
A BILL FOR AN ACT

RELATING TO THE OFFICE OF VETERANS' SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 26-14, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§26-14 Department of human services.** (a) The department
4 of human services shall be headed by a single executive to be
5 known as the director of human services.

6 (b) The department shall administer programs designed to
7 improve the social well-being and productivity of the people of
8 the State. Without limit to the generality of the foregoing,
9 the department shall concern itself with problems of human
10 behavior, adjustment, and daily living through the
11 administration of programs of family, child and adult welfare,
12 economic assistance, health care assistance, rehabilitation
13 toward self-care and support, public housing, and other related
14 programs provided by law.

15 (c) The functions and authority heretofore exercised by
16 the department of public welfare, the bureau of sight
17 conservation and work with the blind (except for the
18 transcription services program transferred to the department of



1 education), the council on veterans' affairs, and any other
2 agency of the state or county governments with respect to the
3 assistance and care of the indigent and medically indigent as
4 heretofore constituted are transferred to the department of
5 human services established by this chapter.

6 (d) The Hawaii public housing authority and the Hawaii
7 state commission on the status of women are placed within the
8 department of human services for administrative purposes only.

9 (e) The office of veterans' services is placed within the
10 department of human services for administrative purposes only."

11 SECTION 2. Section 26-21, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§26-21 Department of defense.** (a) The department of
14 defense shall be headed by a single executive to be known as the
15 adjutant general. The adjutant general shall also be the
16 director of civil defense.

17 There shall be a full-time vice director of civil defense
18 who shall be appointed and may be removed by the director.

19 The department shall be responsible for the defense of the
20 State and its people from mass violence, originating from either
21 human or natural causes.



1 The devolution of command of the military forces in the
2 absence of the adjutant general shall be within the military
3 establishment. The devolution of command of the civil defense
4 agency in the absence of the director of civil defense shall be
5 within the civil defense agency.

6 (b) There shall be within the department of defense a
7 commission to be known as the civil defense advisory council
8 which shall sit in an advisory capacity to the director of civil
9 defense on matters pertaining to civil defense. The composition
10 of the commission shall be as heretofore provided by law for the
11 civil defense advisory council existing immediately prior to
12 November 25, 1959.

13 (c) The functions and authority heretofore exercised by
14 the military department and the civil defense agency as
15 heretofore constituted are transferred to the department of
16 defense established by this chapter.

17 ~~[The office of veterans' services and the advisory board on
18 veterans' services as constituted by chapter 363 are placed
19 within the department of defense for administrative purposes.]~~

20 (d) Effective July 1, 2008, the functions and authority
21 heretofore exercised by the adjutant general relating to the



1 provision of programs and services for veterans shall be
2 transferred to the department of human services."

3 SECTION 3. Section 363-2, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The office of veterans' services shall be responsible
6 for the conduct or supervision of all activities provided for by
7 this chapter and for the formulation and adoption of all
8 policies and rules for the administration of this chapter and is
9 established in the department of [~~defense~~] human services for
10 administrative purposes."

11 SECTION 4. All rights, powers, functions, and duties of
12 the office of veterans services are transferred to the
13 department of human services.

14 All officers and employees whose functions are transferred
15 by this Act shall be transferred with their functions and shall
16 continue to perform their regular duties upon their transfer,
17 subject to the state personnel laws and this Act.

18 No officer or employee of the State having tenure shall
19 suffer any loss of salary, seniority, prior service credit,
20 vacation, sick leave, or other employee benefit or privilege as
21 a consequence of this Act, and such officer or employee may be
22 transferred or appointed to a civil service position without the



1 necessity of examination; provided that the officer or employee
2 possesses the minimum qualifications for the position to which
3 transferred or appointed; and provided that subsequent changes
4 in status may be made pursuant to applicable civil service and
5 compensation laws.

6 An officer or employee of the State who does not have
7 tenure and who may be transferred or appointed to a civil
8 service position as a consequence of this Act shall become a
9 civil service employee without the loss of salary, seniority,
10 prior service credit, vacation, sick leave, or other employee
11 benefits or privileges and without the necessity of examination;
12 provided that such officer or employee possesses the minimum
13 qualifications for the position to which transferred or
14 appointed.

15 If an office or position held by an officer or employee
16 having tenure is abolished, the officer or employee shall not
17 thereby be separated from public employment, but shall remain in
18 the employment of the State with the same pay and classification
19 and shall be transferred to some other office or position for
20 which the officer or employee is eligible under the personnel
21 laws of the State as determined by the head of the department or
22 the governor.



1 SECTION 5. All rules, policies, procedures, guidelines,
2 and other material adopted or developed by the department of
3 defense to implement provisions of the Hawaii Revised Statutes
4 which are reenacted or made applicable to the department of
5 human services by this Act, shall remain in full force and
6 effect until amended or repealed by the department of human
7 services pursuant to chapter 91, Hawaii Revised Statutes. In
8 the interim, every reference to the department of defense or
9 adjutant general in those rules, policies, procedures,
10 guidelines, and other material is amended to refer to the
11 department of human services or director of human services as
12 appropriate.

13 SECTION 6. All deeds, leases, contracts, loans,
14 agreements, permits, or other documents executed or entered into
15 by or on behalf of the department of defense pursuant to the
16 provisions of the Hawaii Revised Statutes, which are reenacted
17 or made applicable to the department of human services by this
18 Act, shall remain in full force and effect. Effective July 1,
19 2008, every reference to the department of defense or the
20 adjutant general therein shall be construed as a reference to
21 the department of human services or the director of human
22 services as appropriate.



1 SECTION 7. All appropriations, records, equipment,
2 machines, files, supplies, contracts, books, papers, documents,
3 maps, and other personal property heretofore made, used,
4 acquired, or held by the department of defense relating to the
5 functions transferred to the department of human services shall
6 be transferred with the functions to which they relate.

7 SECTION 8. It is the intent of this Act not to jeopardize
8 the receipt of any federal aid nor to impair the obligation of
9 the State or any agency thereof to the holders of any bonds
10 issued by the State or by any such agency, and to that extent,
11 and only to the extent, necessary to effectuate this intent, the
12 governor may modify the strict provisions of this Act, but shall
13 promptly report any such modification with reasons therefor to
14 the legislature at its next session thereafter for review by the
15 legislature.

16 SECTION 9. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 10. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

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JAN 14 2008



Report Title:

Office of Veterans' Services; Department of Human Services;
Transfer

Description:

Transfers the office of veterans' services from the department
of defense to the department of human services.

