

ACT 101

S.B. NO. 1050

A Bill for an Act Relating to Veterans Rights and Benefits.

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

SECTION 1. The legislature finds that a World War II Filipino-American veteran who dies after June 30, 1994, and who is, at the time of the veteran's death, a United States citizen and a resident of the State of Hawaii, is entitled to receive a burial grant from the office of veterans' services to pay for the cost of:

- (1) Providing funeral and burial services for the deceased veteran; and
- (2) Transporting the remains of the deceased veteran to the Philippines.

In order to qualify for this burial grant, however, the Filipino-American veteran's survivor or an interested party must produce an itemized paid invoice showing the specific services rendered on behalf of the deceased veteran. Because of the tremendous up-front costs associated with funeral and burial services, and transportation to the Philippines, some World War II Filipino-American veterans, including the families and friends of these veterans, cannot afford to pay for these activities in advance. Consequently, some World War II Filipino-American veterans will not qualify for these burial grants from the office of veterans' services on account of their being too "poor". Because of these financial constraints, the bodies of some deceased veterans have had to "sit on ice" for weeks until the deceased veteran's survivor or interested parties could raise the necessary funds to pay the mortuary for funeral and other related services.

The purpose of this Act is to right this injustice to World War II Filipino-American veterans by requiring the office of veterans' services, at the request of a deceased Filipino-American veteran's survivor or an interested party, to make payment directly of up to \$2,500 to a mortuary or crematory for:

- (1) Providing funeral and burial services; and
- (2) Transporting the veteran's remains to the Philippines,

upon the submission of a contract for services on behalf of the deceased veteran and an itemized unpaid invoice.

This Act provides an alternative to the procedures currently specified in the rules of the office of veterans' services which apply in situations where a deceased World War II Filipino-American veteran's survivor or an interested party has already made payment for services rendered on behalf of the deceased veteran, or in situations where the deceased veteran may have purchased a pre-paid funeral and burial plan.

SECTION 2. Chapter 363, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§363- Disbursement of World War II Filipino-American veterans burial grant funds. (a) The office of veterans' services, at the request of a deceased World War II Filipino-American veteran's survivor or an interested party, shall make payment, under the veterans burial grant program, directly to a licensed provider of mortuary or crematory services in the State for the cost of:

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

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

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

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

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

(f) For the purposes of this section, "World War II Filipino-American veteran" means any Filipino-American veteran, who is now a citizen of the United States, who served honorably in an active duty status in any of the armed services of the United States between September 1, 1939, and December 31, 1946."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$30,000, or so much thereof as may be necessary for fiscal year 2003-2004, for the purposes of section 2 of this Act.

The sum appropriated shall be expended by the office of veterans' services for the purposes of this Act.

SECTION 4. This Act does not affect rights and duties that matured, and proceedings that were begun, before its effective date.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval; provided that section 3 shall take effect on July 1, 2003.

(Approved May 30, 2003.)

Note

1. Edited pursuant to HRS §23G-16.5.