

STAND. COM. REP. NO. 2011

Honolulu, Hawaii

JAN 31 2008

RE: S.B. No. 2901  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Intergovernmental and Military Affairs, to which was referred S.B. No. 2901 entitled:

"A BILL FOR AN ACT RELATING TO VETERANS CEMETERIES,"

begs leave to report as follows:

The purpose of this measure is to clarify Act 213, Session Laws of Hawaii 2007, to add a proviso that the general obligation bond fund appropriation for repairs and improvement work at veterans cemeteries statewide shall be allocated equally among the respective counties.

Your Committee received testimony in support of this measure from the Kauai County Council and the Kauai Council of the Navy League. Testimony in opposition was received from the Department of Defense. Comments were received from the Mayor of the County of Hawaii.

Your Committee notes that there is some ambiguity regarding who is responsible for funding the maintenance and repair of veterans' cemeteries. On the one hand, section 363-3, Hawaii Revised Statutes (HRS), relating to the activities of the Office of Veterans' Services, seems to place the responsibility for repair and maintenance with the Department of Defense or the Department of Accounting and General Services by requiring the Director of the Office of Veterans' Services to:

Inspect every three years all state war memorials and veterans' cemeteries for repair and maintenance

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deficiencies, and report all repair and maintenance problems at these memorials and cemeteries to the adjutant general, the comptroller, and the legislature prior to the start of the next regular session.

On the other hand, section 363-5, HRS, places the responsibility on the counties. It states in pertinent part:

The councils of the counties of Hawaii, Kauai, and Maui shall each provide for the establishment of the veterans cemetery or cemeteries to be located within their respective counties, which includes grading, filling, leveling, platting, paving of roadways and walks, installation of curbs, building of fences, planting of grass, trees and shrubs, erection of memorial buildings and monuments, and building of other necessary or convenient structures, and shall make provisions for the maintenance and upkeep of such cemetery or cemeteries.

Furthermore, it appears that the Department of Defense is responsible for the repair and maintenance of veterans cemeteries on Oahu.

While your Committee believes that the superseding responsibility for the repair and maintenance of veterans cemeteries on the neighbor island counties rests with the respective county, as provided by the more specific section 363-5, HRS, your Committee also believes that more information about past and present funding is warranted. Accordingly, your Committee respectfully requests the Mayors of the counties of Maui, Kauai, and Hawaii, respectively, to provide your Committee with:

- (1) An accounting of state funding that has been provided to each of the counties of Kauai, Maui, and Hawaii in the past three years for the repair and maintenance of veterans cemeteries; and
- (2) Information regarding each county's current request for funding for the next fiscal year for such repair and maintenance.

Without an accounting, the Committee on Ways and Means may not be able to justify making an appropriation or a grant-in-aid to the counties for this purpose.



Meanwhile, as your Committee recognizes the importance of repairing and maintaining the veterans' cemeteries statewide, your Committee will leave an avenue open for providing funding relief and further discussion.

Accordingly, your Committee has amended this measure by deleting the provision for a budget proviso and substituting a blank appropriations section.

As affirmed by the record of votes of the members of your Committee on Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2901, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2901, S.D. 1, and be referred to the Committee on Ways and Means.


Respectfully submitted on  
behalf of the members of the  
Committee on Intergovernmental  
and Military Affairs,

  
LORRAINE R. INOUE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Intergovernmental and Military Affairs**  
**IGM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2901	IGM, WAM	1/28/08		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)	/			
HEMMINGS, Fred			/	
<b>TOTAL</b>	2	0	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes