

Honolulu, Hawaii

MAY 01 2015

RE: S.B. No. 1324
S.D. 2
H.D. 1
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1324, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DIVORCE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to require the Employees' Retirement System to directly pay a portion of a member's pension or related benefit to a former spouse of the member, pursuant to an award in a divorce action. This measure further requires the Employees' Retirement System to adopt rules and prepare forms to effectuate this measure.

Your Committee on Conference finds that this measure will ensure that a member's pension or related benefits are properly divided pursuant to an award ordered in a divorce action and that court ordered payments are made in a prompt manner.



Your Committee on Conference has amended this measure by:

- (1) Amending section 1;
- (2) Replacing section 2 with a provision creating a new section in chapter 88, part II, subpart C, Hawaii Revised Statutes, that, among other things:
 - (A) Provides authority for the direct payment of a member's or retirant's pension or a related benefit to a spouse or former spouse pursuant to a qualifying divorce decree;
 - (B) Provides terms for the commencement and termination of such direct payments;
 - (C) Sets forth circumstances where divorce decree need not be complied with; and
 - (D) Requires the Employees' Retirement System to adopt rules and produce forms necessary to implement the new section, including establishing a schedule for filing, service, and administrative fees;
- (3) Replacing section 3 of this measure with a provision amending section 88-91, Hawaii Revised Statutes; and
- (4) Inserting an effective date of January 1, 2018, to allow the Employees' Retirement System sufficient time to implement a system to comply with this measure; provided that the authority of the Employees' Retirement System to adopt rules and prepare forms shall take effect upon approval.

With regard to the administrative fee permitted under the new section in chapter 88, Hawaii Revised Statutes, as established by section 2 of this measure, it is the intent of your Committee on Conference that the total of the administrative fees collected shall not exceed the actual cost of implementing the program, and shall not be based solely on the cost of each individual transaction.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1324, S.D. 2, H.D. 1, as amended herein, and recommends



that it pass Final Reading in the form attached hereto as S.B.
No. 1324, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



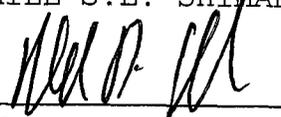
MARK M. NAKASHIMA, Co-Chair



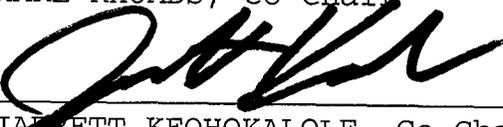
MAILE S.L. SHIMABUKURO, Chair



KARL RHOADS, Co-Chair



RONALD D. KOUCHI, Co-Chair



JARRETT KEOHOKALOLE, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 1324, SD 2, HD 1	Date/Time: 5/1/15, 9:58 AM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SHIMABUKURO, Maile S.L., Chr.	✓				NAKASHIMA, Mark M., Co-Chr.	✓			
KOUCHI, Ronald D., Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
ESPERO, Will	✓			WR	KEOHOKALOPE, Jarrett, Co-Chr.	✓			
INOUYE, Lorraine R.	✓				SAN BUENAVENTURA, Joy A.	✓			
SLOM, Sam				✓	POUHA, Feki				✓
TOTAL	4			1	TOTAL	4			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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