

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 12, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 07OD-025

OAHU

Amend Prior Board Action of September 14, 2007, Agenda Item D-10, Grant of a Perpetual, Non-Exclusive Easement to Keehi Memorial Organization for Seawall, Drainage Channel, Landscaping and Gazebo Structure Purposes, Situated at Keehi Lagoon, Honolulu, Oahu, Tax Map Key:(1) 1-1-03:004 (seaward).

Background:

At its meeting of September 14, 2007, under agenda item D-10, the Board approved the issuance of a perpetual, non-exclusive easement to Keehi Memorial Organization for seawall, drainage channel, landscaping and gazebo structure purposes at the subject location. A copy of the submittal is attached as Exhibit A.

Today request is triggered by the additional encroachments shown on the survey map provided by the applicant, and other revisions required regarding the prior Board action as detailed below.

Applicant

As mentioned in September 2007 submittal, Disabled American Veterans (DAV) entered into an agreement with the Territory of Hawaii in 1953, which allowed DAV to build and maintain the memorial. In 1961, the government agreed to transfer the memorial to Disabled American Veterans, Department of Hawaii, Inc. (DAVHI), a domestic non-profit organization. To follow the 1961 transfer, DAVHI should be the appropriate entity as the grantee of the requested easement.

Encroachment area

These additional encroachments include drainage pond, more landscaping area, fire pit, stairs, and utility box, which total to an additional 2,265 square feet, more or less. Staff recommends the Board amend its Board action by revising the encroachment areas, further subject to the review by the State Surveyor.

Character of Use

The requested easement aims at resolving the encroachment issue at the location. Instead of identifying individual encroachment, staff recommends the Board amend its prior

action by changing the character of use to seawall and encroachments, which will include all encroaching areas.

Conservation District Use Permit

Conservation District Use Permit (CDUP) OA-3305 was approved by the Board on December 8, 2006. Staff suggests the Board revise its prior action by requiring the proposed easement subject to the terms and conditions of the CDUP.

RECOMMENDATION: That the Board amend its prior action of September 14, 2007, item D-10, by:

1. Changing the applicant to Disabled American Veterans, Department of Hawaii, Inc.;
2. Revising the easement area to 8,785 square feet, more or less, and further subject to review and approval of the State Surveyor;
3. Replacing "seawall, drainage structure, landscaping and gazebo structure" with "seawall and encroachments" in the Character of Use; and
4. Requiring the easement subject to the terms and conditions of CDUA OA-3305.

Respectfully Submitted,

Steve Lau

Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



D-10

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 14, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 070D-025

Oahu

Grant of a Perpetual, Non-Exclusive Easement to Keehi Memorial Organization for Seawall, Drainage Channel, Landscaping and Gazebo Structure Purposes, Situated at Keehi Lagoon, Honolulu, Oahu, Tax Map Key: (1)1-1-03:004 (seaward).

APPLICANT:

Ke'ehi Memorial Organization, a domestic non-profit corporation, whose business and mailing address is 2685 North Nimitz Highway, Honolulu, Hawaii 96819.

LEGAL REFERENCE:

Section 171-13 and -53(b), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land located seaward of Moanalua, Honolulu, Oahu, identified by Tax Map Key: (1)1-1-03:004, as shown on the attached maps labeled Exhibits A & B.

AREA:

6,520 square feet, more or less.

ZONING:

State Land Use District:	URBAN
County of Honolulu CZO:	P2 General Preservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO X

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

September 14, 2007

EXHIBIT "A"

CURRENT USE STATUS:

Governor's Executive Order No. 3201, to the Department of Transportation Airport Division for airport purposes.

CHARACTER OF USE:

Right, privilege and authority to use, maintain, repair, replace and remove existing seawall, drainage structure, landscaping and gazebo structure over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on November 8, 2006, with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Place of business registration confirmed: YES X
Registered business name confirmed: YES X
Applicant in good standing confirmed: YES X

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine initial one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The Keehi Lagoon Memorial is a 10.78 acre facility at Keehi Lagoon, shown outlined on Exhibit "A", established to honor the memory of U.S. soldiers. It also provides fields and camping grounds for youth organizations, social halls, and rehabilitation services for disabled veterans.

The origin of the Keehi Lagoon Memorial began with the creation of the Pacific War Memorial Commission, which was established by Act 288, SLH 1949, to create and maintain a living war memorial to commemorate our war veterans and those who sacrificed their lives for our country during World War II.

Subsequently, on November 19, 1952, Governor's Executive Order 1534 was executed to set aside the subject site for a Living War Memorial site. The Pacific War Memorial Commission entered into an agreement dated November 6, 1953, with the Disabled American Veterans (DAV) National to construct and maintain a suitable permanent war memorial on the subject site. (Exhibit "D")

On August 3, 1961 the Pacific War Memorial Commission entered into an agreement that included transferring the jurisdiction from the DAV National to the Hawaii DAV, now known as the Keehi Lagoon Memorial Committee DAV, and calling for the facility to "be self-sustaining, so that the public may not be asked constantly for support."

Act 135, SLH 1981, which was incorporated into the Hawaii Revised Statutes as Chapter 6E-51, abolished and transferred the duties and responsibilities of the Pacific War Memorial Commission of Hawaii to the Department of Land and Natural Resources. This transfer was made subject to the management agreement being approved by the Pacific War Memorial Commission and the Disabled American Veterans. Over the years, the Division of State Parks has been working with the Keehi Lagoon Memorial Committee DAV, which has been maintaining the grounds. (Exhibit "E")

In 1993, the management of the Keehi facility was assumed by the Keehi Memorial Organization (KMO), a domestic non-profit corporation, which was specifically organized for the management of the operations at the Keehi facility. The area was then set aside to the Department of Land and Natural Resources, Division of State Parks on February 19, 2002, under Governor's Executive Order 3967.

Keehi Memorial Organization (KMO) updated the master plan for the facility and found that portions of the facilities' seawalls, a landscaped area, a gazebo and a drainage channel encroached outside of the facility boundary and onto State land as shown on Exhibit "C". KMO has requested an easement for these encroachments.

There are two seawall sections identified as the mauka and makai seawalls. The mauka seawall is forty-two (42) feet long with a back-filled landscaped area twenty (20) feet wide as shown circled on Exhibit "C". The makai seawall is two hundred forty (240) feet long with a back-filled landscaped area twenty-two feet wide with a gazebo on it shown circled on Exhibit "C". The drainage structure is forty (40) feet long and twenty-two (22) feet wide, also shown circled on Exhibit "C".

On January 13, 2006, the Board of Land and Natural Resources (Board) imposed a fine of \$2,000 on KMO for construction within Conservation lands and required that they obtain an after-the-fact Conservation District Use Permit (CDUP). On December 8, 2006, CDUP OA-330 was issued to KMO, which resolved the Conservation District violations, but not the encroachments. This submittal recommends a fine and for an easement, which would resolve the encroachment.

The seawall encroachments do not impede access along the shoreline.

Comments received from other agencies are listed below:

The Office of Hawaiian Affairs (OHA) and the Department of Land and Natural Resources, Division of Aquatic Resources had no objections.

The Department of Land and Natural Resources, State Historic Preservation Division reports that if they were afforded the opportunity to comment prior to the installation of the encroachments, they would have required some form of proactive mitigation such as an archaeological monitoring during the construction. For that reason, they are not able to offer their concurrence on the matter.

The Department of Transportation, Airport Division reported concerns for the proposed adult day health and child day care facility due to its location approximately on the 65 DNL noise contour of the Honolulu International Airport 2003 Noise Exposure Map. The facility will be subjected to single-event noise from aircraft approaching or departing the airport. They recommend that sound attenuation to reduce interior noise levels be incorporated into the design construction of the facility.

Pursuant to the Board's action of June 28, 2002, under agenda item D-17, which established criteria for imposing fines for encroachments, staff is recommending a fine of \$500 as the subject encroachment is over 100 square feet.

KMO is requesting a perpetual easement rather than a term easement because KMO currently manages the Keehi facility under a perpetual agreement between the Pacific Memorial Commission and the Disabled American Veterans (DAV) which later transferred the management of the facility over to State Parks.

KMO has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There are no other major concerns or issues.

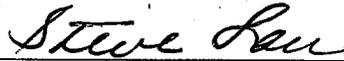
Staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Impose a \$500 fine for illegal encroachment, under Section 171-6(12).
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to Ke'ehi Memorial Organization, covering the subject area for seawall, drainage structure, landscaping and gazebo structure purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual non-exclusive easement document form, as may be amended from time to time;

- B. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- D. Any shoreline hardening policy that may be adopted by the Board prior to execution of the grant of easement.

Respectfully Submitted,

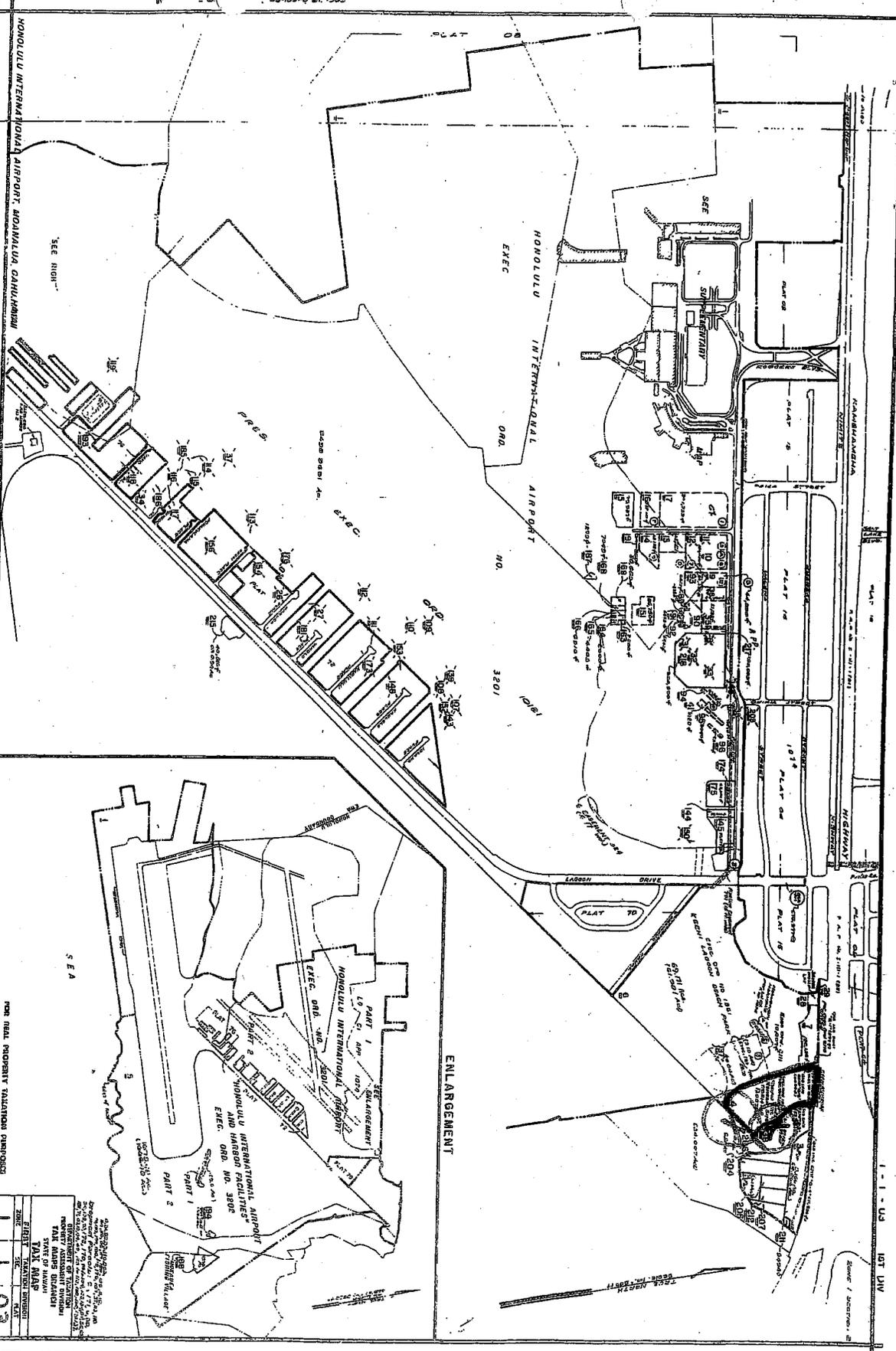


Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen
Interim Chairperson

DWG NO. 1507
 SOURCE: 7/10/52
 BY: L.S. January 24, 1953



FOR REAL PROPERTY TALKATION PURPOSES
 SUBJECT TO CHANGE

1-1-53 1ST DIV

DATE	1	1	03
BY	L.S.		
CHECKED			
SCALE	AS SHOWN		

HONOLULU INTERNATIONAL AIRPORT
 HONOLULU HARBOR FACILITIES
 EXEC. ORD. NO. 3201
 PART 1
 PART 2
 SEA

EXHIBIT "A"

Nimitz Highway

Facility Key

- 1. Memorial Obelisk
- 2. Harry & Jeanette Weinberg Hall
- 3. Custodian's Cottage & Carport
- 4. DAV Department's Headquarters
- 5. Alfred Los Banos Hall
- 6. Workshop/Hothouse/
Youth Camp Office
- 7. Storage Building
- 8. Basketball/Volleyball Courts
- 9. John A. Burns Hall
- 10. Tommy Kakesako
Rehabilitation Center
- 11. Chapels

Drainage Channel
Encroachment

Moanalua Stream

Seawall Encroachment

Seawall Encroachment

Landscaped Area and Gazebo
Encroachment

Ke'ehi Lagoon

Ke'ehi Lagoon
Beach Park



EXHIBIT "C"

THIS AGREEMENT made and entered into the 6th day of
November, 1953, by and between the PACIFIC WAR MEMORIAL
COMMISSION, an agency of the Territory of Hawaii, whose principal office
is at 1707 Ala Wai Boulevard, Honolulu, City and County of Honolulu,
Territory of Hawaii, hereinafter called for brevity the COMMISSION;
and DISABLED AMERICAN VETERANS, a Federal non-profit corporation, whose
headquarters is at 1423 East McKillan Street, Cincinnati, Ohio here-
inafter for brevity called the D.A.V.

W I T N E S S E T H

WHEREAS, the Governor of the Territory of Hawaii, by Executive
Order No. 1534, dated the 19th day of November, 1952, has set aside to
the COMMISSION for public purposes set forth in the various laws of
Hawaii relating to war memorials that certain parcel of land situated
at the mauka end of Keehi Lagoon, Honolulu aforesaid, containing an
area of 11.087 acres, said parcel of land being more particularly
described in said Executive Order; and

WHEREAS, the D.A.V. is desirous of creating and maintaining
a permanent war memorial on said land in honor of those of the United
States Navy who have made, or who may hereafter make, the supreme
sacrifice in the defense of their country; and

WHEREAS, the D.A.V. is further desirous that such memorial be
constructed and given to this and future generation of the people of
the United States; and

WHEREAS, the COMMISSION is willing to cooperate with said
D.A.V. in all matters in connection with the aforesaid war memorial;

NOW, THEREFORE, in consideration of the premises and of the
covenants and conditions hereinafter set forth, the parties hereto
agree as follows:

EXHIBIT "D"

1. The COMMISSION does hereby grant to the D.A.V. a permit to construct, as soon as possible and at its own expense on the land covered by said Executive Order, a suitable permanent war memorial to honor the heroic dead of the United States Navy, such construction to be in accordance with plans and specifications heretofore approved by the COMMISSION and in accordance with rules and regulations of governmental authority relating to building and sanitation.
2. The D.A.V. shall furthermore comply with all laws, rules, and regulations of the Civil Aeronautics Administration, the Hawaii Aeronautics Commission and other federal and territorial governmental organizations relative to the construction of improvements in the vicinity of airports.
3. Any soil, rock or fill removed or excavated from said land in connection with the construction of said war memorial shall be deposited on other parts of said land and shall not be removed therefrom.
4. That legal title to all improvements constructed on said land shall become and remain in the Territory of Hawaii.
5. The D.A.V. shall upon the completion of such construction be responsible for the maintenance and repair of the memorial structure, and shall have the custody, control and supervision thereof, all being subject to such rules and regulations of the COMMISSION as shall be necessary and reasonable to assure the full and continued use of said memorial and land for the public purposes aforesaid; and shall for a term of two years from the date of completion of the memorial structure be responsible for the care and maintenance of the land above mentioned.
6. This agreement shall be and remain in full force and effect so long as said land shall remain subject to the control of the COMMISSION under the provisions of sections 73q and 91 of the Hawaiian Organic Act, and so long as the D.A.V. shall comply with

the aforesaid rules and regulations of the COMMISSION.

IT IS AGREED AND UNDERSTOOD that the D.A.V. shall acquire no interest whatsoever in the whole or any part of the land described in said Executive Order.

IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first above written.

PACIFIC WAR MEMORIAL COMMISSION

By sgd. H. Tucker Grats
Its Chairman

By sgd. Louise Dillingham
Its Vice Chairman

Approved as to form
sgd. Edward H. Szwa
Attorney General, Territory of Hawaii

DISABLED AMERICAN VETERANS

By sgd. Vivian D. Corbly
Its NATIONAL ADJUTANT

By sgd. Howard W. Watts
Its NATIONAL COMMANDER

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me this 28th day of October, 1953
at Cincinnati, Ohio (As to Vivian D. Corbly and Howard W. Watts.)

Sgd. Eugene Schmidt

Eugene Schmidt, Notary Public
My commission expires March 2, 1955

EXHIBIT "D" 30

August 3, 1961

State Executive Committee
DAV, Dept. of Hawaii

Subject: Meeting Concerning the Keehi Lagoon Project, Room 320 Trustco Bldg.,
Pacific Memorial Commission and DAV.

Mr. Tucker Gratz, Chairman of the Pacific Memorial Commission re-emphasized the commission's position eloquently. He stated that the commission has a high regard for the DAV and reiterated its position as previously: that the commission shall work wholeheartedly for this project's completion.

Sakae Takahashi representing the DAV spoke at length. He related the history of the project and expressed the desire of the DAV Dept. of Hawaii to carry on this project that was at first given to the National DAV. He mentioned that a fervent desire exists amongst its members and for the past two years have worked tirelessly to master plan this area into a living memorial of great asset to our community and in closing stated 5 basic points:

1. The area shall be a complement to the Keehi Kalihii Park complex.
2. A majestic memorial shall be erected to the heroic dead.
3. An area of approximately 2½ acres would be created expressly for the youth groups of this community so that they may utilize this area for their camping and outdoor activities.
4. A modest rehabilitation headquarter for the disabled veterans will be constructed.
5. Rightfully this area should be self-sustaining so that the public may not be asked constantly for support. In this respect a small boat marina and a restaurant or a convention hall will be built as the project progresses.

Mr. Wayne Owens, AIA showed the various sketches and rendering and in detail explained the whole memorial complex.

T. Kakesako emphasized the scope of the project briefly, and mentioned the desire of the DAV to create a living memorial expressly for the youth of Hawaii, and to our community.

Mrs. Walter Dillingham point by point questions as to the architecture of the project was answered by Wayne Owens and Shigeru Inouye.

The Commission moved to transfer the agreement between the Pacific Memorial Commission and DAV National to Pacific Memorial Commission and DAV Hawaii State Department. This passed unanimously.

The Commission moved (by Harry Albright) to accept the project as presented by the DAV of Hawaii in its entirety and this passed unanimously.

Spark Matsunaga attempted to amend the resolution to read: Subject to the DAV submission of plans as to its first increment, etc. This was not recognized.

A point of question was brought up: If the commission has the authority to grant this permission? Sakae Takahashi pointed out that the Pacific Memorial Commission is the contracting body in the first place and thus it had all the power to enter into this agreement. This was agreed.

It was further agreed by all parties that the monument shall be changed from a monument to the heroic unknown sailor memorial to a memorial to the heroic dead of our armed forces.

The DAV will commence this project forthwith, pending financial ability.

Present at this meeting were: From the Pacific Memorial Commission: Tucker Gratz, chairman, Harry Albright, Mrs. Walter Dillingham, Spark Matsunaga and Joe Custer. From the DAV: Tommy Kakesako, Sakae Takahashi, Howard Miyake, Michael Miyake, Tokuji Ono, Shigeru Inouye, Harry Ueki, Tamotsu Shimizu, Eldie Tamahara, and Wayne F. Owens AIA (architect).

Respectfully,

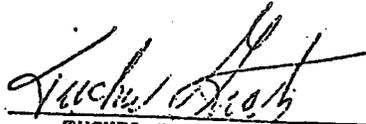
Tommy Kakesako

Tommy Kakesako, Chairman
DAV Keehi Lagoon Memorial Committee

EXHIBIT "D"

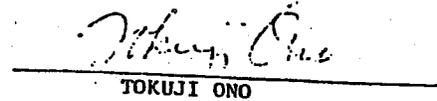
I have read the attached minutes of the meeting concerning the Keehi Lagoon Project held on August 3, 1961 between the Pacific War Memorial Commission and the Disabled American Veterans. I find the minutes accurate in every detail to what has transpired at said meeting.

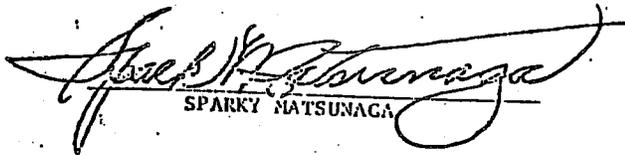
Signed

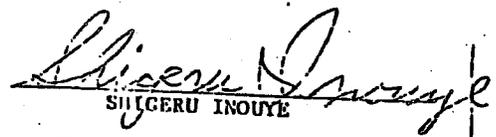

TUCKER GRATZ, CHAIRMAN
PACIFIC MEMORIAL COMMISSION

MICHAEL MIYAKE

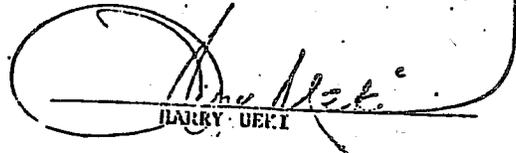

HARRY ALBRIGHT

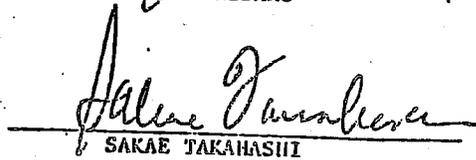

TOKUJI ONO

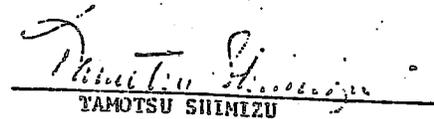

SPARKY MATSUNAGA


SHIGERU INOUE


TOMMY KAKESAKO


LARRY UEKI


SAKAE TAKAHASHI


TAMOTSU SHIMIZU


HOWARD MIYAKE


EDDIE TAMAHANA

(To be made one and a half copies)

HOUSE OF REPRESENTATIVES
ELEVENTH LEGISLATURE, 1981
STATE OF HAWAII BL 1179

H.B. NO.

6/10/81
721
H.D. 1
S.D. 1

ACT 135

A BILL FOR AN ACT

RELATING TO PACIFIC WAR MEMORIALS.

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

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

4 Currently, the Pacific War Memorial Commission of
5 Hawaii is under the department of defense for administra-
6 tive purposes only. The Commission was established to
7 create and maintain projects for the purposes of memorials
8 commemorating our war veterans and those who sacrificed
9 their lives for our country.

10 The 1979 Legislature under section 52 of Act 214
11 requested the department of budget and finance to under-
12 take a study on the Commission regarding its duties and
13 responsibilities. The department transmitted its report
14 through Governor's Message No. 11 this year and recommended
15 abolishment of the Commission and transfer of its duties
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1 and responsibilities to the department of land and natural
2 resources. The report found that the original purposes of
3 establishing such war memorials had been completed. Presently,
4 the Commission's duties are related to the maintenance of
5 existing memorials and consultation with private, state,
6 and federal organizations with similar objectives. It was
7 decided that these functions could be accomplished by the
8 department of land and natural resources without jeopardizing
9 the State's objectives for the furtherance of the war
10 memorial system.

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

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

16 "PART . PACIFIC WAR MEMORIAL SYSTEM

17 §6E- Department of land and natural resources; powers.

18 The department may create and maintain a living war memorial
19 commemorating the sacrifices of Hawaii's heroic dead of World
20 War II; accept land or other property or assets transferred
21 to it by the State or any county for the accomplishment of
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1 its objectives; adopt a seal; and adopt rules pursuant to
2 chapter 91 for the purposes of this part.

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

7 In addition, the department may:

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

16 §6E- Transfer of lands. Any county or the State
17 may transfer lands to the department for the purposes of
18 this part, which are declared public purposes, on any terms
19 or conditions or tenure or otherwise as the county or the
20 State may desire to impose, any other law restricting such
21 transfer, or restricting the type, location or classification
22 of lands which may be transferred, to the contrary notwithstanding.
23 Lands under Executive Order No. 1534, dated November 19, 1952.

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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 of 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

1 military establishment. The devolution of command of the
2 civil defense agency in the absence of the director of
3 civil defense shall be within the civil defense agency.

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

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

15 [The Pacific War Memorial Commission of Hawaii is
16 placed within the department of defense for administrative
17 purposes. The functions, duties and powers, subject to the
18 administrative control of the adjutant general, and the
19 composition of the commission shall be as heretofore provided
20 by sections 6-26 to 6-30, except that the governor shall
21 appoint six of the members, with the adjutant general serving
22 as an ex officio seventh voting member. The incumbent
23 members of the commission shall continue in office in
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1 accordance with the terms of their appointment. The commission
2 may at its discretion accept gifts which are designated for
3 particular purposes. Any staff member appointed by the
4 commission shall be exempt from the requirements of chapters
5 76 and 77.]"

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

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

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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 by the
Governor on JUN 10 1981