

STAND. COM. REP. NO.

1458

Honolulu, Hawaii

MAR 30 2021

RE: S.C.R. No. 195
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.C.R. No. 195, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND THE UNITED STATES CODE TO PERMIT ALL RETIRED, DISABLED VETERANS TO RECEIVE CONCURRENT RETIREMENT AND DISABILITY PAYMENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to urge the United States Congress to amend the United States Code to permit all retired, disabled veterans to receive concurrent retirement and disability payments.

Your Committee received testimony in support of this measure from the Department of Defense's Office of Veterans Services and three individuals.

Your Committee finds that under federal law, the phrase "concurrent retirement and disability payments" refers to a retired, disabled veteran's simultaneous receipt of the veteran's full retirement payments and disability compensation. Your Committee further finds that, prior to implementation of the concurrent retirement and disability payments program, the retirement payments for all retired, disabled veterans were offset by the amount of disability compensation received by the veteran; however, the National Defense Authorization Act of Fiscal Year



2004 amended the United States Code to provide that retired, disabled veterans who served in the armed forces for twenty or more years and have a United States Department of Veterans Affairs disability rating at or above fifty percent may receive concurrent retirement and disability payments. Your Committee additionally finds that a veteran's retirement annuity is earned for successful years of service whereas disability compensation is earned for a service-connected injury or ailment, and that the two types of benefits are necessarily distinct from one another. Your Committee also finds that it is unjust to offset the retirement payments for certain retired, disabled veterans by the amount of disability compensation received by the veteran.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 195, S.D. 1, and recommends its adoption.

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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SCR 195, SD 1	Committee Referral: PSM, JDC	Date: 3/29/2021		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes