

ACT 135

H.B. NO. 721

A Bill for an Act Relating to Pacific War Memorials.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to transfer the duties of the Pacific War Memorial Commission of Hawaii to the department of land and natural resources.

Currently, the Pacific War Memorial Commission of Hawaii is under the department of defense for administrative purposes only. The Commission was established to create and maintain projects for the purposes of memorials commemorating our war veterans and those who sacrificed their lives for our country.

The 1979 Legislature under section 52 of Act 214 requested the department of

budget and finance to undertake a study on the Commission regarding its duties and responsibilities. The department transmitted its report through Governor's Message No. 11 this year and recommended abolishment of the Commission and transfer of its duties and responsibilities to the department of land and natural resources. The report found that the original purposes of establishing such war memorials had been completed. Presently, the Commission's duties are related to the maintenance of existing memorials and consultation with private, state, and federal organizations with similar objectives. It was decided that these functions could be accomplished by the department of land and natural resources without jeopardizing the State's objectives for the furtherance of the war memorial system.

SECTION 2. Chapter 6, Hawaii Revised Statutes, is repealed.

SECTION 3. Chapter 6E, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read:

"PART . PACIFIC WAR MEMORIAL SYSTEM

§6E- Department of land and natural resources; powers. The department may create and maintain a living war memorial commemorating the sacrifices of Hawaii's heroic dead of World War II; accept land or other property or assets transferred to it by the State or any county for the accomplishment of its objectives; adopt a seal; and adopt rules pursuant to chapter 91 for the purposes of this part.

The department may also promote and secure the cooperation of national agencies, such as the American Battle Monuments Commission, and other organizations, public or private, seeking to accomplish similar objectives.

In addition, the department may:

- (1) Solicit gifts and contributions and publicize the purposes for which such gifts and contributions are being solicited;
- (2) Advise federal and state agencies of the department's purposes and objectives, as well as private individuals and corporations in Hawaii and other States;
- (3) Accept all gifts and contributions from governmental agencies and private persons, except such gifts as may be conditioned upon some restriction of its authority or the purposes for which it is created;
- (4) Grant to the American Battle Monuments Commission all rights necessary, and not in conflict with this part, for the erection and maintenance of battle monuments;
- (5) Prepare plans and develop all lands which may be placed under its jurisdiction for war memorial purposes and in that connection cooperate with the director of transportation and such other government and private organizations as may be interested in or affected by the projects;
- (6) Enter into contracts and agreements with the government or private agencies for the attainment of its authorized purposes; and
- (7) Utilize such contributions of labor, materials, and property, including money, as may be allocated or otherwise made available to it by any person or instrumentality whatsoever, if in the judgment of the department the acceptance thereof will not limit the scope of the purposes of this part.

§6E- Transfer of lands. Any county or the State may transfer lands to the

department for the purposes of this part, which are declared public purposes, on any terms or conditions or tenure or otherwise as the county or the State may desire to impose, any other law restricting such transfer, or restricting the type, location or classification of lands which may be transferred, to the contrary notwithstanding. Lands under Executive Order No. 1534, dated November 19, 1952, are transferred to the department of land and natural resources; provided that the aforesaid land under Executive Order No. 1534, subject to current encumbrances and the agreement reached on August 3, 1961, between the Pacific War Memorial Commission of Hawaii and the Disabled American Veterans, shall be used for the purposes for which that land was set aside, a site for the creation and maintenance of a living war memorial as provided by Act 288, Session Laws Hawaii 1949, as amended by Joint Resolution 37, Session Laws of Hawaii 1951."

SECTION 4. Section 26-21, Hawaii Revised Statutes, is amended to read:

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

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

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

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

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

The functions and authority heretofore exercised by the military department and the civil defense agency as heretofore constituted are transferred to the department of defense established by this chapter."

SECTION 5. All appropriations, records, equipment, machines, files, supplies, contracts, books, heretofore made, used, acquired, or held by the department of defense relating to the functions transferred to the department of land and natural resources shall be transferred with the functions to which they relate.

SECTION 6. The department of land and natural resources shall assume and exercise all of the rights, functions, powers, duties, and obligations incurred by the department of defense or the Pacific War Memorial Commission of Hawaii, or both, whether such powers, functions, duties, and obligations are mentioned in or granted by any law, contract, or other document. All references in such law, contract, or document to the department of defense or the Pacific War Memorial Commission of Hawaii, or both, in connection with the programs and organizational segments transferred by this Act shall apply to the department of land and natural resources as if the latter were named in such law, contract, or document in place of the former department.

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 8. This Act, upon its approval, shall take effect on July 1, 1981.
(Approved June 10, 1981.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.