STAND. COM. REP. NO. 14

Honolulu, Hawaii

MAR 3 0 2021

RE: S.R. No. 160 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.R. No. 160, S.D. 1, entitled:

"SENATE 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 Defenses' Office of Veterans Services and one individual.

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.R. No. 160, 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.:* SR 160, 501	Committee Referral:		Da	Date: 3 29 2021		
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (WR)	Nay	Excused	
RHOADS, Karl (C)		V	_			
KEOHOKALOLE, Jarrett (VC)		V				
ACASIO, Laura		V				
GABBARD, Mike		V				
KIM, Donna Mercado		V				
LEE, Chris		٧				
FEVELLA, Kurt		٧				
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TOTAL		4	0	0	0	
Recommendation: Adopted			Not Adopted			
Chair's or Designee's Signature: Kallhah						
Distribution: Original File with Committee Re		ellow 's Office	Pink Drafting Agency			

^{*}Only one measure per Record of Votes