

Hand Delivered

3907 Punahale Road
Princeville, HI 96722
05 January 2008

The Honorable Lorraine R. Inouye, Chairwoman
Senate Committee on Intergovernmental and Military Affairs
State Capitol, Room 201
415 S. Beretania Street
Honolulu, HI 96813

Re: SB2901 Rebuttal Testimony of Commander Lawrence H. Schlang, USN (Retired)

Dear Senator Inouye:

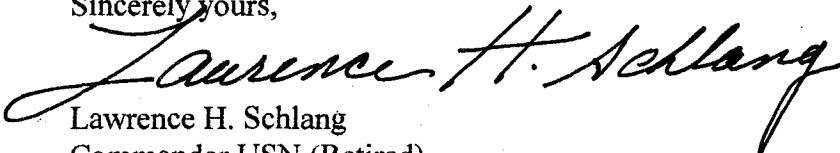
Per your request that I write you a letter when I requested the opportunity to rebut the testimony of the Director of the Office of Veterans Services at the public hearing for SB2901, I am enclosing my written rebuttal testimony along with supporting documentation. It would be appreciated if you would allow your Committee to enter this additional testimony into the SB2901 hearing record.

An extraordinary thing happened when I returned to Kauai after testifying at your Committee's hearing on SB2901. I received a cell phone call from Commander Albert G. Moe, USN (Retired), the president of the Kauai Council of the Navy League of the United States. Commander Moe advised me that someone in the Lingle Administration had called one of the officers in the higher echelons of leadership in the Navy League here in Hawaii and had complained of my strongly worded letters to Governor Lingle in my advocacy of our deceased veterans who are buried in the Kauai Veterans Cemetery. Through Commander Moe, I was ordered to cease and desist using the Navy League's letterhead and its logo in any of my efforts on behalf of our deceased veterans.

Be that as it may, at the monthly Board of Directors meeting of the Kauai Council of the Navy League last night, a motion was unanimously passed (including the vote of Commander Moe) strongly supporting my efforts on behalf of our deceased veterans.

In spite of the foregoing, as a citizen of this state, I have a right to testify for or against pending legislation at a public hearing. The views presented in the enclosed rebuttal testimony are my own, and do not necessarily reflect those of the Navy League or any other organization that I belong to or hold a leadership position in.

Sincerely yours,



Lawrence H. Schlang
Commander USN (Retired)

THE SENATE
COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII
02 FEBRUARY 2008

REBUTTAL TESTIMONY OF COMMANDER LAWRENCE H. SCHLANG, USN
(Retired) TO REBUT TESTIMONY OF THE DIRECTOR OF THE OFFICE OF
VETERANS SERVICES AT THE SENATE HEARING ON SB2901 HELD IN
SENATE CONFERENCE ROOM 229 ON 28 JANUARY 2008

REIMBURSEMENT OF BURIAL EXPENSES BY THE VA: The Department of Veteran Affairs will pay a plot allowance of \$300 for the burial of veterans who are buried in a cemetery not under U.S. government control who meet certain eligibility criteria. The eligibility criteria is set forth in the Department of Veterans Affairs publication *Federal Benefits for Veterans and Dependents, 2007 Edition* (see enclosure 1). The dependent spouse and children of a deceased honorably discharged veteran are also eligible for burial in a state veterans cemetery. The VA does not provide a plot allowance payment for spouses or children, yet the counties bear the full burden and expense of burying these deceased dependents.

In my testimony before your committee during the 2007 Session of the Twenty-Fourth Legislature in support of the failed SB725 bill for repair appropriations for the Kauai Veterans Cemetery (see Enclosure 2), I pointed out that the cost of a burial of a veteran in the state of Hawaii is in excess of \$700 per deceased. Since the Kauai Veterans Cemetery conducts an average of 70 -75 funerals per year, even if each and every burial conducted at the Kauai Veterans Cemetery was that of a deceased veteran eligible for a VA reimbursable plot allowance, the VA funds provided would not even come close to reimbursing the County for its expense in burying these veterans....and that calculation includes the \$25,000 annual stipend provided by the state for the Kauai Veterans Cemetery. The fact of the matter is the \$30,000 figure suggested by the Director of the Office of Veterans Affairs as being available to the County of Kauai for repairs does not even cover the cost of veteran burials to the County of Kauai on an annual basis, let alone providing funds for Kauai Veterans Cemetery necessary repairs and maintenance.

The cost of inurnment of the cremated remains of a deceased veteran at the Kauai Veterans Cemetery is even higher. As the Director of the Office of Veterans Services pointed out during his testimony, this fiscal year the County of Kauai provided DAGS with \$100,000 and received a grant of \$25,000 to build a new columbarium, as all the niches in the original columbarium were filled. The state of Hawaii did not provide one cent for the construction of this columbarium. There are forty (40) niches in the new columbarium. Thus, even if all of the niches were filled with the cremated remains of veterans eligible for a VA plot allowance, it costs the County of Kauai approximately \$2,200 for each deceased veteran whose cremated remains are placed there (\$2,500 per niche - \$300 per VA plot allowance reimbursement = \$2,200).

REBUTTAL TESTIMONY OF COMMANDER LAWRENCE H. SCHLANG, USN
(Retired) IN SUPPORT OF SB2901

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Further, it should be pointed out that the \$25,000 stipend that the Office of Veterans Services provides to the County of Kauai each year, just started this year. Prior to this fiscal year, the OVS only provided \$12,500 to the County of Kauai.....and the agreement to do that by the former Director of OVS occurred during my prior year's testimony in support of the failed SB725 bill when I pointed out that the funds provided by OVS did not even cover the County's cost of veterans burials. Even with the new \$25,000 state annual stipend and the VA plot allowances, it still doesn't cover all of the County's costs of conducting veterans burials and inurnments on an annualized basis. It should be noted that the VA burial plot allowance is for burial expenses, not maintenance expenses.

It should be noted that the Director of OVS apparently feels it is all right for the County of Kauai to build a columbarium with the County's own funds, but that it is not all right to have use of state appropriated veterans cemetery repair funds which were appropriated for repairs to veterans cemeteries *statewide* and to use such funds for such a CIP project or for urgently needed repairs, yet, incredulously, the Director of OVS thinks it is all right for him to use those same legislatively appropriated veterans cemetery repair funds to build additional columbarium niches at the Hawaii State Veterans Cemetery at Kaneohe!

STATE OF HAWAII RESPONSIBILITIES FOR REPAIR OF STATE VETERAN CEMETERIES: During his testimony, the Director of OVS repeatedly asserted that the state of Hawaii has no responsibility of for repairs to the veterans cemeteries on the Neighbor Islands. I disagree. Let us look at the facts of the matter.

Chapter 363-2[c][9] of the Hawaii Revised Statutes (HRS) states in part: "The Director (i.e. the Director of the Office of Veterans Services) shall have the following principal functions, duties and powers: ".....oversees the maintenance of state veterans cemeteries on all islands." (see enclosure 3).

Chapter 363-3 (6) HRS states in part: "Inspect every three years all state war memorials and veterans' cemeteries for repair and maintenance 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." (see enclosure 4).

If the state has no responsibilities for the repair of its state veteran cemeteries why does the Director of OVS have the statutory responsibility for overseeing the maintenance of state veterans cemeteries on all islands?

If the state has no responsibilities for the repair of its state veterans cemeteries why has the OVS been given the statutory responsibility of reporting repair and maintenance deficiencies at the state veterans cemeteries to the comptroller and to the legislature?

REBUTTAL TESTIMONY OF COMMANDER LAWRENCE HY. SCHLANG, USN
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Now let us take a look at the inspection of the Kauai Veterans Cemetery. During his testimony, the Director of OVS stated that the triennial report was due "this year". Actually, the last inspection report on the Kauai Veterans Cemetery was written on May 7, 2004, some 3 years and 8 months ago! (see enclosure 5). In spite of the fact that the 2004 inspection noted sinking headstones, as I did during my last year's testimony in support of the defunct SB725 bill, and in spite of the fact that this 2004 inspection was conducted by the OVS, and in spite of the fact that the Hawaii Revised Statutes requires the Director of OVS to oversee the needed repairs to veterans cemeteries on all islands, the 2004 inspector noted that the families of our deceased veterans were reporting that they had filled in sunken graves and headstones. The 2004 report showed photographs of these sunken headstones. While having the families of our deceased veterans fill in the sunken graves is probably a cost savings measure to the state and county, it is inappropriate that the families of our deceased veterans should do this work.

It should be noted that volunteer members of the Cemetery Committee of the Kauai Veterans Council come out to the Kauai Veterans Cemetery and align the misaligned headstones. It should be noted that three years ago, volunteer Vietnam war veterans came out and painted the outdoor pavilion of the Kauai Veterans Cemetery at no cost to the state. The County of Kauai provided the paint. County of Kauai Councilman Mel Rapozo came out, grabbed a brush, and helped us paint. Again, at no cost to the state.

The Director of OVS stated during his testimony that it is the counties responsibility to maintain the veterans cemeteries in their counties. Let us look at what the Hawaii Revised Statutes state as to what the counties are to provide in regards to their veterans cemeteries as stated in HRS Chapter 363-5 and as to the Councils' responsibility. (see enclosure 6). While it is not my intent to parse words, the legislature, in writing Chapter 363-5, made a clear distinction as to what the Councils *shall each provide* and what each Council *shall make provision for*. I do not know the intent as to the differentiation, or the meaning, but I would like to point out the difference in wording (the italics are mine):

Chapter 363.5 Councils' responsibility; burial of servicemen, veterans and dependents. The councils of the counties of Hawaii, Kauai, and Maui *shall each provide* for the establishment of the veteran 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. The Councils *shall each provide for*

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the internment of remains.....”

Even more pertinently, there is nothing in Chapter 363-5 or in all of Chapter 363 that states that the Councils will fund such veterans cemetery repairs. This session of the Legislature must ask if it is fair and equitable that the state of Hawaii only fund maintenance and repairs to the Hawaii State Veterans Cemetery at Kaneohe which is located in the City and County of Oahu with its extremely large tax base, and whether the state should also fund the maintenance and repair of the other state veterans cemeteries which are located in the Neighbor Island counties with their substantially smaller tax base. The purpose of SB2901 is to ensure the fair and equitable distribution of state legislatively appropriated veterans cemetery repair funds for all veterans cemeteries *statewide* and not just for Kaneohe. There is nothing inconsistent with the legislative intent of SB2901 to fund veterans cemetery repairs statewide and Chapter 363 of the Hawaii Revised Statutes, the assertions of the Director of OVS to the contrary notwithstanding.

REPAIR NEEDS OF THE KAUAI VETERANS CEMETERY: As I mentioned in my original testimony during the public hearing on SB2901, the Director of OVS had advised Senator Hooser's office that he not received any requests (for repairs). It is important that the Legislature know what the veterans cemetery repair needs are for each county in order that a fair and equitable distribution of the veterans cemetery repair funds appropriated in SB2901 can be made. Kauai County Council Chairman Bill "Kaipo" Asing recently wrote a letter to the Director of OVS outlining the County of Kauai veterans cemetery repair needs. A copy of that letter is included as Enclosure 7. I'm sure the Director of OVS will pass that information on to the Committee along with his office's recent inspection of the Kauai Veterans Cemetery that was conducted on 07 January 2008, some nine days prior to the start of this year's regular legislative session.

SUMMARY: Some of the Director of OVS' statements during his testimony at the hearing on SB2901 are inconsistent with the facts of the matter and with the Hawaii Revised Statutes. It is apparent that he is disinclined to interpret the statutes in a fair and objective manner. In view of his prior actions in refusing to allocate legislatively appropriated veterans cemetery repair funds for statewide veterans cemetery repairs, his unilateral decision to use those funds exclusively for the Hawaii State Veterans Cemetery at Kaneohe, his inaccurate statements concerning VA funds available to the counties for veterans cemetery repairs, his inappropriate interpretation of his office's statutory responsibilities under Chapter 363 of the HRS clearly demonstrates his lack of objectivity and inability to fairly allocate SB2901 veterans cemetery repair funds appropriated for repairs to veterans cemetery statewide. By amendment to SB2901, he should be legislatively removed from making these veterans cemetery repair fund allocations and distributions.

Thank you for allowing me the opportunity to enter this rebuttal testimony.

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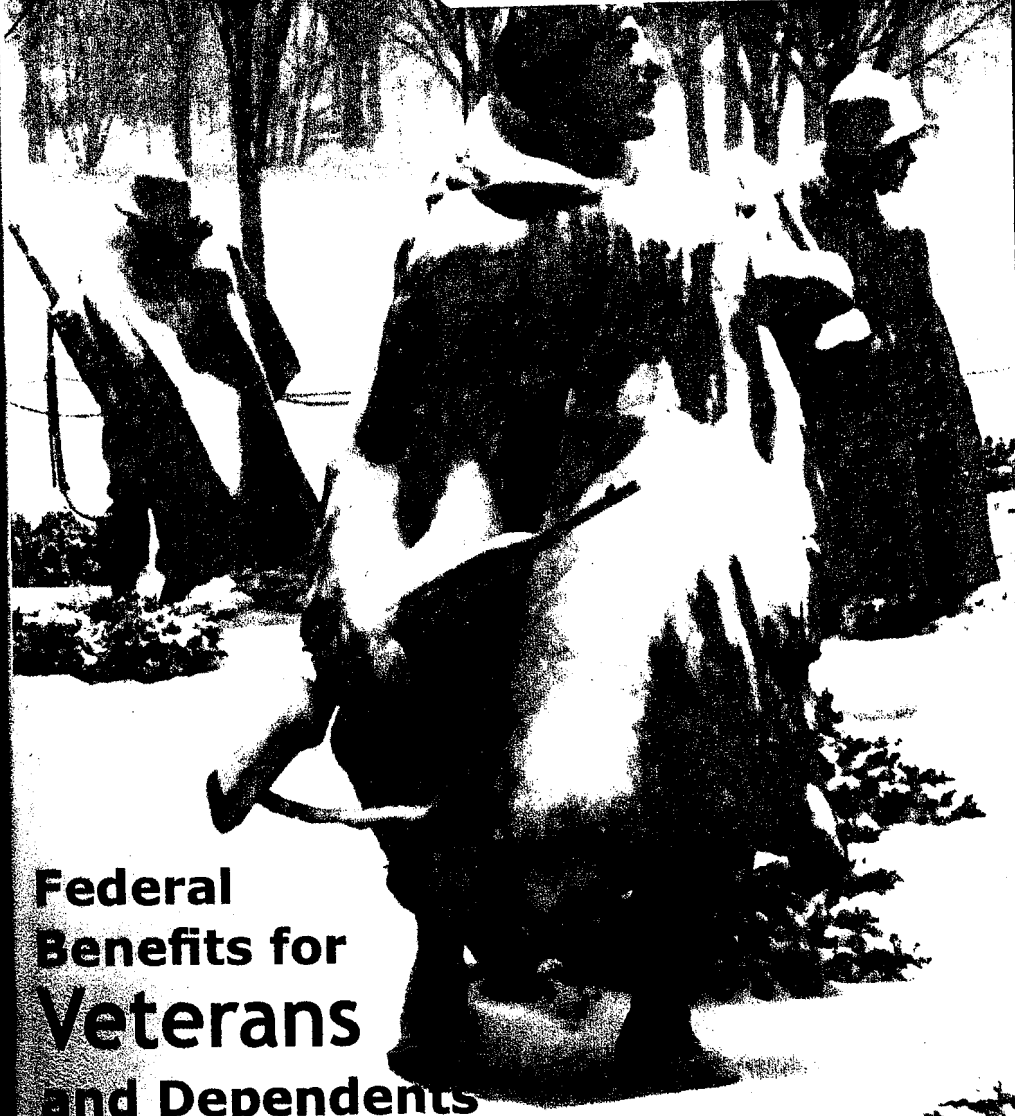
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Department of
Veterans Affairs

Provided Courtesy of the
Kauai Office of Veterans' Services

Questions? Call: 241-3346/48



Federal
Benefits for
Veterans
and Dependents

2007 Edition

Flags Furnished by VA

VA will furnish a U.S. burial flag for memorialization of:

1. Veterans who served during wartime or after Jan. 31, 1955.
2. Veterans who were entitled to retired pay for service in the reserves, or would have been entitled if over age 60.
3. Members or former members of the Selected Reserve who served their initial obligation, or were discharged for a disability incurred or aggravated in line of duty, or died while a member of the Selected Reserve.

Reimbursement of Burial Expenses

VA will pay a burial allowance up to \$2,000 if the veteran's death is service-connected. In such cases, the person who bore the veteran's burial expenses may claim reimbursement from VA.

In some cases, VA will pay the cost of transporting the remains of a service-connected veteran to the nearest national cemetery with available gravesites. There is no time limit for filing reimbursement claims in service-connected death cases.

Burial Allowance: VA will pay a \$300 burial and funeral allowance for veterans who, at time of death, were entitled to receive pension or compensation or would have been entitled if they weren't receiving military retirement pay. Eligibility also may be established when death occurs in a VA facility, a VA-contracted nursing home or a state veterans nursing home. In non service-connected death cases, claims must be filed within two years after burial or cremation.

Plot Allowance: VA will pay a \$300 plot allowance when a veteran is buried in a cemetery not under U.S. government jurisdiction if: the veteran was discharged from active duty because of disability incurred or aggravated in the line of duty; the veteran was receiving compensation or pension or would have been if they weren't receiving military retired pay; or they died in a VA facility.

The \$300 plot allowance may be paid to the state for the cost of a plot or interment in a state-owned cemetery reserved solely for veteran burials if the veteran is buried without charge. Burial ex-

...by the deceased's employer or a state agency will not

Funeral Honors Provided by on Request at Veterans' Funerals

DOD will provide military funeral honors consisting of the presentation of the United States flag and the playing of the national anthem. A funeral honors detail consists of two or more uniformed members of the armed forces, with at least one member from the same branch of service.

Members should inform their funeral directors if they want military funeral honors. DOD maintains a toll-free number (1-877-MIL-ITARY) for use by funeral directors only to request honors. VA can arrange honors for burials at VA national cemeteries. Veterans' organizations or volunteer groups may help provide honors. For more information, visit <http://www.militaryfuneralhonors.osd.mil/>.

Veterans Cemeteries Administered by Other Agencies

Arlington National Cemetery: Administered by the Department of the Army. Eligibility is more restrictive than at VA national cemeteries. For information, call (703) 607-8000, write Superintendent, Arlington National Cemetery, Arlington, VA 22211, or visit <http://www.arlington-cemetery.org/>.

State Veterans Cemeteries: Sixty-three state veterans cemeteries offer burial options for veterans and their families. These cemeteries have similar eligibility requirements but usually require some residence. Some services, particularly for family members, may require a fee. Contact the state cemetery or state veterans affairs office for information. To locate a state veterans cemetery, visit <http://www.cem.va.gov/cem/scg/lsvc.asp>.

Department of the Interior: Administers two active national cemeteries: Andersonville National Cemetery in Georgia and Andrew Johnson National Cemetery in Tennessee. Eligibility is similar to VA cemeteries.

THE SENATE
COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII
05 FEBRUARY 2007
SB725

TESTIMONY OF COMMANDER LAWRENCE H. SCHLANG, USN (Retired), FIRST
VICE PRESIDENT OF THE KAUAI COUNCIL OF THE NAVY LEAGUE OF THE
UNITED STATES ON BEHALF OF SB725

INTRODUCTION: My name is Lawrence H. Schlang. I am now in my second term of office as the First Vice President of the Kauai Council of the Navy League of the United States. The Navy League of the United States consists of approximately 70,000 members worldwide whose mission is to support the Navy, Marine Corps, Coast Guard and the Merchant Marine. The Navy League of the United States is an IRS approved 501[c][3] non-profit educational organization.

I have previously served as the Vice President - Government Affairs of the Kauai Vietnam Veterans Research Organization, as a member of the Kauai Veterans Cemetery Committee of the Kauai Veterans Council, as a member of the Secretary of the Navy's Committee on Retired Personnel and as a member of the Secretary of the Navy's Retiree Council. I have held a number of positions of increasing importance and responsibility in military and civilian life, most of which are not germane or pertinent to my testimony here today. The one civilian position that may be of some importance is that I am still the chairman of the board of directors of DMS Construction, Inc. of Reno, NV, a small, family owned engineering and construction management company that I founded over 40 years ago, and of which one of my sons is now president. Based on my engineering background, I feel I am competent to offer testimony as to the material condition of the Kauai Veterans Cemetery and to provide estimates on the costs to repair and ameliorate the unsatisfactory conditions that currently exist there.

BRIEF HISTORY OF THE KAUAI VETERANS CEMETERY: The Kauai Veterans Cemetery is located on Salt Pond Road in Hanapepe, Kauai, Hawaii, approximately 16 miles west of Lihue, Kauai. The cemetery was built after World War II and is the final resting place for over 1,500 military veterans and some of their dependents. The cemetery was built with federal funds and is maintained by the County of Kauai using county appropriated funds, supplemented with an annual stipend from the State of Hawaii which is currently \$12,500 per year. Approximately 70 - 75 deceased veterans are interred each year in the Kauai Veterans Cemetery and the County of Kauai pays for the costs associated with each burial. According to information contained in a bill submitted by former U.S. Representative Ed Case, it cost approximately \$700 to bury a veteran. The U.S. Department of Veteran Affairs will reimburse the State of Hawaii \$300 for each deceased veteran buried in a state veterans cemetery. Both former Congressman Case and I feel that the national average cost of \$700 to bury a deceased veteran is understated

TESTIMONY OF COMMANDER LAWRENCE H. SCHLANG, USN (Retired)
ON BEHALF OF SB725
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and especially as it pertains to the burial of veterans in Hawaii. Congressman Case introduced a bill in the House of Representatives to increase federal reimbursement to the State of Hawaii for each veteran buried in one of the state's veterans cemeteries to \$750. This proposed increase was justified by statewide local environmental factors that cause deterioration and collapse of wood coffins over time, causing the graves to sink. The additional amount was to pay for the cost of lead or concrete liners for each of the coffins. The bill languished and died in committee. The bottom line is that there is a shortfall of approximately \$400 or more to the County of Kauai for each veteran that the county buries in the Kauai Veterans Cemetery. On an annual basis, this shortfall for the Kauai Veterans Cemetery amounts to approximately \$30,000 per year, and that is just to bury our veterans. The \$12,500 per year appropriated each year by the State of Hawaii to maintain the cemetery and do necessary repairs is inadequate, to say the least. In fact, there are no available appropriated funds for repairs, let alone improvements.

To ameliorate this shortfall, the Kauai veterans have to a large extent taken it upon themselves to maintain the cemetery. Two years ago, a group of Kauai Vietnam war veterans took it upon themselves to paint the outdoor pavilion and amphitheater where memorial services are held. I was one of the veterans privileged to work on that project. It was at that time, working up close to the cemetery infrastructure, that I was able to observe first hand the deterioration to the building and grounds caused by lack of adequate and proper maintenance. Each month, members of the Cemetery Committee of the Kauai Veterans Council go to the Kauai Veterans Cemetery to provide grave maintenance, set and align grave headstones and do clean up chores. Some of the old gentlemen who do this work are in their late 70s and early 80s. I am 70 years of age.

A number of the deceased veterans buried in the Kauai Veterans Cemetery are Americans of Japanese ancestry (AJAs). Many of them were members of the 100th Battalion of the 442nd Regimental Combat Team, the most decorated unit in the history of the U.S. Army who performed heroic service for their country during World War II. On any given day, a dozen or so Neisei widows or their Sensei daughters tend to the gravesites of their deceased loved ones to honor their memory. They too, keep the Kauai Veterans Cemetery looking clean and dignified with fresh cut flowers and manicuring of the ground around their spouse's or father's grave. But what they do is only cosmetic. The cemetery is in urgent need of repair and requires your immediate attention to provide the minimum funding to accomplish these needed repairs.

A year ago, I took State Senator Gary Hooser on an inspection trip of the Kauai Veterans Cemetery and pointed out a number of the deteriorated and unsatisfactory conditions to

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him. Senator Hooser requested that I send him a letter outlining the most pressing needs of the cemetery. I sent Senator Hooser a letter in November of last year. That letter, and the cost estimates contained therein, is the basis and genesis of SB725.

COST ESTIMATES: The cost estimates contained in SB725 are considered to be the least amount required to bring the Kauai Veterans Cemetery up to minimum building standards and codes and to prevent further deterioration. In some cases, the estimates may be too low, but it is felt, based on previous experience working with local contractors on Kauai, they would do this work on behalf of our deceased veterans at a discounted rate. As an example, the Kauai Veterans Memorial Mural that graces the back wall of the Kauai Veterans Cemetery, a 10 ft. x 12 ft. ceramic tile mosaic that has an estimated retail value of \$25,000, was completed at a total cost of \$200 which was donated by the Kauai Council of the Navy League. The \$200 essentially paid for the sandblasting supplies. As another example, the volunteer labor efforts of the Vietnam veterans who painted the Kauai Veterans Cemetery had an estimated value of \$20,000 or more if the county had to pay for their services. The project took five weekends to complete. The paint was supplied by the County of Kauai, and the painting supplies, including paint rollers, brushes, tape, buckets, etc. was supplied free by the Home Depot. In addition, the Lihue Home Depot supplied a team of volunteers who assisted our Kauai veterans during the painting project. It is felt that if the legislature would provide the minimum funding requested, volunteers and donations could fill in any funding shortfalls.

REPAIRS: The repair projects outlined in SB725 are the repair projects requiring immediate attention. In at least one project, further delay would not only aggravate the current unsatisfactory condition, but due to the potential safety hazard, further delay and neglect could endanger human life.

OUTDOOR PAVILION ROOF: While doing the prep work for the painting of the cemetery's pavilion, evidence of substantial termite damage to the upper structure of the pavilion became evident. Aside from the visible "worm" or "swiss cheese" holes in beams, I was able to push my caulking gun through the paint of the wood ceiling. In other words, there appears to be little or no wood behind the paint. Termites do not eat paint. An inspection conducted by Terminex confirmed these suspicions of substantial termite damage. Donovan, the cemetery caretaker has advised me that he sweeps up termite droppings from the floor of the pavilion on a daily basis. Terminex provided a cost estimate of \$12,000 to tent and fumigate the pavilion roof to get rid of the termites. As I pointed out to Senator Hooser, I filled in the wormed holes with caulk, but that does nothing to assure the structural integrity of some of the ceiling beams that have been damaged.

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While no professional estimate has been made for the structural repairs, my son, Mark A. Schlang, AIA, a licensed architect, has informally estimated that \$30,000 would be needed to repair and replace the visible damage to the ceiling beams and sheathing. I have requested that Mr. Mel Nishihara, the County of Kauai Parks Administrator who is responsible for the upkeep and maintenance of the cemetery, conduct an inspection by a licensed structural engineer to determine the present condition and structural integrity of the pavilion roof. Should an inspection reveal that the structure is substantially damaged and needs to be replaced, then the requested funds would not be expended for repairs, but would be used for demolition and removal in order to assure the safety of the public.

ARCH AT CEMETERY ENTRANCE: The arch at the entrance to the cemetery which was made of wrought iron, has corroded and was blown off. The only parts remaining are the concrete pillars on either side of the entrance road. I believe that the pillars and the underlying foundation that the pillars rest on can be salvaged and incorporated into a new arch. The \$30,000 requested would cover the cost of design and construction of a new entryway arch that befits a place of honor that is the final resting place of some of our state's deceased military heroes.

GRAVE MAINTENANCE: Two years ago, during our island's heavy torrential rains, a number of graves sank below ground level due to the collapse of the wood coffins underneath. For the most part, the surfaces of the dozens of graves adversely affected have been returned to ground level due to the volunteer efforts and hard work of our Kauai veterans and the cemetery's caretaker. During heavy rains, graves continue to collapse and sink below ground level. This is a problem not unique to Kauai, and there have been reports of similar occurrences at the state veterans cemeteries in Kaneohe and Hilo. I believe the previous legislature allocated funds to address and ameliorate similar problems at the state veterans cemetery at Kaneohe.

It should be noted that none of the requested funds in SB725 for grave maintenance at the Kauai Veterans Cemetery for this year are to be used for veteran burials or to address the shortfall in funding for those burials.

It should also be noted that the columbarium at the Kauai Veterans Cemetery that hold the cremated remains (cremains) of those deceased veterans who elected to have their mortal remains cremated after death is full. Federal funds have been requested by the County of Kauai and the State of Hawaii to build an additional columbarium. The present columbarium has been full for a number of years. The cremated remains of several dozen deceased veterans await inurnment in a new columbarium. None of the

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requested funds are designated for use for the preparation of the new columbarium site.

BATHROOMS: There is a men and a women's bathroom behind the back wall of the Kauai Veterans Cemetery. I would characterize these rest rooms as "basic" with concrete floors and painted concrete walls. The paint is old and the facilities are antiquated. It looks like the contractor who built these facilities ran out of money and merely provided the minimum acceptable. These rest rooms need to be upgraded to at least comply with the standards of the Americans with Disabilities Act (ADA) as many of the people using these facilities are elderly and have limited mobility. As a matter of cleanliness and sanitation, it is proposed that the walls and floor be tiled, and the toilets and sinks be replaced with modern fixtures.

SIGNAGE: At the present time, there is only one small metal sign on the highway just prior to the Salt Pond Road intersection. It is approximately 1 sq. ft. in area. Unless one knows where to look, it is obstructed by a larger sign. At the intersection itself, there is no sign that states the road is Salt Pond Road. There is a sign that says this is the road to the county refuse station. There is no sign that this is the Kauai Veterans Cemetery since the cemetery's arch fell down. Numerous people come to the cemetery from off island for funerals, memorial services and for national holiday services such as Memorial Day, Independence Day and Veterans Day..... and they get lost. It is proposed to place a large sign on the highway, at the intersection to Salt Pond Road, and at the entrance of the cemetery. The sign should be permanent, and dignified as befits this place of honor.

This completes my testimony. I would be happy to answer any questions from this committee regarding the matters discussed herein. I want to thank all of you for allowing me to testify and present testimony today. It has been my honor and privilege to speak on behalf of our deceased Kauai veterans and to be their voice....because they no longer have a voice and cannot speak for themselves. Mahalo nui loa!

Lawrence H. Schlang
Commander, USN (Retired)
First Vice President
Kauai Council
Navy League of the United States

§363-2 Office of veterans' services; director. (a) The office of veterans' services shall be responsible for the conduct or supervision of all activities provided for by this chapter and for the formulation and adoption of all policies and rules for the administration of this chapter and is established in the department of defense for administrative purposes.

(b) The head of the office shall be known as the director of the office of veterans' services. The director shall be nominated and appointed by the governor without regard to chapters 76 and 89. Effective July 1, 2005, the director shall be paid a salary set by the appointing authority that shall not exceed sixty-nine per cent of the salary of the director of human resources development. The director shall be included in any benefit program generally applicable to the officers and employees of the State.

(c) The director shall have the following principal functions, duties, and powers:

- (1) Serve as the principal official in state government responsible for the performance, development, and control of programs, policies, and activities under this chapter;
- (2) Oversee, supervise, and direct the performance by the director's subordinates of activities in such areas as planning, evaluation, and coordination of veterans programs and development of a statewide service delivery network;
- (3) Assess the policies and practices of other agencies with respect to delivery of services and benefits to veterans;
- (4) Administer funds allocated for the office, and apply for, receive, and disburse grants and donations from all sources for veterans programs and services provided under this chapter;
- (5) Establish a clearinghouse for complaints of persons regarding services to veterans, or operations of state and county agencies affecting veterans, investigate such complaints, and refer the complaints and the director's findings to the appropriate agency for corrective action;
- (6) Adopt, amend, and repeal rules pursuant to chapter 91 for the purposes of this chapter;
- (7) Employ and retain such staff as may be necessary for the purposes of this chapter, in conformance with chapters 76, 89, and the appropriate collective bargaining agreements, executive orders, executive directives, or rules, except for the position of coordinator and executive secretary to the director, who shall be hired without regard to chapters 76 and 89;
- (8) Contract for or grant such services as may be necessary for the purposes of this chapter, including a master contract with other state agencies receiving federal and state funds for programs and services for veterans, and purchase of service agreements with appropriate agencies; and
- (9) Oversee the development, establishment, and operation of a state veterans cemetery on Oahu; develop and administer the

policies and procedures of the state veterans cemetery in accordance with the United States Veterans Administration and existing state guidelines; oversee the maintenance of state veterans cemeteries on all islands. [L 1951, c 75, §4; RL 1955, §349-4; am L Sp 1959 2d, c 1, §20; HRS §363-2; am L 1970, c 105, §5; am L 1987, c 339, §4; am L 1988, c 115, §4; am L 1990, c 140, §6; am L 2002, c 148, §40; am L 2005, c 226, §11]

Cross References

Rulemaking, see chapter 91.

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§363-3 Activities of the office. Except as otherwise provided by law, the office shall:

- (1) Maintain or cause to be maintained, subject to the control and supervision of the office, a center to which veterans, including their families and dependents, may come for information, counsel, aid, and assistance, and by which they may be directed or referred to any agency in the community whose function it is, by law or otherwise, to provide the services, assistance, or benefits which in each instance appear necessary or appropriate. Agencies to which any referrals may be made shall include, but are not limited to, departments and divisions of the federal and state governments, veterans' organizations, and so-called "private" social agencies;
- (2) Assume the initiative, in cooperation with agencies in the community, for coordinating all services now available, and which hereafter may become available, for the use and benefit of veterans, including their families and dependents, to the end that maximum effectiveness of the services may be realized, and overlapping and duplication of effort as between agencies may be minimized;
- (3) Assemble, analyze, compile, and disseminate factual, up-to-date information with respect to:
 - (A) Benefits, rights, and services of whatever nature to which veterans, including their families and dependents, are entitled, or which may be available to them; and
 - (B) The structure, functions, area of service, and other pertinent information regarding each agency and organization participating in the veterans' assistance program in the State;
- (4) Cooperate with federal departments and other agencies which, by law, have responsibility for the administration of rights and benefits granted by the federal government to veterans, including their families and dependents;
- (5) As soon as possible after the close of each fiscal year, compile and submit to the governor, for such use or distribution as the governor may deem appropriate, a comprehensive report of the activities and operations of the office, and of all disbursements and expenditures authorized by the office under this section; and
- (6) Inspect every three years all state war memorials and veterans' cemeteries for repair and maintenance 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. [L 1951, c 75, §6; RL 1955, §349-6; am L Sp 1959 2d, c 1, §20; HRS §363-3; am L 1970, c 105, §5; gen ch 1985; am L 1987, c 339, §4; am L 1988, c 115, §5; am L 1995, c 63, §2; am L 1997, c 360, §1]

Inspection Checklist

Name of Site: **Kauai Veterans Cemetery**

Date: May 7, 2004

Type: **X Cemetery** Island: **X Kauai**

Description of Site: The Kauai Veterans Cemetery is comprised of a 15-acre site located in Hanapepe, Kauai. The cemetery was opened in 1950 to accommodate the burial of Kauai's veterans and their family members. Recent renovations include upgrading the restrooms, committal shelter, and expanding the cemetery by five acres.

Ownership: State **X County**

Maintenance Item	Standard	Sat	Unsat	Remarks
1. Grounds	Grass is cut, no rubbish or debris on ground. Good landscaping.		X	No edging of grass around headstones. Grass growing over multiple headstones.
2. Roads	Paved with no potholes and no flooding.	X		
3. Burial Sites	No sinking burial sites. Old flowers and cans disposed.		X	Numerous gravesite depressions (both casket and urn) visible throughout the cemetery.
4. Headstones	Intact, not broken or in need of replacement. In proper position.		X	Too many sinking headstones to be considered minor problem.
5. Plaques or Features	Clean and maintained with no broken items.	X		
6. Structures or Buildings	Clean and maintained, good general housekeeping. No structural deficiencies. Roof & gutter condition.	X		
7. Safety	No hazardous conditions such as uneven sidewalks or fire conditions.	X		
8. Drainage	Proper maintenance of drywalls, culverts, downspouts, etc., and good site drainage.	X		
9. Utilities	Has water and electricity.	X		
10. ADA	Meets ADA requirements for bathrooms, parking, and access routes.	X		
11. Other	General observation per monument.	X		

E G F Remarks:

12. Over all Condition of Site	<p>Standard:</p> <p>Excellent site had no discrepancies. It was clean and well maintained.</p> <p>Good site had minor discrepancies, however, it was clean and well maintained.</p> <p>Fair site required repairs or maintenance.</p>			X	<p>1. Overall excellent cleanliness of cemetery and pavilion.</p> <p>2. General lack of symmetrical alignment of headstones and gravesites prevalent throughout the cemetery. Disinterment of remains will be necessary to correct misalignment problem.</p> <p>3. Some families report that have filled and leveled sunken gravesites and headstones themselves.</p> <p>4. Leveling and sloping of cemetery needed. This will be a major project.</p> <p>5. Caretaker was not available during inspection.</p>
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§363-4 Establishment of cemeteries on Hawaii, Kauai, Maui, Molokai and Lanai. The department of land and natural resources shall set aside, or acquire by exchange, purchase, or condemnation, in the manner provided by law, land suitable for the establishing of veterans cemeteries as follows: five acres on the island of Hawaii, four acres on the island of Maui, three acres on the island of Kauai, one acre on the island of Molokai, and one acre on the island of Lanai. [L 1947, c 214, §1; RL 1955, §348-1; am L Sp 1959 2d, c 1, §21; am L 1961, c 132, §2; HRS §363-4; am L 1978, c 58, §1]

§363-5 Councils' responsibility; burial of servicemen, veterans and dependents. 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. The councils shall each provide for the interment of the remains, of (1) residents or former residents of their respective counties who died while in the armed forces of the United States, and (2) of honorably discharged veterans of the armed forces of the United States with either peacetime or wartime service and who are residents of their respective counties at the time of death, or who were former residents, and (3) of the widows, widowers, or minor children of such deceased servicemen or veterans, and (4) of the wife, husband, or minor children who predecease a serviceman or veteran who would be himself entitled to interment provided that he must subscribe to a statement that he himself will be so interred in the same veterans cemetery; and provided further that as to former residents, the cost of transportation of the remains to the county of interment shall be borne by the family or estate of the deceased. [L 1947, c 214, §2; RL 1955, §348-2; am L 1957, c 131, §1; HRS §363-5; am L 1972, c 94, §1]

§363-6 REPEALED. L 1971, c 6, §1.

§363-7 Burial of nonresident servicemen and dependents. Any law to the contrary notwithstanding the remains of nonresident servicemen or nonresident honorably discharged veterans of the armed forces of the United States, and the remains of the widows, widowers, or minor children of the deceased servicemen or veterans, or the remains of the wives, husbands, or minor children who predecease the servicemen or veterans, may, at the discretion of the legislative bodies of the respective counties, be interred in the cemetery or cemeteries as established herein. [L 1963, c 37, §1; Supp, §348-3.5; HRS §363-7]

§§363-8 to 10 REPEALED. L 1982, c 177, §§2 to 4.

§363-11 Special housing for disabled veterans. The office shall develop rules to specify the amount to be provided a veteran for the purpose of bearing the cost not borne by the federal government for a specially designed home for disabled veterans. The veteran must have been a bona fide resident of the State before entering active service with the armed forces and must qualify for a federal grant under the Veterans Administration's Specially Adapted Housing program. In no event shall the State pay a qualified veteran a share greater than the federal government toward the purchase or remodeling of such home.

The moneys comptroller based this section, to the §§1, 2; am L 1953, 152, §1; am L Sp 1 c 223, §2; am L 1

SECTION

364-1	DEFINITI
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364-3	VETERAN
364-4	SERVICIN
364-5	COMMITT
364-6	DEFAULT
364-7	RULES AI
364-8	DIRECT L
364-9	BONDS
364-10	TAXATIO
364-11	DEPOSIT
364-12	REPEALE
364-13	CHAPTER

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COUNTY COUNCIL
Bill "Kaipo" Asing, Chair
Mel Rapozo, Vice Chair
Tim Bynum
Jay Furfaro
Shaylene Iseri-Carvalho
Ronald Kouchi
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk
Ernesto G. Pasion, Deputy County Clerk

Telephone (808) 241-6371
Fax (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Room 206
Lihue, Kauai, Hawaii 96766-1371

January 25, 2008

Major Mark Moses, USMC (Retired)
Director, Office of Veterans Services
East Wing Room 1-A103
459 Patterson Road
Honolulu, Hawaii 96819

Dear Major Moses:

It was brought to my attention that SB 725 (attached) relating to the Kauai Veterans Cemetery (\$102,000 appropriation for repair and maintenance) was not adopted by the last session of the Hawaii State Legislature and that the repairs are still pending.

Further, in speaking with Mr. Lawrence Schlang, First Vice-President -Kauai Council of the Navy League of the United States, I learned that these types of requests should be provided to the Director of the Office of Veterans Services.

In light of the above, please consider this letter as a request to pursue the appropriation for repairs and maintenance of the Kauai Veterans Cemetery, as was included in the SB 725, which failed to pass last year. It is my understanding that Senator Gary Hooser's office (Carl Miura, Staff) is familiar with the past funding request, as he has contacted Mr. Schlang regarding this matter for the new legislative session. A new measure regarding funding for Veterans Cemeteries (SB 2901 attached) has been introduced, which could address the repair and maintenance issues at the Kauai Veterans Cemetery.

Your coordination with Senator Hooser's office regarding the new appropriation measure for the Kauai Veterans Cemetery would be much appreciated.

Sincerely,

BILL "KAIPO" ASING
Council Chairman

cc: Senator Gary Hooser
Mayor Bryan J. Baptiste
Councilmembers
Lawrence Schlang - Kauai Council NLUS

Encl. 7

AN EQUAL OPPORTUNITY EMPLOYER

THE SENATE
 TWENTY-FOURTH LEGISLATURE, 2007
 STATE OF HAWAII

S.B. NO. 725
 S.D. 1

A BILL FOR AN ACT

RELATING TO KAUAI VETERANS CEMETERY.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 2007-2008, for the repair and maintenance of the Kauai veterans cemetery, to be expended in the following manner:

- (1) \$ _____, to tent the outdoor pavilion roof;
- (2) \$ _____, to make repairs to the roof due to termite damage;
- (3) \$ _____, to upgrade and repair the men and women's bathrooms;
- (4) \$ _____, to replace the arch;
- (5) \$ _____, for grave maintenance; and
- (6) \$ _____ for highway signage.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 2008-2009, for continued repair and maintenance of the Kauai veterans cemetery.

SECTION 3. The sums appropriated in sections 1 and 2 shall be expended by the county of Kauai for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2007.

Report Title:

Veterans Services; Cemeteries; Funding; Repair and Improvement

Description:

Clarifies the legislature's intended statewide use of funding allotted in the state budget for the repair and improvement of veterans cemeteries by allocating the distribution of funds by country.

A BILL FOR AN ACT

RELATING TO VETERANS CEMETERIES.

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

SECTION 1. The legislature finds that funds allotted in the state budget for repairs and improvement work at veterans cemeteries in fiscal years 2008 and 2009 were intended to be used statewide.

However, the office of veterans services intends to expend the majority of the appropriated funds on improvements to the veterans cemetery located in Kaneohe, Oahu. This action does not serve the legislature's intent.

The purpose of this Act is to clarify the requirements for the use of funding allotted in the state budget for repair and importance to veterans cemeteries. Specifically, it serves to allot funds between the counties, ensuring statewide distribution of the funds.

SECTION 2. Act 213, Session Laws of Hawaii 2007, is amended by adding a new section to part V to be appropriately designated and to read as follows:

"SECTION . Provided that of the general obligation bond fund appropriation for services to veterans (DEF 112), item F-6, the sum of \$1,000,000 for fiscal year 2008-2009 shall be allocated among the respective counties for repair and improvement to veterans cemeteries as follows:

City and county of Honolulu \$ _____

<u>County of Hawaii</u>	\$ _____
<u>County of Maui</u>	\$ _____
<u>County of Kauai</u>	\$ _____
<u>Total</u>	<u>\$1,000,000"</u>

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____



NAVY LEAGUE *of the* United States

KAUAI COUNCIL
P.O. BOX 1008
KALAHEO, HAWAII 96741

ALBERT G. MOE
PRESIDENT

04 September 2007

LAWRENCE H. SCHLANG
FIRST VICE PRESIDENT

The Honorable Lorraine Inouye, Chairperson
Senate Committee on Intergovernmental and Military Affairs
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

EDIE LUSTMAN
SECRETARY

RON AGOR
TREASURER

REGINALD GAGE II
JUDGE ADVOCATE

Re: Public Hearing on SB2901

MIKE JOHNHOY
CHAPLAIN

Dear Senator Inouye:

VICE PRESIDENTS

LYNN ALYWOOD-BINGMAN
PROGRAMS

STEWART BURLEY
COMMUNICATIONS

TIM FLYNN
MEMBERSHIP

GEORGINE YAMADA
PUBLIC AFFAIRS

SANDRA GAGE
SCHOLARSHIPS

As you may recollect, I testified before your committee on 05 February 2007 during the public hearing on SB 725 which requested state funds for needed repairs to the Kauai Veterans Cemetery. Although SB 725 did not pass during the previous session of the Legislature, funds for the repair of veterans cemeteries statewide were contained in the FY 2007 Military Appreciation Package in HB1065 and these funds appeared in the State Budget appropriation (HB500) of the 24th Session of the Hawaii State Legislature which Governor Lingle signed into law on 10 July 2007.

The repair funds included in the HB 500 appropriations bill contained in the 2007 Military Appreciation Package did not specify what repairs or what cemeteries these funds were designated for. As you are aware from my previous correspondence, no repair funds were distributed to the Neighbor Island veterans cemeteries. It was only this month that burial vaults (casket liners) finally made their way to Kauai. And that is the reason and necessity to pass SB2901 which provides a "sense of the Legislature" as to the legislative intent for the allocation and distribution of these urgently needed veterans cemetery repair funds.

It is requested that the enclosed written testimony be entered into the record of the hearing on SB2901 scheduled for Monday, 28 January 2008. I expect to attend the hearing and to testify in person.

Sincerely yours,

Lawrence H. Schlang
Commander USN (Retired)
First Vice President

THE SENATE
COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII
28 JANUARY 2008
SB2901

TESTIMONY OF COMMANDER LAWRENCE H. SCHLANG, USN (Retired), FIRST VICE PRESIDENT OF THE KAUAI COUNCIL OF THE NAVY LEAGUE OF THE UNITED STATES TESTIFYING ON BEHALF OF SB2901

INTRODUCTION: My name is Lawrence H. Schlang. I am the First Vice President of the Kauai Council of the Navy League. The Navy League of the United States consists of approximately 65,000 members whose mission it is to support the Navy, Marine Corps, Coast Guard and the Merchant Marine. The Navy League is an IRS approved 501[c][3] non-profit educational organization.

BACKGROUND ON STATE VETERANS CEMETERY REPAIR LEGISLATION:

Last year, Senator Gary Hooser, who represents the County of Kauai in the Hawaii State Senate, sponsored and introduced SB725, a bill for the appropriation of state funds for repairs to the Kauai Veterans Cemetery at Hanapepe, HI (see Enclosure 1). That bill did not pass. The Legislature instead passed HB1065, which appropriated funds for repairs to veterans cemeteries statewide (see Enclosure 2). The requested funds, \$200,000 for FY 2007-2008 and \$1,000,000 for FY 2008-2009 were included in the State Budget appropriation bill HB500 which the governor signed into law on 10 July 2007.

The legislative intent of HB1065 was, and is, quite clear. Let me quote (first sentence of para 2 of HB1065):

The legislature further finds that Hawaii's veterans cemeteries suffer from inadequate care and maintenance due to lack of sufficient funding necessary to maintain these facilities at the level they deserve.

Further, para 3 of HB1065 states:

The purpose of this Act is to provide adequate funds for the care and maintenance of veterans cemeteries *statewide*, (italics mine) including but not limited to the purchase of casket liners to help remedy the soil problems at the cemeteries.

In addition, on 18 July 2007, Governor Lingle wrote to me regarding the funds appropriated for repairs to veterans cemeteries statewide (see Enclosure 3). Let me quote (para 2 of Governor Lingle's letter):

However, I would like to inform you that the recently passed State

TESTIMONY OF COMMANDER LAWRENCE H. SCHLANG, USN (Retired) ON
BEHALF OF SB2901

28 January 2008

page 2

Budget includes additional funds for veterans' cemeteries statewide. With these lump sum CIP funds, the decision falls on the Director of the State Office of Veterans Services, Mr. Mark Moses, to divide and provide funds according to each cemetery's needs.

In spite of the clear intent of the HB1065 legislation, and in spite of the clear understanding of the Lingle Administration of that intent, no funds were distributed to any of the Neighbor Island counties for repairs to the state veterans cemeteries located in these Neighbor Island counties.

The first inkling that anything was amiss was contained in the *Director's Message*, a news column written by former State OVS Director Col. Edward R. Cruickshank, USA (Retired) in the May - June 2007 issue of *Hawaii Veteran*, a Hawaii Department of Defense publication (see enclosure 4). I quote:

We have some great news! This past legislative session we received approval for a clerk-typist position at Tripler, as well as necessary funding for our cemetery at Kaneohe. Over 1.2 million dollars was approved for new niches at our columbarium at Kaneohe.....

The fact of the matter is that the 24th Session of the Hawaii State Legislature did not appropriate one dime for new columbarium niches at Kaneohe in 2007. It was more than a mere coincidence that the \$1.2 million that Col. Cruickshank alluded to was the exact same amount that the Legislature appropriated for repairs to veterans cemeteries statewide. Governor Lingle later acknowledged that this was the intended use of the aforementioned legislatively appropriated veterans cemetery repair funds.

GENESIS OF SB2901 LEGISLATION: Last year, Senator Hooser wrote me a letter dated 25 July 2007 (see enclosure 5). I quote from para 3 of that letter:

As you know, I followed up on your request in December 2006 and introduced Senate Bill 725 to obtain funds for the repair and maintenance of Kauai Veterans Cemetery. Even with the tremendous amount of requests, the legislature approved over \$1.2 millions for repairs to veterans' cemeteries statewide through the budget, which is common practice. In addition, we added to a number of areas in order to improve services for the returning military veterans.

1. Lump sum CIP for Veterans Cemetery Improvements, Statewide. Plans, Design and Construction for Repairs and Improvements-
FY 2007-2008: \$200,000; FY 2008-2009: \$1,000,000

TESTIMONY OF COMMANDER LAWRENCE H. SCHLANG, USN (Retired)
ON BEHALF OF SB2901

Page 3

28 January 2008

Note: A portion of these funds are intended for statewide use including Kauai Veterans (Hanapepe) Veterans Cemetery.

Senator Hooser appeared shocked when I advised him that the legislatively appropriated funds for repairs to veterans cemeteries statewide were being used exclusively to build additional columbarium niches for the Hawaii State Veterans Cemetery at Kaneohe.

On 27 September 2007, Senator Hooser, Senator Baker, and members of the Senate Ways and Means Committee visited Kauai made an inspection the Kauai Veterans Cemetery to see for themselves the deteriorated conditions at that facility. Copies of photographs of those conditions are included as Enclosure 6.

On 11 December 2007, Senator Baker wrote me a letter. I will quote para 2 and 3 of that letter (see enclosure 7):

We did check the information you provided and it does appear that the Department of Defense is going to try and do all the repairs they originally intended at the Hawaii State Veterans Cemetery for a total of \$1,200,000. Anything left over will be distributed to the other County cemeteries.

Since it appears that this issue cannot be resolved for our neighbor island cemeteries with the Governor and the State DOD, I will be happy to draft a bill, as you suggested, for the next session that includes language to restrict the use of the funds. We can also include a required report to the Legislature on how the funds were spent.

COMMENTS ON SB2901: First, on behalf of the Kauai Council of the Navy League, please allow me to express my appreciation to Senators, Hooser, Baker, Inouye, and Nishihara for sponsoring this legislation. It is greatly appreciated.

While the Navy League supports this legislation, we feel that it does not go far enough. This Committee has seen the complete disregard of the intent of the Legislature to provide funds for repairs to our veterans cemeteries statewide in spite of the understanding of the Legislature's intent. There is nothing in SB2901 that will prevent the same or similar abuse that I have just reviewed for this Committee at this hearing.

The restrictions on the use of the funds appropriated for repairs to veterans cemeteries statewide must be tightened. The repair needs of our Neighbor Island veteran cemeteries must be clearly defined, and the funds appropriated for those repairs must be specified.

TESTIMONY OF COMMANDER LAWRENCE H. SCHLANG, USN (Retired) ON
BEHALF OF SB2901

Page 4

28 January 2008

In that regard, each county should submit a list of repairs to the repair fund allocation authority by the beginning of the fiscal year starting 01 July 2008 along with estimated cost-to-repair data. Then the funds should be apportioned and allocated in accordance with the documented repair needs of each of the state's veterans cemeteries.

As suggested by Senator Baker in her 11 December 2007 letter to me, a report should be required from the Governor through her Director of OVS as to the distribution of these legislatively appropriated funds. In that same regard, it is suggested that the SB2901 bill be further amended to include more stringent oversight provisions. I have previously recommended the formation and appointment of a State Veterans Cemetery Commission, with a commissioner appointed to oversee each of the state's veterans cemeteries. There are a number of cogent reasons to appoint such a commission that are beyond the scope of the proposed SB2901 legislation and this hearing. What is within the scope of this hearing, and the question must be asked, is why are state of Hawaii veterans cemetery repair funds for repairs to veterans cemeteries statewide being used for a CIP project at Kaneohe, which, for the addition of columbarium niches, should more appropriately come from a grant request to the federal (VA) Veterans Burial Administration?

I am concerned in that at a hearing held at the Kauai Veterans Center on state veterans cemetery issues earlier this month, in response to a question asked by me, the Director of OVS stated that it was the County's responsibility to make repairs to its local veterans cemetery, not the state (in accordance with a memorandum of agreement between the state and the county). I am even more concerned that last week, in an e-mail to me, Carl Miura, an aide in Senator Hooser's office, requested repair need and cost estimates (see Enclosure 8) as the Director of OVS stated he had not received any (repair) requests. If that is the mindset of the Director of OVS (i.e. the counties are responsible for veterans cemetery repairs and that no requests for repairs have been made by the counties), then this Committee and this Legislature can expect more veterans cemetery repair fund allocation mischief as has happened during this fiscal year. I would request and urge this Committee to amend SB2901 to assure that this veterans cemetery repair fund allocation mischief does not happen again.

Thank you for allowing me to testify on behalf of this pending legislation and allowing me to express my concerns and that of the Kauai Council of the Navy League in this matter. I am especially grateful to the Legislature for its concerns over the conditions at our state's veterans cemeteries and its desire to do something about these unsatisfactory conditions. Mahalo nui loa!

A BILL FOR AN ACT

RELATING TO KAUAI VETERANS CEMETERY.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$102,000, or so much thereof as may be necessary for fiscal year 2007-2008, for the repair and maintenance of the Kauai veterans cemetery, to be expended in the following manner:

- (1) \$12,000, to tent the outdoor pavilion roof;
- (2) \$30,000, to make repairs to the roof due to termite damage;
- (3) \$15,000, to upgrade and repair the men and women's bathrooms;
- (4) \$30,000, to replace the arch;
- (5) \$10,000, for grave maintenance; and
- (6) \$5,000 for highway signage.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,800, or so much thereof as may be necessary for fiscal year 2008-2009, for continued repair and maintenance of the Kauai veterans cemetery.

SECTION 3. The sums appropriated in sections 1 and 2 shall be expended by the county of Kauai for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2007.

Report Title:

Kauai Veterans Cemetery; Appropriation

Description:

Appropriates \$102,000 for fiscal year 2007-2008 and \$50,800 per year thereafter for the repair and maintenance of the Kauai veterans cemetery.

Report Title:

Veterans Cemeteries; Appropriation

Description:

Appropriates funds for the maintenance of state veterans cemeteries statewide, including the purchase of casket liners to help remedy the soil problems at the cemeteries. (HB1065 HD1)

Enclosure (2)

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

H.B. NO. 1065
H.D. 1

A BILL FOR AN ACT

RELATING TO MILITARY AFFAIRS.

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

SECTION 1. The legislature finds that burials for qualified veterans and their dependents in veterans cemeteries on Hawaii, Kauai, Maui, Molokai, Lanai, and at the Hawaii state veterans cemetery on Oahu is an honor reserved for those who served their country in either peacetime or wartime. Establishment of these veterans cemeteries reflects the commitment of the people of Hawaii to those who served in the armed forces of the United States.

The legislature further finds that Hawaii's veterans cemeteries suffer from inadequate care and maintenance due to the lack of sufficient funding necessary to maintain these facilities at the level they deserve. For example, the soil used at veterans cemeteries is not suitable for re-use as back-fill in graves due to its composition and moisture content. This substandard soil fails to provide the necessary support for graves and headstones, causing them to sink in unsightly holes that mar the landscape and desecrate the sanctity of the cemetery. To remedy the problem, appropriate soil and casket liners are necessary.

The purpose of this Act is to provide adequate funds for the care and maintenance of veterans cemeteries statewide, including but

not limited to the purchase of casket liners to help remedy the soil problems at the cemeteries.

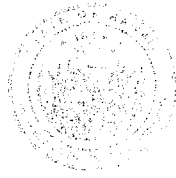
SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2007-2008 and the same sum or so much thereof as may be necessary for fiscal year 2008-2009 for the purchase of casket liners to help remedy the soil problems at the cemeteries.

The sums appropriated shall be expended by the department of defense for the purposes of this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2007-2008 and the same sum or so much thereof as may be necessary for fiscal year 2008-2009 for the maintenance of state veterans cemeteries statewide.

The sums appropriated shall be expended by the department of defense for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2015.



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 18, 2007

Mr. Lawrence H. Schlang
First Vice President
Kauai Council of the Navy League
Of the United States
P. O. Box 1008
Kalaheo, Hawaii 96741

Thank you for your letter requesting a meeting with me to find ways to raise funds for Kauai Veterans Cemetery, and sharing your concerns about the failure of SB 725 to pass the Legislature which request a one-time appropriation of \$102,000 to perform needed repairs to the Kauai Veterans Cemetery.

However, I would like to inform you that the recently passed State Budget includes additional funds for veterans' cemeteries statewide. With these lump sum CIP funds, the decision falls on the Director of the State Office of Veterans Services, Mr. Mark Moses, to divide and provide funds according to each cemetery's needs.

You may contact Mr. Moses at (808) 433-0423 on Oahu to discuss your concern for the fixing of the Kauai Veterans Cemetery.

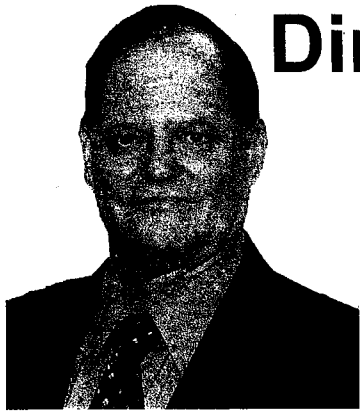
Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

c: Mr. Mark Moses

Enclosure (3)



Director's Message

Col. Edward R. Cruickshank, U.S. Army (Ret.)
Director, State Office of Veterans Services

We have some great news! This past legislative session we received approval for a clerk-typist position at our office located at Tripler, as well as the necessary funding for our cemetery at Kaneohe. Over 1.2 million dollars was

approved for new niches at our columbarium at Kaneohe. We are in the process of spending the \$564,000 for the slope and erosion control around the columbarium, to repair cracks in the columbarium and to repair a crack in one of the roads leading to the columbarium. The state Department of Accounting and General Services (DAGS) is currently negotiating the consultant fee with FM International to get this work accomplished.

We also received VA approval to proceed with our expansion plans for the West Hawaii Veterans' Cemetery. The first bid opening will be held on June 28. A prebid meeting was conducted by AGS June 6. This is only the first phase of the revised master plan that my office is working hard on with VA to get approval and funding for.

The county of Kauai has set aside \$100,000 to fund the founda-

tion work for the columbarium at Kauai Veterans' Cemetery. Kauai Veterans Cemetery is anticipating the delivery of recast concrete columbarium niches.

We received approval to expand our advisory board members to include an additional representative from Kona. Ensuring that the Big Island veterans are adequately represented is very important and we thank Representative Cindy Evans for helping us gain approval.

Molokai is one step closer to a veterans home on their island. \$250,000 was allocated for the initial planning for a veterans home on the island of Molokai. This is a preliminary amount, but it's a great start.

In other legislative news, the State Legislature approved an additional \$100,000 for the upkeep of our neighbor island cemeteries. These monies have been needed for some time.

Our newsletter received funding for two more years. The \$47,500 will go towards printing and mailing of the newsletter. Currently, our mailing list includes 14,789 veterans, veterans' organizations, and officials.

By the time this newsletter gets to you, I will have stepped down as Director of Veterans Services for the State of Hawaii. It has been an honor to serve you, and my heart will always be with you as I move on. Together, we have accomplished a lot in the past three years, and I wish every success to my successor, Mr. Mark Moses.

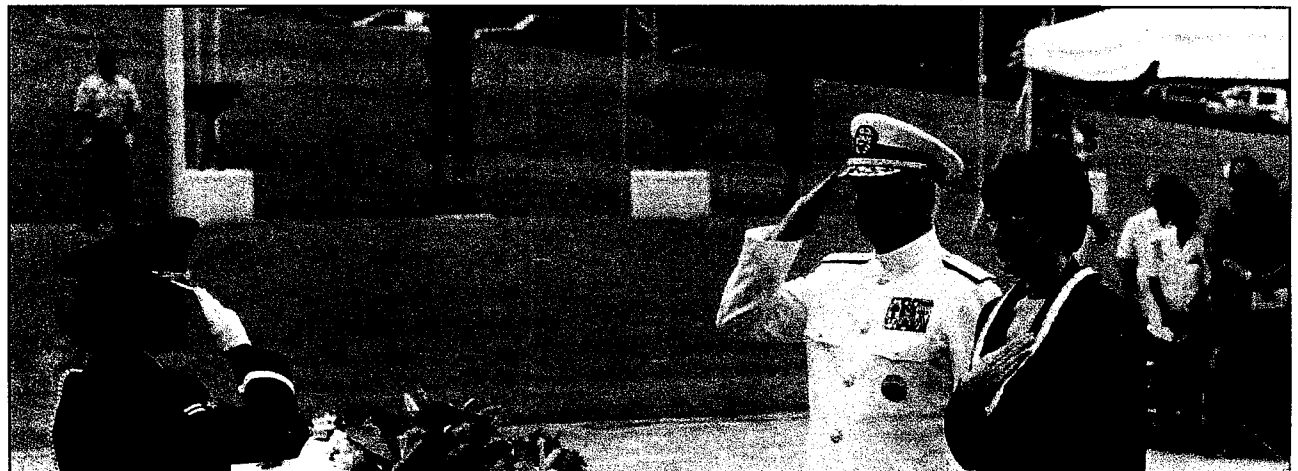
Enclosure (4)

Memorial Day

Ed Cruickshank

Memorial Day at the Hawaii State Veterans Cemetery was a tremendous success. Mr. Kimo Kahoano did a superb job as master of ceremonies and gave a moving rendition of the national anthem.

The Old Guard Fife and Drum Corps, stationed at Fort Myer, Virginia, performed for 15 minutes. The performance





The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

July 25, 2007

Mr. Lawrence H. Schlang
First Vice-President
Navy League of the United States- Kauai Council
P.O. Box 1008
Kalaheo, HI 96741

Dear Mr. Schlang:

Thank you for forwarding me a copy of your letter dated May 30, 2007, to Governor Lingle regarding funds for repairs at the Kauai Veterans Cemetery.

I understand your frustration. It should be a beautiful place where friends and family can visit and honor fallen soldiers for their service. With so many Hawaii soldiers involved in Iraq and Afghanistan, the state, including the federal government, needs to provide better support services.

As you know, I followed up on your request in December 2006 and introduced Senate Bill 725 to obtain funds for the repair and maintenance of Kauai Veterans Cemetery. Even with the tremendous amount of requests, the legislature approved over \$1.2 millions for repairs to veterans' cemeteries statewide through the budget, which is a common practice. In addition, we added to a number of areas in order to improve services for the returning military veterans:

1. Lump Sum CIP for Veterans Cemetery Improvements, Statewide.
Plans, Design and Construction for Repairs and Improvements-
FY 2007-2008: \$200,000; FY 2008-2009: \$1,000,000
Note: A portion of these funds are intended for statewide use including Kauai Veterans (Hanapepe) Veterans Cemetery.
2. Increase in the Veteran Cemeteries operational base budget for maintenance expenses -
FY 2007-2008: \$100,000; FY 2008-2009: \$100,000
Note: A portion of these funds may also be used for cemeteries statewide including Kauai (Hanapepe) Veterans Cemetery.
3. Hawaii State Veterans Cemetery on Oahu.
Design and Construction for improvements. FY 2007-2008: \$300,000
4. Veterans Services Adequacy Study- \$200,000

Enclosure (5)

Mr. Lawrence Schlang

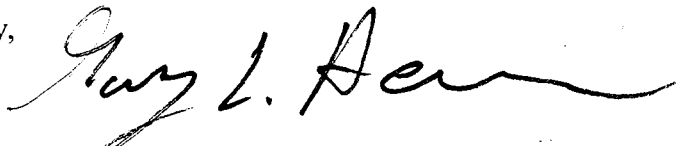
Page 2 of 2

5. Office of Veteran Services; Clerk Typist- \$33,230
6. Travel Expenses to the neighbor islands- \$8,000

The Governor approved the State Budget in June, but still has a number of other steps that she must do before any project moves forward. As a result, it is important to keep the pressure on.

Please feel free to contact me at 586-6030 if you have any questions. Thank you for your support in this matter.

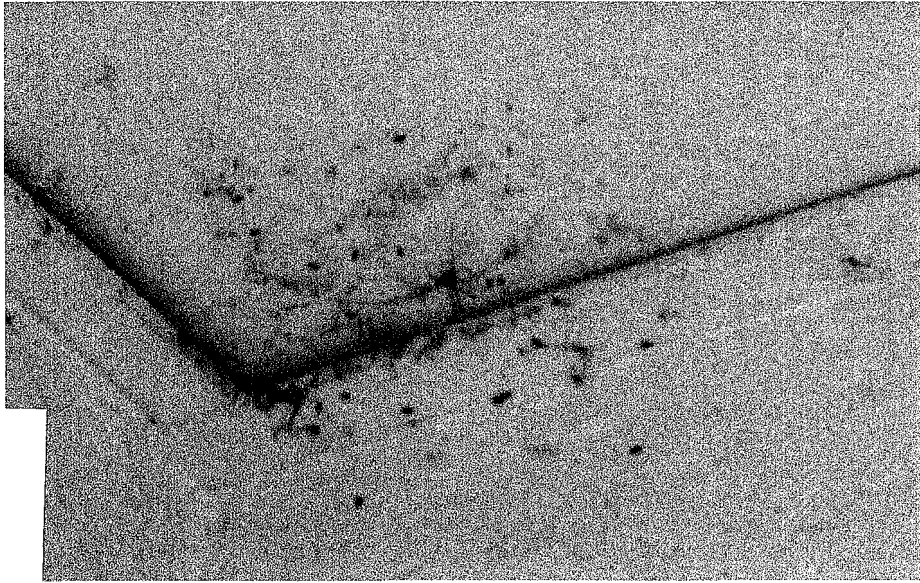
Sincerely,



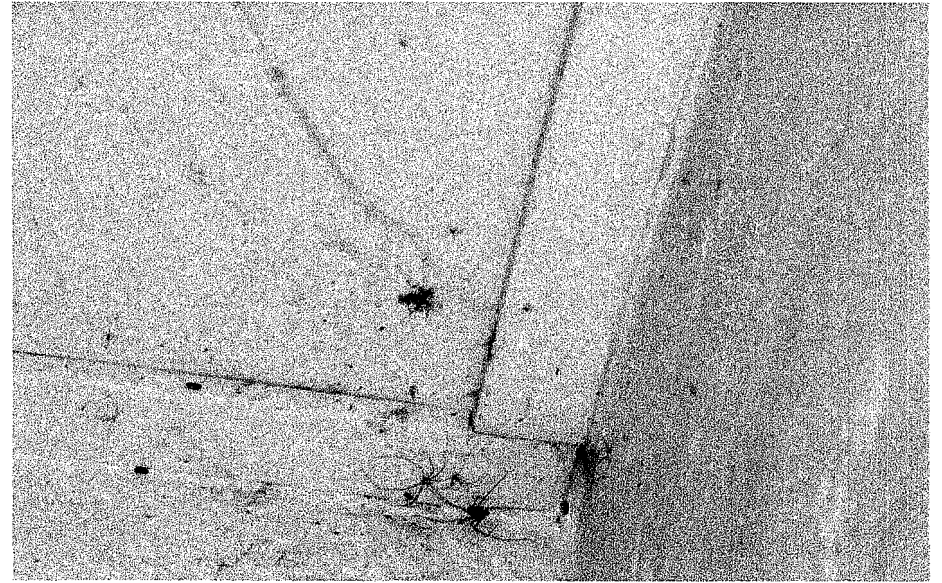
Senator Gary L. Hooser
7th Senatorial District of Kaua'i & Ni'ihau

CM:GLH

cc: Mark Moses

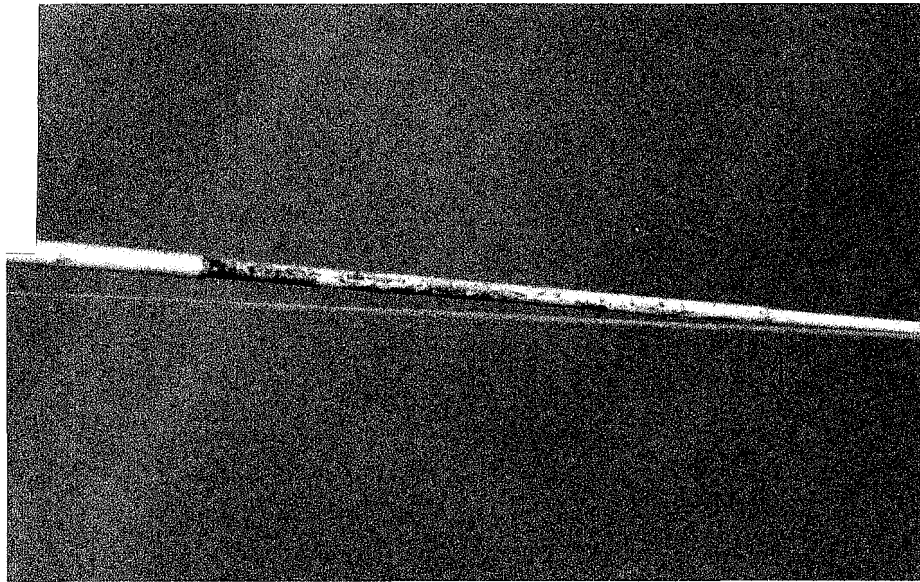


Ceiling of Men's Bathroom at Kauai Veterans Cemetery. Note spiders and spider webs on corner of ceiling.

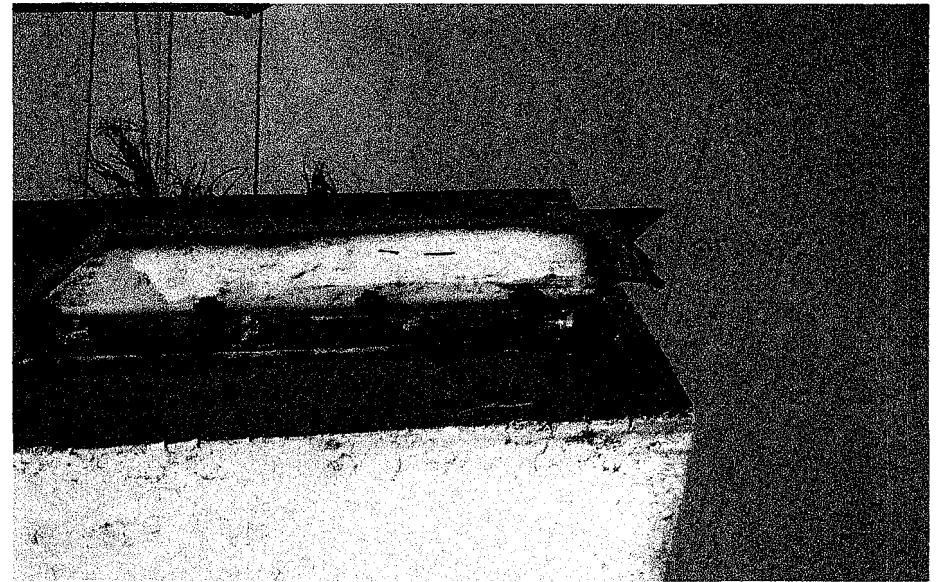


Another view of ceiling in men's bathroom at Kauai Veterans Cemetery.

Enclosure (6)



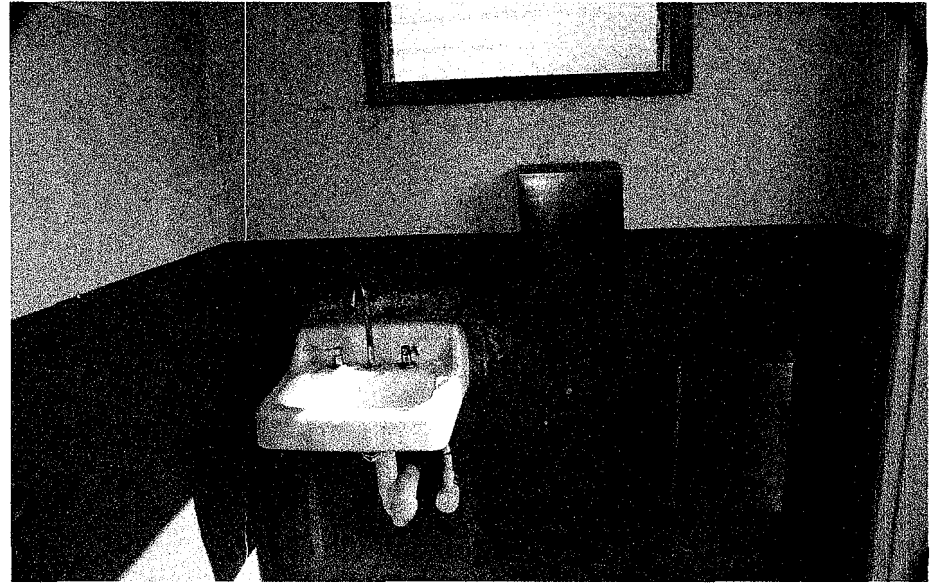
Rusted Flagpole at Kauai Veterans Cemetery.



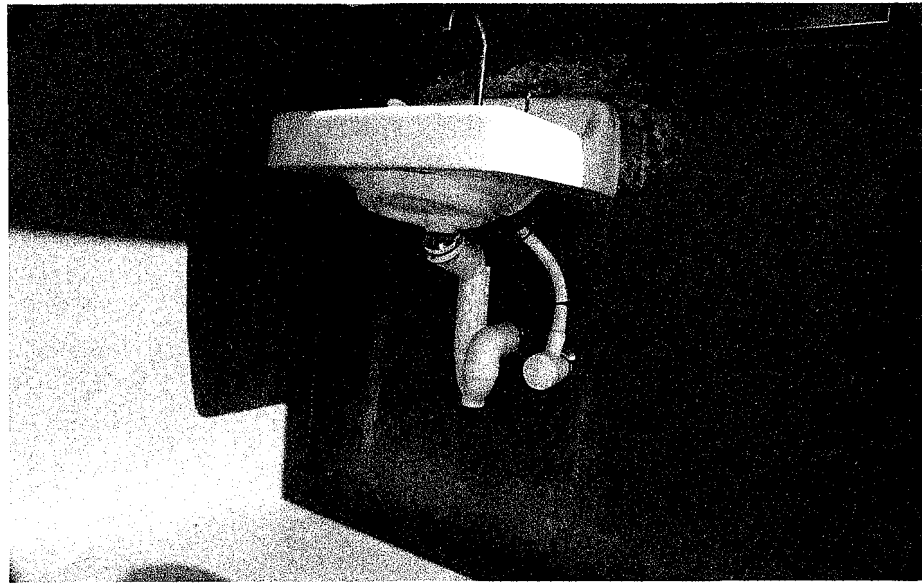
Rusted Metal Shard. All that remains of the arch at the entrance to the Kauai Veterans Cemetery.



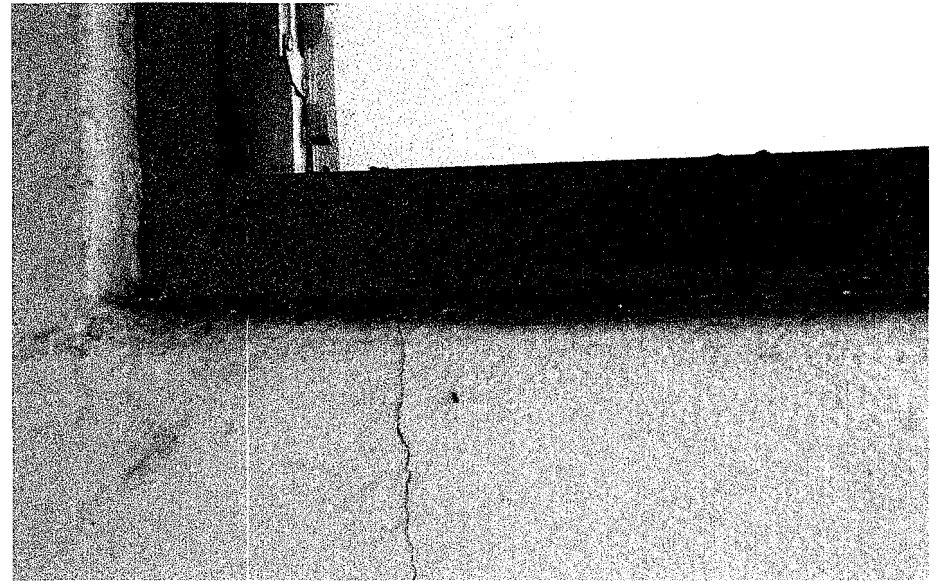
Men's Bathroom at the Kauai Veterans Cemetery.



Sink in Men's Bathroom at the Kauai Veterans Cemetery.



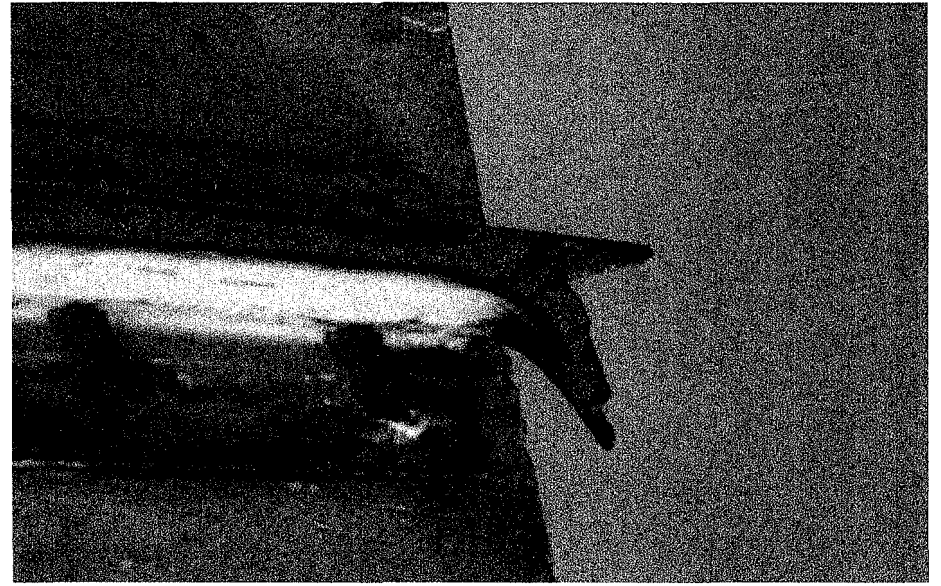
View of Underside of Sink in Men's Bathroom at Kauai Veterans Cemetery.



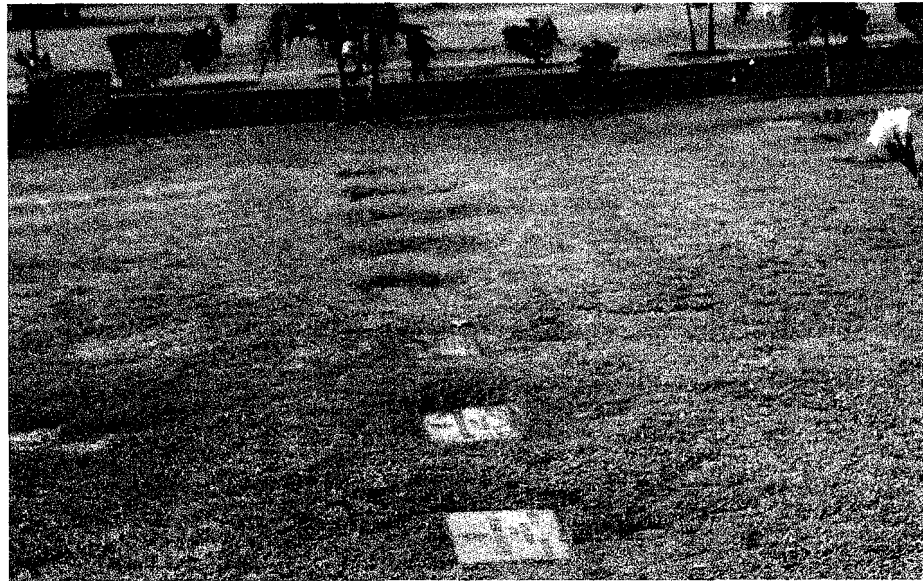
Crack in Wall and Dirt on Window Sill in Men's Bathroom at the Kauai Veterans Cemetery.



Broken Pillar That Supported Arch at Entrance to Kauai Veterans Cemetery. Note that Arch has rusted off and disappeared.



Shard of Metal Support on Kauai Veterans Cemetery Arch. Only a shard of metal that anchored the arch to the support pillar remains.



Sunken Headstones on Graves at Kauai Veterans Cemetery. Sunken graves have already been raised back to surface level.



More Headstones at Kauai Veterans Cemetery.



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

December 11, 2007

COLLEEN HANABUSA
PRESIDENT
DONNA MERCADO KIM
VICE PRESIDENT
GARY L. HOOSER
MAJORITY LEADER
FRED HEMMINGS
MINORITY LEADER

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LORRAINE R. INOUE
SECOND DISTRICT
RUSSELL S. KOKUBUN
THIRD DISTRICT
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FOURTH DISTRICT
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FIFTH DISTRICT
ROSALYN H. BAKER
SIXTH DISTRICT
J. KALANI ENGLISH
SEVENTH DISTRICT
GARY L. HOOSER
EIGHTH DISTRICT
SAM SLOM
NINTH DISTRICT
LES IHARA, JR.
TENTH DISTRICT
BRIANT TANIGUCHI
ELEVENTH DISTRICT
CAROL FUKUNAGA
ELFTH DISTRICT
ORDON TRIMBLE
THIRTEENTH DISTRICT
SUZANNE CHUN OAKLAND
FOURTEENTH DISTRICT
DONNA MERCADO KIM
FIFTEENTH DISTRICT
NORMAN SAKAMOTO
SIXTEENTH DISTRICT
DAVID Y. IGE
SEVENTEENTH DISTRICT
RON MENOR
EIGHTEENTH DISTRICT
CLARENCE K. NISHIHARA
NINETEENTH DISTRICT
MIKE GABBARD
TWENTIETH DISTRICT
WILL ESPERO
TWENTY-FIRST DISTRICT
COLLEEN HANABUSA
TWENTY-SECOND DISTRICT
ROBERT BUNOA
TWENTY-THIRD DISTRICT
CLAYTON HEE
TWENTY-FOURTH DISTRICT
JILL N. TOKUDA
TWENTY-FIFTH DISTRICT
FRED HEMMINGS
CHIEF CLERK
CAROL TANIGUCHI

Mr. Lawrence H. Schlang
First Vice-President
Navy League of the United States, Kauai Council
P.O. Box 1008
Kalaheo Hawaii 96714

Dear Mr. Schlang,

Thank you so much for taking the time to follow-up regarding the funding allocated last legislative session to repair our Veterans Cemeteries. It was certainly the Senate's intent to have the funds spent on repairing more than just the Oahu Veterans Cemetery. We sincerely appreciated your time to brief us when the Committee visited Kauai.

We did check the information you provided and it does appear that the Department of Defense is going to try and do all the repairs they originally intended at the Hawai'i State Veterans Cemetery for a total of \$1,200,000. Anything left over will be distributed to the other County cemeteries.

Since it appears that this issue cannot be favorably resolved for our neighbor island cemeteries with the Governor and the State DOD, I will be happy to draft a bill, as you suggested, for next session to appropriate money to each veterans cemetery on each of our Islands that includes language to restrict the use of the funds. We can also include a required report to the Legislature on how the funds were spent.

Finally, we are coordinating with Senator Akaka's office to discover what funds, if any, are available for the CIP project of building additional niches at our State Veterans Cemeteries.

Thank you so much for your continued support of Hawaii's Veterans and our State Veterans Cemeteries. You have all my warmest wishes for a wonderful holiday season and a peaceful, productive and prosperous New Year.

Me ke aloha pumehana,

Rosalyn H. Baker
Chair, Ways and Means Committee
5th District - South and West Maui

c: Senator Gary Hooser

Enclosure (7)

From: Carl Miura
Date: 1/18/2008 9:39:06 PM
To: lischlung@hawaiiantei.net
Subject: Cemetery Improvements

Hi Mr. Schlang,

Can we get a list of improvements (including cost) that Kauai Veterans Cemetery needs? Office of Veterans Services Director claims that he has not received a request.

Carl Y. Miura
w/ Senator Gary Hooser's Office
State Capitol Ste. 214 East Wing
415 S. Beretania St.
Honolulu, HI 96813
Office Number (808) 586-6030
Direct Line: (808) 586-6188
Toll-Free Line from Kauai: 1) Call 274-3141; 2) wait for the tone; 3)press extension- 66030 or 66188
Fax: (808) 586-6031

P.S. Please visit the Hawaii Senate Majority Caucus website at www.hawaiisenatemajority.com and the official State of Hawaii legislative website at www.capitol.hawaii.gov.

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IMPORTANT: General communications sent to the office of Senator Hooser are not considered official testimony. All official testimony must be sent to the appropriate committee chair indicating the specific legislative item being addressed. We would be happy to help if you need assistance. Please also visit the Hawaii State Legislature website at www.capitol.hawaii.gov.

Enclosure (8)