

2170

Honolulu, Hawaii

FEB 09 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

CLARENCE K. NISHIHARA, Chair



