

STATE OF HAWAII  
DEPARTMENT OF DEFENSE



TESTIMONY ON HOUSE BILL 991  
A BILL RELATING TO STATE MILITARY FORCES

BY

PRESENTED BEFORE  
THE HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS AND MILITARY AFFAIRS

MAJOR GENERAL ARTHUR J. LOGAN  
ADJUTANT GENERAL,  
DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY AND  
DIRECTOR OF HOMELAND SECURITY

FEBRUARY 8, 2019

Chair Takayama, Vice Chair Gates and the Members of the Committee on Public Safety, Veterans and Military Affairs.

I am Major General Arthur Logan, Adjutant General, Director of the State Emergency Management Agency and Director of Homeland Security.

The Department of Defense (DOD) provides written testimony in **SUPPORT** of HB 991.

There currently exist a coverage gap for Service Members serving on full-time National Guard duty, as defined by Title 32 USC 101(19). The purpose of this bill is to apply the protections of the Civil Relief for State Military Forces (CRSMF) to persons serving on full-time National Guard duty under Title 32, United States Code (USC) and to bring provisions in line with the Servicemembers Civil Relief Act, codified in 50 United States Code chapter 50 (§§3901-4043).

Service Members on full-time National Guard duty pursuant to Title 32, United States Code, are not covered by the federal Servicemembers Civil Relief Act (SCRA), nor are they covered by the Hawaii State equivalent, CRSMF. The SCRA coverage only extends to those on Title 10 Active Duty and Title 32 Service Members mobilized to respond to a national emergency declared by the President and supported by federal funds. Coverage under SCRA specifically excludes full-time national guard orders. The CRSMF applies only to those members of the state military forces ordered to State Active Duty.

This bill will apply the protections under CRSMF to service members serving on Full-Time National Guard duty under Title 32, USC and bring provisions in line with the Servicemembers Civil Relief Act, codified in 50 United States Code, Chapter 50 §§3901 et. Seq.

Thank you for the opportunity to support HB 991.

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MANPOWER AND  
RESERVE AFFAIRS

February 8, 2019

The Honorable Gregg Takayama  
House Committee on Public Safety, Veterans, & Military Affairs

**HB 991**  
**RELATING TO STATE MILITARY FORCES**

Chair Takayama and Members of the Committee:

On behalf of the Department of Defense, I would like to thank you for the opportunity to submit testimony on the policy espoused in HB 991, a bill relating to civil relief for state military forces.

My name is Kelli May Douglas and I am the Southwest Regional Liaison for the Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary for Military Community and Family Policy. Our mission is to be a resource to state policymakers as they work to address quality of life issues of military families.

I would like to propose some amendments to HB 991 that would expand the consumer protections to some products not found in the federal Service Members Relief Act (SCRA) and to also extend those protections to all active duty members of the Uniformed Services (not just State Service members) who are deployed for over 30 consecutive days. Our research indicates that seventeen (17) states already have policies implementing what we are seeking here. Six (6) other states, including Hawaii, have introduced related measures this legislative session.

Service members are protected as consumers through the federal SCRA; however, the federal law does not protect Service members concerning obligations that occur while on active duty. States can provide additional consumer protections that can mirror and expand the federal SCRA. Some states have extended their consumer protections beyond what is included in the federal SCRA through state statutes, and applied these additional protections to Service members on federal active duty as well as state activations. Those products could include athletic club or gym memberships, internet-based and/or satellite radio and video entertainment services.

Another suggested change would be to include federal active duty military members by modifying the definition of "military service" by adding wording such as "Under a call to active service authorized by the President of the United States or the Secretary of Defense for a period of more than 30 consecutive days." This change would allow protections to federal uniformed Service members stationed in Hawaii who are suddenly deployed and need to put their contracts on hold.

In closing, let me say that we are grateful for the tremendous effort that Hawaii has historically given in supporting our Service members and their families. We thank Representative Saiki for sponsoring this measure. Please feel free to contact me if you have any questions. I have attached our background paper on this issue that explains why this is an important issue to our active duty Service members. We appreciate your consideration.

Sincerely,

Kelli May Douglas  
Southwest Regional Liaison (CA, HI, AZ, NV, UT)  
Defense-State Liaison Office  
DoD, Military Community & Family Policy  
571-265-0075



## State Enhancements to the Service Members Civil Relief Act (SCRA)

*As a result of military duty, service members can have unintended consumer concerns for which they can be protected through state consumer protection policies.*

**KEY MESSAGE:** Service members are protected as consumers through the federal SCRA; however, the federal law does not protect service members concerning obligations that occur while on active duty. States can provide additional consumer protections that can mirror and expand the federal SCRA.



### DISCUSSION POINTS:

- The 2003 federal SCRA generally provided protections associated with obligations made prior to federal activation, and generally covered stays of some court proceedings; protection from default judgements, evictions, foreclosures and loss of insurance coverage; and limited certain taxes and obligations made before entering active duty.
- Updates to the SCRA since 2003 extended it to cover residential leases, motor vehicle leases, telephone service contracts, and multichannel video programming and Internet access service contracts entered while on active duty, in order to provide relief to Service members when they deploy or assigned overseas, or in some circumstances where they have a permanent change of station. Other changes have also provided remedies and civil enforcement by the U.S. Attorney General.
- Many states have applied several of the protections found in the federal SCRA to members of the National Guard under state activation. However, these protections vary widely. Some states have extended their consumer protections beyond what is included in the federal SCRA through state statutes, and applied these additional protections to service members on federal active duty as well as state activations.
- Department of Defense recognizes that states need to develop protections that make sense within the context of their consumer protection laws. Department of Defense requests states consider protections:
  - Applicable to active duty for members of the uniformed services (which parallels members covered by the federal SCRA: Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, Public Health Services and National Oceanic and Atmospheric Administration);<sup>1</sup>
  - Applicable to a contract to provide athletic club or gym memberships; or satellite radio services;<sup>1</sup>
  - Applicable as well to certain residential lease/rental agreements due to moves into government-owned/leased housing.

Title VIII of the SCRA provides authority to state attorneys general to enforce the provisions of the federal SCRA (Section 801 – 50 U.S.C. §597). In February 2012, the federal government and 49 state attorneys general reached an unprecedented joint settlement of \$25 billion with the nation's five largest mortgage servicers to address mortgage loan servicing and foreclosure abuses.

<sup>1</sup> Protections approved as part of Indiana House Bill 1456, 2015