

STAND. COM. REP. NO.

388

Honolulu, Hawaii

FEB 18 , 2021

RE: H.B. No. 929
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 929 entitled:

"A BILL FOR AN ACT RELATING TO QUALIFIED DOMESTIC RELATIONS ORDERS,"

begs leave to report as follows:

The purpose of this measure is to clarify that:

- (1) Hawaii domestic relations orders apply to benefits the Employees' Retirement System member is expected to receive or is receiving without regard to any Hawaii domestic relations order;
- (2) The release of an Employees' Retirement System member's information may be initiated by a divorce decree;
- (3) The Employees' Retirement System may notify the member, former member with vested benefit status, retirant, or alternate payee of the advisory review determination on proposed domestic relations orders;
- (4) A Hawaii domestic relations order applied to a termination refund will not apply to any future return to work benefits of a member or former member with vested benefit status;

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- (5) Should a retirant be deceased within a year of retirement, any payments made to an alternate payee according to the terms of a Hawaii domestic relations order will be considered payments to the reitrant, should the beneficiary select an alternative benefit option;
- (6) The priority of multiple orders will be based upon the date of the receipt of the domestic relations order; and
- (7) The qualification of a domestic relations order shall supersede and terminate the qualification of any prior order between the same parties.

Your Committee received testimony in support of this measure from the Employees' Retirement System Board of Trustees.

Your Committee finds that on July 1, 2020, the Employees' Retirement System began processing Hawaii domestic relations order to allow the System to make direct payments to alternate payees. This measure helps facilitate implementation and provides transparency on Employees' Retirement System benefits payable to parties involved by specifying the benefits payable and clarifies the process of qualification, approval, and application of Hawaii domestic relations order.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 929, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 929, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 929	Committee Referral: JHA, FIN	Date: 2-9-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris				✓
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 150px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				