

JAN 23 2015

A BILL FOR AN ACT

RELATING TO THE MILITARY.

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

1 SECTION 1. The legislature finds that the United States
2 military presence in the State is critical to the State's
3 economy. Military spending in the State is approximately
4 \$8,800,000,000 each year and generates approximately 102,000
5 local jobs. The military's influence on the State's economy is
6 second to only tourism.

7 The purpose of this Act is to expand the office of
8 veterans' services to include military affairs and appropriate
9 funds for those purposes.

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

12 "§26-21 Department of defense. (a) The department of
13 defense shall be headed by a single executive to be known as the
14 adjutant general. The adjutant general shall also be the
15 director of the Hawaii emergency management agency as
16 established in section 127A-3 and the director of homeland
17 security.



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

4 The devolution of command of the military forces in the
5 absence of the adjutant general shall be within the military
6 establishment. The devolution of command of the Hawaii
7 emergency management agency in the absence of the adjutant
8 general, as director of the agency, shall be within the agency.

9 (b) The office of military affairs and veterans' services
10 and the advisory board on veterans' services as constituted by
11 chapter 363 are placed within the department of defense for
12 administrative purposes."

13 SECTION 3. Section 249-9.2, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) In lieu of the number plates contracted on behalf of
16 the counties by the director of finance of the city and county
17 of Honolulu, the director of finance shall provide, for a fee,
18 one set of special number plates upon the receipt of an
19 application together with:

20 (1) Specific proof that the applicant was awarded the
21 Purple Heart by the United States Department of



- 1 Defense for wounds received in military or naval
2 combat against an armed enemy of the United States;
- 3 (2) Certification that the applicant is a veteran;
- 4 (3) Specific proof that the applicant was serving the
5 United States in the military or as a civilian, on
6 Oahu, or offshore at a distance of not more than three
7 miles at the time of the December 7, 1941, attack on
8 Pearl Harbor. Certification from the Hawaii state
9 chairperson of the Pearl Harbor Survivors Association
10 shall constitute sufficient proof;
- 11 (4) Specific proof that the applicant was confined as a
12 prisoner of war while providing military service to
13 the United States;
- 14 (5) Certification from the United States Department of
15 Veterans Affairs or the state office of military
16 affairs and veterans' services that the applicant is a
17 combat veteran or a veteran of the Vietnam conflict,
18 the Korean conflict, World War II, or the Persian Gulf
19 conflict; or
- 20 (6) Specific proof that the applicant would qualify for a
21 gold star lapel button under the criteria established



1 by title 10 United States Code section 1126; provided
 2 that the applicant shall not be disqualified for the
 3 special number plates because the applicant is the
 4 grandparent of the deceased member of the United
 5 States armed forces;
 6 provided that applicants, except civilian applicants under
 7 paragraph (3) and civilian applicants and applicants who are
 8 currently serving the United States in the military under
 9 paragraph (6), shall also provide a copy of the applicant's most
 10 recent discharge paper or separation document that indicates an
 11 honorable discharge or general (under honorable conditions)
 12 discharge from active duty."

13 SECTION 4. Chapter 363, Hawaii Revised Statutes, is
 14 amended by amending its title to read as follows:

15 " [VETERANS] RIGHTS AND BENEFITS OF VETERANS AND SERVICE MEMBERS"

16 SECTION 5. Section 363-1, Hawaii Revised Statutes, is
 17 amended as follows:

18 1. By adding a new definition to be appropriately inserted
 19 and to read:

20 ""Service member" has the same meaning as in section 88-
 21 131."



1 2. By amending the definitions of "director" and "office"
2 to read:

3 ""Director" means the director of the office of military
4 affairs and veterans' services.

5 "Office" means the office of military affairs and veterans'
6 services as constituted under this chapter."

7 SECTION 6. Section 363-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§363-2 Office of military affairs and veterans' services;
10 director. (a) The office of military affairs and veterans'
11 services shall be responsible for the conduct or supervision of
12 all activities provided for by this chapter and for the
13 formulation and adoption of all policies and rules for the
14 administration of this chapter and is established in the
15 department of defense for administrative purposes.

16 (b) The head of the office shall be known as the director
17 of the office of military affairs and veterans' services. The
18 director shall be nominated and appointed by the governor
19 without regard to chapters 76 and 89. Effective July 1, 2005,
20 the director shall be paid a salary set by the appointing
21 authority that shall not exceed [~~sixty-nine~~] 69 per cent of the



1 salary of the director of human resources development. The
2 director shall be included in any benefit program generally
3 applicable to the officers and employees of the State.

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

6 (1) Serve as the principal official in state government
7 responsible for the performance, development, and
8 control of programs, policies, and activities under
9 this chapter;

10 (2) Oversee, supervise, and direct the performance by the
11 director's subordinates of activities in such areas as
12 planning, evaluation, and coordination of [~~veterans~~]
13 programs pertaining to service members and veterans
14 and development of a statewide service delivery
15 network;

16 (3) Assess the policies and practices of other agencies
17 with respect to delivery of services and benefits to
18 service members and veterans;

19 (4) Administer funds allocated for the office, and apply
20 for, receive, and disburse grants and donations from
21 all sources for [~~veterans~~] programs for service



1 members and veterans and services provided under this
2 chapter;

3 (5) Establish a clearinghouse for complaints of persons
4 regarding services to service members and veterans, or
5 operations of state and county agencies affecting
6 service members and veterans, investigate such
7 complaints, and refer the complaints and the
8 director's findings to the appropriate agency for
9 corrective action;

10 (6) Adopt, amend, and repeal rules pursuant to chapter 91
11 for the purposes of this chapter;

12 (7) Employ and retain such staff as may be necessary for
13 the purposes of this chapter, in conformance with
14 chapters 76, 89, and the appropriate collective
15 bargaining agreements, executive orders, executive
16 directives, or rules, except for the position of
17 coordinator and executive secretary to the director,
18 who shall be hired without regard to chapters 76 and
19 89;

20 (8) Contract for or grant such services as may be
21 necessary for the purposes of this chapter, including



1 a master contract with other state agencies receiving
2 federal and state funds for programs and services for
3 service members and veterans, and purchase of service
4 agreements with appropriate agencies;

5 (9) Oversee the development, establishment, and operation
6 of a state veterans cemetery on Oahu; develop and
7 administer the policies and procedures of the state
8 veterans cemetery in accordance with the United States
9 Department of Veterans Affairs and existing state
10 guidelines; and oversee the maintenance of state
11 veterans cemeteries on all islands; and

12 (10) Act on behalf of deceased veterans found to be
13 indigent at the time of death and without surviving
14 immediate family members to ensure burial or cremation
15 services are provided and that the veteran's remains
16 are buried or inurned in a state veterans cemetery."

17 SECTION 7. Section 363-3, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§363-3 **Activities of the office.** Except as otherwise
20 provided by law, the office shall:



- 1 (1) Maintain or cause to be maintained, subject to the
2 control and supervision of the office, a center to
3 which service members and veterans, including their
4 families and dependents, may come for information,
5 counsel, aid, and assistance, and by which they may be
6 directed or referred to any agency in the community
7 whose function it is, by law or otherwise, to provide
8 the services, assistance, or benefits which in each
9 instance appear necessary or appropriate. Agencies to
10 which any referrals may be made shall include [7] but
11 are not limited to [7] departments and divisions of the
12 federal and state governments, veterans'
13 organizations, military organizations, and so-called
14 "private" social agencies;
- 15 (2) Assume the initiative, in cooperation with agencies in
16 the community, for coordinating all services now
17 available, and which hereafter may become available,
18 for the use and benefit of service members and
19 veterans, including their families and dependents, to
20 the end that maximum effectiveness of the services may



1 be realized, and overlapping and duplication of effort
2 as between agencies may be minimized;

3 (3) Assemble, analyze, compile, and disseminate factual,
4 up-to-date information with respect to:

5 (A) Benefits, rights, and services of whatever nature
6 to which service members and veterans, including
7 their families and dependents, are entitled, or
8 which may be available to them; and

9 (B) The structure, functions, area of service, and
10 other pertinent information regarding each agency
11 and organization participating in the veterans'
12 assistance program in the State;

13 (4) Cooperate with federal departments and other agencies
14 which, by law, have responsibility for the
15 administration of rights and benefits granted by the
16 federal government to service members or veterans,
17 including their families and dependents;

18 (5) As soon as possible after the close of each fiscal
19 year, compile and submit to the governor, for such use
20 or distribution as the governor may deem appropriate,
21 a comprehensive report of the activities and

1 operations of the office, and of all disbursements and
2 expenditures authorized by the office under this
3 section; and

4 (6) Inspect every three years all state war memorials and
5 veterans' cemeteries for repair and maintenance
6 deficiencies, and report all repair and maintenance
7 problems at these memorials and cemeteries to the
8 adjutant general, the comptroller, and the legislature
9 prior to the start of the next regular session."

10 SECTION 8. Section 363-3.5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) There shall be a policy advisory board on veterans'
13 services within the office of military affairs and veterans'
14 services. The board shall consist of nine members appointed by
15 the governor as provided in section 26-34. Five members shall
16 be veterans, and there shall be at least one member residing in
17 each of the counties of Maui and Kauai. The county of Hawaii
18 shall be represented by two members, one member shall reside in
19 east Hawaii and one member shall reside in west Hawaii. Four
20 members shall reside in the city and county of Honolulu. At
21 least three members shall be women. The director of health, the



1 director of human services, the director of labor and industrial
 2 relations, and the adjutant general shall serve as ex
 3 officio[+], [+]
 4 of military affairs and veterans' services shall serve as an ex
 5 officio[+], [+]
 6 shall be elected by the majority of the board. The members
 7 shall serve without compensation but shall be allowed their
 8 actual and necessary expenses incurred in the performance of
 9 their duties."

10 SECTION 9. Section 363-5, Hawaii Revised Statutes, is
 11 amended as follows:

12 1. By amending its title to read:

13 "§363-5 Councils' responsibility; burial of service
 14 members, veterans, and dependents; office of military affairs
 15 and veterans' services approval."

16 2. By amending subsection (c) to read:

17 "(c) Prior to any county action that may:

18 (1) Have an adverse financial impact upon the State's
 19 fiscal obligation to establish and maintain veterans
 20 cemeteries; or



1 (2) Impair or conflict with federal requirements that are
2 a prescribed condition for the allocation of federal
3 funds,

4 the county shall obtain approval of the action from the office
5 of military affairs and veterans' services. In the event of any
6 disagreement between any county and the office [~~of veterans'~~
7 ~~services~~] over whether this subsection applies, the decision of
8 the office [~~of veterans' services~~] shall control."

9 SECTION 10. Section 363-12, Hawaii Revised Statutes, is
10 amended to read as follows:

11 " ~~[+]~~ §363-12 ~~[+]~~ Disbursement of World War II Filipino-
12 American veterans burial grant funds. (a) The office of
13 military affairs and veterans' services, at the request of a
14 deceased World War II Filipino-American veteran's survivor or an
15 interested party, shall make payment, under the veterans burial
16 grant program, directly to a licensed provider of mortuary or
17 crematory services in the State for the cost of:

- 18 (1) Providing funeral and burial services for a deceased
19 World War II Filipino-American veteran; and
20 (2) Transporting the remains of a deceased World War II
21 Filipino-American veteran to the Philippines.



1 (b) The maximum amount that may be disbursed on behalf of
2 a deceased World War II Filipino-American veteran under this
3 section is \$2,500.

4 (c) The office [~~of veterans' services~~] shall not expend
5 more than the amount appropriated for the fiscal year to provide
6 burial grants for deceased World War II Filipino-American
7 veterans.

8 (d) The office [~~of veterans' services~~] shall establish
9 specific eligibility criteria, application and appeal
10 procedures, service choices, and invoicing arrangements.
11 Eligibility shall include the requirement that a World War II
12 Filipino-American veteran was, at the time of death, a resident
13 of the State, as evidenced by valid documentation of state
14 residence, a State of Hawaii driver's license, or a State of
15 Hawaii identification card.

16 (e) Payment shall be made by the office [~~of veterans'
17 services~~] upon the submission of a contract for services on
18 behalf of the deceased World War II Filipino-American veteran
19 and an itemized unpaid invoice to the office.

20 (f) For the purposes of this section, "World War II
21 Filipino-American veteran" means any Filipino-American veteran,



1 who is now a citizen of the United States, who served honorably
2 in an active duty status in any of the armed services of the
3 United States between September 1, 1939, and December 31, 1946."

4 SECTION 11. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2015-2016 and
7 the same sum or so much thereof as may be necessary for fiscal
8 year 2016-2017 to expand the office of veterans' services to
9 include military affairs.

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

12 SECTION 12. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 13. This Act shall take effect on January 1, 2016.

15

INTRODUCED BY: Will Espero

[Handwritten signatures: Samuel Hironaka, Will Espero]



Report Title:

Office of Military Affairs and Veterans' Services; Appropriation

Description:

Expands the office of veterans' services to include military affairs and appropriates funds. Effective 1/1/16.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

