

ACT 115

H.B. NO. 2532

A Bill for an Act Relating to Veterans.

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

SECTION 1. Since Hawaii's annexation to the United States, its veterans have maintained their proud allegiance to the United States and have fought and died to protect our country's freedom. Presently there are approximately 102,000 veterans living in Hawaii, including more than 400 World War I veterans, 33,000 World War II veterans, 21,000 veterans of the Korean Conflict, and 37,000 veterans of the Vietnam Conflict.

Currently, programs to deliver services and benefits to veterans in Hawaii are administered by several state agencies, including the University of Hawaii, the department of land and natural resources, the department of human services, the department of labor and industrial relations, and the department of budget and finance. It is in the public interest to centralize delivery of those services and benefits, and place the administration of as many programs for that purpose into a single state office. This Act initiates that process of centralization by creating the office of veterans' services, and transferring responsibility for some of the existing veterans programs to that office.

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

"§26-21 Department of defense. (a) 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.

(b) 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.

(c) 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.

The office of veterans' services and the advisory board on veterans' services as constituted by chapter 363 are placed within the department of defense for administrative purposes."

SECTION 3. Section 363-1, Hawaii Revised Statutes, is amended as follows:

(1) By adding a definition of "director" to read as follows:

" "Director" means the director of the office of veterans' services."

(2) By adding a definition of "office" to read as follows:

" "Office" means the office of veterans' services as constituted under this

chapter."

- (3) By repealing the definition of "department":
 [" "Department" means the department of human services."]

SECTION 4. Section 363-2, Hawaii Revised Statutes, is amended to read as follows:

"§363-2 [Duties of the department. The department of human services] 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[, and regulations] 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, 77, and 89. Effective July 1, 1988, the salary of the director shall be \$40,000 annually. 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, 77, and 89 except for the position of coordinator and executive secretary to the director, who shall be hired without regard to chapters 76, 77, and 89; and
- (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."

SECTION 5. Section 363-3, Hawaii Revised Statutes, is amended to read as follows:

"§363-3 Activities of the [department.] office. Except as otherwise provided by law, the [department of human services] office shall:

- (1) Maintain or cause to be maintained, subject to the control and supervision of the [department,] office, a center to which veterans, 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, 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, their families and dependents are entitled or which may be available to them, (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 administration of rights and benefits granted by the federal government to veterans, their families and dependents.
- (5) As soon as may be 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 [department] office and of all disbursements and expenditures authorized by it hereunder."

SECTION 6. Section 363-11, Hawaii Revised Statutes, is amended to read as follows:

"§363-11 Special housing for disabled veterans. The [department] 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 provided shall be expended only on vouchers drawn by the comptroller based on application therefor approved by the [department of human services] office in accordance with this section, to the extent permitted by the applicable appropriation."

SECTION 7. Chapter 363, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§363- Advisory board on veterans' services; appointment; duties. (a) There shall be a policy advisory board on veterans' services. The board shall consist of seven members appointed by the governor as provided in section 26-34. Five

members shall be veterans, and there shall be at least one member residing in each of the counties except Kalawao county. The director of health, the director of human services, the director of labor and industrial relations, and the adjutant general shall serve as ex-officio members. The chairperson of the board shall be elected by the majority of the board. The members shall serve without compensation but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(b) The advisory board shall advise the director in, but not limited to, the following areas:

- (1) The identification of issues and alternative approaches to solutions;
- (2) The development of position statements and papers;
- (3) Advocacy and legislative actions; and
- (4) Program development and operations."

SECTION 8. All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State transferred under this Act shall suffer any loss of civil service status, salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

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

In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State.

SECTION 9. All appropriate records, equipment, files, supplies, contracts, books, papers, documents, maps, authorizations, and other property heretofore made, used, acquired, or held in conjunction with activities transferred by this Act shall be transferred with the activities to which they relate.

SECTION 10. All funds appropriated for the 1987-1989 fiscal biennium, directly or indirectly, relating to the activities transferred under this Act shall be appropriately transferred to the state department of defense with the activities to which they relate.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$184,000, or so much thereof as may be necessary for fiscal year 1988-1989, to the office of veterans' services for expenditures to include, but not be limited to the following: clerical, professional and technical support services

staff, office equipment and supplies, and other current expenses. The sum appropriated shall be expended by the department of defense for the purposes of this Act.

SECTION 12. It is the intent of this Act to neither jeopardize the receipt of any federal aid nor impair the obligation of the State or agency thereof to persons with which it has existing contracts, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 13. All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform to this Act.

SECTION 14. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 15. This Act shall take effect on July 1, 1988.

(Approved May 26, 1988.)

Note

1. Edited pursuant to HRS §23G-16.5.